



January 2013

Along the Road: The Ngäbe-Buglé Struggle to Protect Environmental Resources in Panama

Rogelio Cansari

Copenhagen University, Rogelio.Cansari.Valdespino@anthro.ku.dk

Quentin Gausset

Copenhagen University, quentin.gausset@anthro.ku.dk

Follow this and additional works at: <https://ir.lib.uwo.ca/iipj>

 Part of the [Place and Environment Commons](#), and the [Politics and Social Change Commons](#)

Recommended Citation

Cansari, R. , Gausset, Q. (2013). Along the Road: The Ngäbe-Buglé Struggle to Protect Environmental Resources in Panama. *The International Indigenous Policy Journal*, 4(3) . Retrieved from: <https://ir.lib.uwo.ca/iipj/vol4/iss3/5>

DOI: 10.18584/iipj.2013.4.3.5

This Research is brought to you for free and open access by Scholarship@Western. It has been accepted for inclusion in The International Indigenous Policy Journal by an authorized administrator of Scholarship@Western. For more information, please contact swingert@uwo.ca.

Along the Road: The Ngäbe-Buglé Struggle to Protect Environmental Resources in Panama

Abstract

Indigenous people in Panama do not enjoy full autonomy within their *comarcas* (traditional land reserves): they only control surface resources, while the state retains control of underground resources. This article analyses direct action by the Ngäbe-Buglé, who successfully defeated the latest attempt by the government to exploit underground resources within their *comarcas*. It describes government strategies for retaining control over Indigenous people's land and analyses how the Ngäbe-Buglé counteracted these strategies with support from burgeoning civil society movements. We argue that this is due to an unprecedented alliance between Indigenous people and other social movements in Panama, as well as to the fact that Indigenous people have succeeded in federating all major civil society organizations around their discourses and actions.

Keywords

Panama, Indigenous movement, Ngäbe-Buglé, environment, mining, civil society

Acknowledgments

We thank the SENACYT of Panama for providing financial support to our study.

Creative Commons License



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

Along the Road: The Ngäbe-Buglé Struggle to Protect Environmental Resources in Panama

The Ngäbe-Buglé number around 285,000 people and constitute 69% of all Indigenous people in Panama, who in turn make up 12% of the country's total population (National Census, 2010). Despite impressive economic growth in Panama over the past 10 years and several governmental programs to redress their economic situation, Indigenous people remain poor and the Ngäbe-Buglé are the poorest of the poor (Nakoneczny & Whysner, 2010).

The main struggle of Indigenous people in Panama has always centered on recognition of their land rights. As a result, *comarcas* have been created in Panama. A *comarca* is a large Indigenous territory protected by law. In all, there are five *comarcas*, which collectively cover 21% of Panama's total landmass (Herrera, 2012). Historically, the first *comarca* was created for the Guna people in 1938, after the bloody Guna rebellion (Valiente, 2002). The second *comarca* was created for the Embera in 1983. The Ngäbe-Buglé received their *comarca* in 1997, and this was followed by two further Guna *comarcas*.

Indigenous people participate both in national and in local or Indigenous elections. In national elections, the Ngäbe-Buglé people elect three members of Parliament (*diputados*) as well as seven mayors (*alcaldes*) and 58 representatives (*representantes de corregimiento*) in their *comarca*. All of them belong to a political party and collaborate to administer the *comarca* in collaboration with a governor, who is also Ngäbe-Buglé and is appointed by the President of Panama. All these political actors are on the government payroll. In local and Indigenous elections, the Ngäbe-Buglé elects traditional authorities such as the *caciques* and presidents of congresses. The *cacique* is the head of the Indigenous executive body while the Congress represents the Indigenous legislative body. These individuals are the legal representatives of the people living in the *comarca* and are not affiliated to any political party; only the *caciques* are on the government payroll. Today, most of the real power lies in the hands of the governor, mayors, representatives, and members of Parliament; they receive funds from central government to manage all programs and infrastructural needs within the *comarca*. The traditional authorities are consulted, but they do not officially receive any budget from the national government.

Comarcas are inalienable and imprescriptible land-holdings created for the exclusive use of Indigenous people. However, the state retains ownership of underground resources along with the right to authorize large-scale development projects such as hydroelectric dams and mining for the benefit of the whole nation (Ley 10, 1997; Tresierra, 1999; Wickstrom, 2003). As a result, it is unclear to what extent the state recognizes the authority of Indigenous communities over natural resources within the *comarca* (Ortiga, 2004). This creates much tension between the state, which has plans to exploit mineral resources, and Indigenous peoples, who would like to protect their natural resources and their livelihoods.

This article is about the latest struggle of the Ngäbe-Buglé people to ban mining from their *comarca*. We will argue that this struggle was successful because of an unprecedented alliance between Indigenous people and other social movements in Panama over the protection of the environment itself instead of just focusing on Indigenous peoples' land rights.

