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# Tabasará Libre: A Case Study of Development and Indigenous Rights

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*SIT Study Abroad*

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# Tabasará Libre

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## A Case Study of Development and Indigenous Rights

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**Panama Spring 2014**

Since the 1960s, indigenous groups in Panama have been fighting to maintain their land and ways of life against the growing threat and reality of national development. This study uses the Barro Blanco Hydroelectric Power Project as a case study to examine the consequences of development and the ultimate role that development plays in indigenous marginalization and assimilation. Data was collected through interview, participatory observation, and outside research over the course of a three week period. Findings include the role the government, legislation, and the public have played in this fight.

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## **Abbreviations and Acronyms**

ANAM: La Autoridad Nacional del Ambiente

GENISA: Generadora del Istmo, S.A

EIS: Environmental Impact Statement

## **Resumen Ejecutivo**

Desde los 1960s, los Ngöbe han sido luchados contra las violaciones de derechos de tierra y derechos humanos que han venido con el incremento de desarrollo. En este estudio, estoy usando el proyecto hidroeléctrico de Barro Blanco como un ejemplo para investigar estas violaciones y las personas que han contribuidos a estas violaciones.

Para hacer este estudio, observación participada, entrevistas, e investigaciones de literatura estaban usando. Estos métodos estaban usando durante un periodo de tres semanas, dos de fueron pasadas en el pueblo Kiadb en la Comarca Ngöbe Bugle. 17 personas fueron entrevistadas, dos de quien no son Ngöbe. Específicamente, este estudio se basa principalmente en la experiencia de la gente de Kiadb y los afectados que ellos han experimentado.

Mis resultados incluye los efectos sociales, ambientales, y económicas de Barro Blanco en la gente en Kiadb y los otros cuatro pueblos. De mis estudios es claro que la construcción de la

represa ya ha tenido muchos efectos en el ambiente y la gente. Animales están desapareciendo, la producción agricultura ha disminuido, la gente ha sufrido abusos de la policía, y la vida Ngöbe esta cambiando mucho. Por comparaciones de mi información y la información presentada de la empresa de la represa, GENISA, encuentre que hay muchas discrepancias.

Por usando estas discrepancias y la historia de la relaciones entre el gobierno y los Ngöbe, he venido a unas conclusiones. Primero, la lucha de los Ngöbe puede es la mismo que comienzo antes de la creación de la Comarca Ngöbe Bugle. Las razones que esta lucha ha durado tanto tiempo porque el gobierno se ha negado para dar los Ngöbe todos de los derechos a su tierra. Aunque los Ngöbe han tenido éxito con el Ley 10, 11, y 8, estos éxitos son temporales.

Segundo, los Ngöbe están perdiendo su modo de vida de los efectos directos e indirectos del desarrollo. Por ejemplo, porque ellos necesitan pasar mucho tiempo en su resistencia, no hay tiempo para cosechar y sembrar la comida que sostenerles. Esto está contribuyendo al cambio de estilo de vida de subsistencia a una de consumismo.

Finalmente, esta es una lucha que no se puede ganar sin la ayuda de personas afuera de los afectados. Porque la lucha tiene sus propios efectos en la gente y el desarrollo tiene el apoyo del gobierno.

## **Introduction**

Since the time of colonization and conquest, indigenous and first nation groups have experienced discrimination and exploitation by governments outside of their own. Communities and entire cultures are often disregarded, abused, and left on the wayside in an effort to develop or extract resources from their land. In the case of Panama, most indigenous communities, such as the Ngöbe Bugle, have found themselves at the government's and public's mercy when it comes to development and consideration of human and land rights. Although these rights are illegally and openly violated, the Ngöbe have found themselves repeatedly fighting for the human rights they should be guaranteed and rights granted through national and international law.

In this study these violations are examined through the lens of one particular development, Barro Blanco Hydroelectric Project, which is being built on the Tabasará River and has the potential to negatively affect multiple communities within and without the Ngöbe Bugle Comarca. By looking at the current and future effects of a project that has been approved by the national government, despite local opposition and questionable legality, I will try to analyze the reason that this continues to happen, and what it implies for the future.

## ***Historic Background***

The current movement against Barro Blanco actually began when Tabasará I, a different hydroelectric dam on the Tabasará River, was proposed in 1980. During Omar Torrijos' presidency, many indigenous groups in Panama had begun to negotiate land rights with the government. However, this presidency also marks a time in which national development and international investment were taking hold. After Torrijos died it came to light that the government had a developmental, economic agenda for these land negotiations. In the case of the

Ngöbe, Comarca creation would come only with the approval of two projects: Tabasará I Hydroelectric Dam Project and Cerro Colorado Copper Mine. Tabasará I was designed to provide power to Cerro Colorado.

Despite government efforts during the 1980 Ngöbe Bugle General Conference in Soloy, the Ngöbe refused to approve these two projects. This and falling copper prices led to the projects' cancellations in 1981 (Purdy). However it seems that these projects left a lasting feeling of threat and helped spur the Ngöbe's first large resistance effort- the Ngöbe Bugle March for the Creation of a Comarca Indigena in 1983 (Jordan-Ramos).

