



NATIVE FUTURE WOUNAAN LAND TENURE PROJECT

Project Plan – September 2007

2008-2009: LEVERAGE AND CAPACITY BUILDING

The Wounaan Land Tenure Project is at the core of Native Future's mission of land conservation and cultural preservation. The goal of the Project is to help the three indigenous Wounaan communities of Río Hondo, Platanares, and Majé-Chimán, located in eastern Panama, gain control over their traditional lands. For generations, the Wounaan of these three communities have preserved the forests upon which they depend for both their livelihood and culture. Now these forests are threatened by *colonos* who migrate from Panama's central provinces, cross over into these communities' lands, and cut down forests for cattle ranching. To date, these communities have been unable to stop these incursions because the Panamanian government has yet to recognize their rights to their communal lands.

During the first phase of this project, Native Future will help these communities apply pressure to the Panamanian government to change the political landscape in which the Wounaan operate. This pressure will be applied via four distinct levers: domestic legal pressure, international human rights pressure, conservation pressure, and economic pressure. The Wounaan have a right to these lands under the Panamanian constitution; they have a right to these lands under international human rights norms; and they have the ability and knowledge to make the best ecological and economic use of these lands.

Native Future will also help the Wounaan build their capacity to apply this leverage and to take advantage of the changes that result. Capacity will be built through four sets of activities: Building Legal Knowledge, Community Mapping, Conflict Management, and Land Use Planning. At the end of two years, Native Future will help the Wounaan take stock of progress and plan for moving forward. Native Future expects that its twin strategies of leverage and capacity building will create conditions in which land tenure can, for the first time, become a real possibility for the Wounaan.

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THE WOUNAAN AND NATIVE FUTURE

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The Wounaan are one of Panama's seven indigenous groups. Numbering only 6,800 people, most Wounaan live in some fifteen small villages scattered throughout Panama's dense eastern rainforests. The Wounaan in these villages live much as their ancestors did before them. They hunt, fish, gather fruits and medicinal plants, farm small plots of land, and create handicrafts to sell. Over the past few years, the Wounaan have become particularly renowned for their beautiful woven baskets, which are recognized as among the finest ever made. Their livelihood and culture are threatened throughout Panama, however, as they are quickly losing their communal lands to cattle ranchers from Panama's central provinces.

Native Future has supported the Wounaan in a variety of ways over the past few years, with a particular emphasis on leadership development. Native Future has helped the Wounaan to partner with the University of Panama, and has sponsored several leadership training and project management workshops. Native Future has also supported Wounaan leaders from the communities of Río Hondo, Platanares, and Majé-Chimán (located in red box on map) in their efforts to gain land title by helping to defray transportation and communication costs to more easily coordinate amongst themselves, travel to Panama City, and press the government for recognition of their rights. As a result of Native Future's work over the last few years, the Wounaan are now better organized, better led, and more prepared to tackle the land tenure issue in earnest.