Methods

The data on which this article is based come from a number of different sources. At the time of the conflict, we were conducting fieldwork in Panama with a neighbouring Indigenous group and closely followed national and international media coverage of the conflict. We also observed how the Ngäbe-Buglé protest was perceived both nationwide and by neighbouring Indigenous people and how they expressed their support for the struggle by creating roadblocks along the Pan-American Highway. We were also in close contact with an informant who was part of the *Coordinadora por la Defensa de los Recursos Naturales y los Derechos del Pueblo Ngäbe-Buglé y Campesinos*¹ and with another informant who participated in the negotiations meetings. The first author, Rogelio Cansari Valdespino, is an Indigenous person with more than 15 years experience in the *Dirección Nacional de Política Indígena*, which is the national office for Indigenous affairs, and thus has access to key actors and information. This afforded us an insider's perspective on the way this conflict was managed, as well as on the conflicts within the Indigenous movement. We further had access to many documents and working papers produced during negotiations between representatives of Indigenous peoples and the government. And finally, we analysed various official documents, such as relevant national laws and mining legislation (Código de Recursos Minerales), the report on the violation of human rights during the repression of the Indigenous protest (Bill, Arce, Wing, Lum, & DeLeon, 2012), the report of the United Nations' Special Rapporteur on the Rights of Indigenous People (Anaya, 2012), and official communications by global Indigenous networks in support of the Ngäbe-Buglé cause (e.g. Alianza Mesoamericana, 2012).

Chronology of Events

The First Cerro Colorado Project

In the early 1930s, copper was discovered on Cerro Colorado, a mountain that lies at the heart of what is today the Ngäbe-Buglé Comarca and, in 1955, a preliminary exploration concluded that Cerro Colorado contained significant copper reserves (Gjörding, 1991). When Colonel Omar Torrijos Herrera overthrew President Arnulfo Arias in 1968, his goal was to build a revolutionary Panamanian state endowed with full sovereignty, economically independent of the USA, and less dependent on the Panama Canal, which had dominated the economic and political life of the country since independence in 1903 (Gjörding, 1991; Pérez, 1998). Copper mining in Cerro Colorado soon became a key component of this vision. In addition, Torrijos also developed popular programs to help poor and Indigenous people (Gjörding, 1991). He frequently stressed that his government was the first in Panama's history to respect Indigenous people, to devise and implement projects to improve their subsistence, and to provide them with the same services as those granted to other citizens, such as education and health care. Torrijos also promised Indigenous people a speedy recognition of land rights (in the form of comarcas). The Government sought to convince the Ngäbe-Buglé and the Panamanian population in general that the Cerro Colorado project would ensure a better future for everyone in Panama, including the Ngäbe-Buglé. The Government created the Mining Development Corporation (CODEMIN) in 1975 to exploit the Cerro Colorado copper deposits and to build hydroelectric dams in order to provide the energy required for copper mining. Indigenous people were not consulted but were promised that any loss would be fully compensated.

¹ The Coordinadora is a coordinating group for the defense of natural resources and the rights of the Ngäbe-Buglé people and of peasants.

In 1980, when the project had already been approved, CODEMIN was implementing the first phase of the process by opening roads to make the Cerro Colorado accessible for mining. The Ngäbe-Buglé, who increasingly feared that they would be displaced by the project, organized a general congress to discuss the issue with the support of the Catholic Church. After debating the project in the General Congress, they decided to reject both the mining of the Cerro Colorado and the hydroelectric projects and they demanded full participation in negotiations concerning the project (Gjörding, 1991). Above all, they wanted their territory to be recognised as a comarca. Torrijos, however, refused to grant their lands comarca status unless they: (a) approved the referendum on the Torrijos-Carter canal treaties, (b) supported the creation of Torrijos' new political party (PRD), and (c) supported the Cerro Colorado project. The Ngäbe-Buglé complied with the two first conditions but remained critical of the Cerro Colorado project and were determined to protect their land, despite the fact that some caciques entertained good relations with Torrijos and backed his plans (Gjörding, 1991). The Government continued to prevaricate regarding land recognition and, ultimately, the Cerro Colorado project was put on hold for various reasons: the political void left by Torrijos' death in 1981, the complexity of the project, decreasing global copper prices, and the opposition of the Ngäbe-Buglé people (Zea cited in Simms & Moolji, 2011; Wickstrom, 2001). The Cerro Colorado today lies within the Ngäbe-Buglé Comarca, which was finally created in 1997, and it remains one of the world's largest proven untapped copper reserves (Simms & Moolji, 2011).

Both government interest in copper and the Ngäbe-Buglé opposition to mining remained high: by the end of the 1990s, 80% of the Ngäbe-Buglé Comarca was covered by mining applications that did not have the consent of the Ngäbe-Buglé people. By 2011, 13 multinational companies had expressed an interest in exploiting the Cerro Colorado site (Simms & Moolji, 2011; Young & Bort, 1999). As world copper prices began to rise at the turn of the 21st century, reaching a historical high in 2011, pressure to mine the copper increased and the Government started revising the law to facilitate mining. In 2003, the Government used a technique known as *madrugonzos* (legislation votes at dawn) to repeal a number of key statutes of the Environment General Law (Ley 41, 1998). The statutes that were repealed were those that recognized Indigenous people's right to use and manage natural resources in their lands and comarcas, that required authorization for the industrial and commercial use of Indigenous resources and agreement with Indigenous representatives for any project on Indigenous land, and that necessitated obtaining prior consent before Indigenous people could be relocated. There was no process of consultation with interest groups such as Indigenous people and no media coverage of the events (Runk, 2012).