In the mid-1980s, after the general conference, the government began persuasive efforts to get Ngöbe leaders to approve development projects. In these negotiations the lands the government was offering were smaller than those from originally talked about. Since displacement during the Spanish conquest, the Ngöbe have experienced problems with insufficient land for their population. While their population has continued to grow, their land continues to shrink, making their traditional subsistence lifestyle near impossible (Wickstrom). Therefore, despite the pull of promises and money and the divide these efforts created, the group opposing development, and therefore opposing the government, remained the majority. This marks the first instance in which the national government attempted to bring Ngöbe leaders under their influence by way of corruption and bribery. It is also important to note that during this time two different Ngöbe leaders were claiming leadership of the Ngöbe Congress (Jordan-Ramos).

In 1992, when the United States presence was beginning to decline in Panama, talks of a Ngöbe Comarca were yet again broached. And, yet again, the land being offered shrank in size while Cerro Colorado and its complementary hydroelectric project were revived and made part of the negotiations. It was during this time that the Ngöbe resistance movement really gained

strength. This strength can be attributed to both the long and unfair negotiation history and the occurrence of the first Ngöbe death attributable to this conflict. After Saturnino Aguirre, a Ngöbe student, was killed following a protest in San Felix in 1996 (Jordan-Ramos), the Ngöbe marched once again in even larger numbers.

It is controversial as to whether the signing of Law 10, the 1997 law creating the Ngöbe Bugle Comarca, was due to this united resistance effort or inner workings and agreements within the ruling party in the national government (Jordan-Ramos). In the case of this study, there are three important points to note. First, the Ngöbe movement was both unified and stronger than ever. However, despite this strength, they were still forced to settle for less while the government kept the upper hand. Secondly, the final Comarca lands were much smaller than those originally proposed by the Ngöbe. Finally, Law 10 fails to grant the Ngöbe full rights to land. For Article 28 of this law grants the national government rights to natural resources and development if it is deemed to be in the best interest of Panama's economy (Wickstrom).

In 1999, the Ngöbe caught wind of a new 48 Megawatt hydroelectric project, Tabasará II, while its environmental impact was being assessed. With the previous revival of Cerro Colorado and Tabasará I, there were now three development projects being proposed that would affect the Ngöbe. Outraged, they again took to the streets for protests that would soon after inspire the creation of Movimiento 10 de Abril. For it was on the 10th of April that several Ngöbe activists were arrested during protests (Orozco).

In 2000, the Supreme Court of Justice of the Republic of Panama provisionally suspended Tabasará II on the grounds that articles in Law 41, the General Law of the Environment, that “bear relation to the participation and assent that is precise to obtain from the indigenous communities” were disregarded (qtd. ACD). Unfortunately, this lawsuit was withdrawn in 2002, just two years later (Orozco).

It was just one year after this that Law 8 was quietly modified to exclude three articles pertaining to, “the participation and acquiescence which is to be obtained from indigenous communities.” (qtd. Orozco). These modifications enabled the auctioning of a concession in the location previously planned to hold Tabasará I. In 2007 it was awarded to Generadora del Istmo, S.A. (GENISA), a Honduran energy company.

Soon after this, in 2008, the Ngöbe community became aware of plans for Barro Blanco, GENISA’s 19 MW hydroelectric dam. After tangentially hearing about it, around fifty Ngöbe showed up at a public consultation that GENISA was having in Tole, a town neighboring the affected parts of the Comarca. Initially all were denied access, and when five were finally they were told the meeting was closed and they could only listen. While this was not used as the official public consultation for the EIS, the one that was used from 2007 also excluded the Ngöbe (Orozco).

To take it one step farther, in 2009 when the project was requesting validation under the Clean Development Mechanism of the Kyoto Protocol, it came to light that the project had been enlarged to 28.56 MW. This size increase was approved by Panama's National Environmental Authority (ANAM) without an inclusion of any new EIS much less a public consultation (Orozco).

Currently, the Barro Blanco Hydroelectric Power Project remains a 28.56 Megawatt gravity dam, meaning its design includes the formation of a reservoir. Investors include Netherlands Development Finance Company (FMO), the German Investment Corporation (DEG), and the Central American Bank for Economic Integration. This list formerly included the European Investment Bank. However, in 2010, after EIB expressed interest in investigating human rights violations GENISA withdrew their application for funding (Counter Balance).

In 2012, the Ngöbe took to the streets to protest modifications that had very quietly been made to Law 8. These modifications would allow for foreign investment and involvement in mining projects of Panama, namely the of Cerro Colorado. The 2012 protests resulted in the San Lorenzo Accords, after Ngöbe activists blocked the Pan American Highway. Two were killed, a hundred were arrested and many were injured. In an effort to stop the violence, General Cacica Silvia Carrera and national government officials signed the San Lorenzo accords to initiate negotiations. Ultimately these negotiations led to Law 11.

