

**Information submitted to the Human Rights Committee on Issue No. 29:  
Equality, non-discrimination and protection of the rights of persons belonging to ethnic minorities  
Fourth Periodic Report of Panama**

*Presented by: The Center for International Environmental Law (CIEL),  
El Movimiento por la Defensa de los Territorios y Ecosistemas de Bocas del Toro (MODETEAB), &  
La Organización Territorial Ngäbe, Buglé y Campesina de la Región Norte de Santa Fe*

**Background:** The signatory organizations express our deep concern regarding the project to construct Panama’s Fourth Electrical Transmission Line,<sup>1</sup> which is being advanced by ETESA, the state-owned transmission company of Panama. The Fourth Transmission Line would cross some 330 kilometers along the Atlantic coast of Panama, transporting electricity generated in the northwestern part of the country to Panama City. In doing so, it would affect numerous lands and territories that have been inhabited by Indigenous Ngäbe and Buglé communities for generations.

Drawing on this Committee’s recognition of the importance of respecting and protecting the right of Indigenous peoples to enjoy their own cultures—including their traditional ways of life that are intrinsically linked to their lands and ancestral territories<sup>2</sup>—this submission describes how the Fourth Line would negatively impact the rights of Indigenous communities in Panama, as follows:

**The right of Indigenous peoples to maintain their traditional means of subsistence and way of life:**

By crossing their ancestral lands, the Fourth Transmission Line would threaten the ancestral way of life of the affected Indigenous communities, including their traditional livelihoods and agricultural practices. The Fourth Transmission Line is expected to pave the way for additional development projects in the area, such as a coastal highway, real estate speculation, mining projects, and even hydroelectric dams. Such development would increasingly force Indigenous communities to migrate from their ancestral lands to non-Indigenous areas of Panama, where their cultural identity and way of living in harmony with nature would be at risk of disappearing.

**The right of Indigenous peoples to conserve and protect their lands and natural resources:** If constructed along more than 300 kilometers of Panama’s Atlantic coast, as currently planned, the Fourth Transmission Line would endanger one of Panama’s last intact tropical forests, which has been home to the Ngäbe and Buglé peoples for thousands of years. The Fourth Line would likely be followed by projects that would further accelerate deforestation, contaminate the area’s rivers, and threaten the region’s unique biodiversity, thus undermining Indigenous communities’ right to conserve the environment and natural resources in their ancestral lands.

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<sup>1</sup> While the present document focuses on how the Fourth Electrical Transmission Line would impact Indigenous Ngäbe and Buglé communities, we would also draw the Committee’s attention to **the ongoing struggle of Ngäbe communities who were displaced by the Barro Blanco dam and who have continued to face violent repression**, including in an incident of police violence committed against them in late October 2021. We are available to discuss this incident and would respectfully refer the Committee to the attached document (in Spanish), which describes this incident and its context in detail.

<sup>2</sup> See, e.g., Human Rights Committee, *General comment no. 23(50) (art. 27)*, (1994), Doc. CCPR/C/21/Rev.1/Add.5, paras. 3.2 and 7.

**The right of Indigenous peoples to maintain their cultural traditions and identities:** In light of the intrinsic connection between Indigenous peoples' lands and how they define their cultures, the Fourth Line's incursion onto the ancestral territories of the Ngäbe and Buglé peoples would have profound ramifications for their traditions and identities. For generations, they have protected and benefited from the forest in the region, using its rich biodiversity as their natural pharmacy and its rivers as a sustainable means of transport. The Ngäbe and Buglé reiterate that they are accustomed to living in harmony with nature and that, if they are forced to leave their ancestral territories, the very social and cultural fabric of their peoples—including their languages, their family structures, their cultural values, and their entire way of life—would be changed forever and could disappear entirely.

**Inadequate legal protections for Indigenous peoples' traditional lands leave them further vulnerable to rights violations.** Several Indigenous communities who would be affected by the Fourth Transmission Line have yet to receive legal recognition of their traditional lands. The Indigenous territories in the Norte de Santa Fe region in the province of Veraguas were left entirely outside of the Ngäbe, Buglé and Campesinos Comarca upon its creation in 1997. In the province of Bocas del Toro, a number of Indigenous territories were designated by Law no. 10 of 1997 to become *áreas anexas* of this Comarca, yet the official demarcation of these areas was never completed. As a result, the Indigenous communities in both of these regions remain in a situation of legal insecurity.

