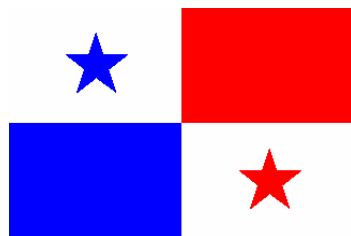




Forests and the Biodiversity Convention

Independent Monitoring of the
Implementation of the Expanded Programme
of Work
in Panama

Asociación
Indígena Ambiental



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SUMMARY

The Republic of Panama is enjoying an upward economic trend. However it is facing challenges that it must overcome vis-à-vis globalization, the opening up of markets and free trade treaties. This in turn involves an enormous challenge of finding a type of development that does not destroy natural resources and their biological diversity. And, thus achieve that the four (4) pillars sustaining the present government's economic and social policy for 2004-2009, comply with the goal of (a) reducing poverty and improving income distribution, (b) generating employment, (c) developing human assets and, (d) reforming and modernizing the State.

With a great potential in forest resources, these are subject every day to pressures from timber use and extraction. The country is reaching a state of collapse regarding forest timber production which depends on native forests.

The economic and social state of Panama's Indigenous peoples is chaotic, that is to say they are in the lowest economic bracket and show a high degree of child malnutrition. In some regions of the country these peoples continue to be exploited as cheap labour



This report presents the results of research on the implementation of the CBD commitments in the Republic of Panama, particularly among the country's Indigenous people. The Republic of Panama comprises 9 Provinces and 5 indigenous regions or territories, autonomously administrated. As a whole, the forest area of the country is mainly to be found in the Indigenous territories.

The report provides a synthesis based on a questionnaire sent primarily to Government bodies. The questionnaire aims at

ascertaining whether the Government has implemented or is implementing the Convention commitments concerning forests, and how it has done this. The information reflects the information obtained on the basis of our own research more than that provided by the corresponding government institutions or officials and the members of civil society that were informally interviewed during the study.

The study was launched between September and November 2007. The primary mechanism for this analysis was a questionnaire, attached as Annex 1. The questionnaire included 30 general questions and three (3) programme elements.

The work was carried out as follows: first the translation of the questionnaire or the interview into the indigenous peoples' original language; the dispatch of the questionnaire to the corresponding contact persons in Government; making the corresponding contacts with the relevant government officials to obtain a clear answer on whether or not they were prepared to answer the questionnaire; interviews or telephone conversations; contacts with at least five representatives of the country's Indigenous peoples, either by travelling to the area or contacting them by phone;

making contact with groups or individuals related to environmental or ecological activities, such as NGOs, farmers, among others; holding a workshop presenting the draft Final Report for wide discussion with representatives of the Indigenous peoples and interested parties; submission of the final report for edition and publication

As a result we know that: the national Government is aware of deforestation, for this reason, ANAM in collaboration with the United Nations Food and Agricultural Organization (FAO), has prepared the National Plan for Sustainable Forest Development (PNDFS), aimed at "contributing to the social, economic and environmental development of the country through the sustainable use of forest resources with the responsible participation of all interested sectors and stakeholders."

Biological wealth is still preserved and conserved in the indigenous territories. This shows the significance of forest biodiversity as an important economic factor for the Indigenous peoples and therefore for Panama.

Although, as a country, Panama has not prioritized research on forest biological diversity, the forest management approach in one way or another implies carrying out research on biological diversity existing in forests and making forest inventories. This approach towards native forests is nearly always aimed at Indigenous territories having native tropical forests. But I believe that not all Indigenous peoples can be timber entrepreneurs as an alternative to mitigate the social and economic problems as we do not have a timber culture.

Summing up, the Indigenous peoples are unaware of the Convention on Biological Diversity's Expanded Programme of Work on Forest Biodiversity. The Government is not applying the programme directly. However there are future prospects for this working tool to be implemented.

It is recommended to promote knowledge of the programme in the country's Indigenous territories for it to be used as a strategic tool for the promotion of traditional knowledge for sustainable forest development, with emphasis on the conservation of forest biological diversity.

1 PANAMA'S ECONOMIC, SOCIAL AND ENVIRONMENTAL CONTEXT

Although it is said the Panamanian economy is on an upward trend, it is facing challenges such as globalization, the opening up of markets and free trade treaties. This in turn implies the challenge of finding a type of development that does not destroy the resource sustaining our lives: natural resources, the forest and its diverse biological life.