Unfortunately, like all other legislative successes of the Ngöbe, Law 11 refuses to completely give them the full rights to “their” land. This law does cancel and ban all current and future mining concessions in the Comarca, annexed areas, and neighboring Ngöbe Bugle lands. It also creates a process of consultation for future hydroelectric projects in the Comarca or annexed areas and states that these projects will have specified economic benefits for these areas including a 5% royalty and some guaranteed employment, and economic compensation for those displaced. The catch in Law 11 is the failure to cancel current hydroelectric projects or apply these new standards to them. Because of this failure, the Barro Blanco and Tabasará II continue as they do not fall under this law.

Because Barro Blanco persisted, so did protests against it. On March 15, 2012, an agreement was finally made that construction would be put on hold until the EIS had been reviewed and Mission of Verification be done by the United Nations. However, construction continued unannounced shortly after. From this point on there has been permanent police presence at multiple locations surrounding the site.

Current protests against Barro Blanco are a continuation of those of 2012 resulted in several Ngöbe deaths and received extensive media attention. At that time the protests were largely focused around modifications made to Law 8 that would allow for foreign investment in

Panama's mining projects, specifically that of Cerro Colorado. However, since these protests effectively led to the cancellation of these modifications the movement has lost its power in numbers, as it is a smaller group that will be directly and immediately affected by Barro Blanco.

The current protests have all been staged peacefully, yet received violent opposition. Tear gas, rubber bullets and bird shots have all been utilized against people armed only with their voices and slingshots. In 2013, another Ngöbe man, Onesimo Rodriguez, when he was beaten to death while walking home at night after a peaceful protest in Cerro Punta. On April 24<sup>th</sup> of this year, protests resumed at the dam site. Police have been liberally using tear gas and rubber bullets, multiple people have been injured, and police have been directly attacking Ngöbe camps when they are resting.

## **Methods**

Initially this study was based on scientific measures of the Tabasará River's health. Measurements including insect life, temperature, pH, velocity, depth, and width were taken in different river locations, each subsequent site being closer and closer to the dam. This was meant to measure river health in accordance with proximity to the Barro Blanco construction site. Unfortunately, due to the conflict zone and GENISA's and the National Government's current control over the area, study sites were limited to well before the deforested zone and a considerable distance from the dam site. For this reason, this original methodology was not possible on the scale in which it needed to be done.

Additionally, within the first two days of this study it became clear that a more accurate measure of the effects of Barro Blanco would be achieved through social methodology, mainly interview and observation, research and photography. It is through these four methods that

information was gathered to assess the social, economic, and environmental effects of the Barro Blanco Hydroelectric Project on the Ngöbe community of Kiadb and the Tabasará river ecosystems.

Primary documents, news articles, and academic works were utilized to gather data on both the Ngöbe and the Barro Blanco development. This information served to both provide background information and provide a basis for comparison. For example, the Environmental Impact Statement (EIS) published by GENISA served as data to compare to the data I gathered in the Ngöbe territory.

Preliminary data collection was done through participant observation. Participant observation was conducted at three main sites: the community of Kiadb within the Ngöbe Bugle Comarca., the protest camps near the dam site outside of the Comarca, and the town of Tole. In each of these locations I immersed myself in the Ngöbe community. In Kiadb this included doing community chores, having informal conversations, sharing meals, sitting in on community meetings, and living in the town for two weeks. In Tole, I accompanied a community member around the town and went grocery shopping with her. Finally, at the protest sites I sat in on meetings, shared meals, observed protests and preparations for two days, and talked with the community there.

Unstructured interviews were based on participant observation data. Subjects were chosen and questions were formulated based on previous information gathered. Seventeen subjects were interviewed, fourteen of which lived in the community of Kiadb. These subjects ranged in age from twelve to sixty five years old and all participated in numerous interviews. The other interviewees are a man who is part of the campesino community in Alta Arenas, a small community outside of the Comarca. between Tole and Kiadb, and an activist that spends

considerable time in Kiadb. Interview subjects are labeled based on the location in which I first encountered the person and that person's gender.

Interview subject one (KIAF1) was a grandmother aged around sixty five who has lived in Kiadb for her entire life. She is the oldest woman in the town and grandmother to most of the children. Due to her age and lung health she is the adult that spends the most time in Kiadb and is the farthest removed from the protests. Her daily activities included making most meals and coffee for her children and grandchildren and caring for the babies and children.

Interview subject two (KIAF2) is a mother age between 30 and 40 years old. She is actively involved in the recent protests, a spokesperson for Movimiento 10 de Abril, and mother to four children, three of which are also actively protesting Barro Blanco. At the protests she often helps to wash tear gas from eyes and oversees the action from the front.

Subject 3 (KIAM1) is a 30-40 year old father from Kiadb. He is also a spokesperson for Movimiento 10 de Abril and actively involved in protest organization. He can often be found at the front line of protests with his slingshot.

