INDIGENOUS CONTESTATIONS OF SHIFTING PROPERTY REGIMES: LAND
CONFLICTS AND THE NGOBE IN BOCAS DEL TORO, PANAMA

Dissertation

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Abstract

This study investigates how shifting property regimes produced by global inequities in power affect indigenous groups’ access to land. Further, it explores the various means that indigenous populations use to legitimize their claims to land in a climate of shifting property regimes, when other differentially empowered claims to land may also be morally and/or legally legitimate. The study addresses these issues by using the example of the indigenous Ngobe’s experience of land conflicts produced in a context of tourism boom and neo-liberal land privatization reforms in Bocas del Toro, Panama. It showcases the pertinence of the Ngobe experience to the above questions by exploring the causes of land conflicts involving the Ngobe since the rise of the tourism industry over the last two decades, and the Ngobe responses to the stressors introduced by the tourism industry and neoliberal land reforms. It argues that Ngobe vulnerability to land loss and land conflicts stem from the combination of: legal and bureaucratic framework of the neoliberal land reforms in Panama; the political economy of information flows and Ngobe position within Bocatorenean society that limits their access to crucial information; and differing conceptions of inhabited property as opposed to ‘natural’, ‘unused’, ‘uninhabited’ land between the local Ngobe and immigrant Western
expatriates. At the same time, the study demonstrates how the social agency of individual actors produces an individualized *micro-politico-legal ecology* that shapes the force-field in which the actors are embedded and displaces the intended effects of legal and institutional property constructions. In so doing, the study will problematize the usual associations between indigenous peoples and their claims to land, delineate the processes through which structural and cultural forces produce indigenous marginality and vulnerability, challenge indigenous essentialisms, demonstrate how the concrete practices of property relations may shift legal and ideological conceptualizations of property, and argue that academic research on indigenous peoples needs to include the issues faced by un-territorialized indigenous populations in urban and semi-urban regions.
Dedication

Dedicated to my Amma, Maku and Kutta

In memory of my Acchan

S. Sivakumaran Thampi

And

Special Thanks

To

Christopher Norton
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PUBLICATIONS


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Chapter 1: Introduction

This study investigates how shifting property regimes produced by global inequities in power affect indigenous groups’ access to land. Further, it explores the various means that indigenous populations use to legitimize their claims to land in a climate of shifting property regimes, when other differentially empowered claims to land may also be morally and/or legally legitimate. The study addresses these issues by using the example of the indigenous Ngobe’s experience of land conflicts produced in a context of tourism boom and neo-liberal land privatization reforms in Bocas del Toro, Panama. I use the Ngobe experience to explore 1) the causes of land conflicts involving the Ngobe since the rise of the tourism industry over the last two decades, and 2) the Ngobe responses to the stressors introduced by the tourism industry and neoliberal land reforms. My study problematizes the usual associations between indigenous peoples and their claims to land, demonstrates how the concrete practices of property relations may shift legal and ideological conceptualizations of property, delineates the processes through which structural and cultural forces produce indigenous marginality and vulnerability, challenge indigenous essentialisms, and argues that academic research on indigenous peoples needs to encompass non-essentialist forms of indigeneity.
Often referred to as “Guaymi,” the Ngobe constitute the largest indigenous group in Panama, comprising more than 70% of the total population in the Bocas del Toro province (Controlaria General de Panama: Censo 2010) (see Appendix E: Figs. 1 & 2). I focus on the land conflicts mediated by the articulations between state-sponsored neoliberal land privatization schemes, the rise of residential tourism\(^2\) in the archipelago, and differences between indigenous and Western concepts of property. I demonstrate the social agency of the Ngobe in trying to determine and control the circumstances of their livelihood and survival in the archipelago by exploring the strategies they adopt in order to resist the loss of their land.

In this chapter, I provide a background of how I came to study land tenure conflicts and the Ngobe in Bocas del Toro, Panama. I identify the research questions that frame this study. Finally, I provide an overview of the chapters that comprise this study.

**Background**

I first went to Bocas del Toro in 2005 to attend a field school in Primatology. My memories of the place are still remarkably vivid. As I got off the tiny airplane that flew me from Panama City to Bocas del Toro airport on Isla Colon, I was struck by how familiar everything looked. The older women who wore frocks and skirts and blouses, and the older men who wore sewn pants and shirts looked like my grandparents in Kerala, India. The school kids in their uniforms of blue skirts and pants and white shirts

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\(^1\) The other indigenous groups include the Bugle, the Naso, the Teribe, the Kuna, the Wounan, the Bri-bri and the Embera (Velasquez Runk 2012).

\(^2\) I use the term “residential tourism” to refer to expatriates from developed Western nations buying land and building homes, condominiums, gated communities, and large estates in Bocas del Toro.
looked like the school kids from a municipal school in my neighborhood in Pune. The wooden Caribbean-style buildings and the thatch-roofed houses along the runway strip looked like residences of middle-class and poor Malayalis in Kerala. The Bougainville and hibiscus bushes filled the streets and the town’s central park, making Bocas seem so much like a small cantonment in India. The air felt as crisp and clean as that of my rural native place. The people felt familiar – as if I had always known them. Even though they spoke a language I did not know at the time (Spanish) and the women wore skirts and blouses instead of saris and mundus like they did in Kerala, their body language and the cadence of their Spanish speech were so much like that of Malayalis and Malayalam. Standing in Bocas, I felt a wave of nostalgia sweep over me. Far from home, I felt like I had come home.

As I became more fluent in Spanish, I got to know the people and places of Bocas del Toro more intimately. During the course of numerous casual conversations, I learned that tourism was the dominant industry in the archipelago. At the same time, the benefits of tourism were differentially distributed among the population in Bocas and residents’ attitudes toward tourism and its consequences on their lives also varied widely.

Concerns about land loss due to residential tourism were paramount in the opinions expressed by the Bocatoreneans. Stories of land conflicts in which many Bocatoreneans were embroiled were poignantly emotional and filled with pathos. Emphasis on residential tourism in Bocas had produced a speculative land market, which rendered the indigenous Ngobe in the islands especially vulnerable to land loss due land conflicts. As an anthropologist, I wanted to understand how land conflicts stemming from
overlapping tenure claims came to be, and why the Ngobe were susceptible to
development-related dispossession (Harvey 2007) compared to other ethnic groups in the
region. I therefore decided to switch my area of specialization from Primatology to
Economic Anthropology in order to investigate this phenomenon.

Statement of the Problem

Over the last two decades, the Bocas del Toro archipelago on the Northwest
Caribbean side of Panama and the indigenous Ngobe residents of the archipelago have
seen the rise of tourism as the dominant industry in the region. Since the early 1990s, the
Panamanian government has actively promoted tourism in order to re-build the local
economy which had declined following the migration of the banana industry to mainland
Panama in the mid-20th century. The archipelago has been in the national news since
2000 (e.g., Inwood 2005; Nadal 2009; Winner 2007) due to the abundance of land
conflicts sparked by residential tourism and resort development. The influx of elite
retirees promoted by transnational real estate companies has resulted in a rush to grab as
much land as possible to be resold at inflated prices to retirees looking for a cheap place
to retire.

The tourism boom that started in the late 1990s encouraged migration of
expatriates from the global North to settle in Bocas in retirement homes and establish
tourist enterprises (Spalding 2011). The lax legal structure of property laws allowed a de
facto legal pluralism to exist in the archipelago. This enabled expatriate immigrants to
buy right-of-possession (RoP) land from the state or from intermediaries that sometimes
had other indigenous Ngobe inhabitants of the islands residing on it. Expatriate or elite
Panamanian attempts to oust the resident Ngobe have resulted in a proliferation of land conflicts with multiple claims to property from the expatriates, the Ngobe and the state.