Reform of the Mining Code

In June 2010, the President of South Korea visited Panama and met with Ricardo Martinelli, a successful businessman elected as President of Panama in 2009. On February 10, 2011, the Government approved the reform of the 1963 mining code by 44 votes to 15, which subsequently became Law 8, signed by President Martinelli (Ley 8, 2011). This reform provoked wide-scale protest and opposition. First, the population perceived it as violating the Panamanian Constitution in that it allowed the exploitation of national resources by multinational companies. Second, journalists revealed that the President of South Korea had been discussing the mining issue in June with President Martinelli, expressing his satisfaction about the proposed revision of the mining code and reiterating that South-Korean companies were willing to increase their investments in Panama. This provoked questions among protesters regarding the extent to which President Martinelli had changed the law to satisfy South Korean interests ("Gobierno confirma," 2011). Third, many Indigenous people opposed the new mining code because they had not been consulted and because

of Articles 26, 29 and 30, which would allow mining in comarcas. The Ngäbe-Buglé took the lead in these protests because they feared that the new law would pave the way for copper mining in the Cerro Colorado.

To show their opposition to the reform, union members, students, environmentalists, and Indigenous peoples carried out a nationwide protest that ultimately forced the Government to repeal the law. The protest started on February 7, 2011 with groups of students, union members, and environmentalists demonstrating in Panama City and Indigenous people blockading stretches of the Pan-American Highway (until they were forcibly removed by the police). After Law 8 was passed in the face of widespread opposition, road blockades and protests intensified across the country. It took about one week for the Ngäbe-Buglé to organize, but on February 15, they mobilized on a large scale and blockaded the Pan-American Highway in San Felix. From then on, the Ngäbe-Buglé took the lead in the protests, supported by students, labour unions and environmentalists, as well as by the Catholic Church, which called for peaceful dialogue.

The strategy of the protesters was fourfold. First, Indigenous people, together with students, teachers, labor unions and environmentalists, organized several demonstrations in Panama City, targeting the South Korean Embassy and the National Assembly. Second, they lodged an appeal in the Supreme Court on the grounds that the new mining law violated the country's Constitution. Third, Indigenous people blockaded the Pan-American Highway and continuously re-established blockades after they were forcibly removed. Fourth, Indigenous people disavowed any Indigenous authorities who called for an end to the protests and organised themselves around an independent and civil coordinadora.

The government adopted three main strategies. First, they sent police to clear road blockades (as on February 18 in Pacora or on February 25 in San Felix and 12 different road blockades). Second, because the government believed that foreigners were behind the protest ("Arrestos y," 2011), the Minister of the Interior gave two weeks notice to all foreigners (including journalists) to leave the Ngäbe-Buglé Comarca. Third, the government tried to "divide and rule" in order to take advantage of latent divisions that exist in any movement (Colloredo-Mansfeld, 2009) by making deals with Indigenous representatives who were susceptible to co-optation. For example, on February 21, the Government surprised everybody by announcing that it had been negotiating with Rogelio Moreno, the then cacique of the Ngäbe-Buglé, and that they had reached an agreement that no mining in Indigenous territories would happen during President Ricardo Martinelli's term of office. The President signed this decree into law the very next day to show that he was committed to keeping his word and then Cacique Moreno called for an end to the protests. But this deal outraged protesters, who did not want any agreement made behind their backs and wanted a total and permanent repeal of the law. As a consequence, when the Ngäbe-Buglé held their General Congress in March 2011, Cacique Moreno was strongly renounced - called a traitor to the Ngäbe-Buglé cause and declared *persona non grata* in the comarca. The Ngäbe-Buglé even detained him for two days, binding his hands. However, the internal division within the Ngäbe-Buglé did not prevent further action and may even have further radicalized protesters.

Finally, the Government agreed to mediated talks with the Coordinadora. The road blockades were suspended and negotiations were started between the government commission and the Coordinadora, which were mediated Catholic Church. They reached an agreement on February 27 and, as a result, Law 12 was voted in to repeal Law 8 (Ley 12, 2011). The Trade and Economic Affairs Commission of the National Assembly presented a new bill (Bill 415) proposing a special

regime to protect mineral, water, and environmental resources in the Ngäbe-Buglé Comarca. This Bill (Proyecto de Ley 415, 2011) included Article 5, stating that:

All valid concessions granted to national or foreign corporations for the exploration or exploitation of mineral resources and for the construction of hydroelectric projects within the comarca, appended areas and in Ngäbe-Buglé communities outside the comarca are hereby cancelled, and all ongoing work by such corporations is hereby suspended forthwith [our translation].

The Fight for Article 5

However, when the Bill was voted on at the commission level on January 25, 2012 and was proposed as a new law to be discussed in the Assembly, Article 5 had been removed. The new formal Congress representatives, who had been elected in March 2011 (after the provisional agreement with the government), had complained that Article 5 had not been discussed within the Ngäbe-Buglé Congress and was therefore illegitimate. This allowed the Trade Commission to remove Article 5 from the Bill. The Trade Commission took advantage of the fact that the Ngäbe-Buglé people were divided. The presidency of the General Congress and the post of General Cacique have been the object of constant struggles between different Indigenous factions for more than 10 years (Ellington, Lino, & Cansari, 2009; HREV, 2010). In an attempt to put an end to the internal struggle and competing claims to the presidency, the National Electoral Tribunal organized the elections for the first time in comarca history. But this was contested by a large number of Ngäbe-Buglé, who felt that the government was trying to influence the outcome of the election and who organized a simultaneous parallel election following traditional procedure. As a result, in 2011, there were two separate heads of Congress: Edilberto Sánchez, who was formally elected according to the law and while under the supervision of the state was officially recognized by the Government, and Celio Guerra, who had been “traditionally” elected but who had no official recognition from central government.