Subject 4 (KIAM2) is also a 30-40 year old father from Kiadb. He has lived there his entire life. He is very active in protesting Barro Blanco and also a spokesperson of Movimiento 10 de Abril. He plays a large role in organizing protests and notifying and networking media coverage.

Subject 5 (KIAF3) is a mother from Kiadb of about 30 years of age. Her youngest daughter is one and a half years old. She is often found at the front lines of the protests and is a community leader.

Subject 6 (KIAF4) is also a mother from Kiadb around 30 years of age. Her youngest is one years old. Like KIAF3 she is often at the front lines and has a strong voice within the community.

Subject 7 (KIAM3) is a youth of around 17 years from Kiadb. His entire family is very active in the movement against Barro Blanco and he spends most of his time at the protest camps as well as at the front of the protests.

Subject 8 (KIAF5) is a young newlywed woman of 18 years. She is from Kiadb and she and her husband both actively participate in the front lines of the protests.

Subject 9 (KIAM4) is a young boy of 8 from Kiadb. His family, himself included, is also actively involved in the protests and generally at the front line.

Subject 10 (KIAF6) is an eleven year old girl from Kiadb. Her entire family is involved in the protest. Her mother is a spokesperson for Movimiento 10 de Abril and her father works in Panama in order to help provide food for the entire community.

Subject 11 (KIAF7) is a twelve year old girl from Kiadb. Her mother and father both spend most of their time at the protest camps, where she has also begun to spend time during the protests.

Subject 12 (KIAM5) is an activist of around 50 years of age. He assists in spreading news about the Barro Blanco conflict and gives outside support to the communities involved. He is not Ngöbe.

Subject 13 (KIAM6) is a grandfather in his sixties. He has lived his entire life in Kiadb and is a pastor and teacher of the Mama Tata religion. He often travels to other towns within the Comarca. to give sermons and teach on the subject.

Subject 14 (TOLM1) is a man of around 30 years from Kiadb. He is a spokesperson of Movimiento 10 de Abril and is often travels to and from the Kiadb in order to organize and spread news about the current movement.

Subject 15 (TOLM2) is a man between the ages of 25 and 30 from Alta Arenas. His family owns a farm near, but not on, the Tabasará River. He is currently uninvolved in the protests and movement against Barro Blanco. He is not Ngöbe.

Subject 16 (KIAM7) is a young man of 18 years old. He is from the town of Cerro Viejo which is also located along the Tabasará river.

Subject 17 (KIAM8) is an older man of around 50 years. He is a community leader and participates in meetings pertaining to the entire area and Comarca. He is not directly and actively participating in the protests, but plays a more administrative role in the decisions pertaining to the Barro Blanco fight.

No interviews were electronically recorded and instead data was collected via manual notes due to the Ngöbe culture and community. Based on inquiry and experience during participant observation, it was clear that the community of Kiadb was wary of outsiders and lack trust in such methods, as has been noted by other researchers (Jordan-Ramos-Ramos, 37). For this reason data based interviews consists of short quotes and indirect quotes.

## **Results**

### *Environmental Effects*

#### *Pollution*

One of the first effects of the dam's construction that should be noted is pollution, as it is one of the most obvious visible effects. At the beginning of the construction process there was a massive die off of fish in the river, along with visible gas and oil pollution of the water (KIAM7,

KIAM5). Dead fish and iridescent oil stains covered the surface of the Tabasará river closest to the dam, as can be seen in a video taken by KIAM8.

### *Inundation*

Barro Blanco is a gravity dam, meaning it will cause flooding up river from the dam site in order to create a reservoir. It has already been noted that parts of the site of this reservoir, and thus flooding, will occur on Comarca lands. According to the original EIA done, this flooding will reach a level of only 103 meters. If this is the case, waters will reach the residential part of Kiadb and will cover the most productive farmland along the river. This is disregarded in the EIS, as the houses to be flooded do not appear on the map they provide. However, according to an outside assessment done by a topographical expert, water levels will flood at least 6 residential buildings based on Barro Blanco's original design and more given the size increase. When talking with KIAM6 on this subject he pointed to the roof of Kiadb's church as a reference point, as this is where the water level will reach.

### *Aquatic Organisms and Sediment Trapping*

Dams of Barro Blanco's design, i.e. gravity dams, create a physical barrier in the river. This causes a number of negative impacts on the up and down river ecosystems. Most obviously, the dam structure will block the movement of aquatic organisms from one side to the other. The Tabasará River is home to many migrating fish species, such as robalo and shad, as well as river shrimp and a shrimp like species that the locals refer to as "congas" (KIAM4). Before the dam's construction, "There were so many," congas and shrimp. Now, however, "There are barely any,"

(KIAM7). The same has been said for the robalo, shad, and other large fish species that formerly inhabited this part of the Tabasará River (KIAF2, KIAM6, KIAM7, TOLM1).