The economic and social policy of the present Government (2004-2009¹) rests on the following four (4) pillars: (a) reduction of poverty and improvement of income distribution; (b) the generation of employment; (c) the development of human assets; and (d) the reform and modernization of the State.

Panama covers an area of 7.55 million hectares. Of these, 77% are soils suitable for forestry; 20% are suitable for plantations. These soils comprise soils that show varying

¹ Visión Estratégica de Desarrollo Económico y de Empleo hacia el 2009. May 2005 version.

degrees of erosion, land covered by unproductive shrub-land and soils where wasteland farming is practiced.

In general, natural forests are subject to pressure from the use and extraction of timber on a daily basis. The country is approaching collapse regarding the forest production of timber based on native forests.

Regarding the economic and social situation of the Indigenous peoples of Panama, this is in a state of chaos, that is to say it is in the lowest economic bracket and there is a high degree of child malnutrition. In some regions of the country indigenous people continue to be exploited as cheap labour.

The Indigenous peoples own and protect the forest heritage, still rich in biological diversity, with scenic beauties that invite meditation or dialogue with our brothers the trees. There will be found the country's last natural or native forests if deforestation is allowed to advance unchecked.



The rate of deforestation in the country varies at around 47,000 hectares per year. The highest rates are to be found in the provinces of Darien and Panama, the former is the largest area of natural forest cover in the country. At the level of regions, the *Ngöbe-Bugle* shows the highest rate of deforestation. In spite of this alarming data regarding the above mentioned regions, the *Embera-Wounaan* region really shows the lowest rates of deforestation and therefore is a valuable reserve of tropical forest species of national importance.

The provinces of Bocas del Toro, Darien and the regions of *Kuna Yala* and *Embera-Wounaan* have an area of over 70% covered by forests². The *Embera-Wounaan* and the *Kunas* regions together still maintain a green cover in the country with over 85% of natural forests³ (see Table 1).

² Panamá, 2006. Indicadores ambientales de la República de Panamá. ANAM. 146 pages.

³ Castillo, 2007. Causas ocultas de deforestación y degradación de los bosques en las Comarcas Kunas, Panama. Panama. 12 pages.

Table1. Forest Areas 2004

Hectares

Province	Mature Forest	Forest showing Human intervention	Other Forests	Plantations	TOTAL FORESTS
Bocas del Toro	326,095	5,105	5,577	2,180	338,957
Coclé	54,575	116,199		5,034	175,808
Colón	226,929	104,805	29,605	5,751	367,090
Chiriquí	74,199	80,898		7,838	162,935
Darién	777,467	77,048	56,415	3,229	914,159
Herrera	7,174	37,905		1,398	46,477
Los Santos	21,605	52,639	4,997	1,467	80,708
Panamá	411,483	155,253	43,563	16,181	626,480
Veraguas	246,063	151,433		12,152	409,648
Kuna Yala	209,750	12,382	14		222,146
Emberá - Wounaan	395,344	8,212	2,269		405,825
Ngöbe Buglé	274,591	71,778	18,435		364,804
TOTAL	3,025,275	873,657	160,875	55,230	3,122,262

Source: Prepared on the basis of background information from: Indicadores Ambientales de Panamá. ANAM, 2006; Informe del Estado del Ambiente. GEO Panamá. ANAM, 2004; República de Panamá: Executive Decree N° 2. ANAM, December 2003; Directorate of Environmental Assessment and Planning Data Base. ANAM, 2004.

2 THE AIM OF THIS REPORT

This report presents the results of research on the implementation of the CBD commitments in the Republic of Panama, particularly among the Indigenous peoples of the country. The Republic of Panama comprises 9 Provinces and 5 autonomously administrated Indigenous Regions or Territories. As a whole the forest area of the country is mostly to be found in the Indigenous territories

The report provides a synthesis, based on a questionnaire sent primarily to Government bodies. The questionnaire aims at ascertaining whether the Government has implemented the commitments contained in the Convention that most concern forests and how they have done so. The information in the report reflects the information obtained on the basis of our own research and not only that provided directly by the corresponding government institutions or officials and members of civil society that were informally interviewed during the study.

The conclusions section at the end of the report presents a summary of the results and is followed by a section containing recommendations.

We hope that this report will make a positive contribution to the assessment of progress made since Rio and may serve as a contribution to help decision-makers increase protection and enhance the sustainable use of the forests still remaining in the world.