**Insufficient processes for obtaining Indigenous peoples' Free, Prior, and Informed Consent (FPIC) are leaving Indigenous communities in Panama unprotected in the face of development projects that threaten to undermine their rights.** The Fourth Transmission Line illustrates a persistent pattern of projects being illegitimately imposed on the territories of Indigenous peoples in Panama, revealing how outside economic interests are prioritized over Indigenous peoples' rights, as well as their claims to their traditional lands.

Indeed, the failure of the Panamanian government to officially recognize the ancestral territories of the Ngäbe and Buglé communities in the provinces of Veraguas and Bocas del Toro (mentioned above) recently led to their exclusion from the preliminary FPIC process for the Fourth Line project. This is one of the many FPIC-related shortcomings in the context of the Fourth Line project that were identified in 2022 by the CAO<sup>3</sup>—the independent accountability mechanism of the International Finance Institution, which is supporting ETESA throughout the design phase of the Fourth Line project—as the result of an investigation into the project that was carried out at our request.

**The current status of the Fourth Line project in relation to affected Indigenous communities:** In late 2022, ETESA contracted a private entity, known as *Consortio CAMSA-ENGIMORE*, to carry out the environmental and social impact assessment (ESIA) for this project, including the primary FPIC process with the affected Indigenous communities.

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<sup>3</sup> Compliance Advisor Ombudsman, *Compliance Investigation Report: PLIV Advisory Services (IFC Project # 602084) Panama* (2022), p. 8 (stating that: “*The Indigenous Peoples of the Norte de Santa Fé region and other Indigenous communities outside the Comarca in the Annex Areas, although located in the project’s area of influence and potentially affected by the project, were not included in the preliminary FPIC process. These communities do not live in a government-recognized Indigenous territory (Comarca) but meet the criteria for being identified as Indigenous Peoples under PS7 (para. 5).*”), available at: [https://www.cao-ombudsman.org/sites/default/files/downloads/CAO\\_Compliance\\_Investigation\\_PLIV\\_Panama\\_Feb\\_2022\\_EN.pdf](https://www.cao-ombudsman.org/sites/default/files/downloads/CAO_Compliance_Investigation_PLIV_Panama_Feb_2022_EN.pdf).

The ESIA and FPIC processes for the Fourth Line are currently scheduled to be completed by October 2023. This is particularly concerning in light of the fact that the Indigenous communities in the *áreas anexas* in Bocas del Toro province have not been contacted by ETESA or by *Consortio CAMSA-ENGIMORE* and remain without information about how they might participate these processes.

Meanwhile, the Indigenous communities in the Norte de Santa Fe region of Veraguas province have confronted a series of problems in the context of visits to the area that have been carried out by *Consortio CAMSA-ENGIMORE* in recent months. Among other issues, *Consortio CAMSA-ENGIMORE* has gathered signatures from community members and emphasized only the positive aspects of the project, without mentioning possible adverse impacts or making reference to the right of Indigenous peoples to FPIC. In response, these communities have organized to express their opposition to the Fourth Transmission Line and to demand that their rights be respected in the context of this project. In the attached document (in Spanish), we describe this problematic situation in greater detail and highlight actions that these communities have taken in response.

In light of this situation, the signatory organizations wish to emphasize that the Committee's previous concluding observation no. 21, including in particular the recommendations that were presented in paragraphs 21(c) and 21(d), continue to be as relevant today as they were at the time of the Committee's review of Panama's third periodic report in 2008.

Fortunately, there is still time to avoid the negative impacts that the Fourth Electrical Transmission Line would have on the affected Indigenous communities. For this reason, we believe that this Committee has an unparalleled opportunity to discuss with the State of Panama the measures that it must take to respect the rights of Indigenous peoples before moving forward with this project.

**Based on the information presented above, we respectfully urge the Committee to:**

- 1. Express its concern regarding the adverse impacts that economic development projects have had and continue to have on the rights of Indigenous peoples in Panama—including energy infrastructure projects such as the Fourth Electrical Transmission Line—with serious repercussions for their cultural and territorial rights.**
- 2. Recommend that the State of Panama take all necessary measures to fully comply with international standards on the right of Indigenous peoples to Free, Prior, and Informed Consent before advancing projects that would affect them, including a specific reference to the Fourth Electrical Transmission Line.**
- 3. Recommend that the State of Panama request support from the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in order to fully respect the right of Indigenous peoples to Free, Prior, and Informed Consent in the context of the Fourth Electrical Transmission Line project.**

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