Barro Blanco can also be expected to alter existing ecosystems both upstream from the dam and by way of the reservoir created. By changing a section of the river into a reservoir, the environment is changing from one of moving water to one of stagnant water. This stagnancy can result in an accumulation of nutrients and sediments in the reservoir, causing large blooms of algae and plants that crowd out other aquatic organisms (UCSUSA). Additionally, the trapping of sediments and nutrients in the reservoir can create deficiencies upriver that greatly affect the river and river bank environment. Stagnancy of water also results in an evaporation rate higher than that of moving water in rivers (UCUSA). Finally, stagnant reservoir water has lower oxygen levels and is colder than river water. This can affect life within the reservoir and up river, as reservoir water has to be released upriver to ensure this area does not dry out.

GENISA has included a number of low level outlets in the dam's design in so that the river's "ecological flow will be ensured," (GENISA, 20). However, low level outlets will draw water from the bottom of the reservoir, where the coldest water with the lowest levels of dissolved oxygen settles. Putting colder water with a lower oxygen saturation into the upriver ecosystem could also cause environmental changes and affect river organisms. (USUSA)

### *Other Species of Concern*

The terrestrial area to be affected by Barro Blanco contains a number of species and ecosystems that will be, and are currently being, affected by the deforestation and inundation required to construct and run the dam. This includes at least two species of frogs, numerous species of birds, and various mammals.

Dendrobates auratus and Craugastor tabasarae are two frog species that have been reported as found in this area (carbon watch). The Craugastor tabasarae is a species endemic to Panama and is listed as critically endangered (IUCN Red List). While GENISA is aware of this, they have discounted its presence as, “It has also been stated by experts that these species have reduced their number by a recent epidemic of amphibian chytridiomycosis in the area,” and due to a possible presence elsewhere in Panama. It should be noted that currently amphibians are “one of earth’s most imperiled vertebrate groups” (amphibs endangered) and many populations are being threatened by this disease. However, conservation efforts persist.

Dendrobates auratus, on the other hand, is listed as a species of Least Concern on the IUCN Red List. However, the specific blue morph that is abundantly found in this area is thought to be facing extinction (Hesselhaus, 1992, see IUCN). In the case of this frog, it seems that GENISA has completely disregarded its presence, as it has not been mentioned in the EIS or any other public information concerning Barro Blanco that GENISA has produced.

The local communities have also reported a significant reduction in mammal, bird, and reptilian species since the deforestation efforts began. Similarly to the case of the fish, congas, and shrimp, many local towns utilize forest animals as a source of sustenance. One specific example is that of lizards. While showing me a lizard he had killed in order to eat, KIAM7 noted a decline in both physical individual size and population density of the lizards since dam construction began.

### *Social and Economic Effects*

As is required, GENISA's EIS does include social and economic effects that the Barro Blanco Hydroelectric Power Project will have. However, upon examination it is clear that the

basis of their evaluation lacked visits and discussions with the local communities, and is thus a largely flawed and inaccurate assessment. While claims of community meetings and visits have been made (GENISA) the four directly affected communities have stated that no representatives have visited their towns or reached out to them. This has been stated publicly, by community leaders such as General Cacica Silvia Carrera, and was emphasized by every community member I interviewed. Additionally, the only community meeting that has been cited by peoples of these four towns is one that occurred in 2008. However, it is to be noted that this meeting was not publicized within the Comarca communities. It was advertised only by a flier drop in Tole. Furthermore, when Ngöbe community members did show up to the meeting they were denied access and told that it was, in fact, a private meeting.

Social effects from the proposal and construction of Barro Blanco are already visible. These include discrimination and devaluation of the Ngöbe culture, life, and identity as well as notable effects on the Ngöbe familial structure and youth. Should the dam be fully constructed, effects will be even more drastic such as displacement, loss of culturally important land and landmarks, and further pressure to acclimate to modern lifestyle and globalization trends.

The inundation of between 6.7 (GENISA) and 6.98 (TECARSA) hectares of land in the Ngöbe territory will include the loss of pre Columbian petroglyphs, a number of ancestral cemeteries, a Mama Tata church, and the most productive farmland in the community of Kiadb. It will directly affect four Ngöbe communities: Kiadb, Quebrada Cana, Quebrada Plata, and Nuevo Palomar. Additionally it will affect all Ngöbe communities in the area that use the river. This includes but is not limited to Cerro Viejo and Cogle.

*Cultural Heritage Sites*

Within the area to be flooded there are two large boulders carved with pre Columbian petroglyphs. These boulders rise out of the river and serve as gathering places for many celebrations and religious services related to the practices of Mama Tata (KIAM7). During celebrations, such as that held at the end of January of this year, communities from this entire area gather at the petroglyphs (KIAM7, KIAM6). For this reason the flooding of this area will impact the Ngöbe's history and current way of life. Within GENISA's EIS, there is a short mentioning of cultural heritage sites potentially affected by the project zone. However, their cultural significance is underplayed as the sites are described as remains of, "a domestic area or family home." Furthermore this falsely reports the site as, "disturbed previously by agriculture and quarrying." (GENISA, 33). Finally, the report claims to be implementing an archeological study and assessment of the site (GENISA, 33), but as of this date no GENISA or government representatives have visited the area.

