

DAM NATION

Panama is on a development spree, determined to get its share of the energy market by building hydroelectric projects across the country. Unfortunately, those projects don't just dam the rivers; they damn the indigenous peoples living alongside.



By Ellen L. Lutz

Isabel Becker is a tiny but tough Ngobe woman from the village of Charco la Pava in the Changuinola River valley in western Panama. She's lived there all her life. At the age of 59, she has nine children and a multitude of grandchildren and great grandchildren. Isabel never had the opportunity to learn to read or write, and she speaks only her native Ngobe language. Until last year, she had only fleeting contact with Panama's dominant society when she visited relatives in nearby Changuinola, the Panamanian headquarters for Chiquita Banana.

The Ngobe, who number about 170,000 people, are the largest indigenous group in Panama. The vast majority still live traditionally in Bocas del Toro, Chiriquí, and Veraguas provinces, where they sustain themselves through subsistence agriculture and fishing. They also grow cacao as a cash crop, which they sell to get basic necessities they do not produce, including sugar, clothing, and school supplies. Charco la Pava is home to about 367 people. The only ways in or out are on foot, by dugout canoe, or by helicopter.

Isabel's wooden house was raised on pillars about six feet off the ground. It had curtained windows, a gently sloping tin roof, and generous eaves to shield the open-air living space below from the rain. Her large yard was cradled between the mountains and the Chanquinola River, and she had a fine view of the village on the other side. All in all, it was a handsome and comfortable home. But that was before the bulldozers came. An American corporation is developing a hydroelectric dam in Charco la Pava in partnership with the Panamanian government, and Isabel's house stood in the way. So the government and the company pressured her into putting her thumbprint on a document she couldn't read, and as soon as she did so they brought in a bulldozer to demolish her home.

The Chan 75 dam is being built by an affiliate of the Virginia-based AES Corporation, which received a concession from the government of Panama to build two hydroelectric dams along the Changuinola River in Bocas del Toro province. The river is in the buffer zone for the international La Amistad Biosphere Reserve, a UNESCO protected world heritage site that Panama shares with Costa Rica. It also is at the heart of Palo Seco Park, a national environmentally protected area.

Electricity from the dams will supply the ever-expanding appetite of Panama City, which today is a



modern first-world city. About 3,500 indigenous people will be affected by the dams. AES-Changuinola says that 1,005 people from four villages will need to move as a result of the inundation the dam will cause. For some the ensuing lake will swallow up their lands and homes. Others will be isolated by it. The dam will destroy their transportation routes and interfere with their food supply, preventing the migration of several fish species on which the people depend. But the government is eager to reap the economic rewards, and the company has already spent millions of dollars on the project. As illustrated by their treatment of Isabel Becker, they see indigenous people as a roadblock to be removed as quickly as possible.

Isabel's story started in January 2007, when AES-Changuinola flew her and some family members to the company's offices in Panama City. She thought she was going for a *paseo* (a holiday). They took her on a city tour and then to AES' offices on the 25th floor of an office tower. Isabel, having never been in a city before, had no idea how to use the elevator. Once inside their offices, Humberto Gonzalez, the company's chairman, and Celia Bonilla, a Ngobe woman who works for AES, told her that they needed to get her agreement to sell them her land that same day. Isabel understood them to mean that she could not leave their offices unless she signed. With no money for the return flight, she was dependent on the company for transportation. After 10 hours

Isabel Becker (in the purple dress) and her children and grandchildren stand in front of her house before it was destroyed.

Photo here and facing page by Florencio Quintero

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The remains of Isabel's house, demolished with all her possessions still inside, including this flip flop.

Photo by Lucia Lasso

in the office she finally put her thumbprint on a prepared Spanish-language document she could not read so that she could go home.

The company knew, of course, that the circumstances of her signing were questionable, so, between January and October, they took a carrot-and-stick approach to convincing her to leave. Somebody would come to her house and threaten that the police were about to move her off the land. A day later,

someone else would come with food for the entire family and promises about their bright future after she moved. The mayor of Changuinola tried to convince her to agree, as did the governor of Bocas del Toro province. They assured her that they were looking after her interests by making sure she got the best deal possible, but that she had to leave.