In response to land conflicts as well as pressures from International Finance Institutions like the World Bank, IMF, USAID, IDB, etc., the Panamanian government introduced neoliberal market reforms to establish a regulatory system that fostered economic growth through foreign investment in the region while also appeasing citizen and investor angst due to the burgeoning land conflicts. These reforms affected various stakeholders, including the Panamanian government, NGOs, the indigenous Ngobe and other Panamanians, as well as affluent stakeholders such as foreign corporations, foreign real estate agents, and expatriate retirees from the first world. At stake for these actors are land for cultivation and subsistence, access to the beach and the sea, land for experiencing “peace, beauty and the simple life” (a sentiment expressed by many expats I interviewed), livelihood through wage labor, safeguarding invested retirement funds, achieving targeted increases in indicators of national economic growth, and the fulfilment of political ambitions. The Ngobe have been especially vulnerable to these reforms.

**Objectives of the Study**

The objective of this study is to examine how the indigenous Ngobe in Bocas del Toro are affected by and respond to shifting property regimes produced by global inequities in power. I use examples of land conflicts and the Ngobe’s responses to them to illustrate why the Ngobe are especially vulnerable to land conflicts. I demonstrate how

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the Ngobe respond to the macro-structural contexts that pull them into land conflicts that plague the neo-liberal tourist haven of Bocas del Toro, to exemplify the social agency of Ngobe actors and the heterogeneity of Ngobe responses.

**Research Questions**

This study seeks to answer the following research questions: 1) what are the causes of land conflicts involving the Ngobe in Bocas del Toro since the rise of the tourism industry? And 2) how do the indigenous Ngobe respond to the stressors introduced by the tourism industry and neoliberal land reforms? By answering these questions, my goal is to investigate why the indigenous Ngobe are especially vulnerable to land loss and land conflicts in Bocas and how they are responding to the changes in the system.

**Theoretical Framework**

I construct my theoretical framework by combining and extending the layered approach of Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006) and the practice-force field approach of Nuijten and Lorenzo (2006). I employ an ecological metaphor to inform my theoretical framework for analysing land conflicts in Bocas. In my framework I assert that social actors consume categorical property terms produced in the legal-institutional layers of social phenomena and they act on land issues according to their own subjective interpretations of these terms within concretized social relationships. These actions by social actors in turn produce politico-legal ecologies. An actor’s structural position within society determines whose production of a micro-politico-legal-
ecology influences the practice force-field within which actors are embedded, and to what degree. I argue that differentially empowered social actors have differential access to information in the legal-institutional layer; differential ability to sculpt the “practice force-field”; and differential ability to create an “ethos of credibility”, which diffuses any suspicions about the truth of claims. I assert that despite these differential abilities, the social agency of the individual Ngobe shape and transform the “practice force-field” and “the legal-institutional” and “ideological” layers through everyday concretized practices and acts of resistance. I show how, through these practices, they displace the legal and institutional categories of property and thereby (may) gradually shift conceptualizations of property at the ideological layer. My treatment of the causes of Ngobe land conflicts as located in their vulnerability stemming from structural inequities, and my attention to the effects of the Ngobe’s actions on property relations on these structural inequities renders political ecology as a suitable explanatory framework. I situate my analysis of Ngobe responses to land conflicts within the literature on indigenous peoples responses to resource alienation.

This study examines the causes of land conflicts in Bocas and demonstrates how the concrete practices of property relations may shift legal and ideological conceptualizations of property. It delineates the processes through which structural and cultural forces produce indigenous marginality and vulnerability. It challenges indigenous essentialisms, and argues that academic research on indigenous peoples needs to encompass non-essentialist forms of indigeneity, including urban, cosmopolitan contexts.
In the process, the study problematizes the usual associations between indigenous peoples and their claims to land.

**Definition of Key Terms**

**Environmental racism**

I use this term to refer to unfavorable environmental conditions (Holifield 2001) and access to environmental resources for low-income or minority communities.

**Land alienation**

Land alienation refers to the right to regulate sale or lease of the rights to exclusion and management of property (Forster 2000: 47; Schlager and Ostrom 1992; Zoomers 2000). However, land alienation can also take place extra-legally (Gould et al. 2006). Some forms of land alienation may be voluntary, while others may be involuntary (such as a distress sale or forced appropriation of holdings). I use the term “land alienation” as an umbrella term to represent decisions concerning voluntary, involuntary, legal and extra-legal sale, lease or appropriation of land.

**Residential tourism**

I use this term to refer to expatriates from developed Western nations who buy land and build homes, condominiums, gated communities, and large estates in Bocas del Toro. Local Bocatoreneans and Panamanian officials also use the same term.

**Social Agency**
is the capacity of individuals to (ideally) act independently and to make their own free choices (Barker 2005). In practice, an individual’s capacity to act with agency may be differentially constrained by culture, social relations, and their structural position in society.

Discourse

I use Foucault’s (1982) critical interpretation of discourse as systems of thought, actions, beliefs and practices that systematically construct a subject and their world. Therefore, I see discourse and practice as intimately related, and often, conceptually and practically inseparable.

Organization of the Study

In Chapter 2, I situate my study among the anthropological literature on property rights, political ecology, and indigenous studies. I provide a description of the evolution of the study of property rights and the foundations and criticisms of neoliberalism. I theorize property relations by describing the anthropological perspective on land tenure and the theoretical frameworks on which I base my own model, which I call micro-politico-legal-ecology.

In Chapter 3, I introduce my field site, the Bocas del Toro archipelago. I outline my methods including the sampling process and the interview questionnaires for eliciting information on tenure rights and land conflicts. I also locate myself as researcher within this study and address issues of bias in the data collected.

In order to understand the structures within which people live their lives, it is necessary to have a historically grounded understanding of one’s study site (Wolf 1982).
Therefore in Chapter 4, I situate Bocas del Toro within its geographical and historical context by examining the question of indigenous autochthony in Bocas and the trope of Bocas as the isolated backwaters of Panama. I then locate the Ngobe within the historical and social context of Bocatorenean society.

In *Europe and a People without History*, Wolf emphasizes that it is important to locate the peoples studied by anthropology in the “larger fields of force generated by systems of power” (Wolf 1982: ix). He argues that systems of power do not exist from time immemorial. Systems develop and change over time. He emphasizes that it is important to understand how and why these systems develop, change and influence people (Wolf 1982). Following Wolf’s example, in Chapter 5, I delineate the macro-structural conditions that produce a fertile ground for land conflicts in Bocas and draw the Ngobe into their gambit. These conditions include the legal and bureaucratic framework of the neoliberal land reforms in Panama; the political economy of information flows and Ngobe position within Bocatorenean society that limits their access to crucial information; and differing conceptions of inhabited property as opposed to ‘natural’, ‘unused’, ‘uninhabited’ land between the local Ngobe and immigrant Western expatriates.

In Chapter 6, I use cases of land conflicts involving the Ngobe in Bocas to illustrate why they are vulnerable to land conflicts and land loss within the context of tourism, land speculation, and neoliberal land privatization reforms. I also use my ethnographic interviews with local residents (both Ngobe and non-Ngobe) to highlight Ngobe strategies in dealing with the global land market at their doorstep. The study
highlights the social agency of Ngobe individuals and the heterogeneity of their responses to the globalization of land. It therefore stresses the need to look *within* indigenous groups (Feinberg 2006) rather than *at* indigenous groups.