This EIS also fails to mention the two cemeteries and church that will be lost should the reservoir be realized. The town of Kiadb has been inhabited by the same family for as long as they can remember, and the affected cemeteries are resting places for their recent and past ancestors (KIAF1, KIAM5, KIAM6). The church that will be lost also deserves significant attention, as Kiadb is home to one of the Mama Tata's main leaders and teachers. For this reason the church often serves as a central meeting place of worship for multiple communities in the area (KIAM6). This church lies in the disputed area of flooding. According to the topographical study unassociated with the dam, this area will be inundated. Based on GENISA's projected flooding level and assessment of local community locations, it will not be. Apart from the

aforementioned mentioned section in GENISA's EIS, these two cultural losses are not directly mentioned.

### *River Usage*

Although drinking water is sourced in streams, and not the Tabasará, the river is utilized for many everyday activities such as bathing, laundry, and recreation. While GENISA has considered these usages, they have discounted it, claiming that this type of usage is only attributed to the community of Nuevo Palomar. Furthermore they state these activities will be able to continue in the reservoir. This assessment poses two problems. The first is that Nuevo Palomar is not the only community that uses the Tabasará in such a way. It is in fact used by all four affected, and multiple "unaffected" communities that use the river daily for laundry and bathing. During my two weeks in the Comarca there was not one time or day that I visited the river without seeing a person bathing or doing laundry.

The second problem is that GENISA has not considered the environmental differences between a reservoir and a river. The river areas that the communities use for these activities are areas with strong currents. As previously noted, reservoirs are much more stagnant environments than rivers, and do not contain rapids such as these. Finally, it is important to consider the dry season, as it is during this time that many streams are low or dry. When this occurs, Ngöbe communities along the Tabasará often use its waters as a source of drinking water (KIAM5, KIAF1). The water is also used by many surrounding farms, such as in Alta Arena. A community member there has said that since dam construction began water has already become a problem for his farm and community (TOLM2)

### *Shift from Subsistence to Consumer Lifestyle*

Based on GENISA's evaluation, claims have been made that, “Nobody will be relocated because of the project.” (GENISA, 5). However, community members in Kiadb say that they have been ordered to leave their homes, either by force or by selling the land that provides the livelihoods for their entire town for \$2,000 (KIAF2, TOLM1, KIAM2, KIAM1).

According to the Environmental Impact Statement sponsored by GENISA, “The land and riverbank that will be submerged by the reservoir is not currently under cultivation, nor used for any other productive use because of its topography.” (GENISA, 36). However, it is important to note that in maps presented by GENISA, specific communities such as Kiadb are not marked.

Should the water only rise to the level predicted by GENISA, the flooded area will include extremely productive land that is currently under cultivation and has been for centuries (KIAM1, KIAM2, KIAF1, KIAF2). Cultivation in this area includes staples such as, “maize, yucca, frijoles, arroz, guineo” and supplementary foods including lemons, oranges, avocados, mangoes, guava, cashew fruit, palms, and coconuts (KIAF1).

Should the water level rise as assessed by GENISA be correct, the community of Kiadb will lose important agricultural land. Additionally, though this rise will not flood residential areas, the closer proximity of the water will affect it. When talking with KIAM1, he pointed out where the 103 mm water line would be. Gesturing below he points out all the crops cultivated for consumption, including the guineos we had just eaten for breakfast.

Traditionally, the Ngöbe people are subsistence farmers. Everything that is consumed comes from the land. With the growing Ngöbe population and limited land within the Comarca., most Ngöbe communities have been forced to assimilate to consumer culture entirely, as there is just not enough productive land available to allow the traditional lifestyle. However, Kiadb has,

historically, been fortunate enough to continue traditional subsistence farming practices with little supplementation from outside sources. As KIAF1 put it, her community is, “people of the land, the heart of the land.”

With the dam’s construction this has, and will, change. Should levels reach only 103 nmm, a large amount of farmland will be flooded and the Ngöbe people will be forced to abandon the lifestyle they know and be forced to find sources of income. While talking with KIAF1, she emphasizes this while holding up a bunch of guineos cultivated on the affected land, “In the city we have to pay five dollars for this. Here we grow it, in the city you have to pay for everything.”

This poses a problem for affected communities, due to lack of monetary wealth (KIAF1, KIAF3), little to no experience in a workforce outside of the Comarca. (KIAF2, KIAM7), and an education system that caters to the traditional way of life (KIAF7, KIAF6, KIAM2). Already some Ngöbe have been able to find jobs in cities are forced to live away from their families in order to provide money for food for their communities (KIAF2, KIAF1, KIAF7).

This shift from subsistence farmers to consumers has already begun, due to environmental pressures. Since the dam’s construction began in 2011, land has become less productive and animals have begun to disappear from the area. Traditionally the communities along the Tabasará have utilized animal proteins from the forest and river. This includes lizards, shrimp, crayfish, birds, and fish (KIAM7, TOLM1, KIAM4, KIAM2). However, as these food sources have become more scarce, communities have begun to rely on grocery store foods such as canned fish and spam. There have also been reports of lowered productivity of land. In the years since construction began the river has become drier and yield of crops such as oranges has noticeably decreased (KIAM6).