3 METHODOLOGY

The Global Forest Coalition requested that the following task should be undertaken to produce an independent monitoring report regarding the implementation of the Expanded Programme of Work on Forest Biological Diversity (CBD/PoW).

The study was launched between September and November 2007. The primary mechanism of the analysis was a questionnaire attached as Annex 1. The questionnaire included 30 questions based on general questions and on the three (3) Programme elements. The questions were divided into four (4) groups regarding:

1. Knowledge of the implementation of the expanded programme of work on forest biological diversity;
2. Element 1: conservation, sustainable uses and distribution of benefits;
3. Element 2: Favourable institutional and socio-economic environment;
4. Element 3: Knowledge, assessment and monitoring.

The research involved the following activities:

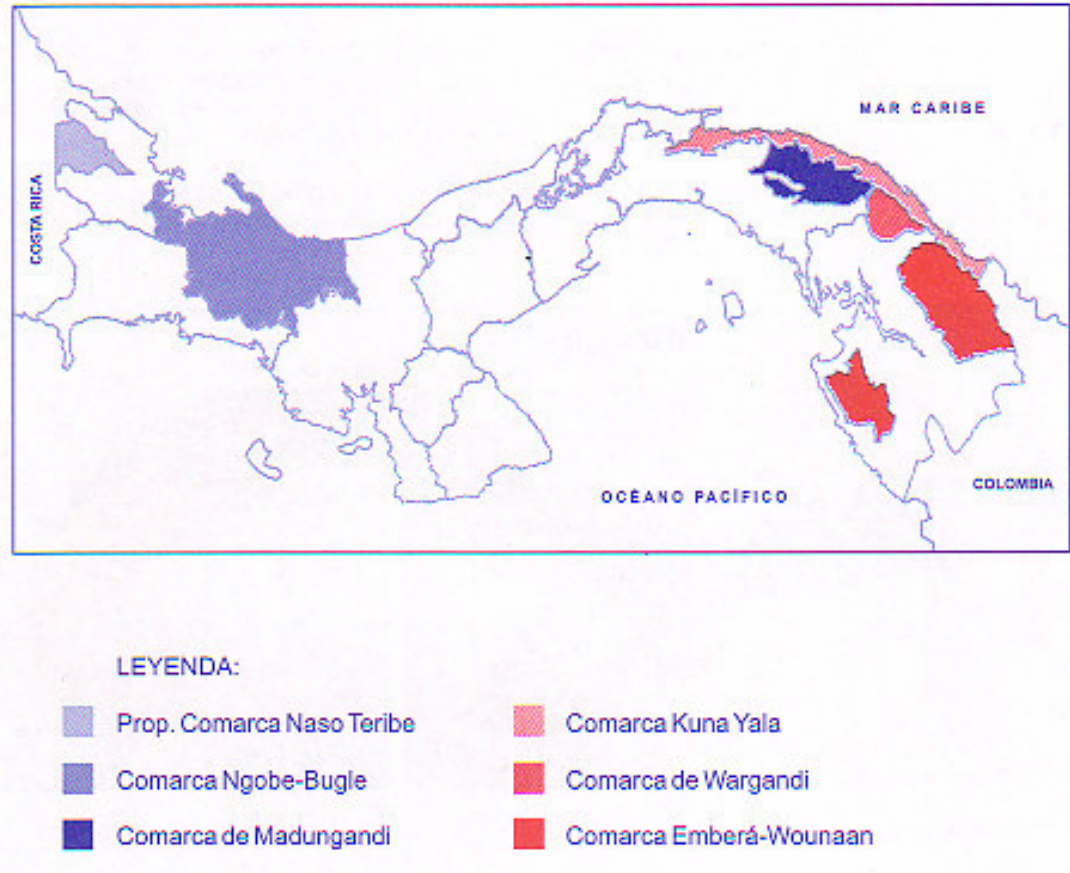
- Translation of the questionnaire or the dialogue into the original language if necessary at the time of the interview;
- Dispatching the questionnaire to the corresponding contact persons in the Government;
- Making the corresponding contacts with relevant Government officials to obtain a clear response on whether they were prepared to answer the questionnaire or not;
- Telephone interviews or dialogues;
- Making contacts with at least five representatives of the country's Indigenous peoples, travelling to the area or making phone calls;
- Making contacts with groups and individuals related with ecological or environmental activities, such as NGOs, farmers, among others;
- Holding a workshop to present the draft Final Report to be widely discussed by the representatives of the Indigenous peoples and interested parties;
- Submitting the final report for edition and publication.