While formally elected Congress members sided with the government and supported the new bill without Article 5, traditionally elected Congress members and the Coordinadora defended inclusion of the Article. Upon learning of the intention to remove Article 5, the Coordinadora addressed a letter to President Martinelli on January 22, complaining about the prevaricatory tactics of commission members and collusion with the officially elected President of the Ngäbe-Buglé Congress while warning that they would protest and blockade the Pan-American Highway if Article 5 was removed from the new bill. Three days later, the Bill was passed in the Trade Commission of the National Assembly without Article 5 and, on January 30, the Ngäbe-Buglé people resumed protests and blockaded several strategically sensitive stretches of the Pan-American Highway, with San Felix as the epicentre of their action. This time, the Coordinadora received the support of the new General Cacica Silvia Carrera, who had been elected in September 2011. Silvia Carrera came to act as the movement’s main spokesperson.

The blockade lasted about a week and had a major impact on the national economy because it affected communication and transport from the northern side of the country down to Panama City. The whole country was effectively paralyzed, posing an urgent problem for the government, which responded by establishing a *punte aéreo* (air bridge) to transport people and food from David City, near San Felix, to Panama City using large aircraft normally flown on international routes. On February 4, the Government shut down all telephone and e-mail communications in the entire region of San Felix. Around 5 a.m. the following morning, the police brutally and without warning

charged the blockade in San Felix. The police used tear gas and allegedly fired live ammunition, killing one protester, wounding 32 (one of whom later also died), and arresting 40 people, including women and children (Bill et al., 2012). This only served to further radicalize the protesters who overran the police station in El Volcán and burnt it to the ground; by late afternoon, traffic on the Pan-American Highway had been reopened. However, over the following days (and for the entire duration of the conflict), the road was sporadically blockaded at various points, not just by the Ngäbe-Buglé but also by other Indigenous people from all over the country. Panamanian environmentalists, teachers, students, and labor unions organized demonstrations nationwide in solidarity with the Ngäbe-Buglé cause. In addition, the United Nations High Commissioner for Human Rights (UNHCHR) Special Rapporteur wrote to the President of Panama setting out his concerns regarding the removal of Article 5 from the new mining bill (Anaya, 2012). On February 7, with the mediation of the Catholic Bishop of Chiriquí, government representatives, and Ngäbe-Buglé leaders met and signed the San Lorenzo Agreement. One of the 10 clauses in the agreement asked the President of the Trade Commission to re-include Article 5 in Bill 415. Negotiations began the following day.

Throughout the negotiations, the government was represented by the Minister of Trade, the Minister of the Interior, the National Environmental Authority (ANAM), the Public Services Authority (ASEP), and the *Secretaría de Energía de la Presidencia* (Presidential Energy Office). The Ngäbe-Buglé were represented by Cacica Silvia Carrera, Rogelio Montezuma from the Coordinadora, and eight other members of the comarca. No Congress members (either from the formal or the traditional Congress) took part in the negotiations. Although the formal President of the Ngäbe-Buglé General Congress, Edilberto Sánchez, repeatedly tried to join the negotiating panel (“Otros líderes,” 2012), the Coordinadora refused to include him because he had played a role in the removal of Article 5 and was trying to be put on the government payroll (a fact that was confirmed by an official from the Department of Indigenous Affairs). He was therefore identified as siding with government interests.

The negotiations lasted for more than 40 days, going through a variety of phases and giving rise to numerous incidents. Over the course of the negotiations, the Pan-American Highway was intermittently blockaded and demonstrations by Indigenous and non-Indigenous people took place both in Panama City and in provincial towns, as well as in front of the National Assembly and Presidential Palace. During the demonstrations, the Ngäbe-Buglé, dancing to the beat of maracas, chanted “*nānkare! la Comarca no se vende, la Comarca se defiende, este pueblo no se vende*” (No way! The Comarca cannot be bought, the Comarca will resist, this people cannot be bought).

The negotiators quickly agreed to close the CODEMIN and to abolish Law 41 of 1975 that allowed for the exploitation of the Cerro Colorado, to cancel two planned hydroelectric dams, Caño Clarito and Chorchá, and to reinsert Article 5 in the new mining bill. But when the Ngäbe-Buglé tried to include other hydroelectric projects (such as the Barro Blanco project) that had already begun and that will flood part of the Ngäbe-Buglé customary land, the government refused, arguing that the projects fell outside the remit of the San Lorenzo agreement. Nevertheless, negotiations centered on the hydroelectric projects and the rewriting of Article 5.

On March 15 at midnight, the Commission finally reached a two-part agreement. First, the group working on Article 5 of Bill 415 agreed on a new draft:

- a. Cancelling all mining concessions in the comarca;

- b. Requesting that all future hydroelectric schemes be approved by the General Congress of the comarca;
- c. Requiring that all future hydroelectric projects in the comarca should give a minimum of 5% of annual profit to the comarca, to be administered by the General Congress and to be used for agriculture, water, education, health, and the strengthening of traditional institutions, and that at least 25% of personnel should be drawn from the Ngäbe-Buglé community;
- d. Requesting that any people forced to move as a result of the dam project be given compensation in advance and be relocated to land of comparable quality;
- e. Protecting the traditional and sustainable use of Ngäbe-Buglé natural resource in collaboration with the National Authority for the Environment;
- f. Abolishing Law 41 of 1975 (and thereby cancelling any mining in Cerro Colorado).

Second, the group discussing hydroelectric projects agreed:

- a. To revise the environmental impact assessment of the Barro Blanco hydroelectric dam;
- b. To set up a working group to verify that three hydroelectric dams (Chan 75, Tabasara II and Chan II) had complied with the agreement and paid proper compensation to indigenous people;
- c. To create a special commission including representatives of ANATI (National Land Authority), ANAM (National Environmental Authority), and the Ministry of Interior, which handles Indigenous affairs, to verify illegal trespassing by *colonos* on Indigenous land; and
- d. To create a roundtable to discuss national plans for Indigenous development.