Finally, in Chapter 7, I conclude this dissertation by summarizing the results of this ethnographic research study on land tenure conflicts. Pauline Peters (2004) advocates focussing the analytical lens of academic research on understanding the processes of exclusion produced by differential powers among social actors which limits or forecloses negotiation or flexibility for certain groups while privileging others. By revealing the processes that result in land alienation and exclusion of the Ngobe from the benefits of tourism, I assert that they are subjected to environmental racism. The chapter concludes with an assessment of my contributions to the contemporary literature on indigenous rights, and offers policy recommendations for alleviating Ngobe vulnerability in their interactions with the international tourism industry and the global land market.
Chapter 2: Literature Review

In this chapter, I summarize the relevant literature on property rights by providing a brief description of the evolution of the study of property rights. I then discuss the neoliberal view of property rights which forms the basis for Panama’s current land privatization reforms. I present the anthropological critique of the neoliberal view, and the anthropological perspective on land tenure. I then explain Franz and Keebet von Benda-Beckmann and Melanie Wiber’s (2006) layered approach to the study of property relations, and Nuijten and Lorenzo’s (2006) practice force-field approach to contextualize my own theoretical framework in which I employ an ecological metaphor to the analysis of land conflicts in Bocas. I demonstrate the significance of my theoretical approach which emphasizes Ngobe agency and power to affect the ideological as well as legal and institutional property norms through concretised everyday practices of property relations, thus producing their own micro-politico-legal ecologies. I then emphasize why a political ecology approach is necessary for understanding the Ngobe’s vulnerability to land loss and land conflict in Bocas. Finally, I review and situate my study within the literature on
indigeneity and indigenous responses to threat of resource deprivation in order to delineate the gaps in the literature.

The Evolution of the Study of Property Rights

In this section, I trace the evolution of the study of property rights in order to explain the rise of neo-liberalism as a hegemonic policy and develop frameworks for theorizing property. Conventionally, the word “property” denotes the “thing” over which a person may have exclusive ownership. However, in Western theoretical and academic usage, property refers to the ownership of the incorporeal rights that people hold over things, not the ownership of the thing itself (Davis, 1973; Hann 1998). The essence of property is embedded in social relations (Benda-Beckmann, Benda-Beckmann & Wiber 2006; Hoebel 1966; Hume 1962; Nuijten & Lorenzo 2006). Hann (1998) suggests stretching this definition of property to the symbolic and material contexts within which things are recognized and identities are constructed.

Early theorists were concerned over the relationship between the evolution of human society and types of normative property. In the West, the debate over the relative merits of different types of property goes as far back as Aristotle and Plato (Hann 1998). Theorists such as Adam Smith, Adam Ferguson, Louis Henry Morgan, and Sir Henry Maine constructed the evolution of human society along the evolution of property from communal (public) forms toward individual (private) forms (Hann 1998). Marx and Engels correlated the evolution of the division of labor with the evolution of different property regimes and did not separate property relations from the social relations of production (Marx 1963).
The study of property rights in the West has been traced to two main authorities: the Roman Law and the English Common Law (Hann 1998). Roman Law approached property in terms of the exclusive ownership of things, rather than social relations between people. The Roman conceptualization of property is more popular in parts of continental Europe (Hann 1998). The English tradition emphasized the indivisible, inclusive, and relational character of property (Hann 1998). John Locke, a proponent of possessive individualism and representative of the English tradition, justified private property ownership in terms of the work invested in land, and the improvements thereby accomplished. He considered private property in land as sacred and rooted in divine will. Locke diverged from the Roman definition of property that saw it in terms of absolute and exclusive rights (Hann 1998). However, by the 18th century, England was exporting a modern Romanized conception of private property all over the world (Hann 1998).

Many theorists did not share Locke’s conception of absolute and exclusive private property rights and there is a wide spectrum of views on property, ranging from absolute exclusive private property rights to the idea of private property as evil. Adam Smith is representative of the former, while Marx represents the latter. Smith believed that the main function of the government was the defense of property rights through exclusion of particular subsets of the population from access to property – specifically, “to defend the rich from the poor” (Smith 1896: 291, cited in West 2007). Jeremy Bentham and John Stuart Mill repudiated Locke and Smith’s beliefs in the “naturalness” of property rights (West 2007: 13) and held that the pursuit of the greatest happiness implied the need for equality of material possessions. They therefore advocated an “interventionist state”
(Gledhill 1995: 7). Interestingly, Mill considered land a separate category of resource and questioned the concept of property in land, since land existed even before man (West 2007: 20). He argued against exclusive rights to land (West 2007: 21). A more collectivist approach to property is embodied in Jean Jacques Rousseau’s concept of “social property” to be distributed by the general consent of society (West 2007: 25). Marx saw private property as the source of most evil in society because private property rights take commonly accessible productive resources of the majority and put it in the control of a small minority, leaving the majority with no other options but to sell their labor on the market (Schmitt 1997).

This summary of the evolution of the study of property in the West shows the contest between the ideas of private property and collective property even as early as the 17th and 18th centuries. The currently hegemonic neo-liberal paradigm arises from this intellectual background and is more immediately grounded in Hardin’s (1968) “tragedy of the commons” metaphor. The distrust of common property systems as constructed by Hardin informs the perspective of neo-liberal land reforms.

**The Neoliberal View of Property Rights**

In order to understand Ngobe responses to land conflicts, it is important to understand neoliberal approaches to land tenure. The dominant liberal paradigm, on which the neoliberal model of property rights is based, considers the rigorous specification of private property rights as a necessary condition for improved economic performance and for a healthy society governed by civil and political liberties. This notion of private property co-occurs with notions of free individuals, competitive
markets, pluralistic civil societies, and the ‘rule of law’ (Austin 1954; Quesnay 1962). Often attributed to Adam Smith, the model has dispersed to other societies and has become normative in contemporary society, leading to the defamamation of other property regimes (such as common property) as resulting in environmental degradation and over-exploitation of scarce resources (e.g., Hardin 1968). Though this model has been resisted by many indigenous peoples around the world (see Gluckman 1965; Goody 1980; Williams 1986), and historical data challenge the normative construction of private property (Kingston-Mann 2006; Eidson 2006; Peters 2006; Visser 2006), it is the philosophical foundation for the contemporary hegemonic neoliberal policies on property rights.

Neo-liberal land reforms posit that granting land titles to individual owners will “improve” the land market, which will facilitate the transfer of land to the most efficient and productive users. Advocates such as de Soto (2000) postulate that land formalization and private ownership will reduce poverty, stimulate national economic growth, increase public savings, and safeguard the environment (see Hale 2002; Platteau 1996; Zoomers and van der Haar 2000). In Latin America, neoliberal reforms have been pushed by the World Bank and the IMF through structural adjustment programs in order to eliminate the “flaws of import-substitution industrialization and state-driven economic development” (cf. Hale 2005: 10).

Neoliberal approaches (Friedman 1962; Hayek 1948; 1988) share some core assumptions with modernization theory (Rostow 1991) which posits that ecological problems and crises arise because of inadequate use of “modern” economic techniques by
the developing countries. According to these “apolitical” approaches, Western modes of thought and technology need to be diffused to the underdeveloped world, firms and individuals need to be connected to larger markets and given more exclusive property controls over environmental resources, and wilderness biodiversity conservation should be realized through institutional forms of valuation, whereby environmental goods can be commoditized and priced on an open market (cf. Robbins 2004). Harvey (2007), who is critical of neoliberalism, characterizes it as a hegemonic mode of discourse which posits that human well-being is advanced through individual entrepreneurial freedoms within an institutional framework characterized by strong private property rights, free markets, and free trade. The neoliberal land privatization reforms in Panama which are funded by the international financial institutions are philosophically based on these supposedly “apolitical” approaches.

