

7-2003

The Politics of Development in Indigenous Panama

Stefanie Wickstrom

Central Washington University, wickstrs@cwu.edu

Follow this and additional works at: <https://digitalcommons.cwu.edu/polisci>



Part of the [Political Science Commons](#)

Recommended Citation

Wickstrom, S. (2003). The politics of development in indigenous Panama. *Latin American Perspectives* 30(4), 43-68. DOI: 10.1177/0094582X03030004006

This Article is brought to you for free and open access by the College of the Sciences at ScholarWorks@CWU. It has been accepted for inclusion in Political Science Faculty Scholarship by an authorized administrator of ScholarWorks@CWU. For more information, please contact pingfu@cwu.edu.

The Politics of Development in Indigenous Panama

by
Stefanie Wickstrom

Since the Conquest, competition for control of natural resources between the conquerors and the conquered has largely shaped the fate of millions of indigenous people and thousands of indigenous communities across the Americas. As Latin American nations achieved independence from the Spanish Empire, they began to formulate policies that would allow national governments and their allies to prosper from wealth taken from indigenous peoples. Control of resources has bought the allegiance of a majority of the nonnative populations of Latin American nations and given nation-states the power to repress those who disagree with or are disadvantaged by national development plans. Latin American nation-states have dealt with indigenous peoples in a variety of ways. While the Guatemalan state, for example, has formulated various attempts to exterminate indigenous communities over the decades, Panama has mostly attempted to encapsulate and assimilate them. Different governing regimes have taken different approaches to putting these dominant strategies to work. Since the days of the Torrijos regime, indigenous communities and organizations have been more directly engaged in negotiating their control over resource management with the state. The current president of Panama, Mireya Moscoso, seems to be a master at speaking the language of indigenous rights and sustainable development while not doing much to empower indigenous peoples or protect Panama's ecosystems against devastating overexploitation. Nonetheless, it seems fair to note that under the Moscoso regime, indigenous communities do not seem as disadvantaged as they might be if a president less interested in rendering lip-service to indigenous rights were at the helm.

How have indigenous societies responded to the changes taking place around them as development proceeds, and how have they been able to retain or regain control over resource management and their own forms of development? This article examines the experiences of the Kunas and the Ngöbe¹ of Panama as they attempt to survive and adapt to development imposed by a dominant society. These indigenous societies have adapted to different ecological settings on the small isthmus, have been faced with different kinds of challenges to their control of lands and resources, and have responded in different ways. The first section contains descriptions of the challenges facing the two groups and an overview of important development and indigenous policies in Panama that have shaped the conditions to which indigenous societies must continue to formulate responses. The second section is a summary and analysis of the indigenous societies' responses to attempts by outsiders to expropriate their lands and resources.

INDIGENOUS PEOPLES AND DEVELOPMENT IN PANAMA

In the sociopolitical systems in which they are now encapsulated, indigenous communities rarely have opportunities to participate in negotiating the terms of development on lands they have occupied for generations. Ecological conservation and development programs that might help rural communities meet their own changing needs have not been lasting priorities of national development in Panama. Instead, for the governing elite development means cooperation with foreign governments and transnational business interests that support the Panamanian state in exchange for government cooperation with international development schemes. Development driven by the world capitalist system has failed to address the needs of Panama's poor majority. A distribution of land, technical services, and capital that equates development with commodities extraction benefits multinational corporations and a small Panamanian elite class and has pushed subsistence farmers onto increasingly smaller and lower-

quality plots of land in rural Panama. In combination with population growth, this kind of socioeconomic asymmetry, established and maintained through politics since colonial times, has created the ecological problem of land degradation.

Given these circumstances, the pursuit of traditional² social and economic activities has become decreasingly viable, and indigenous cultural survival is threatened. Maintaining or constructing ecologically sustainable resource management regimes has been difficult or impossible for indigenous societies. As populations grow and their land bases shrink, fallow cycles are shortened despite traditions and best ecological judgments, timber and other natural resources are harvested unsustainably, and outsiders promise benefits in exchange for access to lands and resource bases that are then degraded or destroyed. Promised benefits also, in many cases, fail to materialize.

DEVELOPMENT AND INDIGENOUS POLICIES IN PANAMA

Early legislation regarding indigenous populations in Panama called for their conversion to civilized life. The means specified included the transfer of Indian lands to nonindigenous settlers and the promotion of state-sanctioned agriculture on former indigenous lands (cf. Guionneau-Sinclair 1991; Howe 1998). Each successive Panamanian constitution, from the 1904 version to the 1972 constitution that currently governs the country, has established the government's right to govern indigenous lands. Lands recognized by the government as occupied by indigenous peoples have been referred to as reservas³ or comarcas.⁴ Comarca lands are inalienable and imprescriptible⁵ and cannot be attached (Herrera 1998). The resources on them, however, are granted to indigenous peoples only via usufruct, and the state maintains its right to exploit all such resources.

Under Omar Torrijos's populist regime, the Panamanian state began to engage traditionally disenfranchised groups, including indigenous peoples, in political participation. The 1972 constitution establishes provisions that recognize indigenous leaders and facilitate the election of indigenous representatives to the legislature. It also addresses indigenous languages and identity and bilingual education for indigenous children and recognizes indigenous agrarian and collective land-holding practices (Guionneau-Sinclair, 1991). In addition, the state guarantees indigenous communities rights to lands and to hold property collectively (Gjording, 1991; Golchér, 1998b).

Despite these constitutional guarantees, crucial gaps in indigenous rights remain. One is the above-mentioned right reserved to the government of ownership and development of natural resources on comarca lands. This permits the government to authorize or pursue large-scale development projects on indigenous lands and prevents substantive indigenous control of lands and resources. Nonindigenous people's private property rights and economic development projects within indigenous comarcas have been given special protections by law, and enforcement of policies that ostensibly protect indigenous societies has been lax or absent. Protection of indigenous peoples' rights has been, at best, secondary to the pursuit of socioeconomic development and the protection of the interests of more powerful actors on both domestic and international political and economic fronts.

