

Heraclio López Hernández

Évènements en 2021

The role of Indigenous women in Panama

According to the United Nations Declaration on the Rights of Indigenous Peoples: “Indigenous Peoples have the right to conserve and reinforce their own political, judicial, economic, social, and cultural institutions while at the same time maintaining their right to fully participate, if they wish to do so, in the political, economic, social, and cultural decisions of the State.”⁴

In 2021, Indigenous women’s voices were raised via a process of institutionalising their culture, spirituality, worldview and, hence, their participation in political, economic and social life. The General Congress of the Guna Culture⁵ formally recognised and instituted BUNDORGAN (which in Dulegaya language means “women”) and *Bundorgan* here refers to the Women’s Organisation of Gunayala Comarca. *BUNDORGAN*⁶ is a space in which women from the 49 communities of Gunayala Comarca can participate.

Among the Embera people, the lawyer Sara Omi, who has become a reference point for the defence of Indigenous Peoples’ rights among Panamanian young women and girls, is also an emblematic example. “We have an enormous task to strengthen the capacities of other women so that they believe in themselves,”⁷ said Sara.

Meanwhile, during 2021, two Naso Tjër Di women ran a family farming organisation that enabled them to feed their families. It became a source of income through door-to-door sales of organic produce in the midst of the pandemic.⁸ Leticia Martínez and Rosabel Quintero formed part of the team, both women who have promoted women’s leadership since childhood and adolescence. This refocusing of productive activity was and remains a part of their livelihood.

Indigenous women’s participation in decision- making processes

How much progress has been made in Indigenous Peoples’ right to self-determination in Panama?⁹ Evaluating women’s participation in political decision-making processes helps to identify and strengthen autonomy and self-governance. Self-determination for Indigenous Peoples must be understood as the point of arrival in a process of recovering their existence as peoples and nations. Over the July 2021 to June 2022 period, the only woman and Indigenous Member of Parliament for the Democratic Revolutionary Party (PRD), Petita Ayarza, who serves as secretary of the Indigenous Affairs Commission of the National Assembly of Deputies, committed –together with the chair of the Committee– to working with Indigenous Peoples to ensure that their right to participate in decisions¹⁰ concerning them was recognised and respected. A precedent was set by the participation of Indigenous people within the Assembly in their colourful attire, such as the *mola* and other accessories.

Panama’s Indigenous Peoples do not, however, have their own political party. Citizens participate as individuals within the existing political parties. How can the Indigenous right to self-determination as expressed in the United Nations Declaration on the Rights of Indigenous Peoples be understood in this context? According to Claus Kjaerby,¹¹ Indigenous Peoples should dream of an intercultural autonomy in which, recognising the historical processes of each people, a new concept of a political-administrative system would be established with special administrative jurisdiction (*comarcas* and collective territories), in which their customary rights would be recognised and applied. Indigenous autonomy would be the maximum feasible

political expression of the right to self-determination as set out in the United Nations Declaration.

The Panamanian judiciary has been setting up courts¹² in the *comarcas*, with women in key positions. The Gunayala *Comarca* Court is headed up by attorney Dialys Nedelka Ehrman López. There are also two female municipal judges in the Ngäbe-Bugle *Comarca*. These judges encourage good practices such as the use of interpreters, respect for culture and reparations for victims. They also help ensure access to justice for Indigenous communities.

In terms of community aspects, under the jurisdiction of the Indigenous Peoples, women's participation has improved in Gunayala in relation to the administrative authorities' decision-making, usually called *Saglatura*,¹³ especially with regard to community justice. In the Ngäbe-Bugle *Comarca* there is still a woman in charge of political-administrative matters. Likewise, in the Embera-Wounaan *Comarca*, participation is open to women.

Indigenous women's positions and representative roles

Lawyer Sara Omi of the Embera People is also the president of the *Coordinadora de Mujeres Líderes Territoriales de Mesoamérica (Coordinating Committee of Women Territorial Leaders of Mesoamerica)*. On Indigenous Women's Day, 5 September 2021, she gave this message: "We are protectors and guardians of traditional knowledge (...) we are raising our voices as women in the face of the effects of climate change."¹⁴

The Coordinating Committee was born out of the local leadership training process within the context of the territorial agenda.

Similarly, in 2021, Briseida Iglesias of the Gunadule people consolidated her position as women's representative at the international level. She has furthermore done great work to nurture the leadership training and empowerment of Guna women under BUNDORGAN and the General Congress of the Guna Culture.