Critique of Neoliberalism

Many anthropologists disapprove of the tacit assumptions of possessive individualism in the liberal paradigm and instead, understand property as social relations. Anthropology and political ecology are critical of the so-called “apolitical” approaches such as “eco-scarcity”, “modernization”, “diffusion”, and “valuation” that explain underdevelopment in various societies since they ignore the fact that “finite” resources are socially constructed and can be infinitely stretched by using less, and supplying more efficient alternatives (Robbins 2004). From a historical perspective, the assertions of modernization theory have proved dubious. The environmental degradation following the green revolution is a classic example of this failure of modernization theory. These
“apolitical” approaches reproduce paternalistic colonial knowledge relations that dismiss the practices of indigenous and local communities without prior examination of their practices (see Uphoff 1988; Boelens 2008). Besides, articulation with global markets has often led to falling commodity prices and altered land values, resulting in more land degradation and social disorder in the less developed world (Robbins 2004). The large-scale tourism development and ubiquitous land conflicts in Bocas del Toro serve as evidence of the negative fallouts of these approaches.

The continued advocacy of these “apolitical” approaches to development as well as environmental issues is implicitly political. It holds implications for the distribution and control of resources. Privatizing “collective” goods like land, forest, or water requires the alienation of previous user groups (as has been the case with the Ngobe in Bocas del Toro). Similarly, implementing new technologies in agriculture, resource extraction, wilderness management, and tourism necessitates a transformation of existing institutions in these societies (Robbins 2004). Thus, the analytical lens of political ecology makes the politics in these “apolitical” approaches more explicit.

Hann (1998) indicates that the liberal model is predicated on a separation of political, economic, and legal spheres. Anthropological studies of property in various cultures demonstrate that real societies are functionally diffuse and the concept of property defies exact circumscription. Therefore, Hann (1998) sees the apparent rigor of the liberal emphasis on separation as a thin disguise for unequal power relations. He argues for the need for a greater precision and transparency in the actual distribution of social entitlements. He worries that the liberal emphasis on definitional rigor and
demarcation of property results in obfuscation and blurring of distributional issues. C.B. MacPherson (1962) makes a cogent contribution to debates about property rights and advocates finding an alternative away from the liberal paradigm and from Locke and an individual’s right to exclude others, toward the right to not be excluded from the means of labor. MacPherson (1962) understands this guarantee of access theoretically as a political problem of democratic control.

Critical anthropologists such as Charles Hale and Arturo Escobar query the purported goals of neoliberalism in particular, as well as Western development programs aimed at the Third World. Hale (2005) argues that neoliberalism is about more than economic reforms. He views it as a strategy of governance that includes limited cultural rights. Neoliberalism strengthens civil society and endorses inter-cultural equality, thus providing limited spaces for basic human rights and minimal democracies (Molyneux 2008). These superficially benign effects, when combined with economic reforms that postulate an aggressively individualistic ‘economic man,’ have the pernicious outcomes of deepening the state’s capacity to shape and neutralize opposition by reconstructing racial hierarchies (see Velasquez Runk 2012 for example). At the same time, neoliberalism emphasizes decentralization and diminished state roles (Hale 2005).

Hale asserts that the pernicious outcomes of neoliberal development are not unexpected consequences of a benign neoliberal project. Rather, ‘neoliberal multiculturalism’ is an integral part of this ideology. Neoliberal reforms combined with multiculturalism remake the protests of subordinate groups into a proposal – i.e., they compel subordinate groups to engage with the neoliberal agenda at some level and to
participate in “neoliberalism’s grid of intelligibility” (Scott 1998). Hale (2005) argues that neoliberal policy does not need a strictly individual notion of rights. Collective rights to land function just as well, so long as they do not contradict the principal tenets of the long-term economic model involving a move toward free-trade-zone manufacturing, financial services, commerce, tourism, and environmental management. and they do not threaten the established power holders or destabilize the regime. Neoliberal multiculturalism actually helps the neoliberal model by rationalizing land tenure, reducing the potential for chaos and conflict, and locking a subordinate community into the position of a client in development initiatives (Hale 2005).

Although advocates of neoliberalism may point to some examples of successful neoliberal land reforms such as those in Thailand, Singapore, Hong Kong, and Mauritius (see Feder et al. 1998; Mycoo 2005), neoliberal reforms have failed to deliver in most parts of Latin America and the Caribbean. There are many reasons for this failure. The process of land titling often happens very slowly due to economic, managerial, and technological constraints (Zoomers 2000); and a parcel of land may often have multiple claimants. The enactment of a land reform at the national level does not automatically transform into a replacement of existing tenure laws at the local level (Jansen & Roquas 1998). Interpretation of laws is usually multi-layered, nested, and evolves over time (Griffith 1986; Ostrom 1990; Santos 1977; Schlager 2006). Land reform is a contested political process and extends beyond the state (Forster 2000). State regulations may act upon or interfere with other normative systems, such as customary laws or community regulations (Zoomers & van der Haar 2000; see also Wilk 1991). Because of the
prohibitive cost of land titling, even formalized parcels of land may revert back to the informal sector through inheritance and forms of alienation that do not follow official channels (Barnes & Griffith-Charles 2007; Gould et al. 2006). Property rights are also a contested and dynamic process within households with different members having different “bundles of rights” to resources depending on age, gender, generation, etc. Therefore, both Zoomers (2000) and Forster (2000) advocate conceptualizing land tenure as a “process” (Forster 2000: 55) that is susceptible to the internal dynamics of households with respect to land use. Anthropologists therefore advocate adopting a more nuanced approach to studying property relations that emphasize documenting the concrete social practices surrounding property, rather than giving undue importance to only the legal and institutional aspects of property. As Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006: 15-16) opine,

Social practices of various kinds [i.e., what people do in daily life] create, maintain and change what property is”. . . “while elements of property relations at different layers become interconnected in social practices, they have a sufficiently independent character to also warrant an examination of their independent characteristics . . . and within each society, each layer of a property regime may change with different speed and for different reasons.

**Frameworks for Theorizing Property: The Layered and the Force-Field Approaches**

During the latter part of the 19th century, anthropological approaches to property crystallized and a consensus emerged that property relations were best understood in a
social or community context. Anthropologists adopted the “bundle of rights” metaphor from the work of Sir Henry Maine (1986 [1861]). Thus, the anthropological view of property is a continuation of a long Western tradition of property representation. Each stick in the bundle represents a particular kind of property right, such as occupation rights, use rights, access rights, management rights, inheritance and alienation rights, and ownership rights, among others. The more sticks a social actor holds, the more exclusive his rights to that property become. The “bundle of rights” metaphor captures the total range of rights and obligations that can be “bundled” and distributed over different holders of rights and obligations.

Due to the discipline’s grounding in ethnographic experience, anthropologists are well-positioned to explore the political problem of granting and restricting access to property across different cultures and over time and theorize about property relations from a comparative perspective. In this section, I describe the layered approach of Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006) and the force-field approach of Nuijten and Lorenzo (2006) to contextualize the development of my theoretical framework.

**Property Relations as Embedded in Layers of Social Phenomena**

Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006) represent property as the organization and legitimation of rights and responsibilities with respect to goods that are considered valuable. Property relations are given form and significance through three major elements: 1) social units that can hold property rights and responsibilities; 2) construction of valuables as property; and 3) different sets of rights
and responsibilities social units can have with respect to these property objects. They see property as being embedded in layers of social phenomena. For analytical purposes, they model property relations as being embedded in three layers (see Appendix E: Fig 3): 1) Categorical property relations at the legal-institutional layer that can be analyzed using the “bundle of rights” metaphor; 2) concretized social relationships at the layer of actual, everyday social relations amongst people and valuables; 3) and property relationships at the layer of ideology.

Neither ideology nor the legal-institutional property regimes are internally fully coherent and all these layers constitute important conditions that may constrain and enable people’s dealing with property. Much property theory fails to distinguish between categorical and concretized property relationships. Often, categories of property rights are assumed to inform people’s behavior and to affect resource allocation or sustainability of natural resources directly, while actual property relationships remain largely unnoticed (Franz and Keebet von Benda-Beckmann and Melanie Wiber 2006).