Rights concerning development and natural resources vis-à-vis indigenous peoples whose lands are protected by comarca status are now clearly delineated in several articles of Law 41, the General Environmental Law passed by the Panamanian legislature in July 1998 (Asamblea Legislativa, 1998). The law offers indigenous peoples and comarcas explicit protections, guaranteeing their rights to control and develop lands and resources, engage in autonomous development, and retain profits from development carried out by others within the

comarca.. This and other recent legislation recognizes indigenous authorities as part of the national system, accords respect to indigenous cultures as part of the nation's history, and acknowledges the necessity of consulting indigenous communities when development decisions affect them (Herrera, 1998). If such legislation were to be enforced, indigenous communities might benefit tremendously. Seventy-five percent of the mining concessions in Panama, for example, are on indigenous and forest lands (Elton, 1997). It has yet to be fully implemented, however, and the capacity of the Autoridad Nacional del Ambiente (National Environmental Authority—ANAM⁶) to implement and enforce it is in doubt.

The indeterminate nature and lack of enforcement of state policies regarding sustainable development and indigenous peoples, as well as the driving goals of national and international development, have facilitated the exploitation of indigenous lands and resources and the transfer of most associated wealth to nonindigenous people. Today, according to a World Bank study, 95 percent of the country's indigenous areas are impoverished and 86 percent of the country's indigenous people live beneath the extreme poverty mark (Chéry, 2000). The Moscoso administration, elected in 1999, has promised to address this problem. Although the administration's announced goals regarding development in indigenous areas are rather nebulous⁷, their articulation may indicate that a reorientation of development and indigenous policies is under way. The question remains, however, whether the new administration will be able to redirect development priorities in such a way as to protect indigenous peoples' rights to manage resources. Indigenous lands and resources represent the "final frontier" available for development, as other lands and resources have already been exploited and, in most cases, exhausted (cf. Elton, 1997).

THE KUNAS

The Kunas, who call themselves the Tule⁸ people, originated in the Colombian Darién and were an established ethnic group in the western Darién, in what is today inland eastern Panama, by the late 1500s or early 1600s (Wali, 1989; 1993). Incursions by other groups forced some Kunas to move to even more remote lands (Barry and Lindsay-Poland, 1995; Wali, 1989), and by the mid-1800s the majority of them had migrated to the San Blas Islands off Panama's Caribbean coast (Ventocilla et al., 1996; Wali, 1993). The Kunas of Kuna Yala⁹ are descendants of these migrants (Ventocilla, Herrera, and Nuñez 1995, 10). The Madungandí Kunas remained inland but have maintained ties with Kuna Yala through trade and intermarriage (Wali, 1993).¹⁰

In traditional times, Kuna communities in Kuna Yala and Madungandí owned, controlled, and managed lands and productive endeavors communally, and “any issue of consequence was decided collectively, usually after hours of debate” (Howe, 1998: 17). Nightly singing gatherings (congresos) have traditionally been the cement of Kuna political culture.¹¹ The meetings consist of storytelling (especially recounting of the origin myths that convey important information crucial to ecologically sustainable agriculture, fishing, and hunting), ritual chanting, and consensus-based decision making (Wali, 1989). In traditional times, all members of Kuna communities were expected to attend. Ordinary and ceremonial life fostered the creation and maintenance of a strong sense of community in each village and between villages. Intervillage relations reinforced across generations by ritual obligations provided the basis for what would later become more complex and formalized regional structures (Howe, 1986) as Kuna communities adapted to changing socioeconomic and political conditions in the late 1800s and early 1900s (see Howe, 1998).

Regional political structures evolved as contacts with outsiders intensified and increasing integration into Colombia and later Panama resulted in both challenges to and opportunities for political development. Kuna political organization continued to be underpinned by frequent gatherings, rules and taboos enforced by police, and the cooperative productive activities required to sustain farming, hunting, and gathering and to hold out against other settlers who sought to occupy their lands (cf. Howe, 1986).¹² Their rapidly evolving political cultures enabled the Kuna societies to adapt to changing political circumstances and to pass along traditional indigenous knowledge at the same time as they adopted knowledge and skills from the outside under the guidance of leaders and elders. By 1925 the Kunas had consolidated associational autonomy—the ability to organize in defense of collective interests without attracting intervention or punishment by more powerful social and political actors (Fox, 1997). Since then, the two Kuna societies have typically acted as associations to pursue their common goals as interaction with dominant socioeconomic and political systems has intensified. Kuna organization, aggression, and initiative in negotiating land claims with the Panamanian state resulted in the legal demarcation of their lands as indigenous territories before the middle of the twentieth century.

Traditional Kuna institutions persist today as defining characteristics of society in Kuna Yala and among the Madungandí Kunas. Many problems are still solved through traditional institutional mechanisms such as chiefly leadership and intervillage government. These institutions have been underpinned by newer Kuna institutions such as the general congresses, in which communities regularly come together to discuss threats and find solutions to their problems.

Today Kuna Yala is both a province and a comarca. It consists of approximately 320,000 hectares (or 736,000 acres)¹³ (Ventocilla et al., 1996) of island (where people live) and coastlands (where they farm). Preliminary 2000 Panamanian National Census data indicate that the current population of Kuna Yala is 32,411 (Contraloría General de la República de Panamá, 2000).

Lands occupied by the Kunas of Kuna Yala have not yet been subjected to extensive nonindigenous development, partly because the Kunas have (until recent years) reacted forcefully and cooperatively to attempts by outsiders to expropriate their lands and resources and partly because those lands and resources have never been incorporated into Panama's national development agenda. The successful Tule Revolution of 1925 (see Howe, 1998) was the means by which the Kunas avoided assimilation. Nonetheless, Kuna Yala is today faced with the degradation of resources (most notably sea turtle and lobster populations) and the breakdown of traditional culture as resource bases are mortgaged to facilitate participation in outside economies. Developers are also becoming increasingly interested in timber and mineral resources on lands held by the Kunas and are seeking political routes by which they might exploit them (Chapin, 1991; 1994; Howe, 1998; Ventocilla, Herrera, and Nuñez, 1995; Ventocilla et al., 1996).