On July 20, representatives from the Changuinola mayor's office and a bulldozer pulled up to the edge of her house. Isabel, who then was sick in bed, fainted. The mayor's representatives took her to the hospital in Changuinola to be checked out, and then to the house that AES had built for her. Thinking the bulldozer was knocking her house down right then and there (they weren't; it was just intended to scare her), she begged them to let her go home right away, but the mayor's representative said she had to stay in town. She stayed up all night crying.

In August and September the company persuaded two of Isabel's nearby daughters to sign and knocked down their houses. The intimidation then intensified to the point that in late October Isabel gave in. She "signed" a second document of sale of her land (again in unreadable Spanish) that increased the amount of money she was offered. Isabel still doesn't understand what she sold, but it is clear that AES believes it now owns all of Isabel's and her family members' land.

The chain of events after she signed is still not clear. One of her daughters said that they made her leave the next day, but by other accounts she was given a week to abandon her home. Either way, she was totally unprepared when the police came one morning and made her leave with nothing but the clothes on her back. Then the bulldozers came in and crushed her house into splinters, while other workers burned her outbuilding to the ground. Her family came back later to retrieve as many of her animals as they could find, but she lost all of her possessions, one of her pigs, and some of her chickens.

The morality of the company's action is clearly bankrupt, but its legal standing is also questionable. The lands Isabel "sold" did not belong exclusively to her. Rather they belonged collectively to all the members of her family who had rights to use them. According to Philip Young, a University of Oregon professor of anthropology who has worked with the Ngobe for many years, the ownership of the land depends on several things, most importantly, where family members live, their relationship to other family members, and the availability of land. Isabel's granddaughter and her husband have recognized use rights to

several parcels that AES is now holding, and they have filed a claim against AES to regain their rights to that land.

But whatever happens in a court of law, for now AES has the upper hand in Panama's court of public opinion. The company has been publishing full-page ads in *La Prensa* and other Panamanian newspapers showing all the benefits the new dam will bring to the country and to the Ngobe people. One ad shows a picture of a traditional Ngobe home followed by a more Western-looking house, as if to suggest how much better off Ngobe people will be. Another ad shows Isabel Becker in her new house in a poor suburb of Changuinola. The company maintains she is now happy; her family says she is traumatized and depressed and has no sense of what the future will bring.

As that public relations campaign indicates, the company and the government have virtually unlimited resources on their side; the Ngobe have no resources at all and no experience in defending their rights. For that matter, they are largely unaware of what their rights are in this situation. To help offset that deficit, I traveled to Panama to work with Lucia Lasso, an anthropologist working for the Panamanian NGO the Alliance for Conservation and Development (ACD), which opposes the dam. On November 7, Lucia and I hiked into Charco la Pava to meet the Ngobe families affected by the dam, to reinforce their understanding of their rights, and to offer legal help. That night, long after Lucia and I had settled into our hammocks, village leaders sat up preparing for a meeting the next day with government officials.

The following morning, Panama's National Authority for the Environment (ANAM) flew in seven or eight of its highest officials by helicopter to meet with the community. ANAM ostensibly is responsible for the environmental impact of the dam and the relocation of indigenous peoples, but is acting more like a handmaiden to the hydroelectric company and the political interests that back it. The official delegation was joined by two representatives from the Defensoria del Pueblo (an ombudsman office that is supposed to guard against violations of human rights), AES-Changuinola chair Humberto Gonzalez, the governor of Bocos del Toro, a priest, and a high-ranking police officer.

The villagers' organization was an amazing thing to see. Ernesto Lopez (a Ngobe village teacher) took the lead role: he began by rejecting the government's agenda, which was printed in Spanish, and insisting that as the government was in the *casa de los Ngobe*, the Ngobe should set the agenda. Their agenda was



to present ANAM with a community petition to stop the dam. Some negotiation ensued, and the community agreed to listen to what Gonzalez had to say as long as ANAM listened respectfully to them.

Using a portable generator (the village has no electricity), a digital projector, a laptop, and a screen, Gonzalez gave his standard, prepackaged PowerPoint presentation to explain how hydroelectric dams are built and how they work. For the local people the presentation was an absurdity, both in form and in timing. Gomez spoke only in Spanish, which many Ngobe do not understand, and his presentation addressed none of their concerns. Moreover, AES had already plowed the roads and was digging the foundation for one side of the dam on Isabel's land, even though Francisco Santos, the head of the family that lives on the opposite bank, has not caved into pressure to sell and leave their land.