4 THE RESULTS

4.1 Knowledge of the implementation of the expanded programme of work on forest biological diversity

The five (5) legally established indigenous regions: Kuna Yala, Madungandi, Wargandi, Embera-Wounaan and Ngöbe-Bugle and the others in process of struggles to be established in the same way as the afore mentioned regions, such as the Nasso-Teribe and Collective Lands, tended to show a lack of knowledge of the expanded programme of work on forest biological diversity (see Map 1).

On being unaware of the programme, all questions referring to point 4.1 were left unanswered. The country’s Indigenous peoples do not know if the government is carrying out consultations and public discussion on the design, implementation and monitoring of the programme.



Map 1: Indigenous regions or territories of Panama

On interviewing the Government institutions, and in particular officials from Protected Areas and Wildlife and from the Department of Forest Management of the National Environmental Authority (ANAM), as environmental governing body and supposedly responsible for applying the programme, it appeared that they did not know of the programme. They only located references or on-going activities that were indirectly related with the programme. This is because these activities or projects are incorporated in forest management actions, such as the forest management in Tupiza⁴, in the Embera-Wounaan region of the Cemaco District and national reports or strategies on environment and biodiversity⁵. In themselves they are the results or “consulted” documents in consultation with the indigenous peoples but later filed away.

⁴ Plan integrado de manejo forestal Río Tupiza, Distrito de Cémaco, Darién – Panamá. February 2005. 72 pages.
⁵ Panama, 2007. Tercer informe nacional de biodiversidad. Proyecto ANAM/UNEP, DGEF No. GFL/4833. ANAM. 208 pages.

4.1.1 Underlying or hidden causes

The causes affecting changes in forest cover and forest degradation are to be found outside the forestry sector. They are factors that generate closely connected economic, social and demographic processes and that establish among each other complex causal relations. As a consequence, in order to understand such interrelationships it is necessary to distinguish three types of variables: the agents, the immediate causes and the underlying causes, Suderlin (1997), quoted in Castillo (2007).

- The agents. According to Castillo (2007), there are five types of agents in the Indigenous regions or territories that have a direct influence causing changes in forest cover, forest degradation or temporary and/or definitive conversion to other land uses. There are three (3) internal agents and two (2) exogenous agents, see table 2.
- The immediate causes of forest elimination or impoverishment are those factors having a direct influence on the agent's behaviour. There are three (3) immediate causes: (a) the advance of the agricultural frontier towards forests based on nainu farming, (b) the advance of the agricultural/livestock frontier towards the limits or forests of the Indigenous territories, and (c) reclaiming of ancestral lands in view of historic rights.
- The hidden or underlying causes of deforestation and forest degradation are more linked to policies applied by governments rather than to actions developed by local communities. Everything points to the fact that it is the local communities and not the governments that really protect and conserve forests. In addition to the political factors found, we also found the concession of timber for an uncontrolled industry, land tenure or security, the reclamation of ancestral or historical lands, the loss of traditional knowledge, because these are not being applied or transmitted to present and future generations and, traditional land tenure corresponding to the country's Indigenous peoples.

Actions taken vis-à-vis the underlying causes by some of the country's Indigenous regions or territories:

- ⇒ Cooperation Agreement between the Kuna General Congress and the National Environmental Authority, signed on 31 August 2006.
- ⇒ Sixteen (16) projects approved for the Panamanian Atlantic Meso-American Biological Corridor (CBMAP)/ANAM, to be implemented by 15 Kuna communities of the Kuna Yala Region.
- ⇒ Process for shared management or co-management in the Nargana Protected Wildlife Area, Corregimiento de Narganá in the Kuna Yala, Region, between the ANAM and the CGK
- ⇒ Monitoring, control and education on conservation in the Nargana Protected Wildlife Area on the El Llano-Carti highway by the ANAM Regional Administration and the CGK
- ⇒ On-going project within the Integrated Forest Management Plan for the Tupiza River, District of Cemaco in the Embera-Wounaan Region.
- ⇒ Proposal for a project for an "integrated forest management and community business plan" for the Sambu District, Embera Wounaan Region.