The Cacica and the Coordinadora, who had always maintained permanent contact with people during the conflict, reported back to “the people” (Indigenous people, teacher’s unions, local leaders) to explain the new agreement. Their report caused discontent among some radical Indigenous people² who wanted to remove all existing hydroelectric dams, but was generally well received by others, and the remaining road blockades were removed. On March 22, the National Assembly approved Bill 415 of 2011, establishing a special regime for the protection of the mineral, water, and environmental resources of the Ngäbe-Buglé Comarca, which later became Law 11 of 2012 (Ley 11, 2012).

Discussion

Indigenous people have long been seen as doomed either to extinction or to assimilation in mainstream society. However, the present demographic growth of Indigenous people and their

²Radical is here understood as unwilling to accept anything less than a total ban on mining and electric dams, including those already well underway, which makes such demands rather unrealistic. We do not mean to say “radical” in the sense of a “racist, culturally intolerant extremist” movement, as it is sometimes used in an Andean context (Hale, 2002, p. 491).

increasing political organization and influence seems to give the lie to this prediction (Cadena & Starn, 2007; Warren & Jackson, 2002). Today, we are witnessing a striking reversal in how Indigenous people are perceived since “in the early twenty-first century, few would disagree that [Indigenous movements] are among the most important social actors in the struggles over the future of Latin American Democracies” (Postero & Zamosc, 2004, p. 1).

The focus of the present article has been on Indigenous mobilization against mining. Transformations in the structure of the global mining industry over the past 25 years, coupled with advances in technology and the strong trend toward liberalization and privatization, has opened up enormous new regions for exploration and development by transnational mining companies. This has inevitably brought mining companies into conflict with Indigenous communities, both in Latin America (Ballard & Banks, 2003; Szablowski, 2002; Whiteman & Mamen, 2002) and elsewhere (Ali, 2009). As the cumulative social and environmental impacts of mining are important, Indigenous people resist these projects through a variety of strategies, ranging from lawsuits to community mobilization and protest (Barber, 2008, Nakoneczny & Whysner, 2010; Urkidi & Walter, 2011; Whiteman & Mamen 2002). For example, there have been major conflicts between the mining industry and Indigenous people in Peru (Bebbington, Bebbington, Bury, Langan, & Muñoz, 2008; García & Lucero, 2004), Colombia (Rathgeber, 2004), Chile (Postero & Zamosc, 2004; Tomaselli, 2012; Urkidi & Walter, 2011), Bolivia (Nash, 1989), Argentina (Giarracca, 2006; Urkidi & Walter, 2011), and Ecuador (Bebbington, Bebbington, et al., 2008).

However, there are two characteristics that make the Ngäbe-Buglé case different from many of the conflicts mentioned above. First, social movements in Latin America are atypical, unfolding in different geographical and political contexts. Bebbington, Bebbington, et al. (2008) distinguish between two types of social movement. On the one hand, some social movements fight against “accumulation by exploitation” in order to expand people’s asset base. This is the case with historically generated labor movements, trade unions, and related political organizations. On the other hand, social movements can also emerge to fight against “accumulation by dispossession” as with the privatization of land and water. These “new” social movements, such as the one described in this article, are usually centered around land and minority rights. In Panama, the Ngäbe-Buglé movement is built on communitarian identities and is therefore more “traditionalist” (see Bebbington, Abramovay & Chiriboga, 2008). Unlike Indigenous movements in the Andes, which are often about social and environmental justice, anti-colonial or social class struggles (Lucero, 2008; Nash, 1989; Thomson, 2002; Urkidi & Walter, 2011; Veltmeyer, 1997), the Ngäbe-Buglé movement is more about the autonomy of the Indigenous territory and the protection of Indigenous culture. It is therefore closer to Amazonian Indigenous movements that also articulate their struggle around some form of land reserve (comarcas and *tierras colectivas* in Panama, *resguardo* in Columbia, *terras indígenas* in Brazil, for example). Second, unlike most of the conflicts mentioned above, the Ngäbe-Buglé conflict is not about an existing mining operation (the mitigation of environmental impacts or the redistribution of benefits), but rather about preventing and outlawing future mining within the comarca. The conflict is therefore not with a specific mining company but rather with the government.

Van Cott (2001, 2004) argued that renewed claims for Indigenous autonomy are triggered by: (a) neoliberal economic policies threatening the land of Indigenous communities, (b) United Nations’ efforts to secure Indigenous people’s rights, and (c) an alliance between Indigenous organizations and other social movements (see also Rodrigues, 2002). The conflict between the Ngäbe-Buglé and the Panamanian government fits well into this analysis. First, the conflict was triggered by neo-liberal

policies opening up mining to multinational companies, which provoked extra-parliamentary protest activity (see also Bellinger & Arce, 2011).

Second, the presence of a special rapporteur from the United Nations helped put pressure on the government to negotiate, even though this factor was probably not decisive. The additional fact that the national media provided a full and critical coverage of the Ngäbe-Buglé movement and its violent repression, which was relatively new in the media history of Panama, and that this information was relayed by the international media, probably had more impact in terms of putting pressure on the Panamanian government.