My study contributes to the literature on property rights as it demonstrates how the concrete practices of property relations performed by the Ngobe displace the legal and institutional categories of property and thereby, (may) gradually shift conceptualizations of property at the ideological layer.

**Property Relations as Embedded in a Force-Field**

In their study of the Mexican *ejido* (common lands), Nuijten and Lorenzo (2006) examine how and why the common lands signified distinct types of property objects for different categories of villagers in different periods of time. The study illustrates how the
daily practices around the access, distribution and use of land develop within a wider force field which envelops social and economic conditions. They use a practice-force field approach which adopts and extends the “bundle of rights” metaphor and Franz and Keebet von Benda-Beckmann and Melanie Wiber’s (2006) layered approach.

Nuijten and Lorenzo (2006) model the practice-force field as embedding concretized practices of access to and use of land within a sociopolitical and historical perspective. They argue that these practices are based on a complex set of rights and obligations embedded within the wider social-political fabric, or the “force field” (see Appendix E: Fig 4). They define a force field as a domain of power and struggle between different social actors with respect to certain resources and around which develop forms of dominance, contention, resistance, and certain formal and informal regularities and forms of ordering (Nuijten & Lorenzo 2006). The forms of ordering may thus reflect wider forces at play, rather than any normative agreements. Nuijten and Lorenzo (2006) emphasize that attention must be paid to the regularities that develop over time, as well as to the conflicts and tensions that rise. Their study pays close attention to the discursive modes by which people claim rights to land and define categories of other property claimants with different rights and obligations.

The Theoretical Framework in the Current Study: Production of Politico-Legal Ecologies

During my ethnographic and archival research in Panama, I identified three causes of land conflicts in Bocas (see Appendix E: Fig. 5). These include: 1) the legal and bureaucratic framework of the neoliberal land reforms in Panama that may be
characterized as a form of institutional environmental racism (Bullard 1993; Kottak 1999; Pulido 2000) as they differentially harm the Ngobe; 2) the political economy of information flows and Ngobe position within Bocatorenean society that limits their access to crucial information; and 3) differing conceptions of inhabited property as opposed to ‘natural’, ‘unused’, ‘uninhabited’ land between the indigenous Ngobe and the non-indigenous Panamanians and immigrant Western expatriates. In this study, I use an ecological metaphor to illustrate my theoretical framework to land conflicts in Bocas (see Appendix E: Fig 6).

My theoretical framework combines and extends the layered approach of Franz and Keebet von Benda-Beckmann and Melanie Wiber (2006) and the practice-force field approach of Nuijten and Lorenzo (2006). In my framework I posit that social actors consume categorical property terms produced in the legal-institutional layers of social phenomena and they act on land issues according to their own subjective interpretations of these terms within concretized social relationships. These actions by social actors in turn produce politico-legal ecologies. An actor’s structural position within society determines whose production of a micro-politico-legal-ecology influences the practice force-field within which actors are embedded, and to what degree.

Galanter (1974: 58) asserts that “the architecture of the legal system tends to confer interlocking advantages on overlapping groups” whom he calls “haves.” He characterizes the “haves” as “repeat players” (Galanter 1974: 4) who can shape the legal-institutional layer to their advantage. I extend Galanter (1974) to suggest that differentially empowered social actors have differential access to information in the
legal-institutional layer; differential ability to sculpt the “practice force-field”; and differential ability to create an ethos of credibility, which diffuses any suspicions about the truth of claims. Despite these differential abilities, the social agency of the individual Ngobe shape and transform the “practice force-field” and “the legal-institutional” and “ideological” layers through everyday concretized practices and acts of resistance. I show how, through these practices, they displace the legal and institutional categories of property and thereby (may) gradually shift conceptualizations of property at the ideological layer. My treatment of the causes of Ngobe land conflicts as located in their vulnerability stemming from structural inequities, and my attention to the effects of the Ngobe’s actions on property relations on these structural inequities renders political ecology as a suitable explanatory framework.

**Political Ecology**

Political ecology is an interdisciplinary field that seeks to analyze the political forces that influence access to, and management and transformation of environmental resources through patterns of appropriation and accumulation of natural capital (Renfrew 2011; Robbins 2004). It employs a holistic approach to the environment (Blaikie & Brookfield 1987; Greenberg & Park 1994), including the cultural (e.g., urban settings), political (e.g., the legal framework surrounding land privatization reforms), and natural (e.g., the Amazonian rainforest) (Escobar 1999) environments. Such a holistic perspective addresses the linkages between various levels (such as policy, politics, culture, and the environment) of analysis (Castree 2002) and scales (such as local,
regional, national, and international) (Kottak 1999) and addresses environmental racism in political ecology (Robbins 2004).

The perspective of political ecology enables me to analyze 1) the production of the tourism industry in Bocas by the World Bank and the Panamanian government; 2) the resulting land speculation on the global land market; 3) land loss and conflicts for the Ngobe; 4) the subsequent introduction of neoliberal land reforms aimed at privatizing land; and 5) the consequent alienation and proletarianization of the indigenous Ngobe. It addresses the power differentials among social actors, rendering it suitable for explaining the rise of land conflicts in Bocas and Ngobe reactions to them. The relevant explanatory variables in this study are inherently about power and are based on the articulation of external factors that derive from IFIs and the Panamanian State’s bureaucratic structures, as well as local factors such as differences in perceptions of property between the Ngobe and Western expats and the position of the Ngobe in Bocatorenean society. The political ecology framework draws attention to the consequences of power differentials among groups of social actors, thereby enabling me to assert and demonstrate that Ngobe vulnerability to land conflicts results from structural environmental racism.

At the same time, studies using the political ecology approach reveal and emphasize the agency of the actors who constitute subordinate groups such as women or peasants. These actors who are involved in exploitative systems mediate and resist their own exploitation (see Carney & Watts 1991; Donham 1999; Scott 1987). In my study I demonstrate how the indigenous Ngobe in Bocas del Toro fight not only the status quo, but also exploitative economic changes, using small and large acts of resistance. Their
social agency scuttles the intended effects of neoliberal land privatization policies through their adaptation of and resistance to these policies. The social agency of individual Ngobe actors produces an individualized politico-legal ecology that shapes the force-field in which the actors are embedded and displaces the intended effects of legal and institutional property constructions.

The political ecology framework subscribes to the idea that the costs and benefits of environmental change are unequally distributed among the social actors involved, which further reinforces or modifies existing social and economic inequalities and alters the relations of power among the actors who experience nature differently, depending on their social position (Bryant & Bailey 1997; Kottak 1999). This social position is itself differently produced by different groups and in different historical periods (Escobar 1999). The costs and risks of environmental change are displaced down the social hierarchy, while surplus value moves up the social hierarchy, resulting in a pattern of appropriation and accumulation of natural capital that is transformed into currency at locations away from the site of production (Robbins 2004; see Blaikie 1985, for example). Thus, “accumulation by dispossession” (Harvey’s 2007: 159), illustrated in Blaikie’s (1985) study of soil erosion, also helps explain the vulnerability of the Ngobe to tourism- and neoliberalism-induced land alienation. Following Greenberg’s (2006) analysis of overfishing in the upper Gulf of California, I argue that the ubiquitous land conflicts in Bocas stem from the political processes through which land tenure laws and categories are defined and contested, and in the economic processes through which pseudo-commodities such as land is commoditized for global consumption. Greenberg
(2006) points out that in a capitalist economy the state creates legal systems, bureaucracies, definitions of property rights, ownerships, and procedures of transference that make these pseudo-commodities available to capital as necessary (Greenberg 2006: 126). Since these systems differentially enable different social groups, I contend that Ngobe vulnerability arises from structural environmental racism that methodically dispossesses them to favor elite accumulation.

