

UNOFFICIAL TRANSLATION

CONGRESS OF THE ANNEXED AREA OF THE BOCAS DEL TORO PROVINCE

HONORABLE EXECUTIVE SECRETARY OF THE INSPECTION PANEL OF THE WORLD BANK:

After meticulous analysis during the meeting of the communities of the annexed areas of the *Comarca* (indigenous territory) of Ngabe-Bugle held in the community of Valle Junquito—land and territory of Ngabe-Bugle—with representation of the various communities, we the undersigned communities of the annexed area of the Bocas del Toro province have decided to **DENOUNCE** the government of the Republic of Panama and the staff of the World Bank office in Panama in relation to the loan of the Panamanian National Land Administration Program (PRONAT in Spanish), as well as the consulting and information methods, and the system to measure the territory Ngabe of the Bocas del Toro province, the International Park (World Heritage Site), the Palo Seco Forest (tropical upland forest), and the Bastimentos National Marine Park. Such PRONAT actions violate our land occupation rights, our human rights and agreements and international treaties of which Panama is part of, as well as the World Bank's strategic and operational policies on indigenous peoples approved by the Bank's Board on February 22, 2006. These policies contain concrete definitions, objectives, policy directives, implementation, indicators, monitoring and reports on the loans or funds assigned by the World Bank in indigenous territories.

BASE OF THE FACTS:

FIRST: That a proposal for the annexed areas submitted in 1999 was rejected by the Panamanian government and it was not possible to map out the territories that remained outside the area of Ngabe-Bugle (mostly known as the area annexed by legislation number 10 of 1997).

SECOND: That at the request of the communities of the annexed area and isles of the Bocas del Toro province, a first meeting with WB staff resident in Panama was held in the PRONAT offices in the town of Changuinola. In this meeting, we expressed our concern to the WB staff and to the Panamanian government about PRONAT's negligence and irregularities which directly affect the land rights of the Ngabe communities of the Bocas del Toro and annexed area that remained outside the limits of the region of Ngabe-Bugle. A

commitment to evaluate the program on the bases of our request was obtained during the meeting.

THIRD: That during a second meeting held on the island of Bocas del Toro in January 2008, a request from the inhabitants of the Palo Seco Park and Archipelago, WB staff resident in Panama was informed that the communities would report PRONAT's irregularities to the Executive Board in Washington. WB staff resident in Panama asked us not to do it and promised to attend the second congress of the annexed area to be held on March 2, 2008 in order to provide an answer to our request. No WB staff resident in Panama attended the congress and so far we have received no response.

FOURTH: In 2001 the Government of Panama obtained WB financing so that PRONAT could delimit the territory of the native peoples of the Bocas del Toro Province. Practically since that moment, this Program has violated the indigenous land rights, since PRONAT's objective is to title land, not territory. Also, only housing areas are being recognized as annexed areas, and not the whole area used by our communities for materials, medicines, craft items, workshops and other production activities. The lack of territorial protection has allowed tourism, mining and hydroelectric enterprises to speculate with our land which is shamelessly given away by the national authorities by way of Law number 2 of 2006 on concession and titling of islands and coasts, and the concession of 6.215 hectares of rural area of Valle Risco, a Ngobe territory given by ANAM for the construction of the hydroelectric project Chan 75. This case was denounced to the Supreme Court of Justice, the Inter American Commission on Human Rights, and to the United Nations Rapporteur on Indigenous Peoples without any statement from PRONAT on the legal situation of this territory. Instead, ANAM has said that this is a protected area and Ambassador Aristides Royo of the OAS, in his statement to the Inter-American Commission on Human Rights, stated that we have no rights over this land.

FIFTH: That the government of Panama and PRONAT promoted the creation of the collective lands' bill which was approved by the National Assembly of Deputies on December 3, 2008. We are referring specifically to Law number 72 creating the regime of collective lands in "indigenous territories" and other arrangements. Towards the end of December, Martin Torrijos, President of Panama approved this law which institutes a regime of collective community land rights and specifically forbids the creation of annexed areas. Deputy Benicio Robinson submitted to the national assembly a bill in which the communities designated as annexed areas by Law number 10 of March 7, 1997, become national areas.

propiedad colectiva de tierras “en territorios indígenas” y dicta otras disposiciones. Para fin de diciembre, el Presidente de Panamá, Martín Torrijos, sancionó esta ley en la que se impuso un régimen sobre la tierra de derecho colectivo comunitario que impide total mente la creación de las áreas anexas, y actualmente el diputado Benicio Robinson presentó a la asamblea nacional una iniciativa que las comunidades designadas como áreas anexas por la ley 10 del 7 marzo de 1997 sean corregimiento nacionales.

PLEA:

We have to be very objective and declare that this new Law flagrantly and seriously violates the sole and true aspiration of the communities of the annexed areas—the creation of a juridical framework where the culture and all forms of political life of the Ngabe-Bugle people are respected.

Even if we want to make clear that we hold responsible the following Panamanian government agencies, the National Assembly of Deputies, the President of the Republic Martín Torrijos, the Ministry of Government and Justice (MINGOBJ), the National Directorate of Indigenous Policy (DNPI), the National Commission on Limits (CNL), and the National Land Administration (PRONAT), we are also disappointed that the World Bank did not enforce its operational policies on indigenous peoples.

SPECIAL REQUEST:

We request that the Inspection Panel carries out a detailed in-depth investigation of everything that has happened in our territories since the arrival of PRONAT.

Given the above, we would appreciate your prompt response to our request

Sincerely

Pedro Abrego
President of the annexed area

Dionisio Elington
President of the insular area

Feliciano santo
MODETEAP