Organisation of Indigenous women

The *Coordinadora Nacional de las Mujeres Indígenas de Panamá* (National Coordinating Committee of Indigenous Women of Panama),¹⁵ which is the highest profile women's organisation in the country, comprises women from the seven Indigenous Peoples. The coordinator, Sonia Henríquez, is a leader from the Gunadule people. This organisation addresses cross-cutting issues such as individual and collective rights, women's effective participation, leadership, gender, violence and politics. During 2021, the organisation worked to empower women via digital platforms. Sonia Henríquez emphasises that nancial support is required for development projects in order to visit Indigenous communities for training.

Other Indigenous Peoples are in the process of coordinating and forming women's organisations, as in the case of the Wounaan national people.

During 2021, Ngäbe and Bugle women had not a moment's peace or tranquillity for their sons and daughters. In September, the September 22nd Movement, led by Clementina Perez, returned to the entrance of the hydroelectric plant in Barro Blanco, Chiriquí, specially in the area of the Tabasará Sacred Site Territory, which belongs to the Ngäbe-Bugle *Comarca*.¹⁶ The women were calling on the President of the Republic of Panama, Laurentino Cortizo Cohen, to address their eviction problems, as homes and schools were being destroyed.

Changes in legislation that affect Indigenous Peoples

On 8 February 2021, Panama's Legislative Body approved the *Special Regime for the Establishment of Operators and Developers of Agroparks, Law 196*,¹⁷ with the following justification presented in the draft initiative:

Due to the imminent economic impact of COVID-19, it is urgent to reactivate the economy in those sectors that have proven to have the capacity to reinvent themselves in the face of the challenges arising. Through this new model of Agroparks - via a strategy of formation and development of clusters formed of economic agents (agribusiness and agroindustrial), involving local government agencies, existing competent of ces and entities, private initiatives, and agribusinessmen who will form the associations - the productive processes of the poles of agricultural and agroindustrial development, and related activities such as forestry, extraction of marine products and raw materials for the pharmaceutical industry will be boosted.¹⁸

The law is applicable right across the national territory and there is no mention in its articles of excluding fragile ecosystems, important biological habitats or Indigenous territories, legally recognised or not, nor is there any reference to the need for environmental impact studies or Indigenous representation in its application. Despite having a potential impact on Indigenous territories, a free, prior and informed consultation process has not been implemented. Law 196, imposed in the name of COVID-19, appears highly disproportionate to the health crisis, benefiting primarily strong economic actors at the expense of Indigenous Peoples' land rights, tropical forests, small-scale sustainable production livelihoods and biodiversity. This new law represents a real threat.

Despite not having ratified ILO Convention 169, Panama has National Law 37 on the right of Indigenous Peoples to free, prior and informed consultation when it comes to activities on their territories. Article 8 establishes the right of Indigenous Peoples to be consulted when new legislative processes take place, which has not occurred with Law 196.

In addition, Indigenous Peoples in Panama have the right to self-determination in accordance with the UN and OAS declarations on the rights of Indigenous Peoples. According to Article 4 of the country's National Constitution, all international legislation on rights forms part of domestic law. Law 72 establishes the special administrative procedure for legally granting the collective ownership of Indigenous Peoples' land.

Notes and references

1. Villota, Tomás. "Censo será en el último trimestre del 2022" [Census will be in last quarter of 2022]. *La Voz del Tomebamba*. 21 December 2021. <https://www.lavozdeltomebamba.com/2021/12/21/censo-sera-en-el-ultimo-trimestre-del-2022/>
2. Bill, D. "Situación de la mujer indígena en Panamá" [Situation of Indigenous women in Panama]. In *Seminario: Conversatorio sobre mujer y género. Anuario Hojas de Wami No.17*, 2012. <https://www.csm4cfs.org/wp-content/uploads/2017/01/SITUACION-INDIGENA-DORIS-BILL.pdf>
3. De Dios, J. "Diagnóstico, situación de las mujeres indígenas de Panamá" [Assessment of the situation of Indigenous women in Panama]. UNDP. https://www.latinamerica.undp.org/content/rblac/es/home/library/womens_empowerment/diagnostico-situacion-de-las-mujeres-indigenas-de-panama.html
4. United Nations. United Nations Declaration on the Rights of Indigenous Peoples. Article 5, Resolution adopted by the General Assembly. 61/295. 107th Plenary Session, 13 September 2007.
5. Resolution No. 2, dated 1 October 2021, of the community of Mamsuggun. Resolutions. Mamsuggun from 26 September to 1 October 2021. Gunayala General Assembly Resolutions https://www.gunayala.org.pa/index_resoluciones_asamblea_gunayala.htm
6. Resolution No. 2, dated 1 October 2021, of the community of Mamsuggun. Resolutions. Mamsuggun from 26 September to 1 October 2021. Gunayala General Assembly Resolutions https://www.gunayala.org.pa/index_resoluciones_asamblea_gunayala.htm
7. Rocío Periago. "La primera indígena emberá abogada es líder en la lucha por la igualdad de género" [First Embera Indigenous lawyer leads the struggle for gender equality]. *El País, Planeta Futuro*, 10 January 2022. <https://elpais.com/planeta-futuro/que-mueve-a/2022-01-10/la-primera-indigena-embera-abogada-es-lider-en-la-lucha-por-la-igualdad-de-genero-en-panama.html>
8. United Nations. "Las mujeres indígenas Naso de Panamá lideran el cambio en sus comunidades durante la pandemia" [Indigenous Naso women in Panama leading the change in their communities during the pandemic]. *Noticias ONU*, 6 January 2022. <https://news.un.org/es/story/2022/01/1502212>
9. "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." (Art. 3) "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions". (Art. 4). United Nations Declaration on the Rights of Indigenous Peoples
10. Tatiana Torrero. "Se instala Comisión de Asuntos Indígenas" [Indigenous Affairs Committee Established]. *National Assembly of Panama*, 12 July 2021. <https://www.asamblea.gob.pa/noticias/se-instala-comision-de-asuntos-indigenas>

11. Unpublished document provided by the author. Territorialidad y gobernanza territorial como aplicación práctica del derecho indígena a la libre determinación - Dialnet (unirioja.es) [Territoriality and Territorial Governance as practical application of Indigenous Peoples' right to self-determination].
12. Judicial Branch: "Se realiza seminario sobre atención a los pueblos indígenas en el ámbito judicial" [Seminar on Indigenous Peoples in the judicial sphere]. 11 November 2021. <https://www.organosjudicial.gob.pa/noticias/se-realiza-seminario-sobre-atencion-a-los-pueblos-indigenas-en-el-ambito-judicial>
13. USDUB Mimmigan. "En esta noche una reunión con nuestra Bunor Duumad de Usdub, Griselina Benítez" [Meeting tonight with our Bunor Duumad de Usdub, Griselina Benítez] Facebook, 14 June 2021.
14. Coordinating Committee of Territorial Women Leaders of Mesoamerica. "Sara Omi, mujer indígena Emberá y presidenta de la Coordinadora de Mujeres Líderes Territoriales, nos comparte su experiencia este Día Internacional de la Mujer Indígena" [Sara Omi, Emberá Indigenous woman and president of the Coordinadora de Mujeres Líderes Territoriales de Mesoamérica, shares her experience on this International Indigenous Women's Day]. Facebook, 5 September 2021. <https://m.facebook.com/mujeresmesoamericanas/videos/sara-omi-mujer-indigena-embera-y-presidenta-de-la-coordinadora-de-mujeres-lideres-territoriales-de-mesoamerica-comparte-su-experiencia-este-dia-internacional-de-la-mujer-indigena>
15. Press release from the National Coordinating Committee of Indigenous Women of Panama. *SURCOS*, 7 November 2021. <https://surcosdigital.com/coordinadora-nacional-de-mujeres-indigenas-de-panama-comunicado/>
16. Lourdes García Armuelles. "Indígenas protestan por proyecto Barro Blanco, exigen cumplir con acuerdos tras desalojo de tierras" [Indigenous Peoples protest at the Barro Blanco project and demand fulfillment of agreements following displacement from their land]. *Estrella de Panamá*, 21 September 2021. <https://www.laestrella.com.pa/nacional/210921/indigenas-protestan-proyecto-barro-blanco-exigen-cumplir-acuerdos-desalojo-tierras>.
17. Law 196 of 8 February 2021, creating the Special Regime for the Establishment of Agropark Operating and Development Companies. Gazette Digital Of ce No. 29214-A, Monday, 8 February 2021. <https://logistics.gatech.pa/bundles/docs/Ley%20196%20del%208%20de%20febrero%20de%202021%20%20Agroparques.pdf>
18. Legislative procedure 2020 - 2021. Bill of Law 442 creating the Special Regime for the Establishment of Agropark Operating and Development Companies and establishing other provisions for their operation. 23 September 2020. Ministry of Agricultural Development. Cabinet Council. Cabinet Resolution No. 58 of 15 September 2020. https://www.asamblea.gob.pa/APPS/SEG_LEGIS/PDF_SEG/PDF_SEG_2020/PDF_SEG_2020/2020_P_442.pdf

Heraclio López Hernández is known by his Gundadule name of Surub. He is an adviser to Indigenous Peoples at the community, national and international levels. Contact: heracliolopez1960@gmail.com // heraclio@geoversity.org

En cours de traduction par le GITPA