Political ecology research views environmental conflicts (Bryant 1995; Gibson 1999) as taking place at the intersection of larger gender, class, and race struggles (Robbins 2004). It demonstrates how scarcities are produced and conflicts between gender, class, or ethnic groups are accelerated through the enclosure and appropriation of the commons by state authorities, private firms, or social elites. Conversely, environmental conflict may become “socialized” when local or transnational groups usurp control of collective resources by leveraging the interventions of development authorities, state agents, or private firms (Brosius 2006; Kottak 1999; Robbins 2004). For example, the invocation of residential and resort tourism as a development strategy using foreign investment occludes the land alienation experienced by the Ngobe. The domination of social space in Bocas by expatriate residents, researchers, and NGOs limits and mutes Ngobe voices that express resistance. Even when expressed, complaints are interpreted as grievances about poverty rather than the demand for land rights.

One of the causes of land conflicts in Bocas pertains to the difference in the conceptions of what constitutes “property” between the indigenous Ngobe and the non-indigenous Panamanians and immigrant Western expatriates. Research in political
ecology also examines the diversity of environmental perceptions between and among marginal and elite actors, and the political economy of knowledge and power (see Berglund 2006; Neumann 1996; Robbins 2006). For example, Roderick Neumann’s *Imposing Wilderness* (1996) demonstrates how conservation policies *produce* commoditized landscapes for tourist *consumption* from complex cultural-environmental landscapes resulting in an artificially partitioned environment and society, which challenges social and environmental sustainability. Neumann (1998) draws on the spectrum of political ecology discussions on meanings, symbols, aesthetics, and the ways we imagine nature (see also Berglund 2006; Palsson 2006; Velasquez Runk 2009).

Because of the differential power and status of the non-indigenous actors in Bocas versus the indigenous Ngobe, the differing conceptions of property assume monumental importance, as it allows elite social actors to make their claims more credible. It is for this reason that I envision the size of an actor’s micro-politico-legal-ecology as commensurate with their structural position within society.

**Indigenous Studies**

I also situate my study within the literature on indigeneity and indigenous responses to resource deprivation to demonstrate the social agency and power that individual Ngobe possess. The Ngobe produce and inhabit their own micro-politico-legal ecologies (see Appendix E: Fig. 6). In turn, they affect the dominant ideological, legal, and institutional property norms through concretized practices of property relations and everyday acts of resistance.
Literature on indigenous studies identifies major structural factors that contribute to the deprivation and appropriation of indigenous people’s resources (see Baye 2008; Brysk 2000; Grisaffi 2010; Guerron Montero 2002; 2011a; Haarstad & Andersson 2009; Medina 1999; Pineda 2001; Postero 2005; Vanthuyne 2009; Viatori 2007, among others). But few (e.g., Everingham 2008; Mollett 2010; Moyo 2005) explain the actual processes through which structural factors effect increased vulnerability. This study goes in depth into the causes of land conflicts and land loss involving the Ngobe and explicitly demonstrates how these causes are located in the structural factors of Bocas and Panamanian society, and in the mental categories of property that various groups possess.

Since the increased recognition of indigenous rights in the 1990s (Brysk 2000; ILO 2003; World Bank 2001; United Nations 2007), more and more indigenous groups have come forward to claim their indigenous past and assert their indigenous identity. They have demanded rights to ancestral or contemporary resources, and to end racial and ethnic discrimination. Scholarly literature reflects the fact that identity, indigenous identity in particular, is socially constructed (Barth 1969; Brysk 2000; Metz 2010; Perz, Warren, & Kennedy 2008) as indigenous peoples re-emerge and reclaim their identity for pragmatic reasons.

Indigenous peoples around the world have used various means to gain recognition of their rights. The Ngobe in Panama practice many of the same tactics and I will demonstrate them when talking about Ngobe responses to land conflicts and land loss in this study. Ngobe responses include asserting their indigeneity through symbolic means that appropriate the previously essentialist portrayals of indigenous peoples by outsiders.
(e.g., Beahm 2011; Brondo 2010; Grisaffi 2010; Killick 2008; Viatori 2007; Santos-Granero & Barclay 2011; Zaldivar 2008.), raising the consciousness of their own people as well as that of outsiders (e.g., Earle & Simonelli 2005; Vanthuyne 2009), claiming autochthony to assert their rights to contemporary geographical space (e.g., Dunn 2009; Medina 1999; Vanthuyne 2009), demanding territorial rights, self-determination and autonomy (e.g., Brysk 2000; Haley & Wilcoxon 2005; Oslender 2002; Vanthuyne 2009), forming trans-national alliances by producing an indigenous rights discourse on international and national scales (e.g., Brondo 2010; Postero 2005), challenging essentializing discourses (e.g., Bocarejo 2012; Castillo 1997; Jaramillo 2011; Mendoza-Zuany 2008; Turner 1995), engaging in juridical discourse with the state and other policy making institutions (e.g., Rappaport & Dover 1996), emphasizing a re-reading of history to display indigenous resistance, agency, and heterogeneity throughout history (see MacLeod 1973), and, through all these practices, demonstrating that all policy concepts are also sites of struggle for the interpretation of power and not merely technologies of rule (Cuppes 2012; Molyneux 2008).

Due to the increased value placed on indigenous identity in contemporary times, Metz (2010) recognizes that social constructivism could be over-used by groups (e.g., Canessa 2006; Haley & Wilcoxon 2005) as well as states (Hale 2005; 2006. Martinez Novo 2006; Speed 2005; Tilley 2006), and fears that people most in need of remuneration and attention can be lost in the crowd (Canessa 2007; see also Bocarejo (2012) for a discussion on the invisibility of urban indigenous populations). Metz (2010) therefore advocates that social constructivism should be balanced with close examination
of demographic and cultural continuities and discontinuities (e.g., Ariel de Vidas 2008; Cepek 2008; Kray 2007; Waatanabe & Fischer 2004). Academic research should respect the contradictions of constructing an indigenous identity by a population that was severely disrupted by colonialism and post-colonial discrimination for hundreds of years (Niezen 2002), and have lived through the hegemonic invisibilization of indigenousness (Gordillo & Hirsch 2003). Metz (2010) reiterates the importance of a balanced approach to studying indigenous populations so that legal definitions protecting indigenous peoples are possible. She stresses the need for legal protection as it is difficult for marginal and desperately poor people to organize and resist overtly, since it involves severe sacrifices. Following Metz (2010), I argue that the marginality and vulnerability of the Ngobe (see also Wickstrom 2003) position their claims to property rights in Bocas as credible indigenous claims even though the Bocas del Toro archipelago is not currently defined as Ngobe territory.

Contributions of this Study

Literature on property rights increasingly recognizes that property relations are embedded in the wider socio-economic, political and cultural fabric of society (e.g., Benda-Beckmann, Benda-Beckmann & Wiber 2006; Hann 1998). They also recognize that the practice of property relations need not synchronize with legal categories and laws of property or with ideologies on property. However, few studies recognize that the practice of property relations may change the legal and ideological layers of social phenomena (e.g., Baye 2008). My study contributes to this literature on property rights as it demonstrates how the concrete practices of property relations performed by the Ngobe
displace the legal and institutional categories of property and thereby, (may) gradually shift conceptualizations of property at the ideological layer.

Several studies on indigenous issues note the structural and cultural factors that affect indigenous access to resources. However, they do not illuminate the processes through which denial or appropriation of resources is achieved. In this study, I delineate the processes through which structural and cultural factors produce vulnerability and marginality of indigenous peoples and limit their access to, or alienate, their resources.