When Gonzalez finished, one after another of the community members stood up to declare his or her opposition to construction going forward until the Ngobe had a chance to fully understand what was happening and decide upon a collective response. A

Elin Abrego and her children look through *Cultural Survival Quarterly*, where they learn how other indigenous groups stood up to companies invading their land.

Photo by Lucia Lasso



Señora Silvia, who had never stood up to anyone before, took the floor at the community meeting in Charco la Pava and announced her opposition to the dam.

Photo by Lucia Lasso

woman named Elin Abrego said, “I have a *finca* [farm plot] on the other side of the river that I will not be able to get to. I won’t have water for my animals or the ability to move about freely. They are eroding the soil so my crops won’t be able to grow. Before the dam, ANAM never came. Once the dam project started being built, they came, but only to support the dam.”

She was followed by Alejandro Jimenez, who said, “The company offered our family money to conduct studies on our land. Now look: the company has dug away all the earth right up to the edge of my house. The company said it only wanted to negotiate with one member of the family, so my brother told them he was the spokesperson for our family. He signed a contract to allow them to conduct the studies, and he took their money. [The contract was for \$1,005.] I have lived here for 50 years. I have asked the government for some form of pension, but they tell me I’m not entitled to a pension. But they have no problem pushing me off of my land.”

Of about 24 speakers from 6 communities (the 4 that will be inundated, plus Nance de Riscó and

Guayacán), only 3 people spoke in favor of the project. The applause for those who opposed the dam was thunderous. There was no applause for those in favor of the dam.

At the end of the meeting, Eduardo Reyes, sub-administrator for ANAM, stood up and promoted the dam’s benefits to the people. He said the communities would be given similar land to what they have. These lands, he said, would be in parts of Palo Seco Park that are not under the highest levels of environmental protection, but he could not identify which lands those would be. He claimed that the dam would give them opportunities for training for jobs in ecotourism and would improve their opportunities for education and health care. When it was her turn to speak, the governor of Bocos del Toro repeated ANAM’s claims. She was particularly insulting when it came to Isabel Becker, who was not present. The governor claimed Isabel was “clearly happy with the outcome of her negotiations,” and that no one in the community had the right to speak for her. The government’s presentations were pure paternalism. It was as if they had not heard a

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word of what the Ngobe people had said. I got the sense from some of the ANAM group that they genuinely want to “help the poor Indians,” but others appeared to be in bed with AES, which is now behind schedule and in a hurry to get the construction back on track.

After the meeting, Lucia and I, along with several other ACD team members who had hiked in that morning, met with the leaders from all the Ngobe communities. They were jubilant. This was the most resistance the Ngobe had ever offered to anything, and they were clearly proud of what they had accomplished. Susana Serracín, an environmental lawyer working with ACD, got signed affidavits from a sufficient number of the community leaders to present a case before the country’s constitutional court—an action that Cultural Survival and ACD have now taken. We also got signed affidavits from community representatives to bring a petition to the Inter-American Commission on Human Rights if we do not have success in Panama’s courts.

The Ngobe aren’t the only indigenous people affected by hydroelectric dam development in Panama. In neighboring Chiriquí province where many Ngobe, Buglé, and other indigenous communities live, 47 hydroelectric projects have been proposed, of which 22 have already been approved by ANAM. Indigenous communities in eastern Panama are facing similar pressure.

Closer to Changuinola, the 3,800 Naso people who have lived along the nearby Teribe River for more than a century are in the same predicament as the Ngobe, and we offered them similar support. A two-hour boat ride up the Teribe River brought Lucia, Susana, and me to Sией Yic, the Naso capital. Representatives of all 11 Naso villages had walked as much as four hours to attend the first-ever meeting with a representative of the president of Panama. Unfortunately, the representative’s father died on the eve of the planned meeting, and without any means of communicating throughout the region, there was no way to notify all the people that the meeting was



Rows of earth-moving equipment wait to remove the forest and the Ngobe to make room for the dam.