Third, Indigenous people have demonstrated previously, have blockaded the Pan-American Highway and have achieved important results (the creation of the comarcas being the most significant of these). They have been *Fighting Like a Community* (Colloredo-Mansfeld, 2009), alone and against others, adopting a “closed form of self-governance” focusing on Indigenous rights (Bebbington, Abramova, et al., 2008, p. 2881). This time, however, indigenous people joined forces with other civil movements to reach common environmental and democratic goals. Thus, the Coordinadora fought for the defense of the rights of the Ngäbe-Buglé *and* peasants (*campesinos*), and explicitly included non-Indigenous people. But the alliance went far beyond these *campesinos* and also included environmentalists, teachers, workers, and students. Moreover, whereas Indigenous movements used to fight for their specific land rights, in this case, they were also fighting for environmental goals (a trend that can also be seen in other Latin American countries, see Assies, 2009; Giarraca, 2006; Soliz, 2012), as well as for broader democratic ones. The alliance was not only concerned with protecting environmental resources, but also with respect for the constitution, democracy, and human rights. The new mining code was attacked in court on the ground that it was anti-constitutional; Cacica Silvia Carrera threatened to call on the Organization of American States to investigate human rights violations in the violent repression of the Ngäbe-Buglé demonstrations (Suarez Toro, 2012), and four civil rights organizations joined forces to produce a report on human rights violation during the repression of the demonstrations (Bill et al., 2012). Opposition to President Martinelli’s plan to change the mining code and allow South Korean interests to mine the Cerro Colorado was so widespread in all layers of Panamanian society that various civil society movements with diverse foci (self-determination and the right to be consulted for the Ngäbe-Buglé, preservation of biodiversity for environmentalists, respect for the Constitution and preservation of the national interest for unions), ended up joining forces to oppose it.

Lucero (2008) argued that Indigenous movements represent a democratizing force in contemporary Latin America. This is certainly the case in Panama, but what is striking in the present case is that Indigenous people emerged as the most active component of a cluster of interest groups fighting for the protection of the environment and democratic consultation in the country. The Ngäbe-Buglé came to be seen as the leading actors in the defense of the national interest, which made them immensely popular and garnered very broad support from other civil society organisations and from the media. The Indigenous slogan, “*nankare!*” or “*nagare!*” as it is spelled in the national media, means “no way” in the Ngäbe-Buglé language and has today become part of the national vocabulary. It can now also be heard in non-Indigenous demonstrations about unrelated social or political differences with the government. Other non-Indigenous groups are now taking the Ngäbe-Buglé movement as example when organising protests against the government. Indigenous people have also become keen to support non-Indigenous social movements. For example, in Colon Province, where black communities are fighting for the abolition of Law 72, which allows the government to sell land in the Free Zone, Cacica Silvia Carrera expressed public support for their cause, threatening

to blockade the Pan-American Highway if the law was not abolished (“Indegenas saldrán,” 2012). During the conflict about the mining code, Cacica Silvia Carrera became an iconic figure for the Indigenous movement and she is increasingly recognized as the spokesperson not only of Indigenous people, but also of Panamanian civil society as a whole. For example, on January 12, 2013, 20 Panamanian civil society organizations (associations of black communities, Indigenous communities, teachers, ecologists, plantation workers, farmers, labor unions, the Coordinadora against mining, etc.), calling themselves “Alianza Estratégica” and fighting against so-called “mega-projects” (*megaproyectos*), chose Silvia Carrera as the coordinator and spokesperson of the alliance. Indigenous people in Panama have thus acquired a unique position as leaders of a coalition of civil rights and environmental movements, which is a surprising achievement, given their minority and marginal status in Panama.

Conclusion

The Ngäbe-Buglé’s success in their fight against mining in the Cerro Colorado is quite remarkable and has repercussions that reach far beyond the issue of mining. Indigenous people in Panama, as elsewhere in Latin America, are emerging as permanent players on the political stage (Van Cott, 2004, 2007; Yashar, 1999), and far from losing momentum (as predicted by Van Cott, 2009), they continue to gain in strength in terms of influencing policy making. But in Panama, the Ngäbe-Buglé have gone further: in that they have shifted from being one player among others to becoming the key or central player, federating all major civil society organisations around their discourses and actions. A broad national alliance with progressive political forces fighting for a common national interest may prove to be the best way to influence Indigenous policy.

