Tuesday January 25th 2011

Mr. Lee Richardson
Chair, Standing Committee on International Trade
and Honourable Members of the Standing Committee on International Trade
Parliament of Canada

cc:
Foreign Affairs Committee, Canadian Parliament
Glen McPherson, Trade Commissioner for the Embassy of Canada in Panama

Dear Honourable Committee Members,

First, my greetings to you as a representative of the Ngöbé Buglé people. We wish you much success in your work.

We take this opportunity to respectfully bring to your attention in writing our response, along social, environmental and legal lines, to the presentation that Mr. Don Clarke made before the Canadian parliamentary committee on November 29th 2010.[1]

Honourable chair and members of the International Trade Committee, I must inform you that the presentation that Donald Clarke made in parliament is truly absurd in relation to our reality and shows great disrespect for our peoples, traditional authorities of the Comarca[2] and legislation, which I will outline as follows:

1. Donald Clarke believes that thousands of people are in agreement with mining activity in our Comarca, which is totally incorrect.

2. Donald Clarke indicates that when he arrived in the Comarca that he met with communities to gauge people's interest in receiving training workshops about mining. But according to our special legal framework, outlined in Law No.10 of March 7th 1997 that legally constituted the Ngöbé Buglé Comarca, decisions regarding the Comarca are not made by communities, but rather by the leadership of the Congress and Chiefs of the Comarca.

3. Donald Clarke also said that he had studied the laws of the Comarca and of the country to ensure that the people would not be affected, socially, culturally, environmentally, politically or legally. But we denounce that what we have seen with regard to his attitude and stance are completely the opposite, given that after he financed the creation of a committee made up of indigenous community members, Donald Clarke and his team advised this committee to intimidate and disrespect other residents who are opposed to mining, and to oblige them to accept mining one way or another. Similarly, he intervened during past elections in the Ngöbé Buglé territory for congressional representatives on October 24th 2010, when he provided economic support for

1 Don Clarke testified before the Standing Committee on International Trade with regard to the Panama Canada free trade agreement. He is an associate of Kokopelli consulting company (http://www.kokopelli.ca/nosotros.html). In Panama, Don Clarke also identifies as a representative of the Canadian mining company Corriente Resources.

2 In Panama, the *comarca* is an administrative region that is governed by one of five indigenous nations. The Comarca of the Ngöbé Buglé is constituted under Law No.10 of March 7th 1997. Located in western Panama it covers about 8% of the entire country with a population of roughly 200,000 indigenous people.

candidates' campaigns. He does not respect the traditional and administrative authorities of the Comarca, who are empowered to take appropriate measures when it is merited according to our laws and national constitution.

4. Donald Clarke also said that he had an agreement to provide training to communities. This is illegal given that our indigenous leaders have not signed such an agreement with his team as required by our law.

5. With regard to Donald Clarke giving his opinion in the name of our people, I would like to make it very clear that no one may represent the Comarca before international institutions or at international events without the authorization of the Comarca's authorities. Nor would we do so for someone who is not indigenous.

6. In this situation, I want to make it clear that those who can represent our Comarca are the Presidents of the Congress and traditional authorities, who are elected by the people according to our special legal framework, as outlined in Law No.10 of March 7th 1997.

7. We have denounced the illegal way by which reforms were made via Decree No. 537 to Executive Decree No. 194 from August 24th 1999.[3] This process was imposed by the Panamanian government without coordination with the General Congress of the Ngöbé Buglé Comarca as per Decree No. 194 regarding the process for such reforms (Article 282). As such, the elections that the government carried out on October 24th 2010 for the General, Regional and Local Congresses lack legal basis according to the Comarca's legal framework, given that this is the responsibility of our General Congress in coordination with various governmental entities, and this was not carried out appropriately.[4]

8. We asked the Panamanian government for an opportunity to dialogue in order to discuss the imposition of Decree 537 and to ask for its repeal. This dialogue lasted only 24 hours, and there was never any explanation from the government as to why it was not revoked.

9. Attached are copies of documents addressed to the Archbishop of Panama José Domingo Ulloa Mendieta regarding our concerns with regard to Decree 537 that was imposed by the government.

10. Also attached is a copy of the list of maximum leaders and traditional authorities from the Ngöbé Buglé Comarca that are opposed to the election of congressional delegates by the government on October 24th 2010.

Most distinguished parliamentarians, this is everything for the moment. I hope that you will take into consideration our concerns and respond to the Ngöbé Buglé people. For any further communication, my email address is duimah03exelen@hotmail.com.

This statement has been made according to Articles 24 and 28 in Chapter 3 regarding government and

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3 Reforms were made to the Comarca's legal framework via Decree 537 on June 2nd 2010 following an announcement by the Director of Indigenous Policy for the Ministry of Government and Justice José Isaac Acosta calling for new elections in the Comarca. This was the first time that Panama's electoral tribunal has directly called for elections in the Comarca, since the Comarca was formed in 1997.

4 Further details are available in the electoral observers's report from Human Rights Everywhere, "Informe sobre las elecciones a delegados para los congresos generales, regionales y locales de la comarca Ngäbe-Buglé (24 de Octubre de 2010," dated October 28th 2010.

administration in our indigenous territory, from Comarca Law No. 10 of March 7th 1997 regarding our traditional authority.

Attentively,

Celestino Mariano Gallardo
Regional Traditional Chief (Cacique) of Nedrini

# REPÚBLICA DE PANAMÁ
# CAMARCA NGOBE BUGLÉ

***DESPACHO DEL CACIQUE REGIONAL NIDRINI***

Martes 25 de enero de 2011

Sr. Lee Richardson
Presidente
Comite de Comercio Internacional

Por este medio recibo un atento saludo, de mi y en representacion de nosotros el Pueblo Ngobe Bugle y deseamos que tenga éxito en su delicado funcion.