4.2 Element 1: Conservation, sustainable uses and distribution of benefits

In order to restore, mitigate and eradicate the threats identified in item 4.1.1, the Government has taken certain action, with great mistrust, when threats are directed towards the Indigenous territories. There is no political decision to mitigate the concealed causes we have identified. The Kuna region of Madungandi has a latent environmental problem⁶, and to mitigate the situation, considering that it is so, within the PNDFS, "integrated forest management in the Madungandi Region" is being contemplated (outline of a draft project). We also have Claiming of ancestral lands of the Kuna people in the Kuna Yala Region⁷. Government policies regarding the rights of the Indigenous peoples – particularly those affecting their rights over their territories – have been the structural cause of many deforestation processes which would not have occurred had these rights been recognized.

The situation of endangered forest species is also analyzed, such as in the case of *Cedrella odorata*, the *chunga* (*Astrocaryum standleyanum*), the *weruk* (*Manicaria saccifera*) and other species; projects for reforestation of secondary forests in degraded areas are being negotiated, to recover the forest landscape. Studies are also being made of the cultivation or development of non-timber forest products such as the *chunga* (*Astrocaryum standleyanum*) the ivory palm (*Phytelephas seemannii*) and the *cocobolo* (*Dalbergia retusa*), studies carried out by the Smithsonian Tropical Research Institution together with the National Environmental Authority (ANAM), sponsored by the International Tropical Timber Organization (ITTO); forest certification is promoted; and sustainable forest use by Indigenous communities is also fostered. Likewise, Indigenous peoples' NGOs have implemented or are implementing programmes such as the one on "training in agro-ecological techniques based on traditional knowledge," "planning of environmental strategies adapted to different situations," in the Darien-Kuna eco-region (Castillo 2006, 2007).

Although the country is not directly applying the principles and actions of an ecosystemic approach, the Conservation for Sustainable Development Strategy⁸, notes that "For a conservation for sustainable development strategy to be viable, it must be participative and diverse in its expressions; open to all forms of productive social organization present in the country, and adapted to the productive potential of the country's different eco-regions. For the same reason it must be prepared using an ecosystem approach." Therefore, measures are being taken in this respect for sustainable forest management during periods of life cycles that allow for forest restoration. Likewise, the PNDFS has taken up the importance of an ecosystem approach to forest management, its protection and conservation of forest biological diversity.

⁶ The people of *Madungandi* claim that the Governments have not compensated them fully for ecological damage caused in the name of development, with the construction of a hydro-electric plant.

⁷ Border conflict with the District of Santa Isabel, demanding measures to be taken to guarantee an agreed on and inter-cultural decision among the stakeholders involved (Castillo *et al* 2005; 2006).

⁸ Estrategia de Conservación para el Desarrollo Sostenible: Lineamientos de Política de la Autoridad Nacional del Ambiente 2004-2009. Panama. ANAM, 2005. 24 pages.

Table 2: Causes of deforestation and forest degradation in Kuna communities

TYPE OF CAUSE [(√) – type of agent that is supposed to play a major role in deforestation and degradation]							
AGENTS				UNDERLYING			
Collective and dwarf holdings – internal			Exogenous		Regional Standards/Policies	Government/National Policies	Economic development
<i>Nainu</i> agriculture	Small timber industry (among communities)	Practice of monoculture and perennial plantations	Timber industry	Subsistence farming and animal husbandry			
Advance of the agricultural frontier				(√)	(√) Loss of traditional knowledge	(√) Formal education not adapted to the situation of the <i>Kuna</i> people	
Loss of traditional knowledge regarding agro-ecological systems					(√) Loss of traditional knowledge	(√) Formal education not adapted to the situation of the <i>Kuna</i> people	
Reclamation of traditional lands						(√) Reclamation of ancestral lands	(√) Effects of land purchase for exogenous prices
Tourism						(√) Law 2 of 7 January 2006	(√) Effects of land purchase for exogenous prices
(√) Increase in the population							
Dwarf-holders do not have any responsibility			(√)	(√)	(√) Dwarf-holders do not have any responsibility		

Effects exaggerated by soil degradation	(√)	(√)	(√)	(√)	(√)	(√) Economic diversification
Effects exaggerated by loss of natural resources and biodiversity	(√)	(√)	(√)	(√) National economic policy		

Source: Adapted from Castillo, 2007. Hidden causes of deforestation and forest degradation in the Kuna regions, Panama. Panama, 12 pages.