References

- Ali, S.H. (2009). *Mining, the environment and Indigenous development conflicts*. Tucson: The University of Arizona Press.
- Alianza Mesoamericana. (2012). *Condenamos energicamente la salvaje represión de Presidente en contra el pueblo Ngäbe Buglé*. Retrieved from <http://alianzamesoamericana.org/site/noticias/2012/02/condenamos-energicamente-la-salvaje-represion-de-presidente-en-contra-el-pueblo-ngabe-bugle/>
- Anaya, J. (2012). *Mandato del Relator Especial sobre los derechos de los indígenas* (Reference: UA Indigenous (2001-8) Pan 2/2012). New York: Office of the United Nations High Commissioner for Human Rights. Special Procedures of the Human Rights Council.
- Assies, W. (2009). Pueblos Indígenas y sus demandas en los sistemas políticos. *Revista CIDOB d'Afers Internacionals*, 85 - 86, 89 - 107.
- Arrestos y heridos por la minería. (2011, February 26). *La Estrella*. Retrieved from <http://www.laestrella.com.pa/online/impreso/2011/02/26/arrestos-y-heridos-por-la-mineria.asp>
- Ballard, C., & Banks, G. (2003). Resource wars: The anthropology of mining. *Annual Review of Anthropology*, 32, 287 - 313.
- Barber, J. (2008). *Paradigms and perceptions. A chronology and analysis of the events of the Chan-75 Hydroelectric Project and the roles and relationships of participants, Bocas del Toro, Panama* (Independent Study Project (ISP) Collection, Paper 5, SIT Panama). Retrieved from http://digitalcollections.sit.edu/isp_collection/5/
- Bebbington, A., Abramovay, R. & Chiriboga, M. (2008). Social movements and the dynamics of rural territorial development in Latin America. *World Development*, 36(12), 2874 - 2887.
- Bebbington, A., Bebbington, D. H., Bury, J., Langan, J., & Muñoz, J. P. (2008). Mining and social movements: Struggles over livelihood and rural territorial development in the Andes. *World Development* 36 (12), 2888 - 2905.
- Bellinger, P. T., & Arce, M. (2011). Protest and democracy in Latin America's market era. *Political Research Quarterly* 64(3), 688 - 704.
- Bill, D., Arce, M., Wing, S. F., Lum, S. W. & De Leon, D. (2012, February 28). *Informe de gira de observación de derechos humanos luego de la protestas contra la minería e hidroeléctricas en la Comarca Ngäbe-Buglé y en las provincias de Chiriquí y Veraguas*. Panama City: Coordinadora Nacional de Mujeres Indígenas de Panamá (CONAMUIP), Alianza Ciudadana Pro Justicia, Centro de Estudios y Acción Social Panameño (CEASPA), Centro de Incidencia Ambiental (CIAM), Comisión de Justicia y Paz.
- Cadena, M. de la, & Starn, O. (2007). Introduction. In M. de la Cadena & O. Starn (Eds.), *Indigenous experience today* (pp. 1 - 30). Oxford: Berg.

- Colloredo-Mansfeld, R. (2009). *Fighting like a community. Andean civil society in an era of Indian uprisings*. Chicago: University of Chicago Press.
- Ellington, J., Lino, R., & Cansari, R. (2009, Septiembre 29). *Caso Ngöbe-Buglé, problema de gobernabilidad* Ministerio de Gobierno y Justicia. Dirección Nacional de Política Indígena. Panama City: Ministerio de Gobierno y Justicia.
- García, M. E., & Lucero, J.A. (2004). Un país sin Indígenas? Rethinking Indigenous politics in Peru. In N. G. Postero & L. Zamosc (eds.), *The struggle for Indigenous rights in Latin America* (pp. 158 - 188). Brighton: Sussex Academic Press.
- Giarracca, N. (2006). Territorios en disputa: los bienes naturales en el centro de la escena. *Realidad Económica*, 217, 51 - 68.
- Gjörding, C. N. (1991). *Conditions not of their choosing. The Guaymí Indians and mining multinationals in Panama*. Washington: Smithsonian Institution Press.
- Gobierno confirma interés de Corea del Sur en minería. (2011, February 15). *La Estrella*. Retrieved from <http://www.laestrella.com.pa/online/noticias/2011/02/15/gobierno-confirma-interes-de-corea-del-sur-en-mineria.asp>
- Hale, C. R. (2002). Does multiculturalism menace? Governance, cultural rights and the politics of identity in Guatemala. *Journal of Latin American Studies*, 34(3), 485 – 524.
- Herrera, F. (2012). The development of indigenous territorial claims and the response of the state in Panama. *Quaderns-E*, 17(1), 44 - 59.
- HREV (2010, Octubre 24). *Informe sobre las elecciones a delegados para los congresos general, regionales y locales de la Comarca Ngäbe-Buglé*. Panama City: Human Rights Everywhere (HREV).
- Indígenas saldrán a las calles mañana; inicia marcha en la ciudad. (2012, October 24). *La Prensa*. Retrieved from <http://www.prensa.com/uhora/locales/indigenas-saldran-las-calles-manana-inicia-marcha-en-la-ciudad/132846>
- Ley 8. (2011). Que reforma el Código de Recursos Minerales y dicta otras disposiciones relacionadas con la actividad minera. *Gaceta Oficial*, 26721-D, 11 de febrero de 2011.
- Ley 10. (1997). Ley por la cual se crea la Comarca Ngöbe-Buglé y se toman otras medidas. *Gaceta Oficial*, 23.242, 11 de marzo de 1997.
- Ley 11. (2012). Que establece un régimen especial para la protección de los recursos minerales, hídricos y ambientales en la Comarca Ngäbe-Buglé. *Gaceta Oficial*, 27001, 26 de marzo de 2012.
- Ley 12. (2011). Que deroga la ley 8 de 2011 que reforma el Código de Recursos Minerales y dicta otras disposiciones relacionadas con la actividad minera. *Gaceta Oficial*, 26746-A, 18 de marzo de 2011.