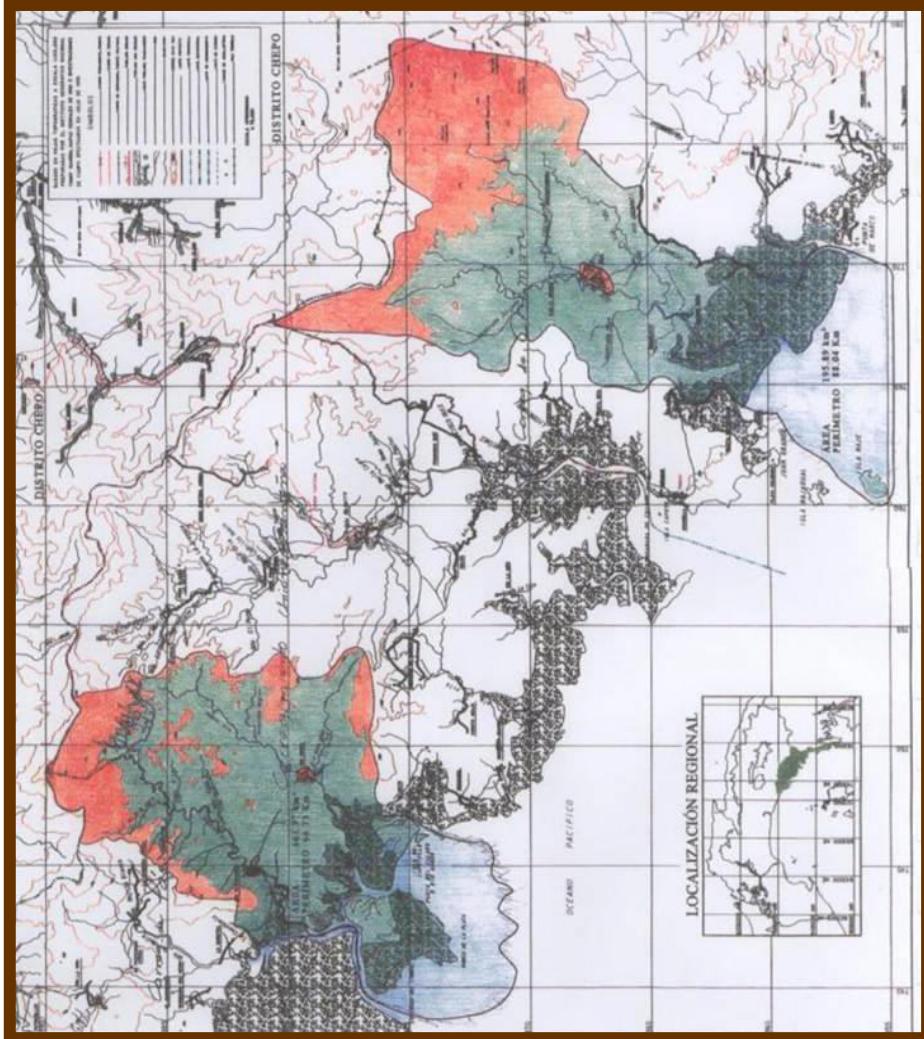
NATIVE FUTURE is a 501(c)(3) organization incorporated in Hawaii in 2003. Its mission is to help indigenous peoples preserve their lands and their cultures, recognizing that there is an inextricable link between the two. It currently works with the Wounaan, as well as two other indigenous peoples in Panama, the Ngäbe and the Bugle peoples of Western Panama. In addition to its land tenure project, Native Future also has an education program and a sustainable economic development program. Native Future was founded by two former Peace Corps volunteers who lived in Río Hondo and long-time Wounaan advocate Clive Kincaid; all of its current board members are returned Peace Corps Volunteers.



Inset map on following page of Wounaan communities of Río Hondo, Platanares, and Majé-Chimán

RÍO HONDO, PLATANARES, AND MAJÉ-CHIMÁN

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Río Hondo, Platanares, and Majé-Chimán are located in the District of Chimán, in the province of Panama Este. They are among the most isolated communities in Panama, nestled between the Majé mountain range to the north and the Pacific Ocean to the south. These three communities have historically claimed and used the land that forms the watersheds of their respective rivers. The communities of Río Hondo and Platanares occupy adjacent rivers and have long managed their lands jointly. Their lands appear as a single parcel in the upper left of the map, while the community of Majé-Chimán appears by itself in the lower right portion of the map.

COMMUNITY	POPULATION	EST. AREA
Río Hondo	238	5,000 ha.
Platanares	134	5,000 ha.
Majé-Chimán	570	10,000 ha.
Total	942	20,000 ha.

The lands of Río Hondo, Platanares, and Majé-Chimán are oases of flora and fauna in what has become a desert of cattle pasture. Since 1975, these three communities have been petitioning the Panamanian government for protection from the onslaught of *colonos*. In the last four years alone, the Wounan have met with government officials on more than 50 separate occasions to request help, but none of these efforts have succeeded. Now, time is running out. The rate of deforestation by *colonos* is rapidly increasing. Without outside support, these three communities will soon lose their lands, and with them, their culture and way of life.