Panama has progressive forestry legislation, understanding the goods and services offered by forests as a whole – their existing biological diversity. Presently it is under revision and one of the results is the PNDFS. Panamanian forestry policy is taking on relevance on the basis of the Political Constitution of the Republic of Panama; although the General Environmental law has been repealed and rights set out in some of the Articles of Title VII regarding “Indigenous Peoples and Regions,” have been lost. The people of the Kuna Yala Region have taken this up as one of their relevant activities for 2008⁹; Forestry Law No. 1 of 3 February 1994, aimed at the “protection, conservation, education, research, enhancement, improvement and rational management and use of forest resources” (Article 1); the Forestry Regulation had to wait four (4) years for Resolution of the Board of Directors No. 05-98 of 22 January 1998 to regulate the forestry law, which indicates the scant application of legal instruments in this matter; and the Law for Reforestation Incentives of 23 November 1992. The State has assigned the National Environmental Authority as the governing body in public forestry administration. However, there are specific cases, such as the coastal zones and the Panama Canal basin, whose administration is shared with other institutions¹⁰.



In spite of these changes, that have undoubtedly led to administrative improvements, it may be noted that no true forestry administration, technically and politically empowered to address issues regarding forestation exists, and still less one that takes into account the traditional knowledge of the country’s Indigenous people regarding sustainable forest development.

Sustainable forest management is promoted in areas used by the communities in the Indigenous territories or regions, to launch short term (one or two years) utilization, extending to more than 20 years with a guarantee of sustainability and forest renovation.

Other benefits are the creation of protected areas within the Indigenous regions. At least the Kuna Yala people, through the Cooperation Agreement with ANAM, had their Fundamental Law recognized. The SINAP recognizes the category of Protected Wildlife Areas located within the Indigenous Regions or Territories. It establishes that it is the Congresses themselves that will, in the first instance, declare their own protected area which ANAM may then authenticate by a resolution or law declaring such a protected area to be constituted or established. In this way, in 1987, the Kuna General Congress declared and approved the management plan for the Corregimiento de Nargana Protected Area. Seven (7) years later this was authenticated by the National Institute for Renewable Natural Resources (INRENARE), currently the ANAM.

Presently in this Protected Wildlife Area of Nargana, 16 environmental and economic-environmental sub-projects will be implemented for 15 communities in the sector, supported

⁹ “Prepare proposals for the reincorporation and adaptation of Articles of Title VII of the General Environmental Law (Law 41 of 1998). Annual Operational Plan 2008, ANAM-CGK Agreement.

¹⁰ The Water Resource Authority administrates mangrove forests and the Panama Canal Authority has exclusive responsibility for the protection of water resources in the canal basin, linking them to the forests in the basin, in their function of protection.

by the Panamanian Atlantic Meso-American Biological Corridor (CBMAP). In addition to these, the KGC has requested CBMAP through the Regional Administration, to extend the subprojects to the Corregimiento de Ailigandi¹¹. This is a very favourable action, although said corregimiento is not a protected area.

4.3 Element 2: A favourable institutional and socio-economic environment

During the present year, the national Government - aware that the pressure on the country's forest resources is increasing every year with great loss of forest reserves at an accelerated rate, affecting soil availability and quality, air and water quality, biodiversity and with it, human life - has prepared, through ANAM in collaboration with the United Nations Food and Agricultural Organization (FAO) the National Plan for Sustainable Forestry (PNDFS). It is aimed at "contributing to the social, economic and environmental development of the country through the sustainable use of forestry resources, with the responsible participation of all sectors and interested stakeholders."

The sustainable forestry development plan is based on the Principles and Basic Guidelines for Panamanian Forestry Policy, established by Executive Decree No. 2 of 17 January 2003. This Decree obliges the State to define a common forestry policy, making it possible to establish national environmental, economic and social objectives that respond to the population's needs and to establish institutional mechanisms to guarantee its effective application. The plan proposes concrete actions such as the promotion of forestation and reforestation on an industrial scale; payment for environmental services; forestry research and education; and institutional strengthening, among others.

As will be seen, over the past few years, the Government has been taking action to create a favourable institutional and economic environment regarding the conservation and sustainable use of forest biological diversity, including access to and participation in benefits. Another one of these actions (such as those mentioned in the previous paragraphs) is the creation in 2006 of Executive Decree 257, regulating access to genetic resources. Natural resource projects (PRORENA), investigating native forest species in various areas with different rates of rainfall; project Twenty-first Century - Centre for Sustainable Environmental Development (CEDESAM)-ANAM/PROMOTION OF ENVIRONMENTAL CULTURE; a project supported by the Smithsonian Tropical Research Institution (STRI-Panamá) on Environmental Services in the Hydrographical Basin of the Panama Canal, all have educational, participation and public awareness components.

The stakeholders, and in particular the Indigenous peoples, have been considered in the "participative consultation" workshops, but not in a real and effective participation, taking their own decisions concerning their interests and more pressing needs as regards their forestry resources and biodiversity.

If biological diversity exists in the country, it is due to those who have the environmental culture that protected it - the Indigenous peoples. It is there, in the territories or regions where great biological diversity exists in the forests. Additionally this is due to the country's condition of being an isthmus and terrestrial bridge between the south and the north of *Abia Yala**. This means that forest biodiversity is an important economic factor for the Indigenous peoples and therefore for Panama.

With 12 life areas, the country offers a strong attraction for the development of sustainable or ecological tourism and scientific research. The Indigenous territories with inhabitants linked to the forest offers the most attraction, as sustainable tourism is an activity based on ecosystem resources: a varied biological diversity regarding flora and fauna and landscapes, water resources and cultures are motors of development, but the real motor, the one that starts it, is the inhabitant of the regions and therefore of the country.

¹¹ CBMAP subprojects are only focused on protected areas.

Land tenure in the Indigenous regions is similar, but not always exactly the same. The for example, for the Kunas their land or forest is collective property. However, within this collective property methods of individual property, inherited property, family property, associated property (groups of farmers) and loaned or rented property are practiced.

4.4 Element 3: Knowledge, assessment and monitoring

In spite of the fact that as a country Panama has not prioritized research on forest biological diversity, the forest management approach, one way or another leads to carrying out research on biological diversity existing in the forest, and to make forest inventories. This approach towards native forests is almost always focused on Indigenous territories with native tropical forests. But I believe that not all indigenous peoples can be timber entrepreneurs as an alternative to mitigate the social and economic problems, as we do not have a timber culture.

However, in Panama scientific bodies that are dedicated to research work do exist, such as the STRI-Panama, the University of Panama, others such as support organizations, and CATHALAC (Latin America and the Caribbean), supporting TNC International to generate information on biodiversity; the inventory of land and water biodiversity in the mangrove repopulation project.

Knowledge obtained from research on forest biological diversity must be assessed and monitored and incorporated into the PNDFS. The health of native forests is periodically determined through inventories and an assessment of the nation's forest resources made through national inventories with direct measurements in combination with remote sensing techniques. On identifying and inventorying forest biological diversity the forest cover is known and updated, forest structure and composition are known as well as their health and forests are classified and defined. Protected and conservation forests are categorized or zoned and restored and the forest landscape is recovered, identifying soil degradation. Water courses are also recovered with other expected environmental effects.

The Forestry Law defines forests in the following management categories: protection forests are those that fulfil regulating functions and protection of essential ecological processes, such as the regulation of river flow and soil stabilization among others; special forests fulfil the function of preserving areas for scientific, educational, historical, tourist, recreational purposes of public interest and utility. Both the protection forests and the special forests are part of the National System of Protected Areas (SINAP) that covers an area of 2,454,125 hectares, the equivalent of 32.5% of the country's total area.

A third category defined under Resolution JD-09-94, is that of forest reserves, multiple use areas which allow programmed use of forest resources. They cover an estimated area of 346,400 hectares. In addition to the special form of native forest conservation are the private reserves. Some mangroves, in spite of their ecological protection function, are not in the category of protected areas. Mangroves cover an area of 174,435 hectares. Whilst these native forests are important, they are nevertheless undergoing a process of degradation due to human action.



The PNDFS makes a differentiation between natural forests and plantations, as a plantation can never be a forest. However, in the Forestry Law, plantations are still found as "forest mass produced by reforestation," as the artificial forest it is "all woody, tree-like plant formation, established or created by man."

Presently there are legislative initiatives to protect forest biological diversity. There are laws recognizing the Indigenous territories, but not the knowledge. Scant attention has been given to the Indigenous peoples' traditional knowledge like other issues of equal relevance regarding environmental matters. Article 97 of the General Environmental Law ignores a fundamental principle: the principle of prior and informed consent of those possessing the knowledge, it leaves to the free will of those who want to commercialize the knowledge of Indigenous and local (peasant) peoples. Article 97 is a copy of the text of article 8j (CBD), but the word approval is dropped, a principle of protection and previous informed consent. Approval and participation are important to protect knowledge, at least enabling the Indigenous and local communities to say yes or no regarding its promotion.

5 CONCLUSIONS

- The Indigenous peoples of Panama are unaware of the Expanded Programme of Work on Forest Biological Diversity of the Convention on Biological Diversity and there is no possibility that it is being applied in their Regions in a direct manner, but perhaps it is applied indirectly.
- Regarding Government institutions, in particular ANAM, its officials were unable to reply to the questionnaire. Only one official who was involved in biodiversity matters submitted a report prepared on the issue.
- Whether the programme is applied or not as a working tool for the application of the Convention on Biological Diversity, the government has not used it as such.
- However, future prospects for the implementation of this working tool to make the application of the Convention effective can be noted.

6 SOME RECOMMENDATIONS

- To establish a protected area in the border area of conflict between the District of Santa Isabel and the Kuna Yala Region, using the conflict solving programme as a tool
- To promote strategic sustainable and/or environmental development plans for the Indigenous regions of the country;
- To promote land use planning, zonation and environmental planning for an appropriate medium and long term resource use;
- To promote the Indigenous peoples' traditional knowledge, so that not only is it taken into account but also applied within the national strategic plans, using the expanded programme of work on forest biological diversity as a working tool;
- To promote the Indigenous peoples' traditional environmental knowledge in forest management plans, using the expanded programme of work on forest biological diversity as a working tool;
- To readapt environmental standards (policies) pertaining to the Indigenous peoples to new realities.

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ANNEX 1:

GLOBAL FOREST COALITION

Independent monitoring of the implementation of the expanded programme of work on forest biological diversity (PoW/FBD)

A. Knowledge of the implementation of the expanded programme of work on forest biological diversity

1. Do you know about the expanded programme of work on forest biological diversity?
YES NO
2. Do you consider that the PoW/FBD (or part of it) is useful to make known the role of forest biological diversity in your country?
YES NO
Why?
3. Do you know whether the Government carries out public consultations and discussions for the implementation and monitoring of PoW/FBD?
YES NO
4. Do you know which components of the PoW/FBD are being implemented?
YES NO
5. What PoW/FBD process is being carried out to be implemented in the country?
6. Has the PoW/FBC been incorporated in sectoral policies? In which sector or sectors?
7. Do you know what resources have been allocated to the implementation of the PoW/FBD in the country?
8. Do you know what institution and person are responsible for the implementation of the PoW/FBC?
9. Have the underlying causes of the loss of biodiversity and of forest degradation been identified?
 - Please specify the identified underlying causes
 - Please specify the action taken to counteract the identified underlying causes
10. Have measures been taken in this respect?

B. Component 1 – conservation, sustainable uses and distribution of benefits

11. What action has the Government taken to protect forests from the identified threats?
12. What action has the government taken to restore, mitigate and eradicate these identified threats?
13. Has an ecosystem approach been applied in the country?
YES NO
14. How has the ecosystem approach been applied?
15. What is the effect of the application of the ecosystem approach on forest biodiversity?

16. Is the sustainable use of forest biological diversity a relevant activity or policy in the country?

YES NO

Describe how:

17. According to your knowledge, how does forest biological diversity contribute to the benefit or the welfare of all the segments of national society and in particular of your community?

C. Component 2 – Favourable institutional and socio-economic environment

18. What action has been taken by the Government to create a favourable institutional and economic environment?

19. How have the various stakeholders become involved in the process?

20. Is forest biodiversity an important economic factor for the people in your country?

YES NO

21. Please describe briefly forest land tenure, access and ownership in the country or in your region.

D. Component 3 – knowledge, assessment and monitoring

22. What are the research priorities regarding forest biological diversity in your country?

23. How is this knowledge related with the assessment and monitoring of:

- Forest cover
- Forest health
- Forest structure and composition
- Forest classification and definitions
- Forest protection and conservation
- Forest rehabilitation and restoration

24. How is this knowledge reflected in policies and measures to reduce forest loss and degradation?

25. Presently, how are forests defined in the country?

26. Is traditional knowledge considered in the formulation of forest policies?

YES NO

Describe how:

27. How is traditional knowledge reflected in policies and measures to reduce forest cover and degradation?

28. Is traditional knowledge applied in policy-making relating to the assessment and monitoring of the state of forests?

YES NO

Describe how:

30. Final and additional comments:

*** Abia Yala is one of the traditional names for the Americas**



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