*Fighting Back*

A current effect of the dam's construction is social change occurring due to the protest efforts. Protest efforts have indirectly contributed to the shift in lifestyle from subsistence to consumer, had a large effect on the youth, and subjected the Ngöbe people to further, sometimes violent, abuse and discrimination.

Many of those most directly involved in the effort to fight Barro Blanco are those in the affected communities themselves. This involvement has indirectly contributed to shifting the Ngöbe's lifestyle due to the amount of time that needs to be dedicated to the cause. This includes time protesting, time organizing, and time in the camps that were set up to occupy the land closest to the dam to prevent further destruction. In the two weeks I spent in the town of Kiadb, the town generally consisted of KIAF1, a mother who couldn't leave her six month old alone, and children under the age of 7 years, deemed too young to protest. Adults would sometimes arrive late at night and stay until morning, but generally spent days and nights at the protest camps. This greatly affects the communities' subsistence farming, as it is this group of able bodied people that works the land- planting, tending, and harvesting the land. As KIAF1 described, "We have to buy things that we can grow, because there is no one to grow them." Since the fight began the staple crops of rice, beans, and corn have been left untended and unharvested and the community has been forced to buy these commodities.

The efforts against Barro Blanco have also greatly affected the Comarca youth. As aforementioned, most youth over the age of seven years old is involved in the protests. KIAM4, a boy of eight, was at the front of the protest lines by the second day, yelling chants and flinging rocks with his homemade slingshot. Those that are too young to directly participate, or are designated to stay at home help with the children even younger than them, have found other ways to contribute. After hearing news of the first day's protests, a group of children in Kiadb spent the

night making as many rock slingers that materials allowed, crouched on the ground using just flashlights to see. These children are growing up in a community that has been forced to fight for their way of life and home. In the process, they are not only losing parts of their culture, but also losing their childhood. Additionally, with the defeat of Law 8, support of those unaffected by the dam has lessened. As numbers decrease, younger and younger people have taken more active roles in the fight, often meaning they are in the direct line of fire.

Schooling is also compromised by this fight, as many teachers in the area are involved in the protests. On numerous days during my stay in the Kiadb, even before the protests began, the older children were often unsure of whether school would be held or not (KIAF6, KIAF7). Additionally, many adolescents that were heavily involved in the protests did not attend school in order to spend more time at the camps (KIAM3).

Finally, during this conflict the Ngöbe communities have suffered discrimination in the forms of sexual assault, police brutality, a complete disregard for their communities and culture, and death. The 2012 protests are a clear example of this, in which there have been allegations of physical (sexual and violent) abuse under police custody (Orozco, KIAM5) and many accounts of police brutality towards peaceful protesters (all). It was during these protests that Ngöbe activists were also killed.

However, these protests are not the only example. The Ngöbe protests camps established near the dam have established a rotating schedule for shifts there, as no one can stand to be there longer. This is due to the lights the police have set up. These lights rival the size of those in a football stadium, are aimed straight at the camps, and turned on immediately at dark. For this reason anyone staying at the camps cannot rest or sleep.

When protests began again this April, during my time in the Comarca this discrimination was plain to see. Tear gas was utilized immediately to subdue a group of just thirty peaceful

protesters. The only threat this group posed was their slingshots and rocks, things that had yet been used.

It was also noted by many protesters that aggression of police increased with the absence of outsiders. The press, myself, and a few other activists were present for the first two days of protest, and it was later reported that the night of the second protest the police had increased the force with which they were attacking.

Protests began the 24th of April, and a break was planned for the weekend. However, earlier Saturday morning riot police attacked Ngöbe encampments. This occurred the next day also- an attack initiated entirely by the police. Both of these days press and outsiders were absent; as the Ngöbe organizers had previously told them there would be no protest footage to shoot.

Finally, the Ngöbe have suffered discrimination against their way of life. KIAF1 described being treated like, “an animal with four paws,” A health organization visited the Comarca around the time of the EIS, and demanded that KIAF1 sign papers and list all of her grandchildren in Kiadb and their birth dates. KIAF1 refused, saying they were not her children and thus she did not have the right. Upon this, the representative tried to pressure her, and started telling her that all of the children were malnourished and she was not feeding them correctly. During this entire time another representative was taking pictures without asking permission.

## **Discussion**

When looking at data gathered, it is clear that Barro Blanco will have significant lasting and negative effects on the environment, and therefore the people. The fate of the people and the environment are connected, and every environmental effect has one or more resulting social and economic effects on the Ngöbe.

Based on the collected data, if Barro Blanco's construction continues, the environment along the Tabasara river will change. This change can already be marked by the disappearance of fauna and the declining agricultural production. These are only the effects of construction. Once the dam is fully built and begins to function, even further changes will occur.