Community-controlled Wounaan lands



Areas deforested by colonos



LEVER I: DOMESTIC LEGAL PRESSURE

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The Wounaan Land Tenure Project's primary leverage strategy is to help the Wounaan* continue to pursue the legal actions they have begun within Panama in an effort to encourage the Panamanian government to recognize their rights to their traditional lands. The Wounaan have already enlisted the support of Juan Quinto, a Panamanian law professor and attorney. Over the past year, with Native Future's financial support, Mr. Quinto has begun to represent the Wounaan in meetings and administrative hearings. The Wounaan are also in the process of recruiting additional members for their Panamanian legal team. Once assembled, this team will pursue three different strategies to apply legal pressure to the Panamanian government through Panama's own extant legal procedures.

Strategy 1: Continue to Seek Enforcement of January 2006 Non-Deforestation Agreement. The Wounaan are currently pursuing an administrative request that the Ministry of Government and Justice enforce an agreement reached between the Ministry, the Wounaan, and the *colonos* that no more forests would be cut down until the issue of land ownership was resolved.

Strategy 2: Continue to Pursue Judicial Action Against Mayor. The Wounaan have already begun a judicial action against the Mayor of Chiriquí for failing to protect the Wounaan from incursions of the *colonos*.

Strategy 3: Judicial Land Title Action. The Wounaan will also work with their legal advisers to file an action requesting an adjudication of land ownership, based on Article 123 of the Panamanian constitution. Although the constitution promises indigenous peoples the lands they need, there is no mechanism by which indigenous communities can title their land collectively, as a community.

“The State guarantees to indigenous communities the reserve of the necessary lands and the collective property of the same to achieve their social and economic well-being.”

-Article 123 of the Panamanian Constitution

LEVER I - MEASURABLE OUTCOMES

Officially request administrative enforcement of non-deforestation agreement	Feb 2008
File complaint for <i>silencio omisivo</i> if no response from Ministry of Gov't and Justice	Apr 2008
Appeal any negative decision.	Jul 2008
File amparo action before Supreme Court	Nov 2008

*"Wounaan" will be used from here forward to refer specifically to the Wounaan of Río Hondo, Platanares, and Majé-Chimán.

LEVER 2: INTERNATIONAL HUMAN RIGHTS PRESSURE

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The most promising opportunity for the Wounaan to strengthen their political position in Panama is by petitioning the Inter-American Commission on Human Rights. Specifically, the Wounaan will argue that Panama has violated the American Convention on Human Rights by failing to provide the Wounaan with a mechanism by which to title their collective lands. This is an argument which is likely to be successful before the Commission, based on recent precedent established by the Inter-American Court of Human Rights. In 2001, the Court held that Nicaragua had violated the American Convention on Human Rights by failing to provide a mechanism by which the Nicaraguan community of Awas Tingni could title their communal lands.

Professor Leonardo Alvarado, a U.S.-based attorney and professor who continues to work with the community of Awas Tingni implementing the Court's judgment, recently visited the communities of Río Hondo and Platanares at Native Future's request. In his opinion, the Wounaan have a strong chance of success before the Inter-American Commission and, if necessary, the Court. Professor Alvarado has expressed willingness to help the Wounaan file a complaint with the Commission and assist them in necessary follow-up work.

Applying international human rights pressure may be particularly effective here because Panama is currently recognized as a human rights leader on indigenous issues in the Americas. Panama was one of the first countries in the Americas to establish semi-autonomous reservations, or *comarcas*, for its indigenous peoples. Most Wounaan, however, are unable to participate in this system because their communities lie outside of the *comarca* boundaries. Panama is likely to be especially susceptible to international criticism that its lauded *comarca* system fails to provide protection to many indigenous communities, including Río Hondo, Platanares, and Majé-Chimán.

“The Wounaan have a viable case that could be brought to the Inter American Commission on Human Rights. Bringing such an action would provide a much needed source of political pressure to make the Panamanian government provide legal recognition of Wounaan lands.”

-Professor Leonardo Alvarado

LEVER 2 – MEASURABLE OUTCOMES

Compile research of history of Wounaan presence in Chiman area	Sep 2008
Obtain affidavits from community members regarding land incursions	Sep 2008
File complaint with Inter American Human Rights Commission	Dec 2008
Begin to engage in friendly settlement process	June 2009

LEVER 3: CONSERVATION PRESSURE

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The lands of Río Hondo, Platanares, and Majé-Chimán represent some of the most intact ecosystems in Panama, stretching from mangrove swamps, up through lowland and montane forests. For generations, the Wounaan have had a minimal impact on these lands. They recognize that the forests provide them with food, shelter, medicine, materials for their arts, and with the basic elements of their culture. They understand the importance of preserving these forests; for them, conservation is not an obligation, but a privilege and an integral part of their culture.

This contrasts dramatically with the way that the *colonos* treat the land. The *colonos* view the forests only as an obstacle that must be removed in order to convert more land into cattle pasture. There is little doubt that these lands, if not placed in Wounaan hands, will quickly be destroyed, extinguishing countless numbers of endangered plants, animals, and birds.

Thus, the third lever that the Wounaan will employ is that of conservation. In recent years, Panama has begun to recognize the importance of conserving its natural resources, and states that conservation is one of the “principal ends” of its land law. Moreover, widespread attention to global climate change is likely to increase international pressure on Panama to develop policies to curtail deforestation of hardwood forests.

Over the next two years, the Wounaan will seek the support of conservation organizations, both in Panama and abroad. With the help of these organizations, the Wounaan will impress upon the Panamanian government both the ecological value of these communities lands as well as the unsurpassed stewardship abilities of the Wounaan.



“The conservation and rational use of natural renewable resources, such as flora and forest cover, the soils and waters, constitute principal ends of the present Code”
- Article 5, Panamanian Agrarian Code

LEVER 3 – MEASURABLE OUTCOMES

Request biological survey of communities' lands by Smithsonian Tropical Research Institute or other similar organization	Dec 2008
Identify and partner with 5 additional conservation organizations	June 2009
Investigate possibilities for converting Wounaan lands into a private natural reserve, managed by the the Wounaan	Dec 2009

LEVER 4: ECONOMIC PRESSURE

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The fourth lever the Wounaan will seek to employ is economic pressure. Currently, the Panamanian government views the deforesting and cattle-ranching activities of the *colonos* as economically productive, while it views the Wounaan's conservation of the forests as non-productive.

Over the next two years, the Wounaan will show the Panamanian government that their use of the land is, in the long term, much more economically productive than the *colonos'* exploitation of the land for timber and cattle. The Wounaan will do this by partnering with business entities in three different areas:

Ecotourism. The community of Río Hondo has received tourist visits in the past, and has expressed a strong interest in establishing tourism options for the future. Native Future will help the Wounaan explore partnerships with one or more Panamanian eco-tour businesses to bring visitors in to the communities on a more regular basis and strengthen ecotour services in the community.

Handcraft Production. The Wounaan are regarded as being among the finest basket-weavers and carvers in the world. These arts, however, are dependent on the materials found in their forests. Native Future will help the Wounaan promote the economic value of their arts by helping the Wounaan to track their arts' contribution to Panama's GDP.

Carbon Offsetting. By conserving tropical hardwood forests, these three communities are effectively providing carbon offsetting with no compensation. With the aforementioned surge in climate change awareness, the Wounaan may have opportunities to partner with businesses who will compensate these communities—and Panama—for the forests they maintain. Additional offsetting opportunities may exist for reforestation of lands already deforested by *colonos*.



“The State will create incentives for whoever exploits the land in accord with its social function and so contributes to the economic development of the country.”

-Article 34, Panamanian Agrarian Code

LEVER 4 – MEASURABLE OUTCOMES

Contact 4 eco-tour agencies in Panama and 4 agencies outside of Panama	Dec 2008
Arrange regular visits to one of these three communities with at least one eco-tour agency	Dec 2009
Obtain statistics on Wounaan arts contribution to Panama GDP and estimate share from three communities	Dec 2008
Contact at least 10 businesses about purchasing carbon offsets from Wounaan	Dec 2008

BUILDING CAPACITY

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Building Legal Knowledge: Native Future will help the Wounaan build crucial legal knowledge in several ways. First, Native Future will continue to provide financial support for the legal education of Leonides Quiroz. Leonides is from the community of Río Hondo, and when he graduates from law school in 2008, he will become the first Wounaan *ever* to graduate from a university program. Over the next two years, Leo will continue to increase his own understanding of Panamanian law, train a legal assistant in basic Panamanian legal procedure, and conduct workshops in each community advising the Wounaan of their legal rights as indigenous Panamanian citizens. Several Wounaan leaders will also travel to the Nicaraguan community of Awas Tingni, which has kindly offered to share some of the lessons they have learned in their successful struggle for their own rights to their communal lands.

Community Mapping: It is imperative that the communities map the precise boundaries of their lands, and also the extent to which the *colonos* have taken lands from them. Native Future will partner with a U.S. or Panamanian university to conduct community mapping workshops in each of the three communities.

Conflict Management: Native Future will contract with a Panamanian organization to help the Wounaan learn to assess and manage any conflicts with the *colonos* that will inevitably arise during their efforts to gain land tenure.

Land Use Planning: Native Future will help the Wounaan develop long-term land use plans for each of these three communities. Land use plans will help encourage conservation organizations to pressure the Panamanian government, and will also help the communities effectively manage their lands after obtaining tenure.

BUILDING LEGAL KNOWLEDGE OUTCOMES

LQ receives law degree	Aug 2008
One Wounaan trained as LQ legal assistant	Aug 2008
Five Wounaan visit Awas Tingni in Nicaragua	Dec 2008
LQ & asst. assess legal possibilities for alternative land tenure options, including purchase	Dec 2009
LQ conducts one workshop in each community	Jun 2009

COMMUNITY MAPPING OUTCOMES

Partnership with university or other entity	Apr 2008
Conduct one mapping workshop in each community	Jul 2008
Produce GIS map for each community, including locations, oral histories for Wounaan use and each <i>colono</i> incursion	Oct 2008

CONFLICT MANAGEMENT OUTCOMES

Conflict Assessment Committee assembled of two members from each community; Committee trained	Mar 2009
Participatory conflict assessment performed in each community; conflict report produced	June 2009
Conflict Assessment Committee analyzes reports; makes further recommendations	August 2009

LAND USE PLANNING OUTCOMES

Identify partners for land use workshop	Mar 2009
Workshops completed in 3 communities; long-term land use plan completed	Sep 2009

PARTICIPATORY PROJECT MANAGEMENT

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Native Future is committed to implementing the Project through participatory project management. For the Project to ultimately succeed, the Wounaan communities themselves must actively participate in its management. This means that there must be strong lines of communication between the communities and the advocates and allies who will be working on their behalf. In addition, both the communities and their advocates must understand their respective responsibilities and be answerable to one another. Native Future will ensure this type of participatory project management in three ways.

First, Native Future will help the Wounaan communities form a **Project Management Committee** composed of the local and regional Wounaan leaders and community members. Native Future personnel and other Wounaan advocates will meet twice per year with this Committee, answer questions, respond to suggestions, and provide information. The Committee will be the ultimate decisionmaker for the Wounaan communities throughout this Project.

Second, Native Future will continue to support the small **Wounaan Regional Office** and waystation that these three communities maintain in the regional capital of Chepo. This office greatly facilitates two-way communication between the three communities and Panama City. Community leaders stay in this office on their way to meetings in Panama City, and government officials know where they can find Wounaan leaders without having to travel great distances.

Third, once Leonides Quiroz receives his law degree, he will put his skills to use as the **Wounaan Coordinator** for the Project. He will use his legal knowledge and his intimate understanding of these communities' land tenure problems to take primary responsibility for the implementation of this Project.



Wounaan national, regional, and community leaders meeting to discuss land tenure strategy and Native Future programming, Nuevo Esperanza, Panama, Nov. 2005.

PARTICIPATORY PROJECT MANAGEMENT

Form Project Management Committee; sign MOU outlining roles and responsibilities	Feb 2008
Project Management Committee has held four additional meetings attended by NF and other advocates and allies	Dec 2009
Wounaan Regional Office in Chepo has provided lodging for 30 Wounaan leaders, and served as meeting space for 15 meetings	Dec 2009

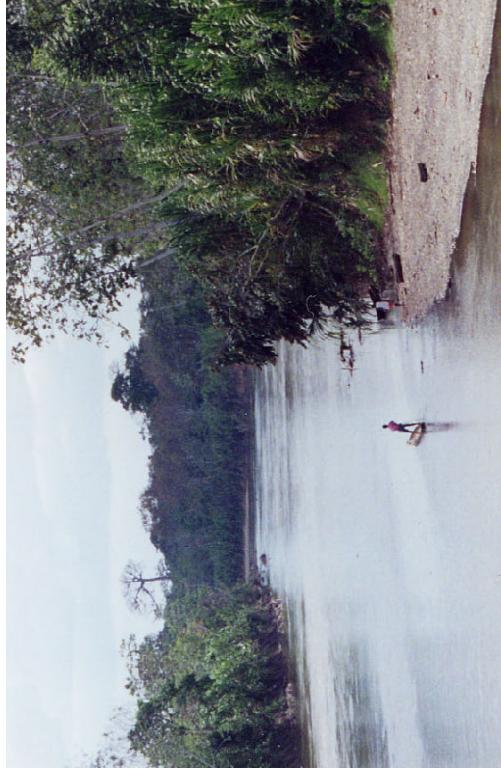
Wounaan Coordinator has provided 8 quarterly reports to Native Future

The plight facing the communities of Río Hondo, Platanares, and Majé-Chimán is not an uncommon one. Throughout the world, and especially throughout the Americas, indigenous peoples are rapidly losing their lands. All too often, the lands that are taken and subsequently destroyed include some of the healthiest and most diverse ecosystems on the planet. But perhaps an even greater loss than the environmental one is the loss of these indigenous peoples' cultures, livelihoods, and connections to the past that follow the loss of their lands.

This is a trend that seems, at times, irreversible and insurmountable. But the Wounaan Land Tenure Project is one place where a small amount of support can make a significant and measurable difference. Helping the communities of Río Hondo, Platanares, and Majé-Chimán to gain control of their traditional lands is, in the grand scheme of things, little more than a drop in the bucket. But for these three communities, and for the Wounaan who live there, it is everything. Land tenure will have a dramatic impact on their lives, the lives of their children, grandchildren, and great-grandchildren.

We imagine a world, ten years from now, in which Río Hondo, Platanares, and Majé-Chimán have legal title to their traditional lands, and that title is respected and enforced by Panama. We imagine these communities continuing to manage their lands in a sustainable, productive and conservation-oriented manner, just as they have done for generations. We imagine them sharing their experiences and lessons with other indigenous communities, both in Panama and beyond.

Native Future hopes to make this vision into reality through this project, by helping the Wounaan change the political landscape in which they operate, and by equipping them with the tools they need to take advantage of the new opportunities they will create for themselves.



“Recognizing the land rights of indigenous peoples then is not a simple question of granting title, but involves addressing a more complex set of interrelated legal, social, and political issues in order to be effective and secure.”

- World Bank Paper: Models for Recognizing Indigenous Land Rights
In Latin America, Oct. 2004.

For more information about Native Future, the Wounaan or the Wounaan Land Tenure Project, please visit the Native Future website at www.nativefuture.org, or contact:

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