About 3,000 Madungandí Kunas live in inland eastern Panama (ORKUM, n.d.; Ventocilla, Herrera, and Nuñez, 1995) where since the mid-1960s nonindigenous development has been intensive but not comprehensive or sustained. Like their relatives in Kuna Yala, they initially coordinated effective political responses to outsiders' attempts to expropriate their lands and resources. When their lands were targeted for transformation into a backwater behind the Ascanio Villalaz Hydroelectric Dam by an aggressive national plan to provide power to Panama

City, however, they were unable to formulate a timely and coherent political response. They lost 80 percent of their reserve in the mid-1970s. Over the next 20 years, the Madungandí Kunas refined their political skills as they sought new lands and other compensation from successive Panamanian regimes. Meanwhile, they survived as a society and occupied and used other lands in the vicinity not used by other settler groups or subjected to state-sponsored development. The Madungandí Kunas' new comarca, recognized in 1996, is made up of 180,000 hectares of land (or 414,000 acres) surrounding the Bayano reservoir (ORKUM, n.d.).¹⁴

THE NGÖBE

The Ngöbe were driven by the arrival of Europeans and warfare among indigenous peoples during the sixteenth century into remote mixed deciduous-tropical forests in mountainous regions of western Panama, where local ecosystems could not sustain large populations engaged in swidden agriculture (Barry and Lindsay-Poland, 1995; Young, 1985). The historical record suggests that the poor quality of the mountainous soils and avoidance of conquest by outsiders required high mobility and facilitated the dispersion of Ngöbe kin-group-based residential units, or caseríos (Young, 1971). These conditions produced a relatively segmentary and acephalous political culture. Most decision making took place at the level of the caseríos. Caseríos were linked to one another by kinship and ritual ties but not by formal political associations (Young, 1971). Young and Bort suggest that "this segmentary arrangement served to dissipate and render largely ineffective any external attempts to control [Ngöbe] affairs," since groups could split apart or form new alliances as circumstances required (1979: 79, 81). Kinship ties between caseríos and rituals in which large numbers of Ngöbe participated helped maintain the cooperation and mutual aid necessary to support the subsistence economy in times of low agricultural productivity (Young and Bort, 1979). For at least 300 years this

political culture allowed the Ngöbe to live together and cooperate while avoiding conquest and to remain engaged in productive activities that provided subsistence security while protecting ecological resources for future generations.

External processes forced a transformation of Ngöbe productive activities and social relations between the 1930s and the 1960s (Young, 1971). By the end of this period, they were rapidly losing access to lands and resources and facing serious threats to their cultural survival. Previously successful adaptations to the arrival of Europeans to the isthmus, their traditional power structures, and their means of subsistence had been undermined by the steady encroachment of outsiders, internal demographic changes, ecological pressures, and external actors' attempts to integrate the Ngöbe into economic and political systems (Young and Bort, 1979). By the 1960s only about half of the lands available to the Ngöbe were arable (Young, 1971), and their population was growing steadily.

By 1990 the average population density on Ngöbe lands was nearly 17 per square kilometer (Young and Bort, 1999), a density that is considered unsustainable for swidden agriculturists in the tropics. Preliminary 2000 Panamanian National Census data indicate that the total population of the Ngöbe-Buglé comarca is 110,619 (Contraloría General de la República de Panamá, 2000).¹⁵ The Ngöbe-Buglé peoples have recognized comarca status for approximately 650,000 hectares (or 1,495,000 acres), about half of their traditional territory (Young and Bort, 1999). Overexploitation of the remaining agricultural lands means that fewer and fewer Ngöbe can engage in agriculture. Fallow periods are too short, and Ngöbe crop yields are noticeably reduced on degraded soils (Philip D. Young, interview, May 11, 1998). Attempts to earn cash income by raising cattle have further undermined ecological well-being and exacerbated shortages of arable land. Ngöbe men have increasingly engaged in wage labor as temporary

workers in the agroindustrial sector. Seeking wages is an individual pursuit that has weakened both communal agricultural practices, based on reciprocal exchanges of goods and labor, and kinship networks (Young and Bort, 1999).

Although the Ngöbe have made significant progress in organizing a modern political system and receiving legal recognition for some of their homelands, serious obstacles to establishing effective organization and lasting associational autonomy remain. Since the creation of the Ngöbe-Buglé comarca, the indigenous leadership has been in disagreement about who is to head the comarcial government, and their intense political wrangling has kept them from forming a government that might comprehensively address development concerns. At the same time, traditional leaders are being excluded from the recognized contemporary political structure (Herrera, 1998). As integration with the Panamanian economy and society has increased, the loyalties of the Ngöbe people have been divided. Outsider “patrons” interested in Ngöbe resources typically target the poorest among the Ngöbe as clients (cf. Machuca, 2000; Young, 1985), and, while many indigenous communities have received international funding for development, it has been on a largely piecemeal basis that has fostered neither cohesion nor sustained investment in Ngöbe communities (John R. Bort, personal communication, August 29, 2000).

In the early 1970s, Ngöbe lands became the focus of intense national and multinational interest when abundant copper deposits were discovered under Cerro Colorado. The area was surveyed, project plans were drawn up, a road was built to the Cerro Colorado site, and engineers began to drill and dig test pits as they explored the area (Young, 1985). Intent upon securing the revenues that could come from mining, the government moved ahead with granting mining concessions on Ngöbe lands. Neither the Panamanian government nor the companies interested

in establishing a mine at Cerro Colorado consulted with the Ngöbe before beginning work in the area. In 1981 plans were suspended when Rio Tinto Zinc, the multinational corporate partner of the state mining corporation, Corporación de Desarrollo Minero Cerro Colorado (Cerro Colorado Mining Development Corporation—CODEMIN), determined that the venture would be unprofitable because of the low price of copper on the global market. In the mid-1990s the Panamanian Legislative Assembly granted a concession to Empresa Panacobre, S.A., a subsidiary of the Canadian mining company registered as Tiomin Resources, Inc., that would allow it to exploit the Cerro Colorado copper deposit (Mitchell, 1996; Young and Bort, 1999), but the concession has not yet been put to use (Young and Bort, 1999).