Photo by Florencio Quintero

cancelled. So, instead, our small delegation became the focus of the meeting.

The Naso communities are facing the destruction of their way of life by the Bonyik hydroelectric dam, which is being built by a Colombian company called Empresas Publicas de Medellin. The dam has caused a huge division within the community. Members who no longer maintain their traditional culture and who live in the towns surrounding Changuinola are in favor of the project because they believe it will provide them financial gain and other benefits. But the Naso who still live in their traditional territory vehemently oppose the dam. Their lives revolve around the river, which they use for fishing and transportation. The biggest issue for them is the government's failure to demarcate their territory and give them a *comarca* (similar to a reservation). Building the dam before their lands are even recognized is clearly wrong, and they are committed to resisting it until their lands are protected by the law.

The dam project has also divided the community with respect to its leadership. The Naso have the only king in the Americas. A former king, Tito Santana, negotiated with the government without informing his people, and allegedly accepted a lot of money for doing so. In response, the community deposed him and named a new king, Rey Valentin Santana. The people who live in the traditional territory now recognize him, while those who have moved to

Changuinola remain loyal to Tito Santana. (While we were attending the meeting in Siey Yic, the Naso community living in El Silencio on the outskirts of Changuinola held its own demonstration in favor of the Bonyik dam.)

At the start of our meeting, the people were summoned to order with the traditional blowing of the conch shell. King Valentine Santana offered opening remarks in Naso, saying that he particularly was happy about the opportunity for the Naso community to come together, and that he welcomed our delegation as "*gente grande*"—people with the capacity to help. He urged his people to remain united in this cause to stop the dam and to retain the Naso way of life. Aldolfo Villagra, president of the Naso People's Council, then explained that the Naso have been fighting against the government over the dam since 2004. They have already achieved a lot by opening up space for negotiation.

Naso community members then testified about their concerns. One pointed out that in 1968 Kuna and Embera peoples gave up land for the Bayano dam in Panama province in exchange for promises of comparable lands and other forms of compensation. What they actually received was far less than what was promised.

Others were offended that the president of the republic, Martin Torrijos, came to Bonyik to overturn the dam project's first stone. Wilma Aguilar said that

The village of Charco la Pava.
Photo by Lucia Lasso





road workers came onto her property on Rancho Quemado to clear land for the road. When she asked them who had given them permission to enter her land, they told her the land was untitled and she had no control over it. Alicia Quintero said that in June, seven people came onto her land one afternoon and told her they were going to build the road there. She told them it was her land, and she would not allow it. Three days later, they came back and cut down all her trees and crops. She wanted to know who was going to pay for the damage.

Meanwhile, recognizing the rapacious nature of the opposition, the Naso have started blockading the movement of construction vehicles into the dam site. They drafted a petition signed by 600 Naso calling for the creation of a Naso *comarca*, a halt to dam construction, an end to the expansion of a private cattle ranch that has been moving into Naso territory, and the government's recognition of Valentine Santana as the leader of the Naso people. They sent the petition to the government on October 28. The meeting we witnessed was supposed to be the government's response; in the absence of the government's representative, it was unclear what would happen next. But just as we were leaving Changuinola the police rounded up six Naso men who had been observed at the blockades and threw them in jail, where they were held over a long holiday weekend.

The Naso are comfortable with conflict and are accustomed to standing up to the government. For the Ngobe, on the other hand, asserting their rights does not come easily. They are used to dealing with the government through avoidance. Yet both communities are gaining greater awareness of the consequences of inaction and of their rights to their lands, which were recently upheld in the new United Nations Declaration on the Rights of Indigenous Peoples as well as in the case law of the Inter-American Court of Human Rights (whose decisions are binding on Panama). With that knowledge, they are becoming more determined to gain control over their futures. Panama's indigenous communities are tired of promises and deception, and they are increasingly finding their voice.

For Cultural Survival, the next steps are to continue monitoring the situation, while providing all the support we can to our ACD colleagues as they pursue legal remedies in Panama's courts. And, if necessary, we will ensure that the cases of the Ngobe and Naso peoples are heard by the human rights bodies of the Organization of American States. ■

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Valentin Santana, the king of the Naso, listens as villagers discuss the impact of the dam on their community.

Photo by Lucia Lasso.