
Panamá: Protected areas vs. indigenous peoples

The accelerated destruction of forests is one of the most serious environmental problems of Panama, which at present retains only one third of its original forest cover. The best solution found by the State to tackle this problem has been to define protected areas, under the name of “parks”, which are generally inhabited by indigenous peoples. This is what happened, for instance, in the Darien National Park, where approximately 40 communities of the Kuna people (Pucuru and Paya) live, or in the La Amistad International Park, where both Naso-Teribe and Bri-Bri peoples live. The establishment of protected areas in these territories implies a ban on hunting, fishing, plant growing and the traditional use of natural resources, and therefore it affects the subsistence of these peoples whose cosmology focuses on their relationship with Mother Earth.

Kuna, Emberá, Wounaan, Buglé, Naso and Bri Bri are among the indigenous peoples inhabiting Panama, and account for approximately 8.3% of the population of the country. The Kunas inhabit the region Kuna Yala, a stretch of rainforest of 200 km. along the Caribbean coast, which includes the Islands of San Blas --some 365 small islands. The Kuna population is estimated at 40.000 people (25% of the total indigenous population), dwelling in 40 islands and 12 villages along the coast. Their arrival in the area, in the sacred place of mountain Takarkunyala, is prior to the creation of the State of Panama, a fact that does not prevent the National Environmental Authority (ANAM according to its acronym in Spanish) from forbidding them now to use this territory according to their traditional ways. The Kunas' livelihood is mostly based on hunting, agriculture and fishing, but they have also worked for decades with tourists, not always with satisfactory results.

Panama has ratified the Convention on Biological Diversity, which aims at the conservation of biological diversity, the sustainable use of natural resources and the equitable sharing of the benefits derived from the use of natural resources. Article 8j of the Convention also establishes that the States, subject to their own legislation, are to respect, preserve and maintain the knowledge, innovations and practices of the indigenous peoples in reference to the use of the natural resources found in their territories. This means that the States should respect the principle of spirituality and sacredness, which are the practice of the indigenous people in reference to the use of the natural resources that surround them.

The government's policy of exclusion of indigenous peoples from the protected areas, is therefore not in compliance with the Convention, since national conservation programmes do not develop protected areas under the concept of ecosystem, and therefore, trees and animals are taken into account but not the human beings that inhabit them, that is, the indigenous peoples. However, it has been the knowledge of certain practices and uses, also concerning spirituality and sacredness, which has enabled the conservation of these ecosystems for millennia by the indigenous peoples.

At present, the project of the Meso-American Biological Corridor (Corredor Biológico Mesoamericano - CBM) is a way of providing candies to hungry people. It is composed of a set of small agriculture and forestry projects which lack continuity, and do not solve the problem since this situation requires an integrated approach. Problems have also arisen in reference to the administration of the CBM, since at the time of its implementation, Panama's national authorities use the law to try to impose

their projects, which frequently results in contradictions with the traditional authorities of the region.

The main demand of the indigenous peoples is the legalization and protection of their territories, including the natural resources within them. All human activities that deteriorate natural resources in order to extract them imply a violation of indigenous people's religious and spiritual life. The Kuna people do not recognize the jurisdiction of national authorities, because they intervene through activities which have not been consulted with the Kuna people, and which contravene the provisions of article 8j of the Convention on Biological Diversity requiring the approval of indigenous peoples to meet the principle of prior consent.

The Kuna people were present in The Hague at the 6th Conference of the Parties to the Convention on Biological Diversity to explain their experience. The Work Group on Forests insisted on the fact that the Kuna people should be involved in the action programme in order to ensure their rights in the area, in compliance with article 8j that indigenous peoples be involved in decision-making.

Another concern of the Kuna people is that the United Nations approved the general principles which recognize the status of indigenous peoples in 1992, but in the preparatory meetings of the Conference Rio +10 these principles are not taken into consideration and even worse, are being abandoned. In official documents the role of indigenous peoples is beginning to be eliminated or minimized, and they are considered as one of many actors, in spite of them being the main direct actor.

In WRM bulletin 46 we mentioned the impacts of mining and other deforestation agents in Panama, but the establishment of protected areas which imply the eviction of the indigenous peoples who inhabit them is surely not the best way to ensure conservation. While the government of Panama says, on the one hand, that it promotes the conservation and protection of the remaining forests, on the other hand, it wants to promote the mining activity within the national territory, and even inside the protected areas. Almost all indigenous territories are included in the requests for mining exploration permits, even though the mining activity is against the religious and spiritual principles of the indigenous peoples.

Although the Panamanian law establishes that all forest concession permits must have received the previous consent of the indigenous peoples living where the forest exploitation is to be made, the National Environmental Authority does not always comply with this requirement and most often forest concessions are not monitored.

It is thus necessary to adopt measures for the recognition of traditional rights of the indigenous peoples to their territories, as a crucial aspect of the sustainable use of forests and the equitable sharing of benefits. If these forests still exist (when so many others have been destroyed) it is precisely thanks to (and not in spite of) the presence of indigenous peoples. It is time for us all to admit it and ensure their rights once and for all.

Article based on information from: WRM staff personal interview to Marcial Arias, representative of the Indigenous Peoples of Panama, during the COP6 of the CBD at The Hague; "Concepto Kuna de La Naturaleza", "El valor del ambiente en los Kunas desde una perspectiva de género" <http://dobboyala.org/inves.htm> ; Informe de la Situación de los Derechos Humanos de los Pueblos Indígenas de Panamá http://dulenega.nativeweb.org/informe_cidh02.html