Developers are also interested in the possibility of harnessing the hydroelectric energy that could be generated by the Tabasará River. Three powerful Panamanian businessmen (one a former vice president of Panama), doing business since 1999 as the Consorcio Hidroeléctrico Tabasará, S.A. (Tabasará Hydroelectric Consortium), have been receiving government support for their plans to build two dams on the river, at least one of which is certainly within the boundaries of the Ngöbe-Buglé comarca. In April 1999 the consortium requested a concession for construction and exploitation of electricity-generating facilities on the Tabasará from the Ente Regulador de los Servicios Públicos (Regulatory Entity of Public Services—ERSP) (Abrego, 2000). ANAM, in an official communiqué to ERSP, agreed that the waters of the Tabasará River were suitable for use in generating hydroelectric power (Abrego, 2000).

The consortium claims that the phase 2 area of the Tabasará hydroelectric project is entirely outside the comarca. The Ngöbe claim that the area is within the comarca as specified by Article 12 of Law 10 of 1997, which established its boundaries (Young and Wickstrom, 2000). It is estimated that approximately 514 hectares of land will be inundated by the project, and, while

insisting that the affected areas are outside the comarca, a consortium representative has suggested that the inundation may affect about 50 Ngöbe families and 12 farms. Comarca leaders believe that some 2,000 hectares of land will be inundated (Madrid and Vásquez, 2000) and more than 2,000 Ngöbe families will be affected (Abrego, 2000). Although ANAM initially approved the consortium's environmental impact assessment (EIA) for phase 2, the leader of the Ngöbe-Buglé comarca, Camilo Ortega, maintains that no one from ANAM visited the affected areas or consulted with affected Ngöbe people or the Ngöbe-Buglé leadership (Abrego, 2000). The Panamanian Supreme Court has suspended the ANAM resolution approving the EIA for phases 1 and 2 (Philip D. Young, personal communication, July 29, 2002; Rodríguez B., 2002), but no formal determination has been made that would definitively render the project canceled.

INDIGENOUS MOBILIZATION AND STRATEGIC POLITICAL RESPONSES

THE KUNAS

By migrating and rebelling, the Kunas defeated initial attempts by Colombia and then Panama to conquer or assimilate them. They have maintained *de facto* (though not *de jure*)¹⁶ control over Kuna Yala as a sovereign state within Panama. Many Kunas attribute this to the government's fear that the Kunas will rebel again as they did in 1925 (Eyra Harbar, Hector Huerta, and Aresio Valiente López, interview, Panama City, 1998; Atencio López, interview, September 4, 1998). While some might contend that the Panamanian state allows the Kunas cultural autonomy because it has successfully encapsulated them and is gradually integrating their resources into the national development plan (see Adams, 1991), this characterization ignores the important part played by the Kunas in shaping their autonomy and control over resources. Although developers and Panamanian governments have pursued clientelistic relations with the Kunas, high levels of associational autonomy in traditional Kuna political

culture have for the most part prevented clientelism from undermining Kuna society. As contact with outside cultures has increased, the Kunas have implemented a variety of measures for preserving autonomy. With their coastal location and years of trade with other peoples, they have become skillful diplomats, negotiating formal agreements, playing potential rivals against one another, and employing spies (see Howe, 1998). The Kunas have studied the belief systems, behaviors, and institutions of other peoples, but outsiders have not been permitted to settle or own property in Kuna Yala (Ventocilla et al., 1996). Debt has been assiduously avoided (Howe, 1998). After the 1925 Tule Revolution, Kuna leaders formalized a system of regional governance and drew up terms by which their comarca would be administered (Howe, 1986). A unified political system was established, directed by a Kuna General Congress that meets three times a year. Panamanian legislation passed in 1953 confirmed this system (Howe, 1998). While the state maintains its right to exploit all their natural resources, the Kunas believe that a “divine land-grant” to their territory invalidates all other claims (Howe, 1986).

As Kuna political culture evolves, Kuna organizations appear to be playing a stronger role in uniting the Kunas around common goals and enabling them to solve problems. There are approximately 30 Kuna organizations that promote sustainable development and autonomous control of resources and address issues of cultural survival (Herrera, 1998). The Kuna General Congress has created and sponsored organizations that are working to preserve indigenous culture and protect Kuna rights to lands and resources (cf. Brathwaite, 2000). The Instituto de Desarrollo Integral de Kuna Yala (Development Institute of Kuna Yala—IDIKY), for example, is a planning organization that implements, coordinates, and directs development within the comarca (Ventocilla et al., 1996), including the work of other Kuna NGOs (Tat Neba Nelson de Young, interview, September 7, 1998). Other important Kuna organizations include the

Proyecto de Estudio para el Manejo de Areas Silvestres de Kuna Yala (Study Project for the Management of the Wildlands of Kuna Yala—PEMASKY) (see Chapin, 1985; ten Kate, 1995; Ventocilla et al., 1996) and the Asociación Napguana, which provides financial, organizational, and legal assistance to community-level development projects (Asociación Napguana, n.d. [1998?]; Tat Neba Nelson de Young, interview, September 7, 1998).

Kuna communities have formed cooperatives to assist one another in agricultural and economic endeavors. Mujeres Trabajadores de Nakeudiryai (Women Workers of Nakeudiryai) is one example. This group of about 46 women works to provide for their families' subsistence needs and to feed other members of the Río Tigre community. With assistance from Asociación Napguana, the Panamanian Office of the First Lady, and Panama's Ministry of Agricultural and Livestock Development, the women manage a livestock breeding and distribution project and collaborate in farming bananas, plantains, yucca, otoi, corn and other vegetables (Etigenia Martínez, interview, September 11, 1998).