The traditional Ngöbe way of life is defined by the land. As KIAF1 has stated, they are, “people of the land, the heart of the land.” A change in environment marks a change in lifestyle, and unfortunately this change will also be a negative one. It will force communities to assimilate to the consumer lifestyle and leave behind the subsistence farming lifestyle that serves as basis of their culture. This change will come from, and *is* coming from, the flooding of farmland, the lower agricultural production, the effects of marginalization, and ultimately their eviction from their historic home.

These effects almost entirely discounted by GENISA, and, based on data, they were discounted purposefully. No representatives have visited the four Comarca communities. Public consultations that were done were held outside the Comarca, were not advertised, and were deemed private upon the arrival of Ngöbe community members. Maps marking the flooded areas fail to include existing communities. GENISA has claimed public consultations and community involvement has occurred and that no communities will be displaced, yet Kiadb has been told they have to leave. In addition, no new EIS was done when the project's size increased. All of these facts strongly suggest that GENISA has knowingly excluded information from the EIS.

This exclusion of facts and opinions of affected communities is against the law, and this illegality has been pointed out by various national and international organizations (ACD, 1-4). However, despite public outcry and recognition of these discrepancies by both local and international communities, ANAM has approved the Barro Blanco Hydroelectric Power Project

twice- once initially and once again when capacity increased. This approval exemplifies the real problem: the national government's disregard for indigenous rights in favor of development.

When looking at the history of Ngöbe and government relations, a theme is clear: Ngöbe fight against development projects that violate their human and land rights. Government does just enough to achieve temporary stability and remove immediate threat to the Ngöbe while still retaining rights to develop their land. This is what happened with Law 10, Law 11, and is currently happening with Law 8. The Ngöbe are continually fighting the same fight because every success they have failed to reach the end goal: full rights to their land.

This goal is never reached due to a lack of support for their cause. The Ngöbe Bugle are the largest indigenous community in Panamá, however they are still far from a majority. Even when the entire community presents a united front to fight for their rights such as they did to get their Comarca, they still need public support to sway the government. Law 10 states that the government has a right to exploit resources within Comarca land if it is deemed to be of the best interest of Panama. But the law fails to define who Panama is, and what its best interests are. This is left up for the current government to define, and the majority to approve.

While the Ngöbe often have outside supporters, these either present themselves in a few single individuals dedicated to the cause, small national organizations that are also a minority and large international organizations that are loosely associated with the cause by way of media. The Ngöbe are lacking overall support from the overall public in their own country.

In this case, the affected people are also lacking support from within the Ngöbe community. Since the modifications of Law 8 were repealed, the movement has shrunk. The protests of 2012 occurred all over Panama, and hundreds participated. Recent protests consist of around 30 people, and are only happening at the dam site. As results have shown, the communities involved are affected by this involvement. Protests and occupation take a mental,

physical, as well as social toll. With such a small support base, this toll magnifies the negative effects the project is already having. For example, due to the time spent at the protest camps, there is no time or person who can care for crops. This is pushing the Ngöbe even further away from their traditional lifestyle and deeper into poverty.

Since coming to Panamá I have noticed attitudes towards two seemingly opposing subjects: indigenous peoples and national development. Of the non-indigenous communities we have visited, most people know little to nothing about indigenous communities here and many negative attitudes towards them. There is always an air of removal to these discussions, a sense of separation between Panamá and its indigenous groups.

In many ways, this makes sense. Indigenous groups such as the Ngöbe live very differently from other Panamanians, on land that is more or less designated for them. In this way there exists a physical and mental separation. Indigenous communities often live more closely with nature, and therefore value it more than the Panamanian public does. Many Panamanians enjoy the fruits of development, and thus value it more than the Ngöbe do. Additionally, in the case of the Ngöbe communities being affected by the Barro Blanco, there is a social separation. Most spent the majority of their time with Ngöbe people within the Comarca

People are also forever talking about the Canal, its expansion, and the need for Panamá to reach higher economic status in the international playing field. This could suggest as to why the government has been able to approve a large amount of development projects that seem illogical—such as projects that violate national law and human rights or crowd rivers with multiple hydroelectric dams.

Indigenous groups are those that are generally most directly affected by these projects. Due to this sense of separation, most of the public does not feel these effects or the government

abuse that allows them. While media attention does help to bridge this gap, a video clip on the television or strong worded article can only affect the public so much.

## Conclusions

The Barro Blanco Hydroelectric Power Project is just one example of the role the public and the government play in the marginalization of indigenous groups in Panamá. Despite the international and national legislative steps that indigenous groups have gained in past years, human and land rights continue to be something to be fought for, and not guaranteed. For the Ngöbe this fight started long before 1997, but it seems that the compromise made this year set a precedent that still exists today- a precedent that places the value of the culture, homes, and rights of the Ngöbe below that of national development. Sadly, with such large forces working against the Ngöbe there is a need of an equal and opposite force to break this precedent. The most obvious source of this force is the general public. With the current space that exists between the public majority and the indigenous groups in Panamá, it seems that the Ngöbe must place a further focus on accruing support from those outside of their community.

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