With few exceptions (Bocarejo 2012), academic attention has focused on rural indigenous peoples due to essentialist notions of indigeneity. This has resulted in the invisibilization (Gordillo & Hirsch 2003) of urban indigenous peoples. I bring to the limelight the travails of an indigenous population (the Ngobe) that lives in a mix of urban and rural localities not legally defined as indigenous territory, and characterized by high demographic heterogeneity in terms of ethnicity, race, and class (Guerron Montero 2011b). Therefore, identity of an indigenous Ngobe is constructed through not only indigeneity, but also locality of residence, and sources of employment, among others. This study illustrates the new domains into which academic research on indigenous peoples must traverse, as it becomes imperative to look within, rather than at, indigenous groups.

Much weight has been given to charismatic and sensational indigenous responses to threats of resource deprivation, such as indigenous groups protesting as a whole and led by a movement (e.g., Conklin 1997; Earle and Simonelli 2005; Fischer & Brown 1996; Rubin 1996; Turner 2002; Warren 1996). This leads to privileging certain
responses and political angles (Feinberg 2006). It is important to look within indigenous
groups or else we may overlook the great heterogeneity and everyday acts of resistance.
It is crucial to acknowledge that members of indigenous groups (much like members of
any other society) display a variety of motivations that cannot be reduced to the level of
political or communal (Feinberg 2006). My study of Ngobe responses to land conflicts
emphasizes this heterogeneity.
Chapter 3: Methods

The Fieldsite

Fieldwork for this ethnographic study on land conflicts was conducted in the islands of the Bocas del Toro archipelago in Panama (see Appendix E: Figs. 1 & 2). Located in the northwestern corner of Panama (Guerrón-Montero 2002. St Louis & Doggett 2004), the Bocas del Toro province is bordered by the Caribbean Sea to the north, Ngobe-Bugle Comarca and Veraguas province to the east, Chiriqui province to the south and Costa Rica to the west (see Appendix E: Fig. 1). The Archipelago of Bocas del Toro is part of the Bocas province and consists of 68 islands and numerous mangrove keys (St Louis & Doggett 2004). The largest island in the archipelago is Isla Colon (61 sq km) (see Appendix E: Fig. 7). Other prominent islands in the archipelago include Isla Bastimentos (51 sq km – the second largest in population after Isla Colon), San Cristobal (37 sq km), Solarte (also called Cayo Nancy – 8 sq km), Cayo Tigre (also called Isla Popa – 53 sq km), and Cayo de Agua (16 sq km) (St Louis & Doggett 2004) (see Appendix E: Fig. 2). The capital of the province, also named Bocas del Toro or Bocas town for short, is situated on Isla Colon.
Isla Colon, the largest island in the archipelago, also harbors the majority population with more than 50% of the archipelago’s inhabitants (Controlaria General de Panama: Censo 2010). The archipelago is distinguished by high demographic heterogeneity (Guerron Montero 2011b) even though the indigenous Ngobe comprise more than 70% of the total population of the province (ibid). More than 78% of the residents in the corregimiento of Bocas del Toro live in the town of Bocas del Toro (ibid). Other ethnic groups in the archipelago include Afro-Antilleans, Chinese-Panamanians, Panamanian mestizos, and, in recent decades, expatriates from various countries (Spalding 2011).

**Locating Myself as Researcher**

All research is shaped, informed and biased by a researcher’s location with respect to their object of study as well as to themselves. Various attributes of a researcher’s academic, theoretical and personal identity influence the construction of research questions, access to desired data, and the parsing of collected data to answer the research questions. The course of this study has been influenced by my sympathies with the predicament of the Ngobe. As indicated by the driving questions of this study, I do not claim to judge the veracity, morality or legality of Ngobe discourses. The study focuses on Ngobe perceptions and responses to land conflicts and my analysis parallels Ngobe interpretations of structural inadequacies.

While living in Bocas, I observed that tourism activities on Isla Colon were largely limited to the city of Bocas and dropped off dramatically as one proceeded away from the town toward the island’s interior. Tourism activities were concentrated around
restaurants and bars which were all located in the city, with the exception of one restaurant on the beach of Boca del Drago. While talking to local residents informally about the impact of tourism on their lives, I found that there was wide variation in how people regarded the positive and negative influences of tourism. My conversations with the local residents in Bocas intimated me to their concerns about the land speculation and land loss that Bocatoreneans were increasingly experiencing as a result of retirement tourism.

During my pilot study, there were many heated conversations among the residents about the impact of the Red Frog Beach Development Project on Bastimentos Island, the scope of the project developer’s tenure rights, restrictions on access to the beach for local residence as a result of the resort construction, and fair wages for workers. Toward the conclusion of my pilot study, I was introduced to several indigenous land rights activists during demonstrations that were staged at the central park in downtown Bocas to protest neoliberal land laws being enacted by the Panamanian government as well as against the construction of large resorts by private developers. Residents, NGOs and land rights activists protesting land privatization reforms joined in these demonstrations, while also forming alliances with SUNTRAC, a national union federation in Panama that was demanding higher wages for the resort construction workers at the same time.

As I tried to tease apart the complexities and ironies of Bocatorenean responses while accompanying the demonstrators, I was struck by one of the Ngobe speakers who was especially articulate about Ngobe concerns. This Ngobe activist, Feliciano Santos, later agreed to accompany me to localities that were largely inhabited by Ngobe residents.
and vouched for my credibility as a researcher. For the next three years, he served as my field assistant.

Sr. Feliciano Santos introduced me to the residents of two mangrove colonies in Bocas Town. He also introduced me to Ngobe residents of the archipelago whose lands had been appropriated by various Panamanian and/or expatriate retirees. Thus, my first introduction to land conflicts and land loss was through the voices of dispossessed Ngobe. Over the years, Sr. Feliciano Santos served to introduce me to localities with majority Ngobe populations. He opened access for me, but did not accompany me on most interviews on Isla Colon. Most Ngobe on Isla Colon also spoke Spanish and therefore, I did not need a translator. When I interviewed communities in other islands, Sr. Santos played an important role in not only getting access to individuals and encouraging them to participate, but also serving as a translator from Ngobere to Spanish. In one of the mangrove colonies, Sr. Santos introduced me to the dirigente of the colony. However, the consent and cooperation of the dirigente did not automatically mean consent and participation of other residents in the colony, a few of whom challenged his position as dirigente. When Sr. Santos was present during some interviews, I found that in some instances, his presence eased suspicions while in other instances it generated suspicions (Quien es el muchacho? Que hace? Who is this guy? What does he do?), and I found myself vouching for his credibility. Throughout the study, I also approached Bocatoreneans in Isla Colon for interviews on my own. I physically walked from one house to another along the road between Bocas Town and Boca del Drago, thereby finding households that formal surveys had not listed as existing.
I believe that some of the fixed attributes of my identity helped my research positively and gained me access. As an Indian, I physically look like a Panamanian. My Spanish accent is closer to the accent of Panamanian Spanish than is the accent of Americans or Europeans. Therefore I do not stand out in a crowd of Panamanians. Also, at the time, my passport was Indian, a fact that I had to overtly state on many occasions during interviews when participants were concerned that I was a closeted American realtor up to no good. Toward the last leg of my study, my association with the Smithsonian Tropical Research Institute in Bocas also helped alleviate many suspicions concerning the intent of my questions.

My sympathies with the Ngobe largely informed my construction of the research questions. The marginality and vulnerability of the Ngobe compared to other ethnic groups in Bocas was starkly visible as I traversed the mangrove colonies and visited communities on other islands. Although further research made it apparent that other ethnic groups in the area also dealt with land conflicts resulting from tourism, I saw that the Ngobe were especially vulnerable. When not in the field, I researched the connections of Panama’s tourism development program and neoliberal land privatization reforms and found that they were sourced by the World Bank’s Land Administration Project (World Bank 2000). I also found that the Bank had a process for local communities to request World Bank Inspection Panels if they were dissatisfied with the execution of a project funded by the World Bank. I sent this information to on-the-ground activists so they could organize and mobilize their efforts on behalf of the Ngobe.
As my research progressed and I collected case histories of land conflicts, I became increasingly aware that not all conflicts could be categorized simplistically as a case of a “greedy elite” grabbing land “belonging” to a “poor, helpless, Ngobe.” Several land conflicts were caused by agentic actions on the part of Ngobe individuals which resulted in other Ngobe also getting pulled into conflicts. Therefore, the entire research and writing process involved a recurring journey into ambivalence and back on the question of the credibility of Ngobe claims to land based on indigeneity and marginality, as opposed to claims based only on marginality. Reading and re-reading the literature on indigenous studies exposed me to the theoretical translations of my essentialist assumptions on indigeneity that were the source of my discomfort.

The Research Process

Fieldwork for this study took place over twelve months and spread across several trips between Ohio and Panama from the winter of 2006 through the summer of 2009. The pilot study was undertaken over two months during the winter of 2006. During the pilot study, I explored the region and its people through informal interviews. I also made connections with important institutions and organizations in the area, such as the Institute for Tropical Ecology and Conservation, The Smithsonian Tropical Research Institute, The Nature Conservancy, Alianza para Bocas, and the Alianza para Conservacion y Desarrollo (ACD) and the Movimiento para el Defenso de la Tierra y el Ambiente (MODETAB), as well as governmental institutions such as the Bocas Mayoral Office (Alcalde) and the Ministry of Tourism or Autoridad de Turismo Panama (ATP). In addition, I began to study Spanish at a local language school.
Interviews about Residents’ Opinions on Tourism

I returned to Bocas del Toro during the summer of 2006 to conduct a more comprehensive and systematic study of the local residents’ opinions on tourism in the region. I wanted to examine the relationships between the residents’ opinions on tourism and the variables of income, property size, and location with respect to downtown Bocas. I conducted most of the interviews for this phase of the research on the island of Isla Colon. Access to Ngobe participants was enabled by my Ngobe field assistant in the latter half of my research. Appendix A provides the semi-structured questionnaire in Spanish that I administered.

The disadvantages of convenience sampling were ameliorated by using a sample size of approximately 10% of the total number of households on the island of Isla Colon (N ~ 600 households) and by stratifying my sample locality-wise to ensure inclusion of all socioeconomic groups. Consequently, the sample is representative of the island population. I enlisted my participants by going door to door and introducing myself and my research, after which I asked the male or female heads of households whether they would be willing to participate in my research. If they agreed, I provided them with a printed statement of consent that also explained my research (see Appendix B). I conducted six open-ended interviews with government officials, elected representatives, and directors of NGOs; and 76 semi-structured interviews with local residents (Thampy & Cohen 2007. 2008). Of these 76 interviews, 33 were with residents living within the town of Bocas, 19 with residents in homes located along the road between the town and the beach of Boca del Drago, and 16 interviews with residents who lived close to the
beach (see Appendix E: Fig. 4 for localities on Isla Colon). Finally, I conducted eight interviews with people from outside the island as they gathered together to participate in anti-land reform and resort construction protests in the central park in downtown Bocas.

I collected data on household demographics, income, and expenditures. I elicited the participants’ opinions on tourism, using open-ended questions. I then coded the responses into the categories of economic advantages, economic disadvantages, sociocultural problems due to tourism, sociocultural advantages of tourism, and land-related concerns. The opinion categories are not mutually exclusive and participants could express opinions that belonged to more than one category. In addition, I gathered information from newspapers and records at the Instituto Panameno de Turismo in Bocas, as well as from casual conversations with inhabitants.

The data from the interviews I conducted in 2006 indexed residents’ concerns about land loss from tourism development (Thampy & Cohen 2007; 2008). The opinions that the participants expressed were poignantly emotional and elaborate compared to other categories of opinions they voiced. Upon learning about the personal tragedies underlying many of the stories of land loss amongst the Ngobe, I decided to focus my research on the impact of the neo-liberal land privatization reforms on the local Ngobe population and the Ngobe’s responses to land loss. Therefore, over a period of seven months between October 2008 and June 2009, I conducted archival research (at the libraries of the Smithsonian Tropical Research Institute and the University of Panama), census of Isla Colon, and a second set of interviews that focused on land tenure issues.
Interviews about Land Alienation in Bocas

I executed an island-wide census to produce an accurate estimate of the number of houses in each locality, so that a simple random sample of households could be selected for further interviews. I selected a random sample of houses from data I collected during my census of the island. I contacted the residents in these houses, explaining my research, and requesting their participation in the project (see Appendix C for consent script). The interviews explored land tenure issues and land conflicts in Bocas. However, I soon had to abandon random sampling for the following reasons:

a. A group of houses in a locality shared a common land history. Usually, only one or two residents from that group of houses actually knew the land tenure issues that affected their property. In such cases, I interviewed the people who were most knowledgeable about their property history.

b. I found that trying to locate households that had been selected through random sampling and requesting members of these specific households to participate in the study generated suspicion about my position as researcher. The residents were often reluctant to participate, and on two occasions I was challenged by the residents. Neighbors who were also in the random sample refused to participate, as well. On these occasions, I had to abandon that neighborhood to be able to continue interviewing.

c. Since 2006 when I had conducted interviews to gather residents’ opinions on tourism, there have been many more prominent cases of land conflicts. Due to the national and international attention that was focused on Bocas, the residents seemed to have experienced interview fatigue.
d. On occasion, a neighborhood with distinctly different socioeconomic characteristics was not included in the random sample. In order to maximize inclusion of people from different socioeconomic groups and ethnicities, I was careful to make sure that I interviewed a resident from every lane in each locality. For example, I would interview someone from at least one household from a lane with houses that were newly constructed or remodeled to look like a traditional Caribbean-style house with high-quality wood; or I would interview someone living on a lane with houses that looked extremely impoverished and were constructed with recycled wood and tin sheets.

For these reasons, I decided to forego random sampling and use door-to-door convenience sampling. I conducted a total of 65 semi-structured interviews with residents of Isla Colon. Of these interviews, 38 were with Ngobe participants. I categorized the localities or neighborhoods included in the study based largely on their geographical proximity to each other as follows: 1) TOWN (25 interviews): Bocas town central, Saigon, Saigon dentro, Segundo Saigon, Barriada Veinte-dos de Abril, Barriada de Foola, Cabanas; 2) MANGROVE (27 interviews): the mangrove colonies of Barriada de Soluciones, Barriada de Loma Espino, and Dijeron (also called Higueron). I grouped the mangrove colonies in the same category (MANGROVE) due to the socioeconomic characteristics of the residents; 3) ROAD (7 interviews): Y Griega, Bikri Arriba, Bluff centro, Colonia Santena, Barriada Taylor; 4) DRAGO (6 interviews): Drago, Drago Mar.

The semi-structured interview questionnaire that I administered to residents in Isla Colon consisted of a modified Living Standards Measurement Survey (LSMS) (Grosh & Glewwe 1995) with questions adapted to conditions in the archipelago (see Appendix D).
Using a LSMS, I gathered demographic data such as age, sex, self-identified community name, ethnicity, as well as socioeconomic data on household income, measure of wealth such as kind of housing, presence of vehicles or appliances, domesticated animals, etc., household size, number of working members, kinds of economic activities engaged in by the household members, and household expenditures. A measure of household wealth was generated using the Guttman scale (1950) by combining the data on household income, property size, type of residence, presence of domesticated animals, and presence or absence of appliances and vehicles.

Next, I asked questions on kinds of property rights that the residents possessed. I recorded parcels of land under the various property rights. I then gathered the history of changes to their land tenure or any other decisions, and the circumstances of these changes for as far as they could remember. The participants’ responses illustrate the major events pertaining to their land, such as changes in ownership, inheritance, sale, acquