

Reconstructing the Historical Memory of the Mesas de Concertación



By Megan Smeaton and Jessie Rivera-Fagan

Internship under the Supervision of Dr. Catherine Potvin and Dr. Daviken Studnicki-Gizbert at the Smithsonian Tropical Research Institute and in association with OUDCIE. Submitted to Roberto Ibenez

ENVR 451

Host: Smithsonian
Tropical Research
Institute

Address: Roosevelt Ave.

Tupper Building- 401,

Balboa, Ancon, Panama

Phone: +507 212-8000

FAX: +507 212-8148

STRIRegistration@si.edu

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EXECUTIVE SUMMARY

Title: Reconstructing the Historical Memory of the *Mesas de Concertación*

By Jessie Rivera-Fagan and Megan Smeaton

Faculty of Arts, International Development Studies, McGill University, Montreal, Quebec, Canada

In association with:

The Smithsonian Tropical Research Institute

Roosevelt Ave.

Tupper Building- 401

Balboa, Ancon, Panama

UDCIE (addresses)

Ipetí-Emberá

Provincia de Panamá

333-0803

McGill University

845 Sherbrooke St. West

Montreal, QC

Canada

H3A 2T5

Under the supervision of Dr. Catherine Potvin and Dr. Studnicki-Gizbert

The *mesas de concertación* were a series of meetings held in the early 1990s regarding the land conflict occurring between three communities in the Bayano region east of Panama City. The meetings involved many actors including the Kuna, Emberá, *campesinos* and different government representatives through various organizations, and were held to discuss and find solutions that were mutually agreeable for all communities in the area.

When the construction of the Bayano Hydroelectric Dam was completed in 1976, the Kuna, Emberá and *campesinos* were relocated from their land. Both indigenous groups were permitted to stay in the Bayano region, while the *campesinos* were relocated out of the reservoir site. During 1980s many *campesinos* began illegally returning back to the area. This has caused problems for both indigenous groups because *campesinos* have been invading their land and this has also led to detrimental environmental impacts caused by cattle ranching and deforestation. The *mesas de concertación* were significant because for the first time in history, all three communities sat down with government officials to discuss the land conflict issues.

Not only are both indigenous groups in the area affected by *campesino* invasions but this is also posing a threat to the carbon capture program recently established in the community Ipetí-

Emberá. In 2008, STRI agreed to the purchase and sale of carbon with the Organization for Unity and Community Development Ipetí Emberá (OUDCIE), establishing a ten hectare area of reforestation and an eight hectare area for protection against deforestation per year for a period of three years. The program hopes to be incorporated into REDD in the future. However, the region where much of the project is being carried out, Curtí, is also the region with the greatest problem of deforestation due to *campesino* invasion.

In order to achieve our objectives and reconstruct the mesas de concertación, this project was designed around two main methods of collecting information: compiling documents from archives to lay the basis for the literary background and conducting interviews to reconstruct the oral histories and personal memories of those involved in the mesas. Documents were collected from various organizations involved that were involved in the mesas de concertación, relevant literature was researched, and interviews were conducted. While constructing our questionnaire for all interviews we followed the McGill code of ethics.

After consulting all sources it was examined the relocation of the Bayano Dam had led to many problems for the local communities. Several agreements were created between the government and both indigenous groups in attempt to compensate those whom have economically, socially, and physically affected by the relocation, however in many cases compensations plans had been suspended and many of the agreements had not been put into practice. During the *mesas de concertación* there were also many solutions recommended for the area, however many of the laws again were not enforced causing continuous conflict in the area. Today many of the same problems remain and new negotiation are beginning are in the process of beginning.

After analyzing all reports, documents, and articles and interviews it is clear that the *mesas de concertación* resulted in little progress due to the lack of government enforcement. The factor driving of the conflict is the *campesino* invasions into indigenous territory, the frequency of which has been fluctuating over the past three decades. Since the construction of the Dam, several agreements, solutions and laws were created, but the majority have not been put into practice, and those ratified have not been enforced. The *mesas de concertación* themselves seems to be only a small part of the struggle for those affected by the land conflict. Today the land invasions in Curtí pose a strong treat to the carbon capture program, which will only become successful with recognition and action from the government through a dedicated comprehensive conservation strategy including the permanent relocation of the *campesinos* or the implementation of sustainable environment education in the area targeting the *campesinos*.

RESUMEN EXECUTIVO

Título: La reconstrucción de la Memoria Histórica de la Mesas de Concertación
Por Jessie Rivera-Fagan y Megan Smeaton

Facultad de Artes, Estudios de Desarrollo Internacional, Universidad McGill, Montreal, Quebec, Canadá

En Asociación con:

El Instituto Smithsonian de Investigaciones Tropicales

Roosevelt Ave.

Tupper Building- 401

Balboa, Ancon, Panama

OUDCIE

Ipetí-Emberá

Provincia de Panamá

333-0803

McGill University

845 Sherbrooke St. West

Montreal, QC

Canada

H3A 2T5

Bajo el Supervisión del Dra Catherine Potvin y Dr Daviken Studnicki-Gizbert

Las mesas de concertación fueron una serie de reuniones celebradas a principios de 1990 con respecto al conflicto de tierras que ocurren entre tres comunidades de la región de Bayano al este de la ciudad de Panamá. En dichas reuniones participan muchos actores, entre ellos las *comarcas* kuna, Emberá, campesinos y varias representaciones gubernamentales a través de diversas organizaciones. Se celebraron reuniones para debatir y encontrar soluciones que fueran mutuamente aceptables para todas las comunidades de la zona.

Las mesas de concertación fueron significativas porque era la primera vez en la historia que las tres comunidades se sentaban con los funcionarios del gobierno para discutir sus problemas de conflicto de tierras. Cuando la construcción de la Presa Hidroeléctrica Bayano fue terminada en 1976, los kuna, emberá y los campesinos fueron trasladados de sus tierras. A ambos grupos indígenas se les permitió quedarse en la región de Bayano, mientras que los campesinos fueron trasladados fuera del sitio de reserva. En 1980 muchos campesinos comenzaron ilegalmente regresar de nuevo al área. Esto ha causado problemas para los dos grupos indígenas, porque los campesinos han estado invadiendo sus tierras y esto ha conllevado también a ciertos impactos ambientales negativos causados por la ganadería y la deforestación.

No sólo son los dos grupos indígenas en la zona afectada por las invasiones campesinas, pero esto también representa una amenaza para el programa de captura de carbono de reciente creación en la comunidad de Ipetí-Emberá. En 2008, STRI acordó la compra y venta de carbono con la Organización para la Unidad y Desarrollo de la Comunidad Ipetí Emberá (OUDCIE), estableciendo un área de diez hectáreas de reforestación y un área de ocho hectáreas para la protección contra la tala de árboles al año durante un período de tres años. El programa espera ser incorporado en la REDD en un futuro. Sin embargo, la región donde la mayor parte del

proyecto se está llevando a cabo, Curti, es también la región con el mayor problema de la deforestación debido a la invasión campesina.

Con el fin de lograr nuestros objetivos y reconstruir las mesas de concertación, este proyecto fue diseñado en torno a dos principales métodos de recopilación de información: Compilando los documentos de los archivos, para sentar las bases de la formación literaria y la realización de entrevistas para reconstruir las historias orales y recuerdos personales de los que participan en las mesas. Los documentos fueron recogidos de diversas organizaciones que participaron en las mesas de concertación; relevante literatura investigada, y las entrevistas estuvieron bien encaminadas. Si bien la construcción de nuestro cuestionario en todas las entrevistas se hizo bajo el código de ética McGill.

Después de consultar todas las fuentes, se examinó que la reubicación de la presa de Bayano dio lugar a muchos problemas para las comunidades locales. Se crearon varios acuerdos entre el gobierno y los grupos indígenas en un intento por compensar a aquel que estuviese afectado desde un punto de vista económico, social y físico, sin embargo, en muchos casos los planes de compensaciones se habían suspendido y muchos de los acuerdos no habían sido puestos en práctica. Durante la concertación de mesas había también muchas soluciones recomendadas para dichas áreas, sin embargo muchas de las leyes no se cumplen, una vez más, provocando un conflicto continuo en el área. Hoy en día muchos de los mismos problemas siguen y la negociación se está empezando en el proceso donde inicio.

Después de analizar todos los informes, documentos y artículos y entrevistas realizadas se desprende que las mesas de concertación resultó poco progresivo, debido a la falta de aplicación Gubernamental. El factor principal del conflicto fueron las invasiones campesinas en el territorio indígena que ha estado fluctuando en frecuencias en las últimas tres décadas. Desde la construcción de la presa, varios acuerdos, soluciones y leyes fueron creadas, pero la mayoría no han sido puestas en práctica, y los que lo han ratificado no lo han hecho cumplir. La concertación de mesas en sí mismos parece ser sólo una pequeña parte de la lucha de los afectados por el conflicto de tierras. Hoy las invasiones de tierras en Curti plantean un tratamiento fuerte para el programa de captura de carbono, que sólo tendrán éxito con el reconocimiento y la acción del gobierno a través de una estrategia de conservación global dedicada incluyendo el traslado permanente de los campesinos o la implementación de la educación sostenible al medio ambiente, dándole seguimiento a los campesinos.

Host Information:

The work undertaken during this project was carried out in affiliation with the Smithsonian Tropical Research Institute (STRI), a bureau of the Smithsonian Institute, based out of the United States of America, which is dedicated to conducting research on biological

diversity (STRI 2010). It began in 1923 with a small station on the island of Barro Colorado, and has grown into an institution that hosts 38 resident scientists and 900 visiting scientists each year (STRI 2010). The Organization of Unity and Development of the Community of Ipetí-Emberá (OUDCIE) was also affiliated with this project. This non-profit organization was created in 1998 to encourage social, economic, and environmental development in the community of Ipetí-Emberá. Its principle objectives are promoting the practice of conservation, creating sustainable development opportunities, preserving the culture and traditions of the Emberá people, and finding a resolution to ecological problems in the community of Ipetí-Emberá.

Introduction and Background

The construction of the Bayano Hydroelectric Dam

The Bayano Hydroelectric Dam, located in the province of Panama and the Darien region of Panama, is one of four hydroelectric development projects planned by the Panamanian government (Wali, 1989). It was constructed on the Bayano River, one of the three major rivers of the Darien, creating the second largest artificial lake in the country also situated in close proximity to the Pan American highway (Wali, 1989). The project was implemented at the peak of the state-led initiative to strengthen and diversify the Panamanian economy in response to the climbing prices of oil in the 1970s, with the goal of supplying electricity to the Panamanian State, in particular Panama City, and breaking its dependence on costly imported energy (Inter-American Commission on Human Rights, 2009). Former President, Omar Torrijos, championed the construction of the dam with the hopes that it would spur industry around Panama City,

reduce Panama's import dependence on the United States, and save millions of dollars on imported fuel (Wali, 1989).

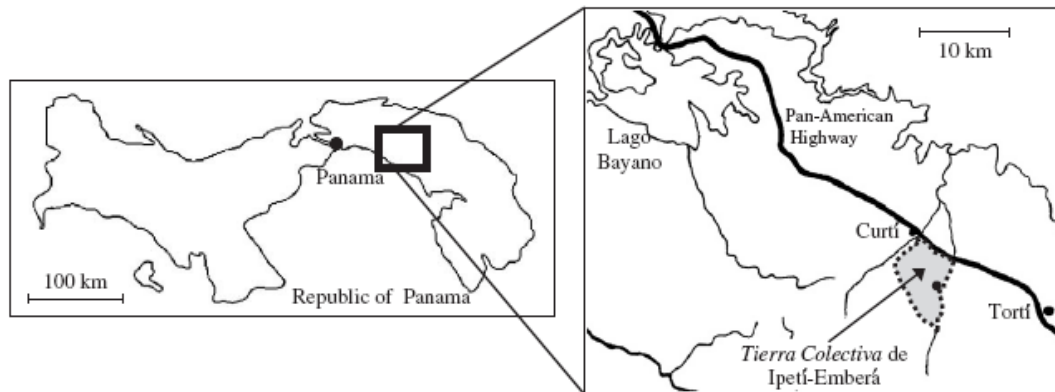


Fig. 1 – Map illustrating the location of the Tierra Colectiva of Ipetí-Emberá in eastern Panama.

Figure 1: Map of the Region of Ipetí (the study site) (Whitson and Bobyk 2009)

The actual construction of the dam began in 1972 and by March, 1976, the Bayano Dam was completed (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). Prior to inundation of the land set aside for the reservoir, a resettlement plan was drawn up for all inhabitants of the area, which included *campesinos* and two indigenous groups, the Kuna and Emberá. Not only did the reservoir flood a large percent of indigenous land, but the Government also wanted to set aside an untouched forest reserve around the lake basin in order to protect it against excessive evaporation and erosion, which required all residents to be relocated out of the area adjacent to the reservoir (Wali 1989). The actual resettlement process was carried out between 1973 and 1975, with the end result of relocating roughly 1,000 to 1,500 Kuna, 350 to 400 Emberá, and 2,000 to 2,500 *campesinos* who were residing in the Bayano area (Wali 1989).

Originally the government planned to relocate all three groups out of the region entirely to best protect the new water basin from anthropogenic harm. However, the officials of the hydroelectric project were confronted with firm resistance from the Kuna, causing them to relent and agree that the Kuna villages could be transferred to sites within the old reserve rather than be

moved to outside of the area (Wali 1989). This accommodation was made largely because the Kuna are known for practicing environmentally friendly agricultural activities, and hence they were not seen as threat to the lake-basin ecology, as opposed to the *campesinos* and the Emberá who were believed to be more destructive to forest ecosystems (Wali 1989). Furthermore, because *campesinos* were believed to be the most destructive out of the three groups, because they practice cattle breeding and land clearing, it was seen as imperative to relocate them out of the Bayano region. Similarly, the Emberá were viewed as a risk to the basin, and the government set about searching for sites to relocate them to outside of the region. However, the Emberá rejected each of the three locations that were selected for them before they were eventually enabled to use their indigenous status to be relocated to two villages, Piriati and Ipetí, within the Bayano. This was the first time that the Emberá of the Bayano region, a notoriously egalitarian group, came together under a common name to claim that as indigenous people in the Americas, they had a right to stay where their ancestral lands are located.

The region of Ipetí now consists of both Kuna and Emberá indigenous communities, formed in close proximity to each other. During this resettlement process the Panamanian government promised to demarcate the land around the indigenous villages, but it was only a verbal promise, and was never formally written up in a contract, leaving little legal implications for the government if they were unable to accomplish this, as would be the case over the next thirty years (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000).

The Aftermath of Relocation

Furthermore, as a result of the dam, 80 percent of the Kuna and Emberá lands in the Bayano river watershed were flooded, and, although a relocation plan was put in place, many problems arose with the new arrangements. The ecosystem on which the indigenous groups depended was destroyed, and new land designated for both indigenous groups was smaller in size, located at higher-altitude, and contained soil which was considered less fertile (Wali 1989). In addition, culture aspects of the Emberá and Kuna society were not given any consideration during this entire process. To start with, the land on which they had depended had spiritual significance, such as the Bayano River itself, which was considered a sacred place (Heckadon-Moreno 2010). Furthermore, beyond the spiritual significance, the relocation had powerful impacts on the lifestyles of the relocated populations. The Emberá, in particular, experienced a cultural revolution at this time. Having traditionally been an egalitarian group engaging in slash and burn agriculture in dispersed familial units (Herlihy 1985), they suddenly found themselves resettled into a sedentary lifestyle with limited land, contaminated water, and less fertile soil. This has had a variety of social and environmental impacts. For example, it has made their agriculture practices less sustainable in a variety of ways, such as the fact that land is no longer able to be left in fallow for several years between plantings (Emberá Respondent 3 2010). As far as social aspects go, it has reorganized Emberá society into one with a tribal village orientation (Herlihy 1985), further altering the concept of what it means to be Emberá.

However, officials of the Bayano Corporation recognized many of the problems with the new settlements, causing compensation payment plans to be set up to cover the loss of crops and land. Unfortunately, many people from all groups felt that they had been under-compensated and the government actually suspended indemnity payments in 1977 (Ministerio de Gobierno y

Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). Furthermore, different groups were awarded different levels of compensation because the compensation for annual crops was substantially lower than compensation for livestock or orchards. Also, national policy dictated that only those persons possessing a legal property title were eligible for compensation for the actual land lost to the flood; however, neither of the indigenous groups or the *campesinos* in the area had legal titles over their land, therefore they were not entitled to compensation. This was especially incomprehensible for the Kuna, whom have always practiced a collective concept of land ownership in large villages. Instead, families were compensated on any “improvements made on their land”, such as permanent fruit, coffee and plantain groves, valuable hardwood trees, or pasture (Wali 1989). Compensation payments to the Kuna families ranged from \$200.00 to \$12,000 and averaged \$3,500. Payments to the Emberá families ranged from \$100 to 2,000 and averaged \$700. Payments to the colonists tended to be much higher which reflected their ownership of cattle and pasture land and tended to range between \$2,000 and \$48,000 and averaged \$5,500 (Wali 1989). This created tensions between groups because the Emberá recieved much less compensation than the Kuna, who had more orchards, and the *campesinos*, who had large herds of cattle, even though all groups underwent the same relocation process (Wali 1989).

This flood of money, though, over such a short time, had social and economic consequences in the affected communities. Because these largely subsistence-based people had little experience in handling substantial cash sums, many were not able to invest the money so that investments could continue to make payments into the future. Investments often did not produce the anticipated results, and within a couple of years many people found that their new

agricultural enterprises had failed, leaving them with little money and little produce (Wali 1989). The Corporation was successful in building schools in the affected villages and increasing access to education. However, they were not as successful in providing medical service to the most immediate health problem brought on by the creation of the Dam, involving the lack of potable water (Wali, 1989). By the time the Corporation was able to relocate families from the lower part of the Bayano Basin, they had run out of money and were not able to pay the compensation to the remaining families (Wali 1989). Furthermore, in 1977, the corporation discovered that it had insufficient funds and suspended all compensation payments. To this day, many Kuna and Emberá have yet to receive the full sum of compensation that was agreed upon during the relocation (IACHR 2009). Similarly, only after many years of mobilization and protests were the Kuna were able to get a legal title for their *comarca* in 1996 (Emberá Respondent 1 2010). However, due to the fact that the Emberá are less numerous in population and less concentrated; they were not eligible for a *comarca* (an autonomous indigenous community). Conversely, the Emberá consider themselves eligible for a *tierra colectiva*, which is a collective land holding given to a group of people so that no one can sell a part of it separately from the others but has no political separation from the state it is located in (Emberá Respondent 1 2010). While, the Emberá reserve was tentatively demarcated as a circle of land around the village of Piriati and a smaller circle of land around Ipetí, it wasn't until 2008 that the Emberá were able to legalize the term "*Tierra Colectiva*" in the land ownership policies of Panama. This law has yet to be ratified, and over 40 years after the relocation there still remains no certified legal title over the both Emberá areas (Emberá Respondent 1 2010).

Campesino Migrations and Invasions

The second threat to indigenous control over their land, besides the lack of land tenure legislation, is the continual invasions by *campesinos* into their territory. These settlers migrate to the region in search of land for agricultural practices, logging, and raising livestock, and many settle within indigenous territory, further diminishing their control over reserve land (Wali 1989). First, the *campesinos* are not legally permitted in the area of the Bayano watershed due to the threat they pose to the conservation area surrounding the reservoir, and, secondly, non-indigenous people are not allowed to clear land within indigenous reserves without permission from the indigenous group's authorities. For this reason, the *campesino* migration constitutes an invasion on two scales. Also, from the interviews that were conducted in Ipetí-Emberá, it appears that not only are *campesino* land invasions a main factor creating tension between groups, but their land-use practices tend to be quite environmentally degrading (Emberá Respondent 1 2010). Furthermore, when the resources on their land have been depleted, *campesinos* often sell the land to large cattle companies to use as pasture and move on to new land leading to rapid deforestation throughout the region.

In order to understand the significance of the problem and how to solve it, it is vitally important to understand the factors that cause *campesinos* to invade indigenous territory. In a review of relevant literature, a variety of causes were suggested for the problems of land invasions in Panama. To begin with, the problem of land invasions is wide spread throughout the developing world wherever security in land tenure is lacking, and the conquest of the humid tropical lowlands by such migrants compromises "one of the most profound cultural transformations taking place today in Latin America" (Partridge 1984). Research in Panama has shown that such land invasions are far from spontaneous, involving careful planning on the part of *campesinos* because clearing of forests is a cumbersome and slow method of obtaining farm

land. In fact, this trend shows that *campesinos* are being displaced from preferred land due to progressive consolidation of land units into extensive ranches elsewhere creating the impetus for invasion (Stavenhagen 1975). Other studies have suggested that the impetus for the propagation of land invasions in Panama is the rapid increase in the internal demand for beef in Panama, leading to higher prices in the beef sector than in other agricultural sectors, hence more land and loans are dedicated to raising cattle as opposed to cultivating crops (Partridge 1984). This is significant because it suggests that both the processes of eliminating mixed farming systems and population displacement into tropical forest colonization result from the consequences of investment strategies of international development agents (Partridge 1984).

Furthermore, the expansion of the Pan-American Highway has also led to increased migration into the area, contributing to higher levels of deforestation, because the road creates an access point for *campesinos* that are leaving land-scarce Western Panama in search of grazing land for cattle (IACHR 2009). For this reason, inter-cultural conflicts have only been amplified by the further construction of transportation routes in the Bayano region, resulting in 40 years of ongoing conflict

Whatever the driving force for *campesino* settlement in indigenous territory is, it has become a significant problem in the Bayano region since the construction of the Bayano Dam and the subsequent relocation process, creating an ongoing conflict between ethnic groups. Immediately after the *campesinos* were relocated out of the region due to the construction of the dam, they began to trickle back in, but after General Noriega was deposed, the problem escalated dramatically (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). By 1992, there was an estimated 20,000 colonists in the Bayano

Region clearing 4,000 hectares of forest each year (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). Some of these *campesinos* entered after negotiating with Bayano Corporation and others entered without authorization (Ministerio de Gobierno y Justicia, Resolution 002 1992). In the late 1980s and early 1990s the *campesinos* organized into agricultural syndicates with connections to central worker that gave them bargaining power at national level, making it very difficult for the indigenous people to reclaim their land. For example, the National Environmental Authority has carried out investigations and imposed penalties on *campesinos* occupying indigenous territory, but the fact that only three of the 200 *campesinos* investigated were detained demonstrates the political strength of these syndicates (IACHR 2009). Furthermore, despite the penalties imposed, the *campesinos* that have been forcibly relocated at various points have returned to the indigenous territories and continued their illegal activities (IACHR 2009). The state has gone as far as to arrest 95 indigenous demonstrators at a peaceful protest in October of 2007 in the Kuna *comarca* (IACHR 2009). For this reason, the indigenous groups claim that the government has not been quick to help the indigenous people maintain the rights to their land against the invading *campesinos* allowing these conflicts to escalate into what has become a humanitarian and ecological crisis.

Intercultural Conflict

Furthermore, ethnicity has emerged as a polarizing factor in these conflicts, making differences in positions even harder to bridge to arrive at acceptable compromises, but the

relations in this region have not always been this way. In fact, it has been claimed that “the concept of ethnicity is recent in its formulation...ethnic relationships become important when people are confronted with changes in labor patterns, displacement from traditional homelands or state-level attempts to confine them to certain territories” (Wali 1989). This certainly describes the path the formation of ethnic identity has taken for the Emberá in the region. The Emberá have traditionally been an egalitarian group of agriculturalists who live in dispersed familial units with very little cohesion as an overall ethnicity (Herlihy 1985). However, they were relocated into a concentrated area, with little room to continue nomadic practices. Slowly, the concept of a holistic Emberá identity took form, only after which they were able to mobilize as a group to assert their rights to the land they now occupied as separate and more legitimate than the *campesino*’s rights (Wali 1989). In this way, what was once only a loosely cohesive group has been bound together by an idea of ethnicity that was created in direct opposition to societal stress.

Even where the concepts of strongly binding ethnic identities existed prior to relocation, as in the case of the Kuna who have always lived in more concentrated villages and participated in more collective group actions (Ministerio de Gobierno y Justicia, *Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá* 2000), the concept of ethnic identity became politicized during this period. Both the Kuna and the Emberá emphasized their “indigenous” cultural identity in a publicly presented ethnic discourse in order to maintain rights to the land they were resettled on, illustrating what has been referred to as the ideological component of ethnicity, “the use of ethnicity as a political strategy—as people respond to conflict and domination” (Wali 1989). Such a formation of cultural differences between the indigenous communities and the

campesinos has further propagated conflicts. For example, while the Kuna and the Emberá were settled within the Bayano region, the *campesinos* were relocated outside region, giving rise to feelings of inequity between groups (Wali 1989). The *campesinos* were then forced to compete not only with an ethnic discourse that has been used by indigenous groups to claim and maintain rights to the land, but also with each other for access to what land was not claimed by indigenous groups. The resulting emphasis of ethnicity as a separating trait among residents as well as a deciding factor on resource ownership has created and maintained a strong cultural conflict among the different demographic groups of the Bayano region.

Indigenous Protests

The difficulties both indigenous communities have encountered with governmental bureaucracy and apathy to their requests while trying to attain legal titles to their land have made it difficult for them to expel invading *campesinos*, leading to prolongation of said conflicts. To increase their bargaining power on the national level, the Indigenous groups joined forces to petition the government for legal demarcation of their land. This led to a series of 12 agreements starting in 1969, such as administrative and criminal complaints, to deal with the invasion of squatters, none of which has been effective (IACHR 2009). Furthermore, the government refused to take the actions laid out in each agreement, resulting in 11 agreements that were not fully implemented before the Kuna *Comarca* of Madugandi was officially demarcated. This has been a serious hindrance to the resolution of the conflict because as long as the indigenous groups are not legally in possession of their land, it is impossible to force the *campesinos* to leave it. In fact, both indigenous groups filed a joint petition to the Inter-American Commission on Human Rights (IACHR) against the Republic of Panama, alleging that the government had

violated their human rights by constructing the Bayano Hydroelectric Dam because “the alleged victims were not paid the full amount of compensation agreed to by the State; the lands currently inhabited by the Kuna of Madungandí have not been demarcated or protected; the territory occupied by the Emberá of Bayano has not been recognized; the intrusion by colonists into the lands presently inhabited by the alleged victims has generated a situation of constant conflict; and because indigenous culture has not been respected” (IACHR 2009). However, this petition was not declared admissible until April 2009, even though it was filed in May of 2000, at which point the state was found guilty of violations of four articles of the American Declaration of the Rights and Duties of Man.

Mesas de Concertación

The persisting tension over land use and territory eventually gained the attention of outside institutions and organizations in the early 1990s. At this point a series of round table negotiations were initiated to discuss possible solutions to the conflict, which included various organizations as well as representatives from the Emberá, Kuna, and the *campesinos* (Ministerio de Gobierno y Justicia, Comisión Pro-Solución a la Problemática de Alta Bayano 1994). These negotiations happened in several waves throughout the decade. During these meetings, there were concrete solutions reached that all parties agreed upon. However, many were never put into practice and those that were failed because conflict never abated, as is clear from continued reports of kidnapping and arsine today. The goals of the meetings were to resolve the conflict between demographic groups in a mutually agreeable form. However, there has never been a comprehensive collection of all documents and memories recorded of the meetings and solutions that were negotiated, and little is known of the proceedings currently.

REDD implications

The conflict that is occurring between groups has an environmental aspect, in addition to the social problems already discussed. As mentioned above, the invasion of indigenous land by *campesinos* is primarily occurring because *campesinos* are in search of cheap and plentiful land for grazing cattle. Unfortunately, these practices are extremely detrimental to the environment. The indigenous groups, who have lived in regions for a long time, avoid high levels of deforestation because cultural traditions dictate protection of forests, opting instead for subsistence mixed agricultural systems concentrated around rivers with fallow periods that are short but allow enough time for the soil to replenish itself (Partridge 1984). A system similar to that used by the Kuna and the Emberá (Emberá Respondent 3 2010), which entails one year of cultivation followed by four or five years of fallow, “does not damage the soil base and effectively controls grass invasion, two major limiting factors to shifting cultivation in tropical America” (Partridge 1984). Conversely, the nature of cattle ranching is much more detrimental to the environment, and the *campesinos* practice agriculture at a much greater scale, which greatly decreases the nutrients and the fertility of the land that they illegally inhabit (Partridge 1984). Furthermore, the result of conversion of crop land and forests into pasture is the loss of sufficient fallow land to maintain a mixed sustainable farming strategy, and the emergence of a class of landless agriculturalists who must go elsewhere to clear land for new farms (Partridge 1984). This degradation of soil quality and forests in invaded territory is clearly a problem for indigenous people because it places their own food security into question, lowering the productive capacity of their land. However, in Ipetí food security is not the only risk that the

campesinos are creating for the indigenous groups. It has recently come to light that campesino invasions into indigenous territory are placing new agro-forestry systems, especially those that are part of the new REDD pilot project in Ipetí-Emberá, under severe stress and even causing them to fail to achieve their goals in many cases.

The Reduction of Emissions of Deforestation and Forest Degradation (REDD) is a part of the United Nations Convention on Climate Change (UN-REDD 2010). The focus of REDD is to reduce global greenhouse gas emissions in developing countries by reducing deforestation and implementing incentives for reforestation. The UN-REDD program aims to promote the sustainable management of forests so that economic, environment, and social goods and services can benefit the current generation and generations to come in each participating country. On the international level, REDD works as a program to try and determine guidelines for the carbon market (Potvin 2010). On a national level, the program is still at a pilot stage, financed by the World Bank (Potvin 2010). Finally on the local scale, it works with different communities with incentives to reduce deforestation and forest degradation (Potvin 2010). Today, only fourteen development countries have been selected to receive initial funding from the Forest Carbon Partnership Facility (UN-REDD, 2010). Because Panama is one of these few countries, it is very important to the government and those involved in the project that it be successful, making the conflict in Ipetí into a national problem with consequences for those living outside the region as well.

Panama is one of the three Latin American countries chosen for this experiment. Today, forest cover accounts for 45% of the total land mass of the country, and 29% of the forested area is legally protected, but the remainder is being deforested at an average rate of 1.12% (or 41, 321 hectares) per year as estimated between 1992 and 2000 (Potvin, Guay and Pedroni 2008).

The goal of REDD is to reduce deforestation by 5,000 hectares per year, especially in the three main zones of deforestation in Panama, including the eastern parts of the province of Panama, the Darien, and the indigenous territory of the Ngobe-Bugle (Potvin, Guay and Pedroni 2008). Due to the fact that the indigenous communities of Ipetí are located within the zone of rapid deforestation in eastern Panama, they play an important role in any deforestation strategy within the state of Panama.

For this reason, in July 2008, STRI agreed to the purchase and sale of carbon with Organization for Unity and Community Development Ipetí Emberá (OUDCIE), establishing a ten hectare area of reforestation and an eight hectare area for protection against deforestation per year for a period of three years in Ipetí-Emberá (OUDCIE 2009). However, the region where much of the project is being carried out, Curti, is also the region with the greatest problem of deforestation due to invasions, STRI's carbon offset project has not been successful, with deforestation still proceeding at an alarming rate (Duchesne and Lemoyne 2009). Therefore, because the success of any conservation program relies on the full participation of all local communities, the presence of inter-group conflicts among the three communities and *campesino* invasions have become impeding factors for this project.

Objectives and Goals:

Due to the gravity of the violence that has erupted at times between the communities of Ipetí and the significant impact deforestation is having on greenhouse gas concentrations in the atmosphere, it is vitally important to compile a historical memory of a period in the early 1990s when the various parties that were so often in opposition, sat down to negotiate a solution to the conflicts and environmental problems that were disrupting their communities. For this reason,

the objective of this internship is to create a historical reconstruction of the Mesas de Concertación, in particular the Mixed Commissions, because a full understanding of these negotiations will prove invaluable for those who are trying to recreate them currently. In order to do this, it is necessary to understand the issues involved and solutions that were proposed. The goals of this internship are to gain a full understanding of how the meetings were initiated, who was in attendance, what types of solutions were proposed, which solution proposals were actually implemented, and which solutions have been effective or ineffective and why. Finally, it is important to identify some possible future solutions to the conflict and environmental degradation in the region.

To begin with, it is important to understand the motives of the three conflicting groups. For example, it is necessary to find the root cause of the high level of *campesino* invasions in the region, what lands they believe they were entitled to during the 1990s and today, and why they believe this. It is hoped that this information can be attained by interviewing *campesino* representatives at the mesas. In order to construct an historical memory, it is vital to have a balanced view of the issue, so these sources are of the utmost importance. Since the greatest environmental impacts in the region currently are results of *campesino* invasions, this information needs to be attained in order to properly assess the situation from an unbiased point of view and to be able to implement policies to solve problems that address their root causes.

Similarly, it is crucial to understand what lands the indigenous groups believe they are entitled to, the actions they have taken to protect these lands, and if these actions were ever effective. It would also be important to know if obtaining legal title over their land has decreased the number of invasions or altered the relations between groups in other ways, which can be investigated by comparing the current experiences of the Kuna and the Emberá. It is

necessary to understand the solutions and actions that were taken during that period to better improve knowledge of the issue, to assess different options, and understand what can be done differently. It is especially important to understand these issues because this research will be useful to those who are working to find solutions for the current conflicts in the region and may want to organize a second round of meetings without making the same mistakes.

Methodology:

In order to achieve these objectives and reconstruct the mesas de concertación, this project was designed around two main methods of collecting information: compiling documents from archives to lay the basis for the background information and written records of the meetings and conducting interviews to reconstruct the oral histories and personal memories of those involved in the mesas. A paper trail was built by following articles and documents written about these meetings, including solutions that were proposed. Specifically, institutional records on the mesas as well as the context leading up to and surrounding them were located in various archives. Pertinent secondary literature was reviewed to lay out a background on the situation in order to aid in the designing and wording of questions for the different parties. Once a strong understanding of the matter was gained from the literature uncovered, interviews were conducted with the key actors involved in the meetings in order to reconstruct an oral history of their perspectives and retrospective reflections. These were semi-structured interviews, in which respondents were prompted with a list of questions from a questionnaire, but conversation was not limited to these specific questions. Because questions dealt with individuals in a highly charged atmosphere, it was important to follow the McGill code of ethics to maintain the highest level of professionalism.

The research process began by contacting people at STRI that work closely with Dr. Potvin and the community of Ipetí, such as Ignacia Holmes and Bonarge Pacheco. They provided an idea of which organizations were involved in the mesas, so it was possible to approach these organizations and ask them for permission to go through their archives in search of relevant documents. Access to conduct research was granted for the archives of STRI, ANAM, Política Indigenista, Reforma Agraria, and SALUD. As each institution's archives were worked through, a better idea was formulated of the role each played in the conflict and the mesas de concertación. Also, at each institution and in interviews, each participant was asked to provide names of other people and organizations that may have information on the mesas. In this way the list of possible contacts was expanded beyond that which had already been compiled.

Furthermore, it was necessary to visit Ipetí for an extended period of time to get a sense of the conflict in the past and present by talking to those that were around when it first occurred. Informants were selected based on a document found in the archives of Política Indigenista with the names of participants in the Mixed Commissions (Appendix 1), which was cross referenced with Mr. Pacheco's contacts. Randomly selecting informants from the list was not possible because the charged atmosphere surrounding the topic of the interviews required the situation to be approached with someone well respected in all three communities. This meant that the people interviewed were those that Mr. Pacheco was in contact with. Specifically, it was important to speak to people who attended the meetings, as well as those who are being affected by the current invasions. Interviews were conducted with one informant from SALUD, two informants from Alcaldía, three Kuna respondents, two Emberá respondents, and one *campesino* respondent, summaries of each interview are included in Appendix 4.

For these interviews, four different questionnaires were used, one for each of the indigenous groups, one for the *campesinos*, and one for institutions and organizations that were involved in the mesas or are currently involved in the conflict. This was necessary because, while many questions are the same on each questionnaire, some had to be reworded or emitted due to the sensitivity of the issue. Also, some questions were simply irrelevant to certain groups while being vitally important to another. Each of the questionnaires used in the interviews is included in Appendix 2.

Results

From the paper trail that was constructed and the interviews that were conducted, the following information was collected in relation to the objectives states above.

Factors Leading up to the Creation of the Mesas de Concertación

When the *mesas de concertación* began in 1992, they symbolized the culmination of many years of conflict in the region. What had begun with the relocation of three distinct ethnic groups had become an environmental and cultural crisis, creating obstacles for a variety of everyday activities. However, it is important to understand where the roots of the conflict lie in order to be able to fully comprehend the complexities of the current problem and to address it properly. The conflict that came to a head in 1992 during the Bayano Commission was a product of the accumulation of problems that resulted from the construction of the dam and the highway (Ministerio de Gobierno y Justicia, Propuesta Tecnica para el Ordenamiento Manejo y Conservacion de la Cuenca Superior del Rio Bayano 1992). This rapid growth of the population and acceleration of migration has led to the practice of more destructive agricultural activities

with severe negative impacts on the environment according to both literary sources and personal interviews. For instance, production systems based on logging and burning and the inappropriate use of soils have contributed to the erosion-sedimentation process in particular and the deterioration of the ecological balance in general (Ministerio de Gobierno y Justicia, Propuesta Tecnica para el Ordenamiento Manejo y Conservacion de la Cuenca Superior del Rio Bayano 1992). This was of particular concern for the Bayano Corporation who wished to stop deforestation because it was causing erosion and sedimentation and eliminating primary forests in the region, leading to falling water levels of the Bayano Reservoir, which, in turn, was lowering the amount of energy that could be produced through the dam (Ministerio de Gobierno y Justicia, Resolución No. 1 1994). Furthermore, this growing presence of *campesinos* was exerting a strong pressure on the indigenous communities, leading to outbreaks of intense violence in defense of their lands (Ministerio de Gobierno y Justicia, Propuesta Tecnica para el Ordenamiento Manejo y Conservacion de la Cuenca Superior del Rio Bayano 1992). For example, when indigenous groups could not get the government to evict settlers, they would resort to burning down their houses and crops. While there were some celebrated agreements between parties during the years separating the relocation and the first set of mesas de concertación, this was a period of 16 years throughout which the inter-ethnic conflict not only continued but increased, especially during the time that Noriega was in power (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000) indicating that these agreements either did not address the problem correctly or were not carried out correctly. For example, the eviction of some *campesinos* in Wacuco and the launch of the draft law that created the *Comarca* of Madungandí, is just one example of some of the

many efforts that failed at solving the problems plaguing the residents of the Bayano (Ministerio de Gobierno y Justicia, Comision Pro-Solucion a la Problematica de Alta Bayano 1994). In fact, it would be 20 years before the Kuna indigenous communities were given an official title to the land they were resettled on, even through many of the agreements reached over this period with the government included the demarcation of their *comarca* (Programa de Desarrollo Sostenible de Darien 1999). However, the many failed agreements that were reached during this time period paved the way to the creation of the *mesas de concertación* because indigenous groups had exhausted all other options of achieving demarcation of their land.

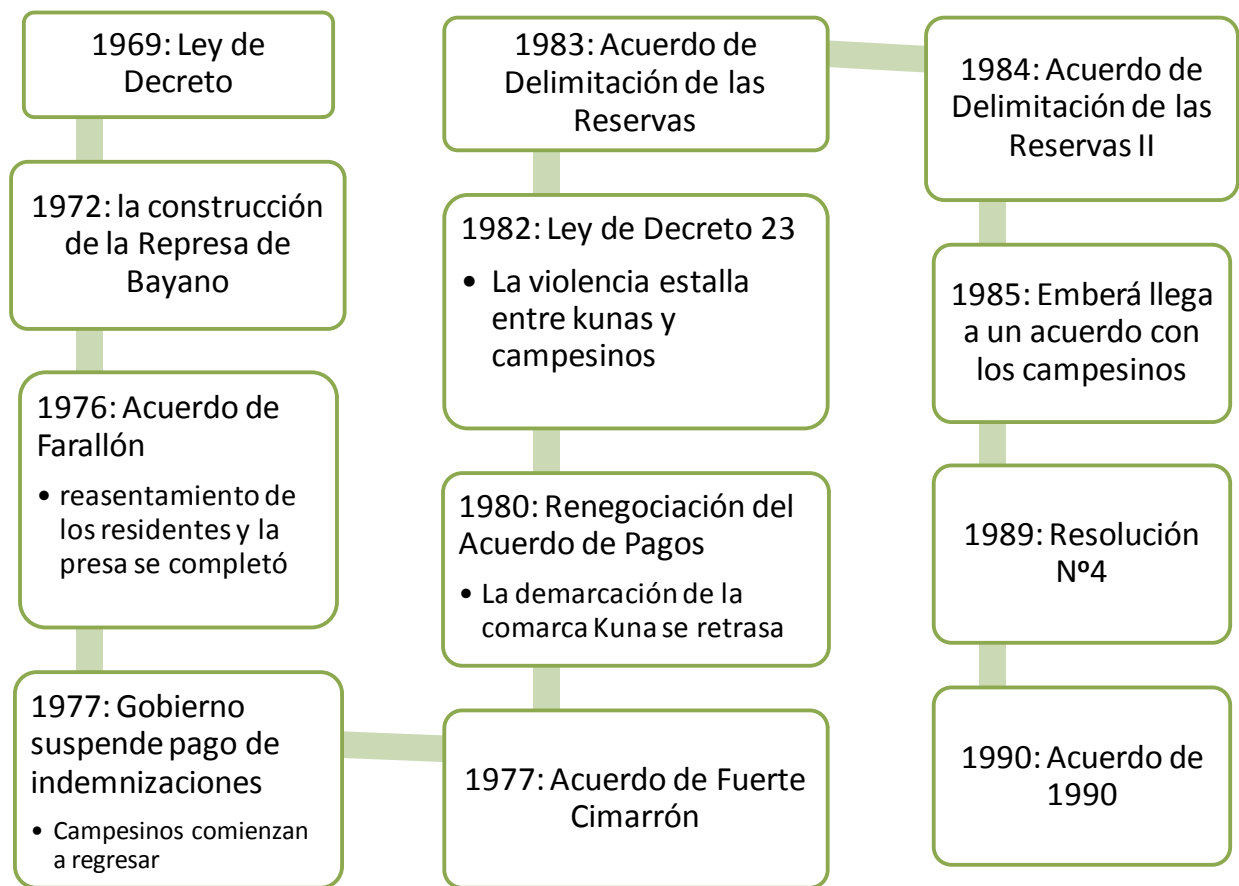


Figure 2: A Timeline of Failed Agreements between Indigenous Groups of the Bayano and the Panamanian Government

As previously stated, over the past 30 years the Kuna and Emberá indigenous people have entered into a variety of agreements with the Panamanian government regarding compensation for the loss of crops and land caused by the artificial flooding induced by the construction of the Hydroelectric Dam but the government has breached each and every one of said agreements (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). In the first agreement, the Panamanian Government issued Decree Law 123 on May 8, 1969, acknowledging the severe losses that the Kuna and Emberá people would sustain at the expense of the construction of the Bayano Dam, and agreed to relocate them with compensation (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). During the intervening years between when construction began on the dam in 1972 and when it was completed in 1976, all the indigenous communities in the region were resettled onto much less fertile and valuable land with only the verbal promise of legal land titles (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). At this time, the government signed the Agreement of Farallón (1976) with the Kuna in response to Emberá and Kuna protests, and in recognition of its failure to comply with its obligations (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). However, the Emberá people, who were less organized and politicized due largely to the fact that they had never before had a collective groups sense of action in Emberá culture, were excluded from this agreement, which agreed to accelerate compensation payments, protect forests around Kuna villages and reserve them solely for Kuna use, improve the relocation site of Ipetí-Kuna, build health centers in Ikanti and Aguas Claras, prohibit non-indigenous people from hunting on their land, and ensure potable water for all Kuna communities.

Also in 1976, Law 93 set aside the Bayano region as a reserve to protect the watershed of the dam except for indigenous land (Ministerio de Gobierno y Justicia 1992). However, later studies claim that the government actually impeded science and the rational utilization of forest resources because it did not create a management plan for the area and its resources at this time. This led to the granting of timber concessions without an inventory of forest resources, exploitation of water resources, and the indiscriminate construction of houses and farms by *campesinos* in the dam watershed (Ministerio de Gobierno y Justicia 1992). The following year, the Agreement of Fuerte Cimmarón created the Bayano Corporation, which was entirely owned by the Panamanian government, and was given all responsibility for actions taken on behalf of the dam, including the undertaking of any obligations or promises made by the government concerning the Bayano region (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). In this agreement, the resolutions of the Agreement of Farallón, which were largely unrealized, were reaffirmed, but once again the Emberá were excluded. Regardless, the government failed to meet any of these obligations again.

At the time of the Agreement of Fuerte Cimmarón, there were roughly 2000 *campesinos* living in the Bayano region, who had recently migrated from western Panama to build homes along the highway and clear land for cattle ranching through slash-and-burn agricultural methods but did not have official titles to the land they were using (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). They were relocated out of the region by the government, but almost immediately there was a second wave of invasions, made up of both new and returning *campesinos* who took advantage of the government's passivity towards demarcating the indigenous communities in order to establish

farms within these areas (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). This rapidly increasing *campesino* population has had strong impacts on the local environment, clearing an estimated 4000 hectares of forest each year in the Bayano region, which in turn alters development planning in line with the natural characteristics that typify the region and impedes the implementation of conservation plans and management and restoration of the basin to ensure the functioning of the dam (Ministerio de Gobierno y Justicia 1992). Some of said *campesinos* entered without authorization and others negotiated deals with the Bayano Corporation, leading to many social, political, and environmental problems, such an ongoing conflict over the character of agriculture between the *campesinos* and indigenous people (Ministerio de Gobierno y Justicia 1992). Thus, starting at the end of the 1970s, the flow of *campesinos* into the region, that continues today, began anew.

Similarly, the 1980s brought a string of failed agreements between indigenous groups and the national government. In 1980, after four years of negotiating for adequate compensation, the government signed the Renegotiation of Payment Agreements with the Kuna, in which the government agreed to begin indemnity payments again and continue them for eight years. However, once again, the government failed to take any action to reinstate payments (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). During that same year, Política Indigenista, together with indigenous leaders and officials, conducted an inspection of the area around Ipetí to examine the terrain, existing social problems and establish the first task of clarifying and defining the regions referred to as indigenous territories. During this inspection, demarcation lines for the Kuna *comarca* were established, but there were already *campesinos* living inside these boundaries, leading to much debate over whether to remove *campesinos* and

demarcate the reserve or to demarcate the reserve with the *campesinos* inside. The confusion resulted in the postponement of the demarcation of the *comarca* altogether (Ministerio de Gobierno y Justicia 1992).

Two years later, in 1982, due to the escalating friction between the Kuna, Emberá, and the *campesinos*, Decree Law 23 was created, giving the leaders of indigenous communities control of demarcating Kuna and Emberá reservations and the ability to deny the *campesino* requests for plots of land that they had seized on their reserves (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). During this time, the indigenous communities sometimes responded with violence to evict *campesinos* from their land, but they also sought help from every level of government. However, because the indigenous peoples did not know the laws, the government's refusal or inability to uphold agreements has permitted the *campesinos* to continue to invade indigenous communities (Programa de Desarrollo Sostenible de Darien 1999).

Continuous invasions led to another year of protesting and petitioning against the government for official land titles, and in 1983, the government signed the Demarcation of Reserves Agreement that granted each indigenous group collective title of their land in order to stop campesino invasions (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000 (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). Yet again, though, this agreement was not upheld, leading the Demarcation of Reserves Agreements of 1984. This was the result of another round of negotiations between the Kuna and the government, which recognized the government's responsibility to create the Kuna *Comarca* of Madungandí and promised to take action to protect the environment in indigenous territory (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). Even though the

Emberá were excluded from this agreement once again, a similar agreement was signed with the Emberá in August, 1984, promising to demarcate their land, protect the environment of the region, and establish a commission with representatives from Ipetí, Piriatí, the Bayano Corporation, INRENARE, Reforma Agraria, and Politica Indigenista to examine the social and environmental situation in the Emberá communities (Ministerio de Gobierno y Justicia, Acuerdo Mutua 1984). Meanwhile, the indigenous people agreed not to engage in logging without permission from the Bayano Corporation (Ministerio de Gobierno y Justicia, Acuerdo Mutua 1984). While the Indigenous people upheld their part of the agreement for the coming year, the government took no actions to implement their concessions (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000).

Meanwhile, the indigenous people attempted to enter into agreements with the *campesinos*, independently of the government, who refused to leave land within indigenous territory because they claimed they bought the land from an indigenous person. In 1985 Ipetí Emberá reached an agreement with the *campesinos* of Curtí in which they agreed to pay for “improvements”, such as orchards, the *campesinos* had made to the farms they “bought” from the community in exchange for them leaving the land. This agreement also legally prohibited the buying and selling of indigenous land without permission from community authorities (Programa de Desarrollo Sostenible de Darien 1999). However, the *campesinos* refused to leave, violating this agreement.

Ultimately, the decade came to a close the same way it had begun. The government’s neglect of the agreements with the Kuna and the Emberá continued, the migration of the *campesinos* into indigenous territory increased, and these *campesinos* seized said land, stripped it

for lumber, grazed cattle, and farmed it, exhausting the resources on the land and then selling it to other cattle ranchers or settlers (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). As a result of indigenous protests to these actions, the general director of the Bayano Dam Corporation created Resolution No. 4 in 1989, which established monetary penalties on anyone caught wood cutting, burning, or hunting in the Bayano region without official permission, but the government failed to enforce these penalties, leading to no change in *campesino* activity in the region (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000).

The focus of the agreements changed slightly at the beginning of the 1990s, becoming more oriented towards current agricultural practices and the environmental impacts than solely compensation issues from the relocation. In the 1990 Agreement, the contrast between subsistence agriculture and the *campesino* methods of farming was officially compared, leading to the prohibition of burning in the Kuna and Emberá protected zones (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). The agreement also declared that all *campesinos* in the protected region had to leave, but because this accord was not enforced the agreement had no impact on the size of the growing campesino population (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). *Campesinos* continued to clear land on which to graze cattle until all the nutrients were gone from the soil, and then sell it to other *campesinos* despite laws that prohibited such actions (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). Furthermore, the problem began to escalate even more quickly after deposition of General Noriega, until a record 20,000 *campesinos* were recorded in the Bayano Region in 1992 (Ministerio de Gobierno y Justicia,

Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000).

In order to combat the national cooperation of indigenous groups in a political battle for land rights, that they perceived to be in opposition to their needs, the *campesino* agriculturalists in the Bayano region began to form syndicates with connections to central workers over the course of the 1980s and 1990s to gain bargaining power at the national level (Programa de Desarrollo Sostenible de Darien 1999). These five syndicates, Loma Bonita, Curti, Wacuco, Asociacion de Pequeños y Medianos, and Productores de Curti, worked together to promote *campesino* rights, creating a force that would be successful on several occasions in winning minor battles against the indigenous ethnic discourse (Programa de Desarrollo Sostenible de Darien 1999). Suddenly, two opposing forces were created, both supported by forces outside the region that would finally meet to discuss solutions at the *mesas de concertación* over the next few years.

The Initiation of the *Mesas de Concertación*

After twelve failed agreements both indigenous groups continued to suffer economically from the incomplete or inappropriate compensation, many were also suffering from health problems resulting from the river pollution and inter-group conflict remained. On top of all of this, the *campesino* invasions continued to create environmental and social problems in the area. By this point, all groups in the area and surrounding areas of Ipetí began to organize to present their problems to the government and different officials of the Bayano Corporation. From the beginning of the 1990s, the *campesinos* had been using the syndicate to get the government to

set up meeting to confront all their issues (Campesino Informant 2010). Both indigenous groups have previously worked together and set up meeting to discuss agreements regarding compensation and the land settlement process (Kuna Respondent 1 2010), and, in 1991, the cacique of Piriati began to organize more meetings, leading to the collaboration between the groups once again to petition the government to help set up a meeting between all three groups and the government (Emberá Respondent 1 2010). However, according to informants, many obstacles and much bureaucracy was encountered during the process of petitioning the government for their creation. For example, when approached by representatives from the Bayano corporation, the government sent to the Bayano Corporation instead of dealing with the issues then, the Bayano Corporation sent them to INRENARE, which then sent them to Reforma Agraria (Emberá Respondent 1 2010). One indigenous informant put the feelings of the indigenous representatives into one phrase: “Nos tenian como una bola de futbol” or “*they passed us around like a football*” (Emberá Respondent 1 2010).

By January 1992, the Kuna and the *campesinos* began engaging in violence, including burning each other’s ranches and threatening armed blockades of roads (Ministerio de Gobierno y Justicia, Propuesta Tecnica para el Ordenamiento Manejo y Conservacion de la Cuenca Superior del Rio Bayano 1992). In an informal conversation with an indigenous farmer, it was explained that during this same time period violence was also becoming a problem between the Emberá and the *campesinos*, leading to, in several instances, *campesino* houses being burnt down in Emberá land (Emberá Respondent 3 2010). In February 1992, the Emberá appointed their leader Bonarge Pacheco to present their demands to the town office of Chepo (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá

2000). However, after the Kuna and Emberá received no response from the authorities in Chepo, 600 Kuna and Emberá organized an armed blockade of the Pan American Highway (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). Amid the growing violence in the region, though, there was also an aspect of peace, because for the first time in history, the relationship between the Kuna and the Emberá (groups that were traditionally enemies) began to be strengthened as they worked together to get dominion over their land (Emberá Respondent 1 2010).

Mesas de Concertación

The highway blockade was the final straw, forcing the government to recognize and deal with the concerns of all groups in the area, resulting in the creation of Resolution 002 in January, 1992, which stipulated the removal of all *campesinos* invading protected land of the Wildlife Conservation Reserve IPETI-EMBERA (Ministerio de Gobierno y Justicia, Resolution 002 1992). The government of Panama, the General Director of the Bayano Corporation, INRENARE located in Chepo, the Municipal Mayor of Chepo, the Department of IREHE Basin, and Política Indigenista of the Ministry of Government and Justice all pledged to put the resolution into effect on January 15, 1992 (Ministerio de Gobierno y Justicia, Chronicle of Failed

Agreements 2000). In the document “Chronicle of Failed agreements” it explains that little progress was made with the

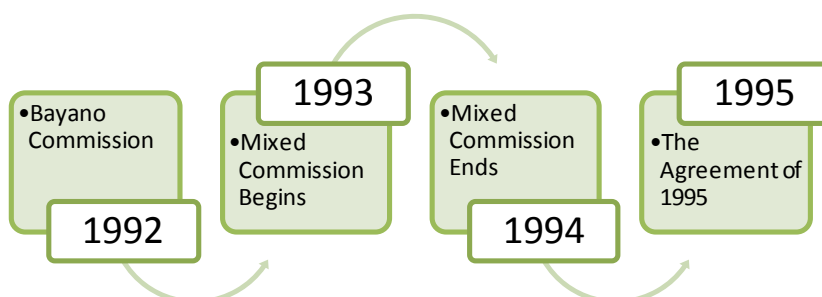


Figure 3: Timeline of the Mesas de Concertación

execution of this resolution. However an interview with an Emberá respondent indicated that efforts were indeed made to relocate several *campesinos*, but within several months most had returned along with new *campesino* families. Resolution 63 was then created in March, which established the creation of the Bayano Commission, including representatives from the government as well as both indigenous groups, to discuss and help resolve the land conflict issues in the area (Ministerio de Gobierno y Justicia, Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la Republica de Panamá 2000). As Figure 3 illustrates, some people consider the meetings from the Bayano Commissions the first step in *mesas de concertación* (Emberá Respondent 1 2010).

Unfortunately, no advancement came out of either resolution, and no further progress was made to resolve tension in the area from the Bayano Commission (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). Several articles explain that by spring 1993, the Kuna and the Emberá began protesting against government violations once again. This time, the protests received widespread attention on a national and international level, pressuring former Panamanian President, Guillermo Endara, to create another committee called the Mixed Commission. President Endara placed his own presidential envoy, Miguel Batista, in charge of chairing each meeting (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). Altogether there were five *mesas de concertación* which took place; three in Panama City and two in the town of Chepo during this time (Emberá Respondent 1 2010).

The meetings of the Mixed Commission was the first time in history that indigenous groups, the *campesinos*, and representatives from the state all came together to negotiate the land conflict. From an interview with the second Emberá respondent, it was explained that the Mixed

Commission occurred during 1991 and 1992. However all the documents collected place the Mixed Commission during the years 1993 and 1994. The first meeting occurred in Viejo Pedro Bayano (Emberá Respondent 1 2010). In order to select which individuals would represent each community at the meetings, the Emberá community held a community meeting and decided to include the cacique, a member of the directive, the secretary of the cacique, and a member of the community who was in university at the time (Emberá Respondent 1 2010). The Kuna community also included the cacique, the secretary, and all the sahilas of the community (Kuna Respondent 1 2010), while the *campesinos* selected members of their syndicates (Campesino Informant 2010). Other participants included different forms of government which were present through the institutions of SAULD, Fuerza Publica, Alcaldia, UICN and INRENARE which are now both part of ANAM, IRHE which now exists as Electric Norde Este, Politica Indigenista, Reforma Agraria, the Bayano Corporation (Emberá Respondent 1 2010). The last meeting was held on April 19, 1994 in the Palacio Municipal of Chepo (Ministerio de Gobierno y Justicia, Comision Pro-Solucion a la Problematica de Alta Bayano 1994). The general objectives of the meetings were to seek out information in the field to generate alternative solutions that all parties in the inter-ethnic conflict see as fair and agreeable. A survey was created to determine the extent of work needed in the communities, build community work groups, and apply instruments to collect information. This included traveling to different areas to analyze the results of the survey. After all of this, seven recommendations were rendered from the Mixed Commissions, including:

- Official creation of the *Comarca de Madungandi*
- Demarcation of *Tierra Colectivas* for 42 Emberá Communities
- Protection of Human Rights

- Attention to Education
- Open Market for Indigenous Products
- Addressing Health related issues
- Protection against deforestation

Shortly after the mixed commissions, Resolution No. 1 was created on 5th of December, 1994. This further stipulated the prevention of further *campesino* invasions into indigenous territory (Ministerio de Gobierno y Justicia, Resolución No. 1 1994). This agreement led to another meeting in 1995, with a focus on the relation between the Kuna and *campesino* communities. On January 31, 1995 an agreement was signed between the government, the Kuna caciques, and representatives of the *campesinos* (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000). The agreement specified that the *campesinos* could stay in their current area (for the time being), under the following circumstances. The *campesinos* were not able to expand their agricultural boundaries beyond their current state at the time of the agreement, and the land that they were currently using could not be transferred or sold to third parties. The agreement also included that if they were to leave, the land in which they occupied would regress back to the Kuna reservation (Ministerio de Gobierno y Justicia, Chronicle of Failed Agreements 2000).

Varying Perceptions of the Mesas de Concertación

Due to the fact that these meetings are the focus of this project, it is vital to understand how they were perceived by each group. It is most certain that when different groups feel their

needs have been addressed or not addressed in different ways, the relations between groups will be stressed, and the successful arrival at mutually agreeable solutions will be delayed or impossible. For this reason, the following is a comparison of each groups feelings about the meetings themselves and the resulting solutions.

Emberá

Two Emberá were interviewed who participated in the mesas de concertación. The first representative from the community explained that the government listened to their needs only as a last resort. He explained that the indigenous alliance threatened to burn down many ranches if they did not listen to the petition. Overall, the first Emberá interviewed seemed to believe that some solutions were created in their favor. However many were not, and many of the agreements in their favor were not implemented effectively or at all. The beneficial outcomes included the establishment of Law 123 and Law 93 which included the physical demarcation of the *tierra colectiva* of Ipetí and Piriati as well as the protection of human rights of all indigenous people (Emberá Respondent 1 2010). On the other hand, when the Bayano Dam was constructed the indigenous groups were promised a copy of the environmental impact survey as well as a copy of the document that included the government's promise to grant free land to the indigenous villages being relocated. The Kuna and the Emberá wanted copies of the impact survey because they wanted to be well informed on what changes that were occurring to their ancestral land and why, in order to be able to better fight for their rights and those of their children (Emberá Respondent 1 2010). Similarly, the indigenous groups wanted copies of the agreements promising their land to them to be able to use them as proof when fighting for demarcation, and although this was addressed during the meetings, the Bayano Corporation did not give the Emberá access to this document (Emberá Respondent 1 2010). The same individual

believes that, in general, the indigenous groups gained the less than the *campesinos* out of the process of meetings. The *campesinos* were relocated and given money for their troubles, and then, within a few months, they sold the land they were relocated to and returned to indigenous land richer than before, along with new *campesino* families. Furthermore, in 1995, the *campesinos* signed the agreement with the Kuna allowing them to remain in the area (Emberá Respondent 1 2010). Conversely, the Emberá, who were the ones entitled to the land, were given no further compensation payments. Also, according to this respondent, the Kuna benefited the least from the *mesas de concertación* because the Kuna tried to negotiate with the *campesinos* and lost land in the 1995 agreement (Emberá Respondent 1 2010). It was explained in two interviews with the two Emberá respondents that the overall problem with the mesas was that it was difficult to reach reasonable solutions because there were five different levels of government involved in the decision making process, all with different mentalities. There was a lack of communication between the different representatives, and, when the governments changed, the new government would no longer hold the same ideas or levels of support for the issue as the one before it. During such a change, it was almost as if they had to begin the process again. The other key issue, also related to the government, is that the many of the solutions agreed upon were never put into practice or enforced. The second Emberá interviewed believed that the solutions needed to be more precise and specific to the problems being addressed. Furthermore, it is also important that the solutions be implemented right away. He explained that the greatest issue leading to the continuation of the conflict is that the various governments have never implemented many of the agreements.

Kuna

There were three Kuna interviewees who participated in either the *mesas de concertación* or in the protesting process and the overall consensus from these interviews were that solutions were not created in their favor, and those solutions that were beneficial for the Kuna were not implemented. The first Kuna informant explained that compromises were made on all sides; however the government did not follow through with many of its promises. The same individual explained that out of the three groups the Kuna benefited the least from the meetings, and that all seven organizations which attended the mesas were not supportive or helpful. The one beneficial outcome of the *mesas de concertación* was the creation of the Law 24, which created the *Comarca* and officially gave the Kuna a collective land title on January 24th, 1996 (Kuna Respondent 1 2010). Nevertheless, all three Kuna respondents explained that even though they had received the land title they desired, the problem has not been resolved and in some cases has become worse. The *campesinos* continue to invade their land. The demarcation has made the invasions illegal, but the *campesinos* do not comply with the law. Similarly, the government does not enforce the law so no change has been made. Even with the demarcation, the Kuna do not have control over their land. The government forced the *campesinos* to leave at one point, but they all came back and nothing was done about it (Kuna Respondent 2 2010). The third Kuna informant interviewed explained that the governments did not help with the invasions and neglected the environment impacts of *campesino* activity, including serious health threats and today the problem is only getting worse. The first Kuna informant also explained that the problem with *mesas de concertación* was that the government did not answer their petition, the only way the communities were able to get the government to engage in their problems was through demonstration and violence. The second Kuna informant echoed these sentiments when he stated that they had to resort to kidnapping a government official to use as leverage and that

the informant himself was held prisoner for some time. However, the main problem with the solutions established during the *mesas de concertación* was the lack of specificity of concrete actions to be carried out to solve the problems. As long as the solutions were kept vague, the government did not have to take action to implement any of them because things such as “improve education” are not easily observable, thus it is hard for pressure to act as an impetus for action. The first Kuna respondent phrased these sentiments when he said, “El problema sigue el mismo, el gobierno se compromete a resolver el problem, forma las comisiones, pero nunca se han dado concretas las repuestas” or “*the issue will always be the same, the government promises to resolve the problem, it forms committees, but the responses it produces are never specific*”.

Campesino

One *campesino* individual was interviewed from the participants of the *mesas de concertación*. He explained that all three groups in the area were happy with the solutions reached at the meetings and that all three groups were treated equally. According to him, there had been many problems between groups at one time and that the Kuna use to have many protests, but now there are no territory problems, and the relations with both indigenous groups are good. The individual stated that even though everyone was happy with the solutions that resulted from the *mesas de concertación*, the indigenous benefited the most from these negotiations and the *campesinos* benefited the least. He also added that the government placed the needs of the indigenous groups above those of the *campesinos*, and it was the force of the government who took them off their property, in particular Reforma Agraria. The river now delineates where the Kuna *comarca* ends and where the *campesinos* are allowed to live and farm. Furthermore, when asked of his opinion of the situation in Curtí, he explained that there are no problems in that area today because the *campesinos* stay where they are suppose to be. Problems

only occur when the *campesinos* cross the river, but in such an instance, the Kuna are quick to take violent action, such as burning the house of the invading *campesino*. Therefore, the *campesinos* no longer cross the river, so there is effectively no conflict in the region. The only problem, in his opinion, is that the government has not given *campesinos* titles to the land on which they are now allowed to live on and farm.

Post-Mesa Activities

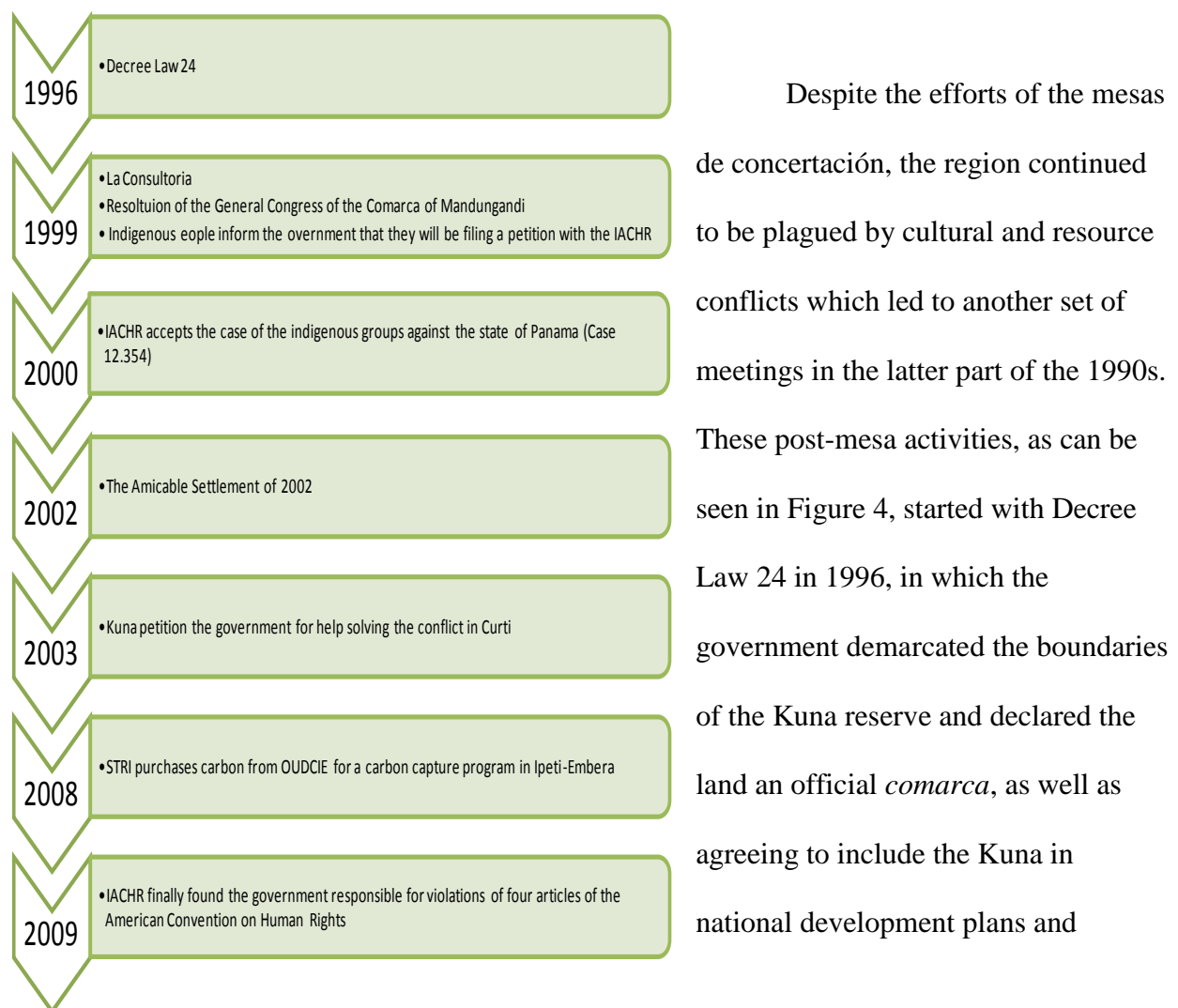


Figure 4: Time line of Actions taken by Indigenous Groups after the Mesas de Concertación

recognize the Congreso General as the official decision-making body of the

Kuna people (Ministerio de Gobierno y Justicia, Acuerdo Mutua 1984). The *campesino* syndicates tried to oppose this law, claiming it did not take into account their rights which had been violated by socio-economic development in the indigenous territory (Programa de Desarrollo Sostenible de Darien 1999), but did not succeed in blocking it. After 20 years of failed agreements, the Kuna had finally secured the demarcation of their reserve. However, the Emberá still continued to make no progress with the government. The situation was more complicated in their case, though. Before the government could demarcate their *tierra colectiva* it had to change land laws in Panama to include the concept of collective land ownership outside of the term *comarca*. Since the Emberá population is not large enough in the Bayano Region to constitute a *comarca*, and there is no other form of legal collective land ownership in Panamanian law, the Emberá people have been working to get the term “*tierra colectiva*” legalized before they can receive a joint title to their land, so they remained without a title as of 1996.

Three years later, the conflict continued despite the official demarcation of the Kuna land. This led to a resolution being sent to the government in June, 1999, that demanded the relocation of any *campesinos* remaining within the Kuna *comarca*. The government appointed an authority to oversee these relocations, and another commission was to be created with both indigenous and governmental representatives to discuss compensation for the violation of human rights and property of both indigenous groups by the government (Corporation de Abogados Indigenas and International Human Rights Law Clinic 2007). A committee was established to review the situation and give recommendations for ways to satisfy each group. For the resolution of the conflict in Ipetí and Piriati, it was proposed that collective land rights need to be established, and the Emberá land should be demarcated officially. The committee also stipulated

that there needed to be a compensation and relocation plan established for the *campesinos* that was mutually agreeable for all groups, otherwise the invasions would continue and a repeat of the first *campesino* relocation would play out. It was proposed that reforms be made to Decree Law 24 so that some *campesino* land would not be included in the Kuna *Comarca*. The council mandated that these reforms should be consensual and proposed to the Commission of Indigenous Affairs first, admitting the likelihood that such a compromise would be accepted was unlikely. It also recognized the fact that such reforms could aggravate conflicts between groups and generate more *campesino* invasions into indigenous territory (Programa de Desarrollo Sostenible de Darien 1999). Furthermore, it proposed that *campesino* families who have titles to their land should not be eligible for eviction, and those that do not have titles should be compensated if they purchased the land. Finally, from the governmental perspective, the commission stated that rights to the use of indigenous land should be regulated because the absence of such regulations has been the source of insecurity in the region, since the *campesinos* do not understand the scope of what they are doing. It was agreed that there needed to be a new approach taken to this subject because of the relative lack of success of previous projects. For example, the proposal of 1995 did not establish incentives or mechanisms to force compliance with the regulations set up, so the result was little effect on resolving the conflict. Furthermore, it individualized property rights and did not give collective rights and co-responsibility to indigenous communities, which violates the concept of land ownership in said communities.

In September, 1999, when no response was received from the government regarding the resolution, the indigenous people sent a notification to the government explaining that they would be filing a petition with the Inter-American Commission on Human Rights, asserting that they had exhausted all the possible courses of action available to reach a solution within Panama

(Corporation de Abogados Indigenas and International Human Rights Law Clinic 2007). In May of 2000, the IACHR agreed to review the case, assigning it the number 12.354 (Corporation de Abogados Indigenas and International Human Rights Law Clinic 2007). Over the next few years, the petition moved through the channels of the IACHR slowly, while the conflict over land continued in the Bayano region.

The nature of the conflict had changed since the demarcation of the Kuna reserve. Now, forced to acknowledge an indigenous right to the land, the *campesinos* asserted that they had bought their land from indigenous people who lived outside of the community in what was an illegal transaction. They claimed that they did not know that they could not purchase the land within the *comarca*, and they refused to leave until they were reimbursed \$8,000 (Emberá Respondent 2 2010). In February of 2003, the Kuna petitioned the government for help resolving this situation, but they received no response. Unable to raise the money necessary to meet the demands of the *campesinos*, violence began to break out once again between groups.

Over the next six years, the Emberá and Kuna continued to send letters to the government asking for help resolving the escalating conflict and demanding that their land be demarcated with no response, while they waited for their petition to the IACHR to reach the decision stage. In 2009, the IACHR finally found the government responsible for violations of four articles of the American Convention on Human Rights. However, despite this decision, the conflict continues today as strong as it ever has with little interference by the government. The Emberá still remain without an official title to their land, and *campesinos* still live within the boundaries of both indigenous reserves.

During these interviews, respondents gave a variety of responses when asked for their opinions of the current conflict. All of the indigenous people interviewed, including three of the Kuna respondents as well as the two Emberá respondents, stated that there were serious conflicts going on in the region over land invasions between the *campesinos* and the indigenous groups. One Kuna respondent claimed the problems that plague his community today are still those of the invasions from the 1970s, and that the government's lack of concrete solutions in the 1990s are the root of today's problems (Kuna Respondent 1 2010), while several others claimed that it was the government's complete inaction. One respondent claimed that since the demarcation of the reserve, the invasions have actually increased because the government has not taken any action to enforce Decree Law 24. He claimed that the same *campesinos* are the problem from before the demarcation, that they either refused to leave, did not understand the law, or believed they were entitled to compensation because they had been tricked into paying for the land (Kuna Respondent 2 2010). For this reason, this informant believes that all participants in the mesas felt that they were the victims of persecution, making solving the conflict very complicated. Similarly, it is important to note that the only *campesino* respondent was adamant that although there had once been conflicts in the region, they were no longer a problem (Campesino Informant 2010). This particular informant was originally from Chiriquí, but had been in the Bayano region for 35 years. He currently lives in Curtí, but he had previously had a ranch in Kuna territory.

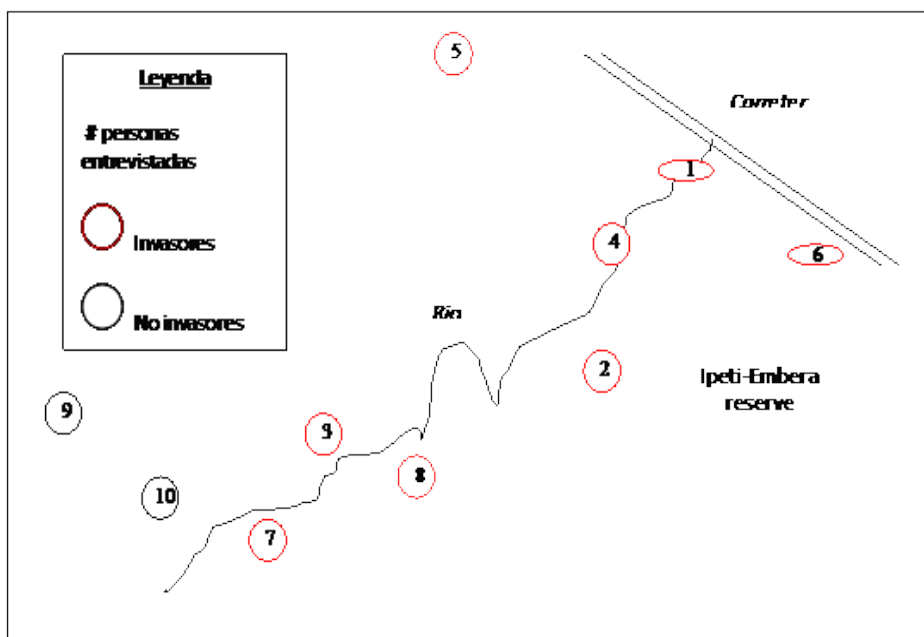
Furthermore, the strong differences in agricultural practices is aggravating this conflict, turning it from a case of invasion to one of both invasion and degradation. When asked about agricultural differences, each indigenous respondent, as well as the respondent from SALUD pointed out that the indigenous groups practice small-scale, largely organic, subsistence

agriculture with hardly any livestock, while *campesinos* practice large scale, commercialized agriculture, using chemicals and mostly revolving around cattle ranching. Furthermore, each of these respondents pointed out that the *campesino* practices were severely degrading to the environment which would have strong implications for the future productive capacity of the land in indigenous territory. As Table 1 indicates, these informants had a variety of concerns for the environment involving the loss of water and depredation of soil. However, once again it is important to note that the *campesino* informant saw no difference in agricultural techniques practiced between the groups, except for the larger farm size of the *campesinos*, and he stated that the majority of *campesinos* are subsistent farmers as well. This individual also saw no problems with the environment resulting from the agricultural practices of the people living on it or the conflict that was going on in the region.

One point stands out from responses received on agriculture practices and how they differ among groups, which are illustrated in Table 2 in Appendix 3. The focus of many respondents on deforestation as a problem in the region is very clear. This is the problem that has brought the

entire conflict into the spotlight recently due to its implications on the REDD project, so it is vitally important to understand the causes behind this problem. When asked what the main causes of deforestation are, each Kuna and Emberá

Figure 5: Map of Campesino Invasions in the Curti zone in 2009 (OUDCIE 2009)



respondent informed us that it was the government's inaction and refusal to uphold the law. One respondent even claimed that the government refused to help protect the environment because they are a large buyer of wood from the region, so any such action would hurt governmental interests (Kuna Respondent 2 2010). Similarly, another Kuna respondent claimed that ANAM was not only not taking any action to protect forests within the *comarca* from *campesino* timber and agricultural industries, but it was actually giving permission to people for felling trees (Kuna Respondent 3 2010). Furthermore, several respondents stated that there is no way to protect the forest at all without governmental action, because the indigenous people have no means to stop the *campesinos* from clearing forests (Emberá Respondent 1 2010).

One part of the Bayano region in particular, the zone of Curtí (Figure 5), has become the focal point of the conflict recently. Once again, several *campesinos* illegally purchased land there from Emberá and Kuna individuals who lived outside the community and now claim they were tricked. They refuse to leave until they are compensated for what they paid for the land and the improvements they made on it. However, several respondents claimed that this is not the truth, alleging that the *tierra colectiva* of the Emberá was clearly marked with trails in 1975, and every indigenous person in the region knows they cannot sell the land while every non-indigenous person knows they cannot buy the land (Emberá Respondent 1 2010). Similarly, respondents from Alcaldía and SALUD both claimed that a group of 25 *campesino* families got together and planned an invasion into Emberá territory. If this is the true, the individuals involved in these transactions blatantly disregarded the law. While the selling and renting of land within the *tierra colectiva* to *campesinos* has been going on since 1995, the majority of these transactions occurred during the past decade, after it was clearly surveyed in the latter part of the 1990s (Emberá Respondent 1 2010). Furthermore, an Emberá informant claimed the only

way to resolve the problem would be the forced expulsion of *campesinos* by the government from the area, but the government is not doing anything such thing. One respondent pointed out that the growing population in the region was putting pressure on the land, leading to an escalation in the Curtí conflict as all groups vie for more land for their children and grandchildren (Kuna Respondent 3 2010). However, one Emberá individual stated that he did not believe there was much conflict in Curtí at the moment and that there were only six *campesino* families remaining on Emberá land in Curtí, which he saw as quite minimal (Emberá Respondent 2 2010). This sentiment was echoed in the opinions of the *campesino* informant, who lives in Curtí himself, but said outright that there were only a few *campesinos* there and he would not leave (Campesino Informant 2010).

Possible Future Solutions to the Conflict and the Environmental Problems in the Region

The final objective of this project, and perhaps the most important, is to identify some future solutions to the conflict from informants who have experienced it firsthand. A variety of responses were received from informants regarding this subject. Both Emberá respondents spoke of a current round of negotiations that are underway between the government, Emberá, Kuna, and *campesinos*. While it is still very early in the negotiation process, there has been one meeting, on March 22, 2010, where all the actors from the different institutions met to discuss the conflict (Emberá Respondent 1 2010). The next step was scheduled to be a tour of the area of the conflict for government officials on April 5th and 6th, but it was postponed. However, these two respondents agree that it is imperative not to allow the meetings to be postponed for long because it is necessary to show the *campesinos* that the indigenous people are mobilizing again to get them to leave. However, they acknowledged the fact that a compensation plan

would need to be designed and carried out in order to successfully relocate the *campesinos* or they would reinvade the land once more. Similarly, a Kuna respondent pointed out that development projects would be necessary in all communities in order to ensure that invasions did not occur again and those who remained would be able to live without resorting to environmentally degrading activities.

Similarly, it is important to find solutions to the environmental destruction that has plagued the region in recent years. An Emberá respondent believes the families of Ipetí-Emberá need to be organized in order to teach them about environmental management and reforestation. He pointed out that although there are many botanists working in the community, once the environment is destroyed they will not be able to do any work, for this reason more conservation oriented science is necessary in the community. For example, in 1997, Dr. Catherine Potvin came to the community to research the conservation of palms that the Emberá women use to make baskets, and in saving this tree she was also able to save part of the Emberá culture (Emberá Respondent 1 2010). A Kuna respondent also pointed out that in the interest of the environment, what land is farmed should be dedicated to subsistence food production and not commercialized agriculture because then the nutrients from the soil is being exported to people outside the region and those within the region suffer the consequences.

Discussion

One of the main issues when trying to understand the process of the *mesas de concertación* is the discrepancy in information between all sources used. The biggest difference noticed was the

dates regarding the meetings and which meetings and agreements were identified as the *mesas de concertación*. The dates provided for the meetings by respondents were often different from those in the documents. This lack of clearly defined dates and meetings is definitely a limitation when trying to recapture and recreate the history of the *mesas de concertación*, but it is also significant in its own sense. This project was meant to focus on a series of meeting that occurred almost twenty years ago, but in order to understand the meetings and what they were about, it is essential to look at all issues, the land conflict, where it stems from, all protests that were carried out, and all agreements that were set since the relocations and the creation of the Bayano Dam. The reason that the dates for many of these meetings are ambiguous and the meetings themselves are not clearly defined may be due to the fact that many of the people directly affected by the land conflict and those involved in the negotiation process consider the *mesas de concertación* only a small part of the struggle. This is not to suggest that the meetings themselves were insignificant, but limited progress towards any solution to the conflict was achieved through the *mesas de concertación*. This could be a reason why the meetings do not remain as a focal point in people's memories. This shows that to the people involved in the conflict, it is a fluid process, a series of moments, each of which are the result of the preceding one. What may seem like a momentous event to an outsider was only one more in a series of ineffective actions to the people living it. This is vital to understand, in order to fully comprehend what the informants are saying in the interviews.

While, dates, times and places may not be key information to participants, but it became clear from responses during the interviews that other question need to be asked, such why the *campesinos* continue to invade land, why the Emberá still do not have a legal title over their land, and why was the demarcation of the Kuna territory still has not prevented the *campesino*

invasions. Throughout the process of this project, reports, documents, and articles were found and consulted, interviews were performed and analyzed, and one overarching theme seemed to appear, the lack of government will. The land conflict in the area has been a continuous process since the relocation, amplifying and receding at different points, and although numerous agreements have been created and all parties were involved in the *mesas de concertación*, the problems still remain. The three groups have been unable to resolve issues amongst themselves, so without guidance from a non-bias higher authority nothing will become accomplished. The government has the ability to create change but it has not applied itself to the search for solutions to this conflict over the decades. In fact, the government only engaged in the conflict after protests reached the point where the highway was being blocked off, forbidding the access of transport trucks, and ranches and crops were being burned. Before the *mesas de concertación* twelve agreements were signed and each and every single one was neglected, one after another (Ministerio de Gobierno y Justicia 2000). It was as if the government listened to the complaints of the groups then created an agreement to silence them for a while, without ever planning to go through with it. The outcome of the *mesas de concertación* was the same. All solutions reached were either too broad, did not address specific issues of the community, or they were simply not applied and enforced. For example, the government demarcated the Kuna *comarca* and established a law stipulating that the land of the *comarca* was exclusively for the use of the Kuna. However, the government did not do anything to insure that the *campesino* abided by this law, therefore invasions continued occur (Ministerio de Gobierno y Justicia 2000).

Another issue that was brought up on more than one occasion was the idea that there was a lack of communication between government and the indigenous people, and that changes in government were almost always a hindrance to the progress of the *mesas de concertación*. An

Emberá respondent explained that it was important for the new round of negotiations to approach the new government at the beginning of their term instead of the end as was done before because this would insure the greatest amount of action before the new government came in and started the negotiations from scratch (Emberá Respondent 1 2010). For this to work though, it is important to know the position of the new government early, and often the indigenous people were not sure how national governments felt about their cause.

The continuous failure of the government to abide by their promises and engage in the conflict has led to a breach of trust between the indigenous and the government. Not only has the government failed to enforce the laws created but in some cases they have blatantly lied to the indigenous people. When the Bayano Dam was in the process of construction, and the relocation process had begun, the government promised the indigenous a copy of all environmental impacts, but the report were never given to either group. When indigenous leaders requested a copy of these documents at a meeting during the *mesas de concertación* their request was ignored (Emberá Respondent 1 2010). Tension between both indigenous groups and the government became amplified when the Kuna and the Emberá had exhausted all resources within the country forcing them to file several violations of human rights infringed by the government to the Inter-American Convention on Human Rights (IACHR, Report 58/09--Admissibility of Kuna of Madagandi and Embera of Bayano Indigenous Peoples and their Members 2009), demonstrating just how little confidence the Kuna and the Emberá have in the government of Panama. Furthermore, even though the IACHR found the Panamanian government responsible for Human Rights violations (IACHR, Report 58/09, Petition 12.354 2009), the government still continues to make little effort to solve the conflicts in region surround Ipetí, as is clear from how it postponed the latest round of negotiations without further

notice. And, even though the government created a law that would legalize the concept of a *tierra colectiva* for the Emberá, this law had yet to be ratified, which has only served to further diminish what little trust the indigenous people have left in the government, creating a sense of hopelessness from a several of the informants (Emberá Respondent 1 2010). When people of the do not feel that they can trust and reach out to their government for help solving social, economic, and environmental problems, it can be difficult to have faith in further progression or motivation to continue fighting for ones rights. The government has been taking advantage of both groups in the area for decades because they are small groups with little political clout and even when they are mobilized, many do not know their rights due to lack of education and language barriers. Furthermore, a new anti-protest law is being established, making a protesting in the streets illegal, and it is in its last stages of ratification. If this law is ratified, the Kuna and Emberá in the area will be robbed of their one method to attract government attention to their problems, leaving them with little to no bargaining power when fighting for their rights within the scheme of national politics when fighting for their rights. Such an ending to the story of the *mesas de concertación* would be equivalent to ensuring lasting chaos and violence in a region that long ago suffered its share of conflict.

Implications of the Conflict on REDD and Possible Solutions

While analyzing the different perceptions each group had of the meetings, as well as the current conflict, it is clear that the *campesino* had quite different opinions on almost every issue when compared to both indigenous and the information found in the documents. This is significant because it demonstrates the opposing views of reality of the parties involved may have prevented solutions from being reached during the *mesas de concertación* and may

continue to do so today. The Kuna and the Emberá are very different culturally, but their agriculture practices and the way they relate to the land and their environment is somewhat similar. Conversely, most *campesinos* have starkly different opinions about agriculture and the land (as indicated in Table 1). *Campesinos* have been defending their agriculture practices and rights to the land through syndicates for many decades, when faced by a coalition of indigenous groups. This has placed them on the defensive in this conflict, making them view themselves as underdogs who are being victimized by the government. Therefore, when asked about current relations, it makes sense that some remain defensive about their practices and how they relate to people around them. They may fear that if they were to ever admit that their practices were not environmentally friendly or that they did not have the most legitimate claim to the land, the government would seize on this and evict them with no compensation. Their livelihoods depend on the land they farm just as much as the indigenous, making them willing to engage in violence before leaving it.

All the indigenous informants questioned spoke of a dismal future for their land if agriculture proceeds with business as usual. Similarly, SALUD and Alcaldía informants echoed these feelings, speaking of the pollution of the local drinking water and the negative impacts it will have on the health of the people who rely on it. Meanwhile, the only *campesino* questioned did not see any problem with the environment or any correlation between the conflict and the future state of the forests or water. This may indicate that for REDD to be successful there needs to be better environmental management education targeting the *campesinos* because as long as they do not realize the impacts of their actions, they will be unlikely to change their practices and the environment will continue to be degraded at an alarming rate. Alternatively, it may indicate that the *campesinos* know that they are harming the environment, but do not care to change their

practices. If this is the case, the only solution would be to remove *campesinos* entirely from the region and take precautions to ensure that they do not invade again.

Furthermore, the fact that the indigenous people are willing to enter into negotiations with the government and *campesinos* again may indicate that they are willing to take action to preserve their forests, rivers, and the Bayano lake for future generations. Such willingness to make sacrifices now for the future is the most important part of any conservation strategy because if no conservation strategy can be implemented without incurring some sort of opportunity cost for the present generation. This may also indicate that conservation and sustainable agriculture information can be successfully disseminated and implemented in the indigenous communities. If this in fact the case, perhaps the most cost efficient method of decreasing deforestation in the region would be a combination of environmental management education targeting indigenous populations, relocation of *campesino* residents, and involving the governmental organizations in the implementation of sustainable development projects in all communities to take pressure off the environment as the only source of income for the population.

In any case, as the conflict continues today, the latest round of negotiations have become a final desperate attempt by the indigenous people to gain control over their own land once and for all and save the environment within this land from destruction. However, judging from the postponement of the governmental tour of indigenous land (Emberá Respondent 1 2010), it appears as though the indigenous groups may face the same bureaucratic difficulties that rendered that last three sets of meetings ineffective. Furthermore, the solutions that the commission reaches need to be as specific and concrete as possible with specified penalties for noncompliance. Similarly, the government needs to take responsibility for its promises and

ensure that whatever solutions and penalties are decided upon, are carried out and enforced with efficiency and no leniency. One possible way of ensuring that this happens, may be raising the level of publicity directed at the mesas de concertación. If the government and the other actors at these meetings feel that they will have national and international pressure to reach fair and unbiased compromises and to uphold these promises fully, they will be more likely to actually do so in the interest of avoiding bad publicity. This is important because only if all actors realize that they must comply with the law or suffer the consequences will they alter the behavior, and only if all actors alter their behavior will there be any chance of solving this humanitarian and environmental crisis once and for all, allowing the Bayano region to enter its first period of peace in over thirty years.

Limitations and Problems:

As is the case when undertaking any project, some limitations and problems with the methodology were encountered along the way. To begin with, while simply locating where documents could be found was relatively easy, getting access to them was fairly difficult. Política Indigenista was visited seven times before any documents were received and it was impossible to even pass beyond the lobby of ANAM in Panama City without having some strings pulled in the organization. And although SALUD in Chepo was approached with Bonarge Pacheco and Nathaly Guerrero, three more visits were required before any documents were received. For this reason, it was important to be as efficient as possible in order to leave enough time to visit all the organizations that might have had documents as many times as was necessary.

Similarly, troubles arose when trying to locating participants to interview for the oral history part of the objectives. No one seemed to know who had been present at these meetings, due to the length of time since they had occurred and because they had a fairly low profile. A good deal of time was spent searching for documents listing the people who were in attendance until one was finally located at the end of February in the documents from Política Indigenista. This named all the people who participated in the Mixed Commissions and the organizations that they represented. However, the Mixed Commissions, as mentioned above, were only the first in the series of *mesas de concertación* so attention was only able to be focused on this specific round of negotiations. Furthermore, the list contains names of organizations that no longer exist, making it extremely difficult to interview those people since there was no place to start looking for them. In the end, no interviews with people from IRHE, UICN, and Fuerza Publica were able to be conducted. Also, among the people who were interviewed on the list, especially among the Kuna informants, several people said they were not in attendance, which placed into question the legitimacy of the list. Since it was the only document available to work from, though, there was little choice but to continue to select informants based off the list.

However, such limitations were not confined to methodology issues. They extended into problems with ensuring unbiased data during interviews. To begin with, Mr. Pacheco organized each interview, and both he and Ms. Guerrero were present at the beginning of every, with the exception of the second Emberá individual. This clearly places questions of bias on the interviews as respondents may have given different answers had they not been approached with a member of one of the conflicting parties. Although this may have created some problems for results, it would not have been possible to arrange these interviews without the help of Mr. Pacheco, so there was no way to avoid this problem. However, he excused himself after

introductions during the interview with the *campesino*. This was the interview where association with an Emberá individual could have the greatest impact on the answers received, so it was very important that he not be present during the actual interview. Similarly, during the interview with the respondent from SALUD, there was another man present in the room who, it was later discovered, had *campesino* family. The presence of such a politically minded coworker may have biased the answers received from the informant in this interview as well.

Also, even in the field with the invaluable help of Mr. Pacheco, the problem of locating people on the list was not solved. In particular, it was only possible to speak with one *campesino* because the other *campesino* contact that Mr. Pacheco had was unavailable due to a family emergency. This biases the results because there is only one *campesino* interview, as compared to three Kuna and two Emberá informants, even though the *campesinos* had the greatest number of representatives at the commissions. However, due to such unforeseen circumstance, there is no choice but to use the one interview to assess the position of *campesinos* relative to the other groups, which runs the risk of using data that is inaccurate for a variety of reasons.

What is more, while in the field, it became clear that time was a significant obstacle in the research. It has been 16 years since the mixed commission, which forced people to recall things that they had not thought about in a long time, as many respondents pointed out. This clearly would have impacts on the accuracy of the responses received from our interviews. It may even explain why some of the Kuna interviewees claimed they had never attended these meetings in the first place. Furthermore, the institutions visited in Ipetí and Chepo were unable to locate documents quickly. In the instance of Alcaldia, it was explained that documents were disposed of after 5-7 years, and at SALUD documents were available but they needed to be located. They did not find them for over two weeks. Also, there seemed to be some confusion between the

mesas de concertación and the Mixed Commission among respondents. Some were adamant that the meetings we were speaking of occurred in 1991-1992 (which, according to documents in the paper trail, were actually called the Bayano Commission), while other spoke of the late 1990s when the Kuna finally got their *comarca* legally demarcated. This may have resulted in inconsistent responses. It is possible that such inconsistency with dates is a result of the great length of time since the meetings making the exact year unclear. The questionnaire could have been designed to be clearer to specify what meetings were of specific concern and when they occurred, but then some respondents may have not been able to answer the questions. In the interest of gathering as much information on the mesas as possible, all responses received were included in the results, regardless of what years they referred to.

Conclusion

In summary, the *mesas de concertación* were a success only because they were established. It was the first time in the history of a conflict, spanning multiple decades, that all the parties involved, came together to negotiate a solution to the problems over land entitlement in the Bayano region. In a situation where opposing groups have such a long history of conflict and violence, any such step towards peaceful negotiation is progress in and of itself.

Unfortunately, this appears to be the only progress that was made at the *mesas de concertación* in the 1990s. The general lack of government response to the needs of the parties involved in the conflict as well as the lack of specificity in the solutions proposed, resulted in the agreements and laws which were, in many cases, not implemented or enforced, leading to the continued presence of *campesinos* in indigenous territory. Many times, the indigenous people and *campesinos* resorted to violence because they had little faith in the governments will or ability to

help their situation. These continued invasions have had serious impacts on the successful implementation of a carbon capture program in Ipetí-Emberá because the agricultural processes of *campesinos* typically involve high levels of deforestation. For this reason, the results from interviews and the literature review indicate that more governmental attention should be directed towards the *campesinos* and the search for ways to implement sustainable agriculture practices in all communities of the Bayano region. Similarly, sustainable development possibilities should be brought to the region to take pressure off of agriculture as the only way to earn a living. In conclusion, it is hoped that this project will provide insight for the current and future rounds of negotiations from past failures. If this becomes true, the *mesas de concertación* may be finally be considered something of a success story.

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Appendices

Appendix 1: Names of Participants from Política Indigenista Document (Ministerio de Gobierno y Justicia, Comisión Pro-Solución a la Problemática de Alta Bayano 1994)

Participants in the Mixed Commission by Organization								
SALUD	Publica	Alcaldia	UICN	IRHE	RE	os	Kuna	Embera
Eva Santos	Carlos Vega	Cristobal De Leon	Ing. Dionisio Batista	Lic. Guillermo Carcamo	Carlos Geurrero	Luis Guerra	Horacio Rivera	Bonarge Pacheco
Alicia Castillo	Raymundo Rodriquez	Bernardo Rincon	Lic. Ulises Morales	Gabriel Poveda	Hernan Cortes	Rosa Pimentel	Manuel Martinez	Salomon Baidari
Yira Guerrero	Martin Torres	Anastacio Gutierrez		Patricio Gonzalez		Ramon Gutierrez	Gilbertoo Osorio	Utemenio Cabrera
Vielka Garibaldo						Lorenzo Oro	Eligio Perez	Jeremias Cansari
Luz G. Morales						Emilio Garcia	Orlando Hernandez	Lidia Bayle
Augusto Osorio						Juan Solis	Omar Perez	
Luis Mon						Javier Perez	Bricenio Garibaldo	
Oscar Gonzalez						Agustin Mendoza		
						Jose		
						Perez		

Appendix 2: Questionnaires

Introducción:

Nuestros nombres son Jessie Rivera-Fagan y Megan Smeaton, y somos estudiantes de la Universidad McGill en Canadá. Estamos trabajando en una pasantía en Panamá por cuatro meses. Por nuestra pasantía, a solicitud de OUDCIE (ONG de la comunidad de Ipetí Embera) que estamos compilandola memoria histórica de las reuniones que se llevaron a cabo en la década de los 90s para resolver los problemas de uso de la tierra y derechos posesorios, en la región del bayano, entre los Emberá Ipetí, los kunas, los colonos, junto con diversas organizaciones que también incluye algunas formas de gobierno. Para esto, estamos recogiendo documentos y realizando entrevistas con individuos y organizaciones que participaron en dichas reuniones para tener una mejor comprensión de: ¿cómo se iniciaron las reuniones?, ¿cuál fue la dinámica de negociación?, ¿cuáles fueron las resoluciones acordadas. Además queremos entender si las acciones acordadas siguen vigentes.. De acuerdo a lo que hemos conversado con OUDCIE entendemos que aun existe una zona de conflicto sobre el uso de la tierra así como tensión entre los diferentes grupos. Por lo tanto creemos que comprender mejor las soluciones y acciones que se tomaron durante la década de los 90s podría ayudar a entender que se puede hacer para ayudar a solucionar los conflictos que aun existen en la zona. ese período a fin de

mejorar nuestro conocimiento de este tema, para evaluar diferentes opciones, y entender qué se puede hacer de manera diferente en el futuro.

Vamos a utilizar los datos para escribir un documento de 50 páginas en Inglés para entregar a nuestros profesores de la Universidad de McGill. Además escribiremos un documento de unas 10 páginas en español que resumirá nuestras conclusiones de manera que todas las instituciones y personas que nos ayudaron a tener la memoria recompilada de los hechos que estamos estudiando tengan acceso a la información. Con gusto le entregaremos una copia de nuestro producto final.

Debido a que estamos planeando en usar estos datos para fines académicos, quisiéramos solicitar su permiso para usar sus respuestas para hacer nuestro análisis. Nos gustaría utilizar cualquier información que usted nos da en nuestro informe final. ¿Le gustaría que su nombre sea incluido? Si no podemos estar seguros de sus respuestas permanecer en el anonimato. Sin duda le dará una copia de nuestro informe en una versión en español cuando se haya completado.

Different Organization

- 1.) ¿Has oído de las *mesas de concertación* (también conocida como la comisión mixta) que se llevaron a cabo en la región del Bayano en la década de los 90s?
- 2.) ¿Ha asistido usted a alguna de éstas reuniones?
- 3.) ¿Sabes a qué grupo inició las mesas?
- 4.) ¿Conoce de otras organizaciones que asistieron?
- 5.) ¿Qué intereses tenía su organización para participar en la Comisión?
- 6.) ¿Quiénes fueron los actores principales de la negociación?
- 7.) ¿Qué grupo parecía ser más dominante en el proceso de negociación y que el grupo parecía menos entusiasta?
- 8.) Durante el proceso de negociación, ¿existían tensiones entre los grupos?
- 9.) ¿Cuan numerosos fueron los representantes del gobierno y que instituciones participaban?
- 10.) ¿Qué grupo que parece tener el mayor apoyo del gobierno (si los hay)?
- 11.) ¿Cuáles fueron las soluciones o reformas?
- 12.) ¿Cuánto tiempo se tarda en llegar a una solución? ¿Cuántas reuniones se llevó a cabo durante ese tiempo?
- 13.) ¿Cuántas soluciones se acordaron?

- 14.) ¿Cree que todos los grupos quedaron satisfechos con las soluciones alcanzadas hasta la fecha?
- 15.) Cree usted que algún actor ganó más que otro en la negociación? Si es así quienes y que cree usted que puede haber influido en esto
- 16.) ¿En su opinión, han contribuido a las reuniones a aliviar la tensión entre los grupos?
- 17.) Cree usted las reuniones han ayudado a los grupos indígenas obtener la indemnización que inicialmente se les prometió?
- 18.) ¿Cuál fue el papel de su institución?
- 19.) ¿Cree usted que aun existe tensión entre los grupos actualmente?
- 18.) ¿Cuál es su opinión sobre la presencia de colonos en la zona de Ipetí Emberá?
- 19.) ¿Han sido implemetadas las reformas que se plantearon en éstas reuniones?
- 20.) ¿Creos que los conflictos por la tierra en esta región se han resuelto?
- 21.) ¿Qué ve usted como las posibles soluciones a este futuro? ¿Cómo tus planes para el futuro implican la conservación del bosque?
- 22.) En su opinión, puede reivindicaciones de las distintas partes (colonos, Emberá y Kuna) objeto de conciliación y aún así lograr los objetivos de conservación establecidos en la planificación temprana del Bayano?
- 23.) ¿Qué crees que fueron los problemas con la comisión mixta? ¿Cómo podrían haber sido mejorado para que las soluciones se ejecutaron realmente?

Emberá

- 1.) ¿Cuál es su opinión sobre la actual tensión entre los Kunas, Emberás, y colonos?
- 2.) ¿Has oído de las *mesas de concertación* (también conocida como la comisión mixta) que se llevaron a cabo en la región del Bayano en la década de los 90s?
- 3.) ¿A cuántas reuniones a asistió usted?
- 4.) ¿Ha asistido a algunas de las reuniones celebradas en el década de 1990?
- 5.) ¿Cuál fue el papel de los Emberá en el inicio de las reuniones?

- 6.) ¿Por qué usted decidió participar de las reuniones?
- 7.) ¿Quiénes fueron los representantes de su comunidad que participaron y cómo fueron elegidos?
- 8.) ¿Le parece que el gobierno y otras organizaciones han escuchado algunas sus necesidades?
- 9.) ¿Se ha sentido las soluciones y las reformas se crearon en su favor?
- 10.) Cree usted que algún actor ganó más que otro en la negociación? Si es así quienes y que cree usted que puede haber influido en esto?
- 11.) ¿Han los Kunas y los Emberás colaborado para llegar a acuerdos en relación con las invasiones de colonos, en las reuniones?
- 12.) En su opinión, fueron las reuniones exitosas en la negociación de compromisos?
- 13.) ¿Cuáles fueron las soluciones o reformas que se acordaron?
- 14.) ¿Qué factores facilitaron el proceso de llegar a soluciones?
- 15) Que factores dificultaron el proceso de llegar a soluciones?
- 16.) Algunos colonos, especialmente de la zona de Cuertí, afirman haber comprado la tierra de un individuo Emberá- ajeno a la comunidad- sin saber que el terreno estaba dentro de las tierras colectivas.

Cual es su opinión de esta afirmación?

Sabe usted detalles esta venta/compara de tierra?

Sabe cuando ocurrió?
- 17.) ¿Usted cree que las soluciones se crearon en su favor?
- 18.) Cree usted que los grupos que participaron quedaron satisfecho con los acuerdos tomados?
- 19.) En su opinión, fueron las reformas llevadas a cabo?
-Si sí, ¿de que manera dichas reformas ayudan a resolver el conflicto entre los diversos grupos involucrados?
- 20.) ¿Cree que los procesos de negociación han sido eficaces para llegar a soluciones aceptables para todas las partes?
- 21.) ¿Qué soluciones que ustedes defienden no fueron acordados por la Comisión?

- 22.) ¿Cuál es su opinión sobre el problema de la invasión en la zona de curtí?
- 23.) ¿Cuáles cree usted que son las principales diferencias en las prácticas de la agricultura entre los kunas, los Emberá y los colonos?
- 24.) ¿Crees que los conflictos por la tierra en esta región se han resuelto?
- 25.) ¿Qué ve usted como las posibles soluciones a este futuro? ¿Cómo tus planes para el futuro implican la conservación del bosque?
- 26.) En su opinión, puede reivindicaciones de las distintas partes (colonos, Emberá y Kuna) objeto de conciliación y aún así lograr los objetivos de conservación establecidos en la planificación temprana del Bayano?
- 27.) ¿Qué crees que fueron los problemas con la comisión mixta? ¿Cómo podrían haber sido mejorado para que las soluciones se ejecutaron realmente?

Colonos

- 1.) ¿Cuál es su opinión sobre la actual tensión entre los Kunas, Emberás, y colonos?
- 2.) ¿Has oído de las *mesas de concertación* (también conocida como la comisión mixta) que se llevaron a cabo en la región del Bayano en la década de los 90s?
- 3.) ¿Cuántas reuniones asistió usted?
- 4.) ¿Cuál fue el papel de los colonos en el inicio de las reuniones?
- 5.) ¿Por qué usted decidió participar de las reuniones?
- 6.) ¿Quiénes fueron los representantes de su comunidad que participaron y cómo fueron elegidos?
- 7.) ¿Le parece que el gobierno y otras organizaciones han escuchado algunas sus necesidades?
- 8.) Cree usted que algún actor ganó más que otro en la negociación? Si es así quienes y que cree usted que puede haber influido en esto?
- 9.) ¿Cree usted que todos los grupos fueron tratados por igual en las reuniones?
- 10.) ¿Cuáles fueron las soluciones o reformas que se acordaron?
- 11.) En su opinión, fueron las reuniones exitosas en la negociación de compromisos?
- 12.) ¿Cuáles fueron las soluciones o reformas que se acordaron?

13.) ¿Qué factores facilitaron el proceso de llegar a soluciones?

14.) ¿Qué factores complicaron el proceso de llegar a soluciones?

15.) Somos conscientes de que algunos colonos, en la región de Ipetí sobre todo, han comprado la tierra de un individuo Emberá en lo que no sabía era una operación ilegal. Esta afirmación el proceso de resolución?

-Por lo que usted sabe, ¿cuánto se compró la tierra?

Cual es su opinión de esta afirmación?

Sabe usted detalles esta venta/compra de tierra?

Sabe cuando ocurrió?

16.) En su opinión, ¿qué sería una indemnización adecuada para devolver la tierra que usted ha comprado?

17.) ¿Siente que las soluciones y las reformas se crearon en su favor?

18.) Cree usted que hay grupos involucrados que no quedaron satisfecho con los acuerdos tomados?

19.) En su opinión, fueron las reformas llevadas a cabo?

-Si sí, ¿de que manera dichas reformas ayudan a resolver el conflicto entre los diversos grupos involucrados?

20.) ¿Cree que los procesos de negociación han sido eficaces para llegar a soluciones adecuadas para todas las partes?

21.) ¿Qué soluciones que ustedes defienden que no fueron acordados por la Comisión?

22.) Hoy en día, ¿cree que sus prácticas de agricultura varía sustancialmente de las de los Kuna y Emberá?

-En caso afirmativo ¿cómo?

23.) ¿Cree usted que la deforestación es un problema en la zona?

24.) ¿Cree que los conflictos por la tierra en esta región se han resuelto?

25.) ¿Qué ve usted como las posibles soluciones a este futuro? ¿Cómo tus planes para el futuro implican la conservación del bosque?

26.) En su opinión, puede reivindicaciones de las distintas partes (colonos, Emberá y Kuna) objeto de conciliación y aún así lograr los objetivos de conservación establecidos en la planificación temprana del Bayano?

27.) ¿Qué crees que fueron los problemas con la comisión mixta? ¿Cómo podrían haber sido mejorado para que las soluciones se ejecutaron realmente?

The Kuna

- 1.) ¿Cuál es su opinión sobre la actual tensión entre los Kunas, Emberás, y colonos?
- 2.) ¿Ha oído de las *mesas de concertación* (también conocida como la comisión mixta) que se llevaron a cabo en la región del Bayano en la década de los 90s?
- 3.) ¿Cuál fue el papel de los kunas en el inicio de las reuniones?
- 4.) ¿Por qué usted decidió participar de las reuniones?
- 5.) ¿Cuántas reuniones asistió usted?
- 6.) ¿Quiénes fueron los representantes de su comunidad que participaron y cómo fueron elegidos?
- 7.) ¿Le parece que el gobierno y otras organizaciones han escuchado algunas sus necesidades?
- 8.) Cree usted que algún actor ganó más que otro en la negociación? Si es así quienes y que cree usted que puede haber influido en esto?
- 9.) ¿Han los Kunas y los Emberás colaborado para llegar a acuerdos en relación con las invasiones de colonos, en las reuniones?
- 10.) En su opinión, fueron las reuniones con éxito en la negociación de compromisos?
- 11.) ¿Cuáles fueron las soluciones o reformas que se acordaron?
- 12.) ¿Qué factores facilitaron el proceso de llegar a soluciones?
- 13.) ¿Qué factores dificultaron el proceso de llegar a soluciones?
- 14.) ¿Se ha sentido las soluciones y las reformas se crearon en su favor?
- 15.) Si todas los grupos implicados satisfecho con los acuerdos tomados?

- 16.) En su opinión, fueron las reformas llevadas a cabo?
-Si sí, ¿de que manera dichas reformas ayudan a resolver el conflicto entre los diversos grupos involucrados?
- 17.) ¿Cree que los proceso de negociacion han sido mas eficaces para llegar a soluciones aceptables para todas las partes?
- 18.) ¿Qué soluciones se ustedes defienden que no fueron acordados por la Comisión?
- 19.) Desde la demarcación de su *Comarca* ¿cree usted que tiene más control sobre sus tierras?
¿Cree usted que las invasiones de colonos han disminuido?
- 20.) ¿Qué le permitió obtener la demarcación de su territorio mucho antes que los Embera?
- 21.) ¿Cuál es su opinión sobre la actual tensión entre los grupos Emberá y colonos en Curti?
- 22.) En su opinión ¿cuál es el principal factor que contribuye a la deforestación en la zona?
Por que cree usted aun existe invasiones?
- 23.) ¿Qué cree usted que son las principales diferencias en las prácticas de la agricultura entre los kunas, los emberá y los colonos?

Appendix 3: Perceptions of Agricultural Practices between Groups

Table 1: Agricultural Practices of the Residents of the Bayano Region According to Informants Interviewed in April, 2010

Respondent	Purpose of Agriculture- - Indigenous Groups	Purpose of Agriculture- Campesino	Characteristics of Agriculture- Indigenous groups	Characteristics of Agriculture- <i>Campesinos</i>	Impacts on the Environment
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Kuna Respondent 1	Subsistence	Commercial	Only grow crops (Kuna have no livestock)	Clear the land to grow straw and then after working it for a few years they sell it to cattle ranchers, and then go in search of more land	<i>Campesinos</i> destroy the land but indigenous groups want to protect the land because that is where food comes from and they believe the earth is alive.
Kuna Respondent 2	Subsistence	Commercial	Only grow crops (Kuna have no livestock and conserve the forests the most of the 3)	Grow all classes of cultivars but also raise large numbers of cattle. Government does not stop deforestation because they are large buyers of wood from the region	Main impact for the future will be the loss of forests from <i>campesinos</i> illegally taking trees
Kuna Respondent 3	Subsistence	Commercial	Kuna produce more fruit, both groups grow staples (corn, rice, yucca, etc...), Emberá have some cattle because they work with <i>campesinos</i> more and need money	Raise large numbers of cattle, use mechanized agriculture and chemicals	Indigenous people conserve forests because they believe they are brothers of people. If the forests are destroyed there will be no more water, but <i>campesinos</i> are clearing it anyways

Emberá Respondent 1	Subsistence	Commercial	Purely subsistence crops, but there are 4-5 Emberá families that breed cattle	Grow some subsistence crops but the majority of their crops is straw for cattle (even those who do not own cows). They use more chemicals	Deforestation will lead to poor quality soil that cannot grow food for the people
Emberá Respondent 2	Subsistence and small-scale selling	Commercial	Mostly plantains, rice, and corn for consumption because it is not the right of people to sell the land	Constantly clearing land and then selling it and completely focused on raising livestock	There will be high levels of Deforestation with large impacts on the environment
SALUD Respondent	Subsistence		Do not mark plots as clearly as <i>campesinos</i> because they do not clear cut them	Make plots by clear cutting (average size is 25 ha), farm them until depleted, and then sell them	Depletion of nutrients in the soil is going to have impacts on the productive capacity of the land
Campesino Respondent	Both Subsistence and Commercial	Both Subsistence and Commercial	Grow more corn, yucca, yame, plantains, rice and avocados than <i>campesinos</i> and Kuna have more orchards	Have more land for farming but still mostly for subsistence	Conflicts do not affect conservation of forests and agricultural methods do not vary significantly between groups

Appendix 4: Interview Summaries

Emberá Respondent 1--Folder D, #2 (04-09-2010)

- My opinion is that there was no relationship between the Kuna, Emberá and *Campesinos* in the 1990s

- The relationship between these groups became bad when the *campesinos* began to invade the territory of the Kuna and also the Emberá
 - In 1991-1992 the invasions in the *tierra colectiva* of the Ember and also the land of the Kuna began, and for the first time in history the relationship between the indigenous groups of the Kuna and the Emberá were strengthened
- The Kuna and Emberá Indigenous groups united their forces to petition the government to meet with us and look for solutions to the problems between the indigenous and campesino groups
 - The *campesinos* were saying that they did not have any land
 - The Indigenous groups petitioned: Gobernacion, INRENARE, Politica Indigenista, Policia, Reforma Agraria, SALUD, Corporacion Bayano, INRE
- For the first time in history the indigenous groups, the *campesinos*, and a group from the state met in Panama City to negotiate
- How many meetings did you attend of the mixed commission?
 - For the mixed commission there were 5 meetings (3 in Panama and 2 in Chepo)
 - After formalizing the 5 mixed commission meetings, a date was set to meet in a round table in Viejo Pedro (Cañitas) → this was the first mesa de concertación
 - Participants: Emberá, Kuna and Campesino and Government
 - Date: August, 1991
- What was the role of the Emberá in the beginning of the meetings?
 - I was part of the dirigente of the community so I was present through the entire process
 - Juvenal Quiroz was the Cacique of the community but he did not participate in the mesas
 - The Problem was that the *campesinos* were entering our land
 - We organized with the Kuna → Gregorio Cunarpio (the cacique of Piriati) and I organized a meeting to petition the government for help setting up the opportunity to meet with all the groups at once
 - The government sent us to the Bayano Corporation, the CB sent us to INRENARE, INRENARE sent us to Reforma Agraria
 - Nos tenian como una bola de futbol
 - 1991 → we first began applying directly for government support
 - Our role was to convene the meetings
- Why did you decide to participate in all the meetings?
 - I did not make the decisión to participate → the community had a meeting and decided to send four members)
 - Bonarge → Casique
 - Jeremias → member fo the directiva
 - Salomon → Secretary of Bonarge

- Ultimio → a member of the community who was studying in university at the time
- Did the government listen to your needs?
 - Yes the government listened to our needs → the group already organized a roundtable to listen to our petition because they had no other option
 - Nosotros dijimos si ustedes no nos solucionan el problema vamos a invadir, vamos a quemar ranchos → We told the government that if they did not listen to our problems, we were going to burn ranches
 - There was going to be a clash of indigenous people and *campesinos* of the government did not listen to the petition of our needs
 - The negotiations took all of 1991 and in 1992 the eviction process was started
 - The process took almost a year → there were 4 – 5 comisiones mixtas and 4 *mesas de concertación* (9 meetings in total)
 - The government was present through the institutions of: Fuerza Publica, SALUD, Corporación Bayano, Política Indigenista, IRE, INRENARE, Reforma Agraria, Gobierno y Justicia
 - The physical demarcation of the *tierra colectiva* of Ipeti and Piriati was carried out
 - Other organizations with legal status independent from the government helped us, such as the organization of INEDES (ONG) proposed that the government should carry out the work of land measurement (surveying).
- Were the solutions in your favor?
 - Some but not all
 - Some decisions helped us and others Algunas decidieron apoyarnos y did not
 - “otros se quedaron con las manos cruzadas”
 - What was an example of when they were not in your favor?
 - Another cacique signed document to be relocated, and we were supposed to have access to the environmental impact survey for the Bayano
 - A document that we have → environmental impact survey of the Bayano dam that the corporation would not give to us
 - The Bayano Corporation was the authority → The corporation did not cooperate to help us (they did not give them documents that they had promised us when they signed the agreement in 1975 with Juvenal and another cacique (that showed the government's commitment to grant free land to the indigenous villages being relocated)
 - Then Política Indigenista was not helpful (it is now because director, sub-director, lawyer are indigenous) → many people in the gobierno y justicia are also indigenous
- Did one group win more than others?

- In some ways the *Campesinos* won a lot, and the indigenous did not win anything→ We, the indigenous groups,
 - We stayed in the area that we were and were given no compensation for the problems
 - The *campesinos* were relocated to new land, given money for their troubles, and then they moved back in to our land
 - Many settlers were given land that they sold for additional income and then returned to invade our land again
- Were the reunions a compromise?
 - Yes- for the first time there was a confirmation between the groups and the gov
 - The colonos were relocated out of our land after the process of the mesas de concertation
 - SALUD helped them with the aqueduct (1991-1992)
 - Other solutions were needed
 - Reforma Agraria→ Medication (timing)
 - Police→ A shelter where we could get help in the beginning
 - Corregiduría → a shelter because we had been coordination all of our problems with them but at the moment of the change in government everything stopped
 - 5 governments with each a different mentality during the course
 - Change in governments was a problem
 - Overall government
 - This delayed our position directly→ this refers to the reversal of the process because it is as if it started over
- What solutions or reforms did you support?
 - The Indigenous groups stayed calm (got colonos out of the area)
 - Law 123 on the part of the indigenous people and *tierra colectiva* holder and the Organic Act of the Republic
 - 3 resolutions→ to demarcate *tierra colectiva* de Alto Bayano y Comarca Madugandi
 - Law 93→ strengthened and protected the collective land rights of Ipeti, Piriati, Maje cordillera and Madugandi (article 5).
 - This law did not already exist
 - This law would be repealed once by the president and the legislature
 - Now there is another law that protects indigenous people but with different basis than the other law.
 - The Bayano Corporation was served by law 93
- What factors made the process easier or more difficult?
 - Various factors

- Factors that facilitated the process:
 - The Indigenous people were involved directly in asking the government for help
 - Some of the directors wanted to help
 - The Emberá benefitted but the Kuna did not
 - Kuna: negotiated with colonos and lost a lot of land in Guacuco
- What do you know about the illegal purchase of land in Curtí by *campesinos*?
 - No one could say that they did not know that it was illegal → all indigenous people know that it is illegal to sell land in the *tierra colectiva* and all *campesinos* know that it is illegal to buy land inside the *tierra colectiva*
 - *Tierra colectiva* was marked in 1975 with trails
 - Each indigenous who lived in this land knew that it was part of the *tierra colectiva*.
 - The indigenous people who sold this land never wanted to be part of a collective land holding and never wanted their land to be administered by the community
 - The indigenous people who sold the land felt independent. They sold the land knowing that no one can sell it
 - Land was sold after 1990s
 - The land was sold after the demarcation of the *tierra colectiva* (measured with a survey)
 - The indigenous person who sold the land did it without the permission of the *dirigencia*
 - When I was dirigente, I stopped it all because I managed to get all those *campesinos* that were buying land to leave. But other leaders did nothing and that is why *campesinos* remain in our land.
 - The selling of land has been happening since 1995, after the commission
- Were all groups satisfied?
 - NO → the Kuna were not satisfied: the meetings were not focused on the problems and need of them
 - They lost land to colonos in negotiation
 - Emberá were a little satisfied
 - We got all *campesinos* to leave our territory
 - 25 families
- Were the agreed upon solutions implemented?
 - Yes
 - In What manner did these solutions help with the conflict?
 - Each reunion had an objective
 - First meeting → Both sides thought they were right and had rights to the land

- The gov listened and mediated the discussion (who had the principle rights)
 - We said to the *campesinos* “You sold your land in other provinces but we never sold our land, we were relocated”
 - The government acted in a hotbed→ it was the mediator because much was being discussed
- What is the situation in Curtí now?
 - Government has to act to expel the colonos because the *Campesinos* do not have a right to be on that land
 - Part of the *tierra colectiva* for many years.
 - It was part of a land redistribution performed by Reforma Agraria
 - They do not have a right to be here, they need to leave the area
- What are the principle differences in agriculture between the Kuna, Emberá, and *Campesinos*?
 - The Kuna and the Emberá practice subsistence agriculture
 - *Campesinos* deforest everything: they grow a little rice, yucca, ñame, and corn but after corn but then they grow purely straw.
 - They deforest to sell not to live
 - “Ellos desbastan para vender no para vivir”
 - They are dedicated to the negotiation of land, they put Straw and then they sell it., because some do not have cows
 - Ellos se dedican a la negociación de las tierras, ellos ponen paja y después venden, porque algunos no tienen ganado.
 - The *campesinos* use more chemicals→ they use so much that when they are finished the land does not serve anyone
 - Look at other provinces now→ you can see the deforestation in los Santos, neither pastures or straw grows. The land has no nutrients already
 - Our territory is virgin, we have much nutrients
 - We grow our rice and cook it for our own consumption
 - The methodology of the indigenous people is as follows:
 - If we deforest all our trees we are going to run out of forests, this land can be turned into pasture at first but if we continue to do this we will not be able to grow rice, yucca, and plantains. We are going to have more land for cows, less land for people. So there are very few families that are dedicated to the breeding of cattle but on a very large scale.
 - 4-5 families breeding cattle
- Have the conflicts in the region been resolved?
 - No→ only the conflicts from 1990-1992 have been resolved
 - But from 1992-1995 there was an increase in the conflicts

- Some indigenous people at fault → rent land to colonos who are working and burning land
 - Then the *campesinos* do not want to leave without being reimbursed
- What are possible solutions for the future?
 - The future solutions are what we are doing now.
 - First Step: I scheduled meetings for 22 of March 2010, where all the actors from the different institutions met
 - Second Step: a tour was scheduled on April 5-6 but it did not happen
 - So need to reschedule the tour
 - It will let settlers know that the indigenous groups are mobilizing again and that they need to leave the area
 - The government needs to find ways to relocated the *campesinos* and compensate them
 - The meeting on March 22 was to try to do what was not done in the meetings of 1990, 1991, 1992.
 - Need another *mesas de concertación* for to negotiate with the gov
- What measures can be taken to protect the forest?
 - 1997 → organization OUDCIE created an another organization to monitor the forest and environment within the *tierra colectiva*
 - Should organize the families of the community in order to teach them about environmental management and reforestation
 - There are many botanists within the community but if the botany is destroyed, they will not be able to do anything
 - 1997 → Catherine came and worked on conservation of palms
 - Thinking the women could not make baskets because they did not have the materials
 - This is what reforestation and care for nature is
 - First program of reforestation
- Do some groups object to conservation and the conservation rules of the Bayano Reservoir
 - In Curtí there is a problem of invasion
 - The government is not doing anything
 - To conserve the forest the government needs to help → cannot stop colonos from invading and cutting down trees
- Problems with the mixed Commissions and how to make them better
 - Each group had a methodology that was very different compared to the current methodology
 - Governor of Health, Plutarco Arrocha, and SALUD helped us a lot
 - For now, a new mesa de concertación is being organized and we need to make clear our history

- That which is done, needed, and achieved will depend on the government
 - At the meeting on March 22, it was agreed that
 - Gobierno y Justicia is not going to do anything at the mesas because they have already negotiated various times with the *campesinos* and nothing has happened
 - In the case of curti, we have gone three times
 - Presidenta Mireya, Presidente Toro Balladares, Torrijos have all held negotiations with colonos
 - Now it is up to the government because without them the *campesinos* will not leave the area
- Did the government keep their promises?
 - Some but others no because of the change in government
 - At the last meeting with the new government protests happened causing a large blockade and paralyzing some of the process
 - Government knew of the problem but each had a different objective
 - There were many solutions
 - Indigenous people always petition the government as a group but colonos approach them as individuals
 - For the new round of negotiations we want to approach the new government at the beginning of their term instead of the end as was done before, but we have to know the position of the new government early on to do this
- **Emberá 1, Interview II (04-09-2010)**
 - On the process of relocation of families that come from the Bayano to Ipeti
 - At the beginning we wanted to send us to the Darien but the cacique did not accept.
 - Then they wanted to send us to the dirigencia of Nombre de Dios in Colon but the cacique did not accept this either
 - He wanted an area near the Bayano
 - The land we are on is private
 - A doctor from the United States marked the entire area
 - Significantly Higher
 - But a relative of the doctor brought all the documents that proved that this land was promised to us → we went to RA, CB, GJ, and could not get any documents
 - Were told there were none. It was better because probably we would have had more problems on private land
 - Less invasions since the demarcation
 - Why did it take more time for the Emberá to get land demarcated
 - The Kuna began to protest 30 years ago, they have had a very long process

- The Emberá started the process of petitioning the government for a *tierra colectiva* in 1975
 - There is a difference between a *comarca* and a *tierra colectiva*
- 1992 was the first time we obtained all the resolutions
 - Law 93 and Article 5→ did not address all the problems we had
 - In the 1990s: the area was measured but with a private company
 - When the document was given to Reforma Agraria in Santiago it was rejected because it did not meet the requirements
- 2003: surveying is achieved by the same institution
- **Embera 1, Interview Part III:**
 - All are with the government
 - Indigenous groups went to Bayano , INRENARE, IRHE→ no response
 - Mixed Commissions were at the beginning of all the meetings
 - Bayano Commission was before the Mixed Commission
 - Met with dirigencia regional, CB, and RA→ no solutions were reached
 - CB is part of all things involving the Bayano Lake
 - Local gov, gobierno justicia, many levels of government involved
 - After meeting with each party separately, the government decided that all the groups needed to meet together→ mixed commission

Embera #2—Folder E, #4 (04-10-2010)

- What is your opinion of the relations between groups?
 - The problem between the colonos and the Kuna and colonos and the Emberá is the same
 - Bad relations because they are invading indigenous territory
- How many meetings did you attend?
 - 1 mixed Commission meeting in Chepo
 - He is actually talking about the meetings in March 2010 (we realized this after the interview when reviewing his responses)
- Why did you choose to participated?
 - President of OUDCIE
 - Participated in all meetings with government
 - Also a member of the congreso de Alto Bayano
- Did the gov and organizations listen to your needs?
 - Development of the community
- Do you feel that the solutions in their favor?
 - Yes→ if the evaluation is being done
- Did one group get more than others?

- No→ all were equal
- Were the solutions compromises?
 - It was important that the government take part in the negotiations
- What reforms or solutions were decided upon?
 - There will be visit to the area with all those charged with governance (Town Hall, Interior, Indian politics, agrarian reform, ANAM, Corregidurías)
 - Many institutions will be there for the visit
- What factors made the process easier?
 - They had problems at the beginning from many years and it was important that the government and all the organizations were there to listen at the same time because otherwise the one knows and others don't
 - Knowledge is not shared between parts of gov
- What factors made the process more difficult?
 - Did not have advice from anyone on how to approach the reunions
- What is your opinion of the situation with the *campesinos* illegally buying indigenous land?
 - Some colonos left their land but then others bought land from Emberá in the *tierra colectiva*→ illegal and a problem
 - Started in the 1990s and the last was 3-4 years ago
- Were the reforms implemented?
 - Yes
- How did the reforms help to solve the conflict?
 - The government makes decisions and we feel the consequences
- What solutions were not decided on?
 - Solutions are to be determined this year in the visit to our land
- What is your opinion of the Curtí invasions now?
 - There is no problem with invasions in Curtí now
 - 6 Colono families there now→ minimal
- What are the possible solutions for the future forest conservation?
 - There must be planning that the settlers to understand
 - Throw out the colonos and maintain the forests traditionally
- Do any of the groups object to conservation and the Bayano Protected Area
 - Colonos have to understand the conservation of the Bayano→ do not now
- What were the problems with commission and how can the meetings be improved?
 - The general reunions cost money and the traditional leadership does not have funds to carry out these meeting with them.
 - They need monetary support from the institutions to make the logistics possible to solve the problem.
 - This will also facilitate the mobility of the leadership and problem solving
 - When there is a problem it can be resolved

- Meetings need to be much faster and specific to problem
- What are the main differences in Agriculture between the groups?
 - Embera and Kuna are very similar
 - Production for subsistence
 - Small scale selling
 - Platano, rice, corn
 - It is not our right to sell the land
 - Colonos have many impacts on the environment
 - For commercial sale (when it is pasture)→ different mentality than indigenous groups
 - Felling Felling Felling and then selling the land
 - For money
 - Indigenous group do not sell the land
 - We live off of it
- Did the government implement all the solutions?
 - It all depends on the government→ different governments take different actions

Kuna Informant 1-- Folder D #4 (04-09-2010)

- What are the current relations between groups like?
 - Problem is invasions from the 1970s
 - Creation of the *Comarca* 24 of January, 1996→ Law 24
 - “Hemos usado diferentes mecanismos: paros, manifestaciones. El gobierno con las presiones nos ha dado las respuestas”
 - No response from government for a long time for all their work to get their *comarca* demarcated→ problem was always the same
 - The Problem is always the same→ the government tries to solve the problem, it forms committees, but the responses it produces are never specific
 - Do not solve the problem
 - “El problema sigue el mismo, el gobierno se compromete a resolver, a formar las comisiones pero nunca se han dado concretas las respuestas”
- How many meetings did you attend?
 - Many with no response from the government
 - The law was created and the *comarca* was created
- What was the position of the Kuna at the beginning of the mesas?
 - Worried about the campesino invasions and the environmental degradation that they cause
- Who participated in the mesas from the Kuna?
 - Casique, Secretary, the Sahilas, and the dirigentes
- Some actors won more?

- The organizations helped us with human rights
- Did the Indigenous groups work together?
 - Yes→ worked on agreements together and attended meetings and worked together in meetings to solve the problem they shared→ colono invasions
- Were compromises achieved at the Meetings?
 - Yes→ agreements were compromises but the government did not follow through on them and apply the law
 - Fault of gov
- Were the solutions in favor of the Kuna?
 - 7 institutions that did not help them
 - ANAM→ no government institutions helped them
 - Case of wood
- Were all groups satisfied?
 - No→ Kuna were not satisfied because the solutions were not implemented fully
 - The problem continues now because they have never been implemented
- What solutions did you want that were not chosen?
 - Government never answered their petitions
 - The only way to respond is through demonstrations
- Have there been fewer invasions since official demarcation?
 - The demarcation made the colonos actions illegal by law but the colonos do not comply with the law and the government doesn't apply it so there has been no change
- How did you get the demarcation earlier than the Emberá?
 - The government sent a commission to demarcate the Kuna territory
 - Then the Kuna helped the Emberá
- Can you describe the Curtí Invasion Problem?
 - Good relations with the Emberá→ work together
 - The problem with the Campesino is different in Curtí→ they sell land, negotiate, plant grass, and then leave
 - They destroy it
 - The *campesinos* are doing business with the land and they are running out of land. They are guilt
- What is the principle Factor contributing to the deforestation?
 - Government does not hold up the law
 - A law is a law → the gov does not apply it allowing the *campesinos* to invade it
- What are the differences in agriculture practices between the groups?
 - The Kuna are only producers of food (no livestock)
 - We conserve the land, the mountain conserves the resources
 - The Kuna want to protect the mountain from destruction→ that is where their food comes from
 - If the trees disappear it will affect them

- The *campesinos* do not conserve
 - They destroy it until it disappears
 - They destroy the land and grow Straw and after working it for several years they sell the land to cattle ranchers, land owners buy the land, and then they themselves are landless
 - they go in search of more land
 - They sell and buy the land
- The indigenous protect the land because they rely on it to produce food
 - *Campesinos* rely on it to sell food
 - They only think of selling
 - Indigenous groups believe the earth is alive
- What are future plans to conserve the land?
 - Rely on land for food → not production for sale
 - Need help of organizations
 - Development projects
- Do some groups disagree with the conservation and the Bayano Protected area
 - We, like the Emberá, are presenting the case of the Bayano Lake to the Human Rights Commission
 - Need Bayano Protected area to keep water in the lake
- How could you improve the commissions?
 - “Hablo sobre que actualmente la corregidora les está ayudando mas porque ellos se están manifestando”

Kuna Informant 2—Folder E, #2 (04-09-2010)

- How many *mesas de concertación* did you attend?
 - Doesn't remember (it has been a long time)
- Why did you participate in the mesas?
 - Time that he was a Sahila → received note to participate in the meetings
 - 1981 → was named Sahila (remains so until death)
- What are the current relationships between groups like?
 - Problems of invasions with Colonos but no problems with Emberá
 - Invasion Problems into *Comarca* → Loma Bonita, Courti, Catagandi, Wacuco
- Did some actors win more than others?
 - All had problems
 - Since 1980 we have had problems with the *campesinos*
 - They were the first negotiations but they were not equal
 - Government forced the colonos to leave after negotiations but other
- What reforms and solutions were reached?
 - The government forced them to leave and placed them in the part of Tanara, but nothing was done to follow up on the process

- Some colonos were forced to leave but others came back and the old ones
 - Escalated the number of colonos in the area after the meetings
 - Now there are around 300 *campesinos* people living in Indigenous Territory
 - Especially in the area of Wacucu and Torti Abajo
- Were the solutions in the favor of the Kuna?
 - Some not good for the kuna
 - Got Law 24 → *comarca*
 - This law is for everyone (not just one person) → won
 - But the functions of the government were not met → got the law but the problem was not solved
- Do you have more control over their land since demarcation?
 - Yes it is easier
 - Demarcation was good but the government has not helped them at all since to protect their land from invasions
- What is the main factor contributing to deforestation?
 - No help from government
 - They have been relying on wood because they are buyers
 - The *campesinos* already cut down all the trees they had within their territory and now the Kuna sell wood to them that is within their *comarca*
 - *Campesinos* don't have anything → only the forests in the *comarca*
- What are the principle differences in agricultural practices between the groups?
 - We do not work with livestock (especially cattle) → only agriculture
 - Boundary between the *comarca* and the campesino land is clear: *comarca* (forests) campesino land (pasture)
 - All groups agriculture are equal
 - “We can see this too, on the part of the *Comarca*”
 - All use the same amount of chemicals
 - The colonos grow all classes of cultivars (beans, coffee, corn, yucca, rice, etc...)
 - Kuna conserve the most
 - The colonos cut down trees
 - No one has permission to cut down the trees
 - Problem for the future is that people are illegally taking wood out of the *comarca*
- What were some of the problems with the negotiations?
 - Water problems discussed their
 - Many points were presented
 - The governor did not want to throw the colonos out of the *comarca* so they kidnapped him to use as leverage
 - 2003: blockade of the Bayano Bridge

- Also, I was a prisoner for a week

Kuna Informant 3—Folder E, #3 (04-09-2010)

- What is your opinion of the relationships between the groups?
 - No problems between groups
 - Or at least less than before
 - Did not attend the meetings
 - The cacique at the time was Nestor
- Have there been fewer land invasions since demarcation of the *comarca*?
 - Since the demarcation there have been many problems with invasions → more than before
 - Government does not help with invasions or pollution of environment that colonos cause
 - Situation keep getting worse
 - The person being interviewed is the magistrate of the *comarca*
 - While working for the government he did not receive help from either transportation or fuerza publica (the police) to control the situation
 - More help from the Kuna Congreso than from the national government
 - Government officially demarcated the reserve with Law 24 in 1996, giving the Kuna a collective land title
 - The same colonos are the problem since before the law
 - Some *campesinos* insist that they have permission of some ministers, like the one in Politica Indigenista, to be on the land
 - Other people are lying to the *campesinos* and telling them the land is free (national territory) but the people living in the land are poor
 - A man from outside the community lies to the *campesinos*, telling them that the land inside the *comarca* is national territory and that the law is not approved yet, but when they give money to him, he disappears and the *campesinos* remain within indigenous territory
 - For this reason both indigenous people and *campesinos* are being affected
 - Many *campesinos* do not know the law establishing collective land title
 - Kuna do not have control over their own land
 - The *campesinos* got a lawyer to explain the law to them → he said to ignore the law that recognizes the region
 - The magistrate does not know if the attorney is unaware of the law or is seeking to defraud the *campesinos* and then leaving them to solve their own situation
 - When they pay for land they clean their hands of the problem
 - Most colonos are from Chiriquí

- Why did the Kuna get land demarcated before the Emberá?
 - “No parecíamos nadie”
 - in 1932 the idea of *comarca* was already started
 - When the dam was built, General Torrijos promised to demarcate and indigenous reserve
 - started working for the law in 1960s-1970s
 - finally got it in 1996 under the government of Toro Balladares
 - Emberá do not have a property title to their *tierra colectiva*
 - They are not from here → they are from the Darien
 - The Emberá do not live together → they are not united like us
 - the Emberá did not start working together until later
 - they got agreements with the Kuna (indigenous agreements) → helped with achieving “the law”
 - government was saying that they had already given us 5 *comarcas* and had no more land to give to the Emberá and us
- What is your opinion of the current conflict in Curtí?
 - There is a conflict there now
 - Everyone is fighting for their rights
 - The world needs land, the world needs to live in peace
 - The same god made all three groups
 - All groups need land to live (for their children, for food)
 - But the land can only support so many people → having too many children
 - The population is growing and the land can no longer support all three groups, but no one will give up their land because they are saving it for their children and grandchildren
- What are the main factors contributing to deforestation?
 - The forests are being destroyed and if we destroy all the forests there will be no more water
 - All the foreign governments (such as the US) talk about forests within Madungandí
 - The tradition of the Kuna says that the trees are the brothers of the people
 - “Nosotros vivimos nuestras plantas”
 - “Los arboles nos curan a nosotros de la enfermedad”
 - “Son equal y sangre sangre. Todos los palos tienen vida. Si tumbamos todo donde vamos a tener nuestro hospital”
 - Conserve the forests more than the colonos because of this
 - Do not cut the trees because it is like spilling human blood
 - Now things are changing because some Kuna are cutting down trees
 - The Sahila of every community should meet with ANAM

- The same director of ANAM→ talks about maintaining the trees but does nothing
 - ANAM is giving permission for tree felling
 - The children will not know the trees
 - What are the main differences in agriculture?
 - Kuna produce more yucca, fruit, plantains, rice, corn, etc...
 - Colonos work in cattle
 - Emberá have some livestock because of the colonos
 - They need money
 - “Lo que nos dana mas es el proyecto, eso es plata, para mi mejor pero yo estoy pensando en mis hijos. Ellos en el campo y en la montana ya no trabajan”
 - Kuna do not work with Colonos
 - Colonos used mechanized agriculture with chemicals

Alcaldía Informant I → (04-07-2010)

- Worked for Corporacion para Desarrollo Integral de Bayano
 - The corporation gave Finca 1720 which now forms the community of La Tierra Prometida (Colono Town)
 - 40 families were relocated there
 - Built a school And a Church
 - Corporation Bayano→ gave 6 hectares per family for subsistence agriculture
 - We gave them food, milk, and wood for building their houses→ food for the whole population
 - 1990s
- We participated as a corporation→ municipal government, gobernacion, gobierno y justicia, politica indigenista to create a dialogue between indigenous people and *campesinos* because there had been violence and threats of confrontations with fire arms
 - Indigneous people burned the houses and food of people in Wacuco
 - The situation was difficult because the indigenous people kidnapped the governor, Plutarco Arrocha, and held him for 7-8 hours before he was rescued by the police
 - A Kuna Dirigente Evelio Jimenez, took him under arrest
 - The authorities reached an agreement to relocate the families so as to avoid bloodshed over land tenure
- There are still problems between indigenous groups and *campesinos* but not on the same level as in the 1990s
 - In the 1990s some *campesinos* were within the Comarca and it was established that they could not expand their holdings

- All *campesinos* were thrown out of Ipeti but a few years later many returned
 - There was one campesino who organized 25 families to invade indigenous territory
 - Ipeti is a special case because there are three groups vying for land there
- All groups were happy with the solutions in the end because there was no blood shed
 - Kuna lost part of their land → so they were a little unhappy
 - *Campesinos* invaded the land of the Embera and the Kuna
 - They are always looking for ways to grab land
 - The indigenous conserve the water, forests, and fauna
 - Leave them clean
 - No deforestation
 - Traditional customs
 - Grow more native plants: corn, rice, beans for subsistence
 - Normally the indigenous grow more plantains
 - Subsistence agriculture
 - The *campesinos* grow more for commercial purposes
 - They destroy nature by logging without even thinking about it
 - The plant the same food, rice, beans, corn, but in much larger quantities
 - Commercial agriculture
- In Panama, land is divided into 5 *comarcas* with a different way of thinking about government
 - Madugandi, Wanagandi, Kuna Yala, Naso, Ngobe Bugle
 - Each has a different way of thinking, governing, and different customs
 - All the provinces are governed the same
- Colonos are descendents of conquistadors
 - From all over
 - Came to Margaritas, Cañitas, Torti and much of Darien
 - Coasts are very populated but the interior of Panama is sparsely populated
- 4 governments during this time
 - The governments do not enforce laws on invaders
 - Gave land to the relocated people but did not give them counseling, monitoring, or coordination to help them in their new location
 - Land the *campesinos* were relocated to was not well suited for agriculture and cattle ranching so the vast majority sold it and returned
 - The process was good but It was lost because of lack of continuity in the government
 - Lack of monitoring, surveillance, continuity, did not develop a state policy for dealing with this → seen as a temporary solution only

SALUD Informant 1 → (04-07-10)

- Started many good projects with agriculture in these Communities (Ipetí Colono and Emberá)
 - Study and worked with Catherine and Sandy Barton on different modes of production
 - 8 modes of production
 - Different modes of production in each of the communities involved
 - SALUD focused only on the environment and agriculture parts of the commissions
 - Fertilizers → New innovations
- Commission Mixtas (4 step process)
 - He participated for SALUD → forming roundtables were discussed several times as were all state institutions to see where the problems lay to stop invasions and promote development
 - SALUD influenced various points (water → Aqueduct and latrine)
 - Did not have an aqueduct
 - Water is fundamental need → problems as a result of deforestation
 - Organic Agriculture
 - Helped the groups work together for health problems
 - The Emberá started this whole process → they managed to convene a meeting where they met all the government agencies and from there comes the mesas de concertación
 - It was necessary to bring the institutions together in one place so they do not pass off responsibility to each other
 - Each of the organizations were there for specific development reasons
 - ANAM → environment
 - Reforma Agraria → land tenure
 - Politica Indigenista → indigenous rights
 - SALUD → water problems (latrine, aqueduct, agro-forestry)
 - Part of the problem → each focusing an different aspects of the conflict
 - Kuna have a very closed culture making negotiations difficult
 - Did not want to participate with the colonos
 - Traditionally the settlers have had more problems with the Kuna than the Emberá
 - Easier negotiations with Emberá
 - 25 campesino families invaded Emberá territory and they were relocated to El Tesoro but the majority sold their farms and returned to the places they had been evicted from → many returned to Kuna territory instead of Emberá though
 - Easier to negotiate with *Campesinos* because they want the government to give them land
 - A typical campesino plot is 20-50 ha

- How has the conflict affected development and conservation of the environment
 - The conflict is a problem → agricultural practices different that the natives
 - Problems is that land was not demarcated clearly
- Agricultural Differences between groups
 - Different problems or all the same?
 - McGill workers and people from all over working on research in the area of Ipeti Embera
 - Not for the Kuna → different traditions make it harder for SALUD to work there
 - Must get permission from gov
 - Smoke pipes
 - Colonos → make plots by clear cutting and farm them until depleted
 - 25 hectares
 - Indigenous people do not mark plots as well because it is shared land anyways
- 5 governments → each government is different
 - Hard to get definitive solution
 - Is it the fault of the government? → The government has the law and that must be obeyed
 - At the beginning demarcation was made by cutting trails
 - But then negotiations occurred only with parties interested
 - The Kuna and Emberá have legal rights to the land and they had representatives present
 - Had legal advice from members of their own ethnicity
 - SALUD only participated in parts dealing with health → not involved in conflict over land
 - Participated for 5 years
 - Sent a medic to communities to teach people health issues
 - Police were not an option because they do not have permanent stations in the region
 - Bonarge has to explain what the difference between a *tierra colectiva* and a *comarca* is to the man sitting at the table listening
 - He seems biased towards the *campesinos*
 - Many people believe that enough land has been given to the indigenous people in their *comarcas*, but it is important to remember in the case of Ipetí –Emberá that they were given this land as a promise when they were relocated
 - Rights to live there → but none of the promises made by Torrijos's government have been upheld
 - Law 93 → delineated all the indigenous territory in Alto Bayano
 - Tried to bring development to the country
 - Was not decided

- Law 72→ talks about *tierra colectivas* outside of the district and allows for community land holding (*tierra colectiva*)
 - Ipetí Emberá was already surveyed for a *tierra colectiva* in 2003 by Reforma Agraria
 - Only one cacique for both communities (Ipetí and Piriati)
- Every 5 years there is a new government and president
 - If a process starts in a previous government, it may stagnate because of the change of government and not be reactivated
 - It is a historical problem because those lands were indigenous and those who have arrived are invaders (peacefully or use other means of invasion)
 - Everyone is an invader or at Some point and in Some Manner (other man present)
 - Problem with water in Torti
 - indigenous protect watersheds, but when those basins out of Indian territory are surrounded by pastures and that decreases the amount of water
- Oscar has been working at SALUD for 23 years
 - Has documents for us and photos

Alcaldia informant #2→ (04-07-2010)

- Many people came from other provinces to the Bayano región in this decade looking for land to work
 - Many people participated at this time in the conflict over the land in the *comarca* and *tierra colectiva*
 - I Participated a little in meetings with institutions that came from Panama, the Bayano Corporation and the town government of Chepo
 - The people who migrate (*campesinos*) wanted to take all the land and the indigenous people had to take measure to protect their reserves
- The government ordered me to evict some *campesinos* in the area
 - The indigenous people were armed and they blocked the bridge near Ipetí
 - This campesino family had already been evacuated but they had returned to invade the area
 - Fear was that if they weren't evacuated they would kidnap the informant because he was mayor
 - After he left office, his successor was also retained by the Kuna
- The governor was in charge of the whole process of consultation and the town hall was a tool to carry out the evictions
 - Reforma Agraria also participated
 - The *mesas de concertación* were carried out in Chepo (1), Cañitas (3), Puente Bayano (1), Torti (1)
 - There were other senior government entities at the meetings

- Land use planning was considered important when planning where to relocate people
 - In Torti there are many landowners but around this area this a very unequal distribution of wealth
- Doesn't remember much and what he does say is unimportant to our project mostly

Campesino Informant 1→ (04-08-2010)

- The Problem started with land invasions but are over now
 - In Kuna and Emberá territory→ when he arrived the indigenous limits were different than they are now (they were changed to include where *campesinos* were already settled)
 - Actually there are no problems in the sector of Curti next to the Kuna
 - He is from Chiriqui but he has lived in the Bayano region for 35 years
 - He lived on his ranch in Kuna territory originally but he moved
 - There are only a few *campesinos* in Curti (old ones)→ the majority have left
 - yo no salir
 - When he arrived in the zone, he settled next to the Curti river but the Kuna burned his house and so he moved to the other side of the Curti river
 - There are only a few *campesinos* in Curti (antiguos) → la mayoría han vendido
- There were many meetings here
 - The *campesinos* had an association for the meetings but it no longer exists (campesino sindicato)
 - The associations were created just when the informant arrived in the area
 - Everyone won from the process→ We are all winner
 - The syndicate had help from a union member at the beginning of the meetings who belonged to the CPA
 - Also a radio announcer
 - Everyone was happy with the solutions (in the area where he is located)
- What types of governments participated in the meetings?
 - INRENARE, MIDA
 - All the institutions→ Campesinos participated in all the meetings.
 - They had to go to the presidency
 - There were representatives from towns all around (Loma Bonita, Madungandi, Ipeti, Piriati, Wacuco)
- What are the main differences in agricultural techniques between groups?
 - They do not work like us→ more corn, avacados, fruit, plantanes, yame, yucca, rice
 - Kuna grow more fruit
 - The Colono have more area for farming
 - Otherwise no differences→ all for subsistence

- What helped the meetings?
 - The government negotiated with the Kuna
 - When we arrived the Kuna bothered us a lot → they took our crops
 - We arrived at a solution (they do not pick on us and we do not mess with them)
 - Relations are good with the Kuna now → Relations with the Embera have always been good because they do not have territory problems
 - There are *campesinos* working in Embera land but only because they have leased the land to the *campesinos*, it was not by invasion
- What is your opinion of the impacts the conflict has on the environment?
 - Conflicts do not affect the conservation of forests much
 - At least there were some people who had more economic resources and working more land (they affect the environment more than others but not much)
 - But we do not affect the environment → many people are lying about this
 - Among the *campesinos* there are two types of farmers: large landowners and peasants that are the same as the indigenous subsistence farmers (understanding that you need to sell some things to survive)
 - Otherwise there is no difference between indigenous and campesino farmers (both live off of agriculture)
 - The majority of people are involved in agriculture but some of the food they grow and some they buy
 - He has no livestock → grows rice, beans, some plantains,
- Was everyone Happy with the Solutions?
 - Everyone was happy and treated equally
 - The only problem is that land has not yet been legalized → the *campesinos* still do not have possessory rights
 - Spent many years working on this with the government and Reforma agrarian but have not received titles → failure of government effort and efficiency
 - To sell their land they need three witnesses, a letter and a signature because they do not have titles
 - It was the force of the government that took them off their property
 - Reforma Agraria
- What were the solutions that were agreed on?
 - Had a mutual respect for the indigenous groups
 - But the Kuna robbed us of all our crops so we appealed to the government
 - The government helped us because they talked to the indigenous at the meetings

- Both indigenous groups and *campesinos* were burning each other's ranches and stealing their crops and the government wanted to stop this
- River problems solved too
 - River delineates where Kuna *Comarca* ends and where *campesinos* are allowed to farm
 - As long as we do not cross that river there is no problems
 - When we cross the river the Kuna burn our houses
 - No problem now because we stay where they are supposed to be
 - Only problem is that we do not have titles to their land → fault of government
 - At the time of President Toro Balladares, some people were moved to Tierra Prometida that was much closer to the *comarca*
- Highway delineates where Emberá territory begins
 - No problems in the Curtí region because they stay where they are supposed to be
- Do you think there are differences between the indigenous groups?
 - No → they are equal

Appendix 5

Days Worked by Each Person on the Project:

Days Worked in the Field:	6
Days Worked in Panama:	36.25

Appendix 6: Cronología de los momentos importantes en el conflicto

- **1969 y 1971** – El gobierno panameño estableció la Ley 123 del 8 de mayo de 1969, reconociendo la grave pérdida que se mantendría por los kunas y los pueblos Emberá por la construcción de la Presa Hidroeléctrica Bayano. En 1969 y 1971, el gobierno se comprometió a reubicar e indemnizar a los dos grupos indígenas de sus tierras pérdida (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements* 2000)
- **1972** – La construcción de la Presa de Bayano comienza, pero la reubicación y la compensación aún no ha comenzado (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements* 2000)

- **1973-1975** – Reubicación de ambos pueblos Kuna y Emberá (Ministerio de Gobierno y Justicia, Chronicles of Failed Agreements 2000)
- **1976** – En marzo de 1976, la Presa de Bayano es completa (Ministerio de Gobierno y Justicia, Chronicles of Failed Agreements de 2000)
- **1976- El Acuerdo de Farallón** se estableció en 1976, que reafirmó la promesa del gobierno para delimitar la nueva reserva kuna y compensar a los dos grupos indígenas por sus tierras pérdidas. El acuerdo también declaró su promesa de eliminar todos los campesinos en el territorio de los Kuna y los Emberá. Además, el convenio establece las obligaciones económicas, sociales y ambientales, que incluye lo siguiente:
 - Para acelerar los pagos de indemnización
 - Para proteger el bosque cerca del pueblo de Cañaza de explotación forestal y la reserva exclusivamente para el uso Kuna
 - Para mejorar el sitio para la reubicación de los pueblos de Ipetí, y para construir un centro de salud en Ikantí
 - Prohibir todas las personas no indígenas de la caza en la región, y para hacer cumplir esto, establecer una fuerza de policía forestal compuesto por miembros de la comunidad Kuna
 - Para llevar agua potable a las comunidades indígenas, y
 - Para crear un centro de salud en Aguas Claras
 - El gobierno de Panamá no cumple plenamente con las condiciones del acuerdo, incluyendo el testimonio de delimitar la nueva tierra de los Kunas y los Emberá (Ministerio de Gobierno y Justicia, Chronicles of Failed Agreements 2000)
- **1977- Acuerdo de Fuerte Cimarrón** o el Decreto Ley 93 fue promulgada el 22 de diciembre 1976 la creación de la Corporación de la Presa de Bayano. Toda la responsabilidad por las acciones hechas en nombre de la presa se convirtió en la responsabilidad de la Corporación, incluidas las obligaciones entre los pueblos indígenas afectados y la Corporación Bayano
 - El Acuerdo estipula que:

- La Corporación enviará dos miembros del departamento de servicios sociales para visitar las aldeas Kuna una vez al mes para escuchar las quejas y resolver todos los problemas;
 - La Corporación rápidamente pago de las cuotas de indemnización a las que había retrasado
 - La Corporación comenzará la excavación de pozos para agua potable en cada pueblo;
 - La Corporación será más estricto en hacer cumplir la prohibición contra la caza por personas no indígenas, y
 - La Corporación pagaría los Kunas una suma de dinero por la madera extraída en la región.
- El Gobierno panameño no cumplió con ninguna de sus obligaciones delineadas, tanto en el Acuerdo de Farallón y Acuerdo de Fuerte Cimarrón (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements*2000)
- **1977-** Reivindicación de la insuficiencia de fondos, el gobierno suspendió todos los pagos de compensación para los afectados por el traslado (Wali 1989)
- **1980-** Los Kuna entró en negociaciones con el gobierno debido a la insuficiencia de la indemnización por sus pérdidas. El gobierno acordó proveer pagos de indemnización que continuaría durante ocho años más. Sin embargo, el gobierno no pudo cumplir con sus obligaciones y no restablecer los pagos (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements*2000)
 - *Principios de 1980 comenzó a aumentar de nuevo el reasentamiento de campesinos en la zona*
- **1982- Decreto Ley 23 fue** promulgada por el gobierno el 23 de abril de 1993, indicando que la Dirección Nacional de Política Indigenista y los líderes de las comunidades indígenas estaban a cargo de la demarcación de las reservas de los Kuna y Emberá. La ley fue creada en respuesta a los campesinos que iban a fijar en el territorio indígena. La ley también estipula que una vez que la demarcación física fue completa, las comunidades indígenas podría vetar las solicitudes de campesinos para la adjudicación de las parcelas que se habían apoderado de las reservas (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements*2000)

- **1983-** En respuesta a la intensa presión de los Kunas y Emberás, el gobierno firmó un acuerdo sobre 06 de septiembre 1983 declarando la promesa de crear un borde con la participación del Estado y los representantes indígenas, y la concesión de los grupos de los títulos colectivos de tierra. Sin embargo, el gobierno no cumplió con este acuerdo (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements*2000)
- **1984- Convenio de Acuerdo Mutuo** fue firmado por el Gobierno el 03 de agosto 1984 para reconocer la "responsabilidad ineludible del Gobierno Nacional para cumplir con la comunidad indígena Kuna. El acuerdo incluía la responsabilidad de crear la reserva Kuna Madungandí. Además, se incluyó la promesa de los gobiernos de proteger y preservar el medio ambiente de las tierras reservadas. El 15 de agosto, 1984 el gobierno firmó un acuerdo similar con los Emberá. Una vez más, el gobierno no cumplió con sus obligaciones en virtud de ambos acuerdos establecidos.
 - *Documento:* Ministerio de Gobierno y Justicia. *Acuerdo Mutua*. Acuerdo entre la población indígena y Corporación Bayano, Panama: De los Archivos de Política Indigenista
- **1989-** *Como resultado directo de los gobiernos la falta de compromiso con los grupos indígenas, la migración de los campesinos en el aumento de la superficie.*
 - En respuesta a las protestas indígenas sobre la degradación ambiental causada por los campesinos, José Chaverri, Director de la Corporación Bayano, dictó la Resolución N ° 4 el 16 de marzo de 1989. Esta resolución establece sanciones monetarias para cualquiera de caza capturadas, la quema de madera, o el corte de madera sin la debida autorización. Sin embargo, la migración campesina sólo aumentó en Kuna y Emberá territorio y el gobierno no actuó (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements*2000)
- **1990-** Las protestas continuaron mientras el gobierno siga los acuerdos de abandono. El 23 de marzo de 1990, el gobierno fueron presionados para firmar otros aún un acuerdo, el acuerdo prohibía cualquier quema de los territorios protegidos de los Kuna y Emberá y declaró que todos los campesinos en las zonas protegidas tuvieron que abandonar. Sin embargo, este acuerdo no se hizo cumplir y no tuvo efecto sobre la población campesina de crecimiento en el área (Ministerio de Gobierno y Justicia 2000)
 - *En la migración campesina principios de 1990 una escalada que conduce a estallidos de violencia entre los indígenas y campesinos.*
- **1992- Resolución 002 y 63** se crearon después de varios enfrentamientos tensos y violentos entre los Kuna y Emberá y los campesinos armados. Resolución 002 estableció 24 de enero 1992, estipulaba la retirada de todos los campesinos de la zona y creó la

resolución 62, en el 17 de marzo, 1992, se creó la Comisión para discutir Bayano y ayudar a resolver conflictos en la zona (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements* 2000)

- *Documento:* Ministerio de Gobierno y Justicia. *Propuesta Técnica para el Ordenamiento Manejo y Conservación de la Cuenca Superior del Río Bayano.* Caracterización de la Problemática, Perfil del Plan de Ordenamiento y Justificación, y Cronogramas de Actividades y Costos, Panama City: De los archivos de Política Indigenista, 1992.
- *Document:* Ministerio de Gobierno y Justicia. *Resolution 002.* Acuerdo de Trabajo para Reordenamiento Territorial de Alto Bayano entre el Gobierno Provincial de Panamá y el Pueblo Ipetí- Emberá, Panama City: Gobernación de Provincia de Panama, 1992.
- **1993 & 1994-** Las Comisiones Mixtas se establecieron en la primavera de 1993 debido a la protesta más contra el gobierno de violaciones. Bajo la intensa presión nacional e internacional, el presidente panameño Guillermo Endara creó la comisión que redactó una serie de reformas que debían llevarse a cabo en 1994, incluyendo:
 - La creación de una reserva para la comarca kuna de Madungandí la región del Bayano;
 - Demarcación de las tierras colectivas de las 42 comunidades Embera fuera de la Comarca Emberá Drua, que fue creado por la ley 22 de 1983;
 - Protección de los derechos humanos;
 - Protección de la educación;
 - Abrir los mercados para los productos indígenas;
 - Abordar temas relacionados con la salud; y
 - Protección contra la deforestación (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements* 2000)
 - Los participantes de la comisión mixta incluyen:
 - Representantes de los Kuna, Emberá y Campesino que residen en la región de Bayano
 - Funcionarios del Gobierno por los representantes de SALUD, Fuerza Pública, Alcaldía, la UICN INRENARE, IRHE, Indigenista Política,

Reforma Agraria y la Corporación Bayano (información recibida a través de entrevistas)

- No se tomaron nuevas medidas cada vez de implementar o hacer cumplir cualquiera de las recomendaciones anteriores (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements* 2000)
- *Document*: Ministerio de Gobierno. *Resolucion No. 1*. Por la cual se prohíbe la tala, quema, y expansion agricola en el area de la cuenca alta de Bayano, Panama: De los Archivos de Política Indigenista, 1994
- *Document*: Ministerio de Gobierno y Justicia. *Comision Pro-Solucion a la Problematica de Alta Bayano*. Informe de Trabajo de Campo, Panama City: De los Archivos de Política Indigenista, 1994
- **1995-** El 31 de enero de 1995, el gobierno, el cacique Kuna y los representantes de los campesinos se reunieron para discutir el conflicto entre los Kunas y comunidades campesinas. Un acuerdo fue firmado por todas las partes que permitió a los campesinos a permanecer donde estaban, en determinadas condiciones: no podían ampliar sus fronteras agrícolas más allá de lo que estaban en el punto de la firma, que no vende ni alquila sus tierras, y finalmente si decidieron abandonar la tierra volvería a la reserva (Ministerio de Gobierno y Justicia, *Chronicles of Failed Agreements* 2000)
- **1996- Decreto Ley 24** fue cuestiones de enero de 1996, que oficialmente demarcadas las fronteras o la reserva kuna y declaró que la tierra era propiedad colectiva del pueblo Kuna, de conformidad con la legislación nacional y la Constitución. Otras reformas incluyen la incorporación del pueblo Kuna en los planes de desarrollo nacional y la identificación del Congreso General como el órgano de decisión del pueblo Kuna (Ministerio de Gobierno y Justicia, *Chronicle of Failed Agreements* 2000)
- **1999-** En junio de 1999, una resolución fue enviada al gobierno exigiendo la aplicación de la Ley 24, incluida la eliminación de todos los campesinos de la zona y el nombramiento de una autoridad del gobierno para hacer cumplir esta ley. Sin embargo, no hubo respuesta del gobierno.
 - *Documento*: Programa de Desarrollo Sostenible de Darien. *Diagnostico de la Situacion Legal de las Tierras de las Comunidades Indigenas de Alto Bayano*. Panama City: De los Archivos de Política Indigenista, 1999.
 - Resolución del Congreso General de la Comarca Kuna de Mandungandí pasó de 17 a 19 septiembre por la Asamblea del Kuna Congreso General que se señalaba que el gobierno panameño y el Banco Mundial realizó estudios parciales y no

técnicas en el territorio Kuna a las bases establecidas para la indemnización supone. La resolución también explica que todas las negociaciones en curso y los acuerdos con el gobierno no han dado ningún fruto para los Kuna (Ministerio de Gobierno y Justicia, *Chronicle of Failed Agreements* 2000)

- **2000-**“ La Clínica Legal de Derechos Humanos Interacionales del Colegio de Leyes, American University; la Asociación Napguana, el Centro de Asistencia Legal Popular, y Emily Yozell presentaron una petición a la Comisión a nombre de los pueblos indígenas Kuna y Emberá de Panamá en acuerdo con el Artículo 26.1 de la Convención Americana. En Enero de 2001, a la petición se le asignó el número de caso 12.354” (Corporation de Abogados Indígenas and International Human Rights Law Clinic 2007)
 - *Documento:* Ministerio de Gobierno y Justicia. *Petición Alegando Violaciones de los Derechos Humanos de los Pueblos Indígenas Kuna de Madungandi y Emberá de Bayano de Panamá por la República de Panamá*. Panama City: de los Archivos de Política Indigenista, 2000.
 - *Documento:* Ministerio de Gobierno y Justicia. *Chronicle of Failed Agreements*. Panama City: De los Archivos de Política Indigenista, 2000.
- **2002-** “Presentación oficial del “Proceso Administrativo para el Desalojo” de los colonos, entregado al Alcalde del Distrito de Chepo. Esta presentación fue precipitada por las negociaciones como un esfuerzo de los Peticionarios para agotar los recursos internos” (Corporation de Abogados Indígenas and International Human Rights Law Clinic 2007)
- **2003-2006-** Entre 2003 y 2006 varias cartas fueron enviadas al gobierno panameño en relación con otras cuestiones relacionadas con la invasión campesina junto con otras solicitudes para satisfacer las demandas más aún de los Kuna y Emberá. Ambos grupos indígenas han recibido poca respuesta y las invasiones de campesinos siguen causando problemas de degradación de medio ambiente en la zona
- **2007:**
 - *Document:* Corporation de Abogados Indígenas and International Human Rights Law Clinic. *Notificación del Fracaso de las Negociaciones de conciliación Amistosa*. Pedido de decisión sobre admisibilidad de la petición alegando violaciones de los derechos humanos de los pueblos indígenas de Panamá Kuna de Madugandi y Embera de Bayano por parte de la República de Panamá, Panama City: IACHR and OAS, 2007.
- **2008-** En julio de 2008, STRI acordó la compra y venta de carbono con la Organización para la Unidad y Desarrollo de la Comunidad Ipetí Emberá (OUDCIE), se establece un

área de diez hectáreas de reforestación y un área de ocho hectáreas para la protección contra la tala de árboles al año durante un período de tres años en Ipetí-Emberá (OUDCIE 2009)

- **2009**- En 2009, la CIDH llegó a una decisión de concluir que la petición es admisible de conformidad con los artículos 46 y 47 de la Convención por la supuesta violación del artículo 21, e inadmisibles en lo que respecta a los artículos 4,7,10,12,17 y 19. También decidió transmitir el informe a los peticionarios y el Estado, para continuar con el análisis de sus méritos o en el caso, y finalmente a publicar el informe inmediata y incluye en su Informe Anual a la Asamblea General de la OEA
 - *Documento:* IACHR. *Report 58/09, Petition 12.354*. Petición presentada a la CIDH por Kuna de Madungandí y Emberá de Bayano pueblos indígenas y sus miembros en relación con la construcción de la Presa Hidroeléctrica de Bayano y el traslado posterior que tuvo lugar en 1976, Panama: Comisión Interamericana de Derechos Humanos, 2009.
 - *Document:* OUDCIE. "Proyecto de carbono de la comunidad de Ipeti Embera y la situación de invasión de tierras por colonos." Colección de documentos que nos ha dado Ignacia Holmes, 2009.
- **2010** – Hoy en día todavía las negociaciones, una reunión que ha celebrado en marzo de 2010, para discutir y tratar de resolver los conflictos en la zona. Un viaje fue planeado para investigar la zona de conflicto, pero se ha aplazado por el momento