Es propicia la ocasión para remitirle ante su despacho y con ascostumbrado respecto a que ustedes se merecen la presentacion y entrega formal escrito de nuestra respuesta en materia social, ambiental, y legal en relacion a la exposicion del Sr. Donald Clarke realizada en el Parlamento de Canada el dia 29 noviembre del 2010.

Respectado parlamentario Lee Richardson y demas miembros del comité tengo a bien mediante esta misiva declararle que la exposicion de Donald Clarke en el Parlamento fue bastante absurdo a nuestra realidad y de gran irrespecto a nuestros pueblos, autoridades tradicionales de la Comarca y nuestra legislacion lo cual es la siguiente:

[1] Donald Clarke considero que miles de personas estan de acuerdo con la actividad minera en nuestra Comarca lo cual es totalmente negativo.

[2] Donald Clarke señalo que al principio cuando llego a la Comarca se reunieron con comunidades para determinar el interes de la capacitacion acerca del tema minero pero antes esto declaro que de acuerdo a nuestro regimen especial (Ley 10 del 7 de marzo 1997 por la cual se creo la Comarca Ngobe Bugle) las decisiones sobre la misma no son de las comunidades sino de la dirigencia del Congreso y Caciques de la Comarca.

[3] Tambien dijo Donald Clarke que estudio las leyes de la Comarca y del pais para asegurar que no perjudicaria el Pueblo en materia social, cultural, ambiental, politico y legal. Pues denunciamos que su actitud y postura en los asuntos ya mencionados es todo del contrario ya que luego de constituir un comité compuesto por miembros de la comunidad indigena financiado por ello, Donald Clarke y su equipo han orientado a dicho comité para que intimide e irrespete a los moradores que se oponen a la actividad minera y los obligen de una forma u otra a aceptar dicha actividad, al igual que en la pasada elecciones de delegados a los Congresos que se realiso el 24 de octubre 2010 intervino apoyando economicamente a candidatos a puestos de delegados y al proceso de eleccion, y tambien no respeta la disposiciones de las autoridades tradicionales y administrativas de la Comarca cosa que nuestras leyes y la Constitucion Nacional nos guarantiza tomar medidas cuando la ocasión la amerite.

[4] Tambien Donald Clarke dijo acuerdo para capacitar a las comunidades. Respondo lo cual es ilegal ya que las dirigencias no le ha firmado ni a celebrado un acuerdo con ellos cosa que nuestra leyes a si lo determina.

[5] En cuanto a la representacion que dijera Donald Clarke en cuanto a su exposicion que emitiendo su opinion a nombre de nuestro pueblo porque permanece en la comunidad indigena de la Comarca respondo: quiero dejar claro que no aceptamos una representacion antes los organismos internacionales o eventos internacionales sin autorizacion de las autoridades de la Comarca. Ni tampoco si no son indigenas (porque un gallote no es igual a una paloma).

[6] Ante tal situacion hago constar que las personas con facultades representativas de nuestra Comarca es los Presidentes del Congreso y Caciques como autoridades tradicionales y electas por el pueblo de acuerdo a nuestra regimen especial (Ley 10 de 7 de marzo de 1997 y Decreto Executivo 194 del 25 de agosto 1999).

[7] Por otra parte denunciamos que la forma en que se llevo a cabo la modificacion del Decreto Executivo 194 del 25 de agosto 1999 es ilegal ya que el Decreto 537 por el cual se modifico el Decreto anterior fue impuesto por el gobierno sin coordinar con el Congreso General de la Comarca tal como lo establece el Decreto 194 sobre las modificaciones de la misma (Articulo 282). Al igual que el gobierno llevo a cabo el proceso electoral de delegados al Congreso General, Regional y Local el pasado 24 de octubre de 2010 lo cual no tiene fundamento legal por razones que de acuerdo a nuestra ley Comarcal esto le coresponde al Congreso General en coordinacion con algunas entidades de gobierno lo cual no se coordino por via legal.

[8] Tambien solicitamos al gobierno instalar la mesa de dialogo para darle tratamiento al Decreto 537 impuesto por lo mismo y su derogacion lo cual duro 24 horas solamente y se da la rotura sin respuesta alguna de aquel gobierno no acepto derogar dicho Decreto.

# REPÚBLICA DE PANAMÁ
# CAMARCA NGOBE BUGLÉ

***DESPACHO DEL CACIQUE REGIONAL NIDRINI***

[9] Adjuntamos copia de documentos dirigido al Monseñor Jose Domingo Ulloa Mendieta arzobispo de Panama de nuestro interes y inquietudes al respecto del decreto 527 impuesto por el gobierno.

[10] Adjuntamos copia de listado de las maximas dirigencias y autoridades tradicionales de la Comarca en oposicion a las elecciones de delegados al Congreso el pasado 24 de octubre de 2010 impuesta por el gobierno.

Esto es todo por ahora distinguidos parlamentarios espero que tomen a consideracion nuestra inquietud y responde la voz del Pueblo Ngobe Bugle y para cualquier comunicación, correo electronico duimah03exelen@hotmail.com.

Fundamento de derecho sobre esta declaracionesen calidad de autoridad tradicional: art 24 y 28 del capitulo III sobre gobierno y administracion de la Comarca Ley 10 del 7 de marzo de 1997.

Attentamente

Celestino Mariano Gallardo
Cacique Regional Nedrini