- Ley 41. (1998). Por la cual se dicta la Ley General de Ambiente de la República de Panamá y se crea la Autoridad Nacional del Ambiente. *Gaceta Oficial*, 23.578, 1 de Julio de 1998.
- Lucero, J. A. (2008). *Struggles of voice. The politics of Indigenous representation in the Andes*. Pittsburgh: The University of Pittsburgh Press.
- Nakoneczny, L. & Whysner, K. (2010). *In the "heart" of the comarca: Understanding the environmental and social impacts of mining the Cerro Colorado Deposit* (ENVR 451 Final Report). Montreal: McGill University.
- Nash, J. (1989). Cultural resistance and class consciousness in Bolivian tin-mining communities. In S. Eckstein (Ed.), *Power and popular protest. Latin American Social Movements* (pp. 182 - 202). Berkeley: University of California Press.
- National Census. (2010). *XI Censo Nacional de Población y VII de Vivienda 2010*. INEC. Retrieved from http://www.contraloria.gob.pa/inec/Publicaciones/subcategoria.aspx?ID_CATEGORIA=13&ID_SUBCATEGORIA=59&ID_IDIOMA=1
- Ortiga, R. R. (2004). Models for recognizing Indigenous land rights in Latin America. *Biodiversity Series* (paper No. 99). Washington: The World Bank Environment Department.
- Otros líderes ngäbe-buglé piden ser incluidos en diálogo minero e hídrico. (2012, February 25). *La Prensa*. Retrieved from <http://www.prensa.com/uhora/locales/otros-lideres-ngabe-Buglé-piden-ser-incluidos-en-dialogo-minero-e-hidrico/67450>
- Pérez, B. J. (1998) [1993]. *En nuestra propia voces. Panamá Protesta: 1968-1989*. Panama: Instituto de estudios políticos e internacionales.
- Postero, N. G., & Zamosc, L. (2004). Indigenous movements and the Indian question in Latin America. In N. G. Postero & L. Zamosc (Eds.), *The struggles for Indigenous rights in Latin America* (pp. 1 - 31). Brighton: Sussex Academic Press.
- Proyecto de Ley 415. (2011, Julio 19). Que establece un régimen especial para la protección de los recursos minerales, hídricos i ambientales en la comarca Ngobe-Buglé. Asamblea Nacional.
- Rathgeber, T. (2004). Indigenous struggles in Colombia. Historical changes and perspectives. In N. G. Postero & L. Zamosc (Eds.), *The struggle for Indigenous rights in Latin America* (pp. 105 - 130). Brighton: Sussex Academic Press.
- Rodrigues, M. G. M. (2002). Indigenous rights in democratic Brazil. *Human Rights Quarterly*, 24, 487 - 512.
- Runk, J.V. (2012). Indigenous land and environmental conflicts in Panama: Neoliberal multiculturalism, changing legislation, and human rights. *Journal of Latin American Geography*, 11(2), 21 - 47.
- Simms, R., & Moolji, S. (2011). *In the belly of the machine. Indigenous mining experiences in Panama* (ENVR 451 final Report). Montreal: McGill University.

- Soliz, C. (2012). El otro rostro de América Latina. *Nueva Sociedad*, 238, 126 – 137.
- Suarez Toro, M. (2012). Ngöbe Buglé indigenous in Panamá: Spearheading the struggle against mining and water companies. *Escribanas*. Retrieved from <http://escribanas.wordpress.com/2012/03/12/ngobe-Buglé-indigenous-in-panama-spearheading-the-struggle-against-mining-and-water-companies-2/>
- Szablowski, D. (2002). Mining, displacement and the World Bank: A case analysis of Compania Minera Antamina's Operations in Peru. *Journal of Business Ethics* 39(3), 247 – 273.
- Thomson, S. (2002). *We alone will rule. Native Andean politics in the age of insurgency*. Madison: The University of Wisconsin Press.
- Tomaselli, A. (2012). Natural resources claims, land conflicts and self-empowerment of Indigenous movements in the Cono Sur – The case of the Mapuche People in Chile. *International Journal on Minority Group Rights*, 19, 153 - 174.
- Tresierra, J. C. (1999). *Rights of Indigenous groups over natural resources in tropical forests* (IDB Publications Nr 25338). Inter-American Development Bank.
- Urkidi, L. & Walter, M. (2011). Dimension of environmental justice in anti-gold mining movements in Latin America. *Geoforum*, 42, 683 – 695.
- Valiente, A. (2002). *Derechos de los Pueblos Indígenas de Panamá. Serie Normativa y Jurisprudencia Indígena*. San José, C.R.: Impresora Gossestra Intl.
- Van Cott, D. L. (2001). Explaining ethnic autonomy regimes in Latin America. *Studies in Comparative International Development*, 35 (4), 30 - 58.
- Van Cott, D. L. (2004). Broadening democracy: Latin America's Indigenous peoples' movements. *Current History*, February, 80 – 85.
- Van Cott, D. L. (2007). Latin America's Indigenous peoples. *Journal of Democracy*, 18 (4), 127 - 142.
- Van Cott, D. L. (2009). Indigenous movements lose momentum. *Current History*, February, 83 - 89.
- Veltmeyer, H. (1997). New social movements in Latin America: The dynamics of class and identity. *Journal of Peasant Studies*, 25(1), 139 – 169.
- Warren, K. B., & Jackson, J. E. (2002). Studying Indigenous activism in Latin America. In K. B. Warren & J. E. Jackson (Eds.), *Indigenous movements, self-representation, and the state in Latin America* (pp. 1 - 46). Austin: University of Texas Press.
- Whiteman, G., & Mamen, K. (2002). *Meaningful consultation and participation in the mining sector? A review of the consultation and participation of Indigenous peoples within the international mining sector*. Ottawa: The North-South Institute.
- Wickstrom, S. (2003). The politics of development in Indigenous Panama. *Latin American Perspectives*, 30(4), 43 - 68.

Yashar, D. J. (1999). Democracy, Indigenous movements, and the postliberal challenge in Latin America. *World Politics*, 52, 76 - 104.

Young, P. D., & Bort, J. (1999). Ngóbe adaptive responses to globalization in Panama. In W. Loker (Ed.), *Globalization and the rural poor in Latin America* (pp. 111 - 136). Boulder, CO: Lynne Reiner Publishers.