Kuna organizations pursue a variety of sophisticated strategies to promote autonomous and ecologically sustainable development. Organizations such as Mujeres Trabajadores de Nakeudiryai and PEMASKY have established relations with Panamanian government agencies that provide aid for particular projects. The Kunas have also formed panindigenous alliances in Panama and internationally. In addition, Kuna activists and lawyers are promoting autonomy by training communities and Kuna organizations to formulate and pursue legal strategies (Eyra Harbar, Hector Huerta, and Aresio Valiente López, interview, September 8, 1998). Perhaps most important, Kuna organizations have established relationships with Panamanian and international NGOs promoting indigenous land rights, environmental protection, and protection of indigenous knowledge. PEMASKY and the Centro de Asistencia Legal Popular (Center for Popular Legal

Assistance), for example, have worked with the World Conservation Union¹⁷ to develop policies that minimize environmental destruction by more effectively regulating problematic activities, enhancing the conservation and regulatory capacities of existing Kuna organizations, and improving environmental education (El Panamá América, 1998). Representatives of Asociación Napguana and other Kuna organizations have played active roles in attempting to establish global standards for ecologically sustainable development and the ethical treatment of indigenous peoples and in pushing for indigenous peoples' rights to self-determination and autonomous control of lands and resources (cf. Asociación Napguana, n.d. [1998?]). The Kunas also use international communications networks and alliances with human rights and environmental NGOs to publicize attempts by outsiders to expropriate resources (see Project Underground, 1996).

In addition to organizational capacity and strategic competence,¹⁸ the legal savvy attained by individual Kunas who have completed legal education in Panama and elsewhere has enabled the Kunas to expand their repertoire of legal options. The Madungandí Kunas (along with two Emberá communities), for example, have recently filed suit against the Panamanian government in the Organization of American States's Inter-American Commission on Human Rights for compensation for damages arising from unkept agreements made during the construction of the Ascanio Villalaz Hydroelectric Dam and for ecological damage caused by the dam (NativeWeb, 2001).

Aggression is still a useful tool in the Kunas' political arsenal. The Kunas have established a strong reputation for exerting sovereign control over all development within Kuna Yala. They regularly reiterate that all development in Kuna Yala must be approved by the Kuna General Congress and assert that mining exploration by outsiders within the comarca will not be permitted, regardless of whether the state claims ownership of subsurface minerals or whether mining

interests have secured permission from the state (Atencio López, interview, September 4, 1998). In addition to gearing up to confront the government about indigenous rights and mining, the Kunas have threatened would-be miners themselves. In 1996, for example, the Kuna General Congress issued an order for the detention of the president of a mining company that held exploratory mining concessions in Kuna Yala (El Panamá América, 1996).

Despite their having effectively rebuffed most outsiders' attempts to control their lands and resources, the Kunas' cultural identity and the survival of traditional belief systems are at risk. Their contemporary means of amassing and exerting power appear to be less effective than traditional ones at sustaining these aspects of Kuna culture. The most significant contemporary threats to cultural survival and local resource bases appear to be rooted in the increasing acceptance of external socioeconomic and cultural norms by today's youthful generations and overexploitation of Kuna Yala's plant and animal resources as individual cash incomes have become increasingly important. Cooperative productive activities are frequently undermined by individual participation in outside wage labor and markets. These problems are tied to the disintegration of traditional authority and to the subjugation of traditional productive activities and knowledge to other kinds of economic activities and knowledge. Kuna leaders no longer exercise substantial control over their people's political and economic behavior. Traditional rules and taboos are no longer as strictly enforced. Although all members of the community are still expected to attend the nightly gatherings, for example, not all do so (cf. Chapin, 1991; Chapin, 1994).

THE NGÖBE

The Ngöbe's segmentary, acephalous political culture and consensus-based decision-making practices have placed them at a relative disadvantage in resisting subjugation by dominant

forces and managing local natural resources sustainably in a quickly changing profit-oriented socioeconomic environment. Because their traditional political culture had few mechanisms for coordinated, societywide decision making or leadership, their responses to rapid socioeconomic and political change brought by modernization and the encroachment of the dominant Panamanian society were largely uncoordinated until the 1980s. Since then they have been struggling to define their own ethnic identity and contemporary social and political systems, and to survive economically on their much-reduced land base.

The Mama Chi revitalization movement of the early 1960s was the first collective response to the gradual erosion of the Ngöbe subsistence base and the exacerbation of the economic crisis that accompanied mechanization of nearby banana plantations on which Ngöbe men depended for wage labor. According to Young and Bort (1999: 116-117),

By initially seeking as much withdrawal from contact with the Panamanian world as could be achieved, the teachings of Mama Chi addressed the fundamental nature of the relationships of subordination and dependency that existed between the Ngöbe and the outside world. By prohibiting the performance of certain traditional rituals and banning the consumption of alcohol (which was an integral part of the rituals), and by vigorously promoting, through prayers and new rituals, the idea of pan-Ngöbe sister- and brotherhood, the movement served to restructure the very foundations of Ngöbe culture as the Ngöbe themselves understood it.

The movement allowed a substantial portion of Ngöbe society to transcend kinship-based organizational patterns and come to see themselves as members of a larger Ngöbe society (Young, 1985). As it was transformed from a religious to a political response to increasing economic hardship, it marked "the beginning of a process of politicization among the Ngöbe" (Young and Bort, 1999: 117). The construction of a new identity and a more cohesive political culture that began with the movement continues, and the Mama Chis are reportedly some of the best-organized Ngöbe today (Blas Quintero Sánchez, interview, September 9, 1998).

In the early 1970s, the Torrijos regime made attempts to engage the Ngöbe in national politics. Torrijos hoped that extending political representation to the Ngöbe would guarantee the support of indigenous leaders and their supposed constituent communities for his regime, its development program, and—in particular—exploitation of copper deposits on Ngöbe lands. He promised Ngöbe leaders that support for the mining project at Cerro Colorado would result in the establishment of comarca status for Ngöbe territory. His regime recognized the political authority of three provincial-level indigenous caciques and their designated local-level representatives. It also recognized indigenous gatherings organized by the caciques¹⁹ as instruments of internal decision making. In voting districts occupied by Ngöbe, a number of Ngöbe representatives were elected to newly created positions in the national legislature (see Gjording, 1991; Young and Bort, 1979).

Despite these changes, the Ngöbe were unable to take collective advantage of openings for political participation at the national level. New openings for political participation initially produced competition among the emerging Ngöbe power seekers (Young and Bort, 1979). Because decision making had previously taken place at the level of the autonomous *caseríos*, emerging power seekers could not legitimately claim to represent the “Ngöbe people.” Having no real experience with formal political organizations, Ngöbe political leaders, even when supported by their own communities, were generally ill-equipped to represent them. By the mid-1970s many Ngöbe were still unclear about what provincial caciques might do, who they were, and how they were chosen. The new leaders were also unable to present a united front to outsiders (Young and Bort, 1979). Such problems persist.

Nevertheless, the Ngöbe have been gradually becoming more capable of using existing political institutions to their advantage. Concern over land rights “is the one issue on which most

[Ngöbe] agree” (Young, 1985: 8), and threats to local ecology and autonomy posed by mining development have pushed the Ngöbe to develop more strategic competence.

The first instance of conflict over the mining operation at Cerro Colorado took place in 1978 in a Ngöbe community called Suitche in the province of Bocas del Toro (Gjording, 1991: 178). Negotiations between CODEMIN and the regional cacique José Mónico Cruz and other local leaders began after members of the community destroyed equipment that hydrologists were using at a nearby river. Local leaders, with support from Jesuit priests, began to try to organize the Ngöbe in resistance to the Cerro Colorado project and the Teribe-Changuinola hydroelectric dam and to press the government for recognition of a Ngöbe comarca. By 1980 the Ngöbe had resolved to oppose mining on Ngöbe lands and to oppose the national government if it continued to promote mining and to deny them comarca status for their lands (Gjording, 1991).²⁰ The Ngöbe demanded legal recognition of a comarca before they would consider granting approval of the mining project on their lands (Young and Bort, 1999: 122).

The Ngöbe began to develop more strategic competence by attempting to "restructure their political organization and make the new system function effectively" (Young and Bort, 1999: 121). Ngöbe political leaders, including caciques, their local representatives, and representatives to the Panamanian National Assembly, organized meetings that they hoped would engage the entire Ngöbe community in resistance politics and the demand for a comarca (Gjording, 1991). Organizational assistance from the Mama Chis and the Catholic Church and help from nonindigenous peasants were supplemented by experience gained by Ngöbe activists when they joined with the Kunas and Chocó in a national panindigenous organization in the 1970s (Gjording, 1991; Young and Bort, 1999). Ngöbe leaders also began to receive technical guidance from an NGO in Panama City, the Centro de Estudios y Acción Social-Panamá (Center

for Studies and Social Action-Panama—CEASPA) (Young and Bort, 1999). In addition, Western-educated Ngöbe who lived in Panama City helped the Ngöbe organize. During this period of resistance and relative solidarity among the Ngöbe (1980-1997), many Ngöbe, including women, began to engage in political action that went well beyond the bounds of traditional culture. Ngöbe also appealed to organizations such as the United Nations Development Programme, the International Labour Organization, the Coordinadora Nacional de los Pueblos Indígenas de Panamá (National Coordinating Committee of the Indigenous Peoples of Panama—CONAPIP), and even the Spanish government for assistance in stopping mining at Cerro Colorado and gaining comarca status for their lands (Franceschi R., 1997; Montezuma, 1996; Montezuma et al., 1996). Ngöbe activists sought assistance in publicizing their struggles internationally from the Rainforest Alliance in Costa Rica (Tropical Conservation Newsbureau, 1996), the South and Meso American Indian Rights Center in Oakland, California (South and Meso American Indian Rights Center, 1996), and Project Underground in Berkeley, California (Ngöbe-Bugle, 1997).

In 1995 a group of Ngöbe protesters was arrested and incarcerated for protesting mining activities in Veraguas. Because publicity about this incident threatened to devalue the stock of the mining company Geo Tec, President Ernesto Pérez Balladares met with Ngöbe leaders and created an intergovernmental commission between the Panamanian executive branch and the Ngöbe leadership to negotiate the demarcation of comarca boundaries (Quintero Sánchez, 1998). In 1996 a group of more than 300 Ngöbe activists marched 440 km from Chiriquí to the Panamanian capital to demand the creation of a Ngöbe-Buglé comarca and an end to mining activities in their aboriginal territories. After arriving in Panama City and seeking an audience with national leaders, the protesters embarked on a hunger strike, issued a number of press

releases, and protested for several days (Golchér, 1998a). The march and protest brought intense national attention to their concerns.

In January 1997 the Panamanian National Assembly granted the Ngöbe-Buglé peoples comarca status for about half of what they were claiming as their traditional homelands.²¹ In March 1997 President Pérez Balladares signed Law 10, which sets forth the terms by which the comarca is established and is to be governed (Young and Bort, 1999: 127-128). Article 28 of the law specifies that the government retains the rights to develop all natural resources within the comarca in accordance with development plans and policies that benefit the nation (Asamblea Legislativa, 1997: 14). While their draft charter (carta orgánica)²² explicitly recognizes collective land-holding privileges, it also guarantees protection to private property holders whose lands are within the boundaries of the new comarca (Comisión del Anteproyecto de Carta Orgánica, 1998: 8-9). Although the national government recognizes the authority of the comarcal government, it restricts the responsibilities of comarcal governmental authorities and leaders to establishing internal “norms” and expressing the ethnic and cultural identity of the Ngöbe-Buglé peoples (1998: 11). Furthermore, the primary delineated responsibility of the Ngöbe-Buglé cacique general is to “respect and enforce respect for the laws of the Republic” (1998: 18). Finally, while the draft charter specifies that the Ngöbe-Buglé people are to be involved in the development of natural resources on the comarca and the enjoyment of profits derived from such development, the rest of the sections on development and natural resources contain few specific indications of how such involvement is to be facilitated. Instead, these sections are largely devoted to delineating the authority and responsibilities of national government entities in managing development and natural resources (1998: 27-30). The final charter, ratified by the Panamanian government and comarcal authorities on August 30, 1999,

specifies that all plans and projects carried out within the comarca must be approved and coordinated by traditional and “official” (presumably Panamanian governmental) authorities (Bocharel and Cádiz F., 1999).

In spite of explicit provisions, indigenous authorities were not consulted, and neither existing laws nor comarcas boundaries were respected as initial plans for the Tabasará hydroelectric project were set in motion. Since April 1999, when the consortium requested concessions to begin construction of the project, the Ngöbe and their legal representatives have been collecting information about the project and protesting. Ngöbe leaders continue to insist they will not allow the project to be imposed on their lands and communities. Camilo Ortega has announced, “If blood has to flow, it will flow” (Madrid and Vásquez, 2000). The Ngöbe have organized alongside nonindigenous peasants concerned about the project’s impacts (Abrego, 2000; Bocharel, 2000b). Both Ngöbe and peasant protesters have created organizations of their own, and they have cooperated to create a single organization to oppose the project, the 10th of April Peasants’ and Indigenous People’s Movement. Ngöbe leaders are also working with attorneys (Sánchez Beliste, 2001) and participating with national organizations that research and promote indigenous land and resource rights, such as CONAPIP (Bernal, 1997) and the Asociación Indígena Panameña (Panamanian Indigenous Association) (Franciso A. Herrera, interview, August 21, 1998). They have also solicited the support of international NGOs (Herrera, 1998) and have threatened to file suit against the Panamanian government in the Organization of American States’s Inter-American Commission on Human Rights (Rodríguez B., 2002). These efforts have brought about at least a temporary suspension of the project.

During the Pérez Balladares presidency and in the early days of the Moscoso administration, the consortium and its international investment partners had more room to hope

that construction on the Tabasará hydroelectric project could proceed without considering protections for local ecology or indigenous rights. Since 2000, however, the Ngöbe appear to be gaining more support from national-level Panamanian authorities. Comarcal authorities met with Panama's ombudsman in May 2000 to denounce the project. Having listened to their concerns, the ombudsman agreed that they were legitimate, that Ngöbe rights needed better protection, and that the Ngöbe had to be included in the decision-making process (Bocharel, 2000b). A National Assembly representative from Chiriquí recently clarified that the project will inundate 13 percent of the comarca and claimed that the EIA for phase 2 contained irregularities and had to be reconsidered. He also claimed that a study of the project by the ombudsman's office failed to give adequate consideration to ecological impacts and measures that the consortium might take to mitigate them. He suggested that the Legislative Assembly's Commission on Indigenous Affairs hire an engineer to conduct an independent evaluation of the project and recommend ways to keep its implementation within its legal boundaries (Bocharel, 2000a). Most recently, the president of the Legislative Assembly has instructed the president of its Commission on Indigenous Affairs to form a subcommittee on the project that includes all interested parties and administrative bodies to propose a solution to the problem (El Panamá América, 2002).

While the comarcal leadership struggles to develop more effective institutions and to respond to threats posed by development, most Ngöbe communities are on their own as they face poverty and localized exploitation. Grassroots development organizations are attempting to address problems on a local level. These organizations cooperate with each other and with churches, schools, and NGOs as they promote sustainable agriculture, the marketing of produce and traditional handicrafts, the promotion of women's rights, access to health care, the improvement of irrigation systems, coffee and cocoa production, livestock breeding, community

fish ponds, and general economic security at the community level. Grassroots organizations employ traditional knowledge as well as outside ideas and imported technologies. While they appear to be most effective at helping communities address specific needs and at allowing local activists and leaders to develop experience in administering development, they are not formal political organizations that organize entire communities, nor do they typically focus on societywide problems (Miguel Angel Vásquez, interview, August 26, 1998).

The communal action plans that have reportedly emerged from interviews conducted by Proyecto Agroforestal Ngöbe (Ngöbe Agroforestry Project) workers with residents of a number of Ngöbe communities discuss a variety of social factors that contribute to low agricultural productivity. They suggest that some Ngöbe people recognize the necessity of protecting indigenous knowledge and resolving socioeconomic problems that contribute to its loss and that Ngöbe communities are today using ethnic distinctions and political boundaries to restrict access to natural resources (see Hernández B., 1995). If the consciousness that underlies the communal action plans actually emerges from within Ngöbe communities, it is evidence that some Ngöbe people are becoming more aware of connections between local problems and external economic and political systems and are attempting to solve socioeconomic problems with them in mind.

CONCLUSIONS

The experiences of the Kunas and the Ngöbe suggest that some cultural survival and control over homelands may be secured by resisting external control of lands and resource management but that integration with the dominant Panamanian society and the world capitalist system can undermine cultural survival and ecologically sustainable productive activities. Poverty in indigenous communities and environmental degradation in rural Panama are both attributable in large part to the imposition of politico-economic institutions, practices, and

priorities that have undermined the capacities of indigenous peoples and peasants to meet their needs in ecologically sustainable ways. Conflicts of ecological distribution (Martínez Alier, 1995) that have emerged with the spread of the world capitalist system reshape both political culture and the ecologically significant socioeconomic behaviors of individuals and indigenous communities. While the Kunas have resisted forced assimilation by strategically asserting their sovereignty, they have been hard-pressed to manage integration in a way that allows cultural survival and ecologically sustainable development. Their participation in outside economic systems, coupled with the gradual disappearance of traditional ecological beliefs and practices, has led to unsustainable exploitation of resources. This, in turn, has led to internal conflict and vulnerability to outside control. The Ngöbe, by retreating to marginal lands, have withdrawn from the pressures of assimilation but also lost the capacity to remain engaged in productive activities without degrading their fragile resource bases. This loss has made them poor, and their poverty exacerbates their political disorganization and undermines attempts to manage resources sustainably.

Indigenous societies in Panama are successful at maintaining autonomous control over development to the extent that they are able to adapt their political practices and institutions to shifting external and internal challenges. The severity of the political challenges facing the Kunas and the Ngöbe is determined in large part by the role played by the Panamanian state. When the state acts as an aggressive agent for capitalist development, indigenous societies are hard-pressed to resist. Confrontational tactics seem to be most effective, as the Kuna cases and several recent incidents involving Ngöbe communities illustrate (see Bocharel, 2000a; 2000b; U.S. Department of State, 1997). Frequent communitywide meetings, societywide gatherings, and networking among indigenous governments and organizations are important, as is the

avoidance of political infighting. Also important are the capacities of indigenous leaders to maintain the support and confidence of their people and control over economic activities. Societies with little associational autonomy are least likely to be successful at these endeavors.

The Ngöbe case illustrates that associational autonomy can be constructed even under adverse conditions. Resistance to threatening forms of economic development has helped the Ngöbe to do this. In addition, grassroots organization has helped some Ngöbe groups and communities to meet their own needs, engage in ecologically sustainable development, and influence regional politics and economics despite the inability to organize societywide in defense of collective interests. Nonetheless, the Ngöbe must still, as a society, develop effective political institutions and overcome divisions if they are to become capable of asserting control over resource management and development.

Strategic competence, strong leadership, and the maintenance of associational autonomy have enabled the Kunas to exert sovereign control over lands and resources and have promoted the protection of Kuna rights and cultural survival in the modern context. Coupled with their impressive capacity to organize in defense of collective interests, their relatively intact land base and local ecosystems have placed the Kunas in a relatively advantageous position from which to address the mounting ecological problems caused by integration into dominant economic and political systems. Many Kunas recognize that the loss of traditional culture and the destruction of nature are linked (Wickstrom, 1998) and are working to maintain traditions and educate others about the social, political, economic, and ecological risks of depleting natural resources, discarding traditional ways, and allowing communities to disintegrate under the pressures of outside economic, political, and cultural influences. While some Kunas are engaged in injurious hunting, fishing, and lumbering practices, other Kunas and Kuna organizations are networking

with governments and NGOs at the national and international levels and with national and global indigenous movements to protect their ecosystems, maintain control over their lands and livelihoods, and preserve their culture. Nonetheless, there appears to be a growing divide between conservationist and integrationist Kunas today. We may be witnessing a gradual “deconstruction” of associational autonomy among them. The Kuna case illustrates that the capacity to exert autonomous control and the ability to manage lands and resources sustainably are related but distinct endeavors. Whether the Kunas can enjoy success at both remains to be seen.

NOTES

1. The Ngöbe and Buglé peoples now refer to themselves collectively as the "Ngöbe-Buglé." (They were once collectively known as “Guaymí.”) While much of what is discussed here likely applies to the Buglé people, the research has centered on the experiences of the Ngöbe.

2. The term "traditional" throughout indicates those things now associated with earlier times, before the competition for resources and indigenous lands that accompanied white or mestizo settlement intensified for any given culture group. Such competition has always existed, but until colonial domination and assimilation with other culture groups became primary pressures, most indigenous cultures dealt with it successfully through long-enduring norms and institutions.

3. Reserves were granted before the concept of comarca came into being. A reserve was a specific geographical area recognized as territory occupied by an indigenous group and under the protection of the executive branch of the government (Francisco A. Herrera, interview, August 21, 1998). The term was derived from the North American concept of the Indian “reservation” (Herrera, 1998). Indigenous self-government within a reserve was tolerated only to the extent that it did not interfere with state sovereignty or violate constitutional provisions (Herrera, 1998).

-
4. Beginning in 1977, the Torrijos regime entered negotiations with various indigenous groups regarding terms of land holding. It was during these negotiations that the term “comarca” acquired its current meaning. The present-day comarca is a “politico-administrative unit wherein indigenous political structures are granted legal recognition by the state, which also superimposes politico-administrative structures of the state” on indigenous government (Herrera 1998: 13).
 5. That is, others who might try to base a claim on long-term habitation or use for time immemorial (i.e., other indigenous peoples) cannot claim them.
 6. Formerly known as the Instituto Nacional de Recursos Naturales y Renovables (INRENARE).
 7. A point on President Mireya Moscoso’s social agenda, for example, is to “establish social policy toward and with indigenous peoples” to help ameliorate poverty in indigenous regions (Presidencia de la República de Panamá, 2000).
 8. Sometimes spelled “Dule.”
 9. Kuna Yala is recognized as the official name of the Kunas’ territory today, but, until very recently, it was known as San Blas.
 10. Wali’s work is the most extensive available source of information on the Madungandí Kunas; there are occasional brief references to them in works on the Kunas of Kuna Yala, and a study by Cynthia S. Simmons (1997) includes the Madungandí Kunas as a case.
 11. For extensive information on Kuna gatherings and their political relevance, see Howe (1986).
 12. Howe has produced the most extensive available ethnography of Kuna political culture. Along with Mac Chapin, he is one of the foremost North American experts on Kuna culture, life, and adaptation to change.

13. A hectare equals 2.3 acres.

14. For more information on the Madungandí Kuna experience, see Wali (1989; 1993).

15. This estimate probably does not include Ngöbe people living outside the Ngöbe-Buglé comarca.

16. The distinction between de facto and de jure control is one the Kunas use (Atencio López, interview, September 4, 1998).

17. The World Conservation Union's (2000) mission "is to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable."

18. "Strategic competence" is a term employed by David Korten (1987). I use it to describe the competence necessary for indigenous organizations or governments to implement strategic political responses as they engage in collective action and operate as nonstate organizations in contemporary national and international politics.

19. Although Howe (1998) reports that the organization of Ngöbe gatherings was initially coordinated with help from the Kuna leader Estanislao López, Young believes the Ngöbe were already holding these gatherings by the time López allegedly helped them (Philip D. Young, personal communication, February 5, 2001).

20. Young indicates, however, that there are still differences within Ngöbe communities regarding whether they should oppose mining development altogether or accept it if they can negotiate a share of the profits or jobs for their communities.

21. Lands used by Ngöbe people that were left out of the comarca boundaries have been the subject of ongoing debates between the Ngöbe and local authorities (cf. Cádiz Franco, 1998; Espinosa, 1998; Vega, 1998).

22. A carta orgánica is a comarcal “constitution” negotiated with the national government that specifies the structure of governance of the comarca and delineates the extent and nature of both indigenous and state authority exercised within it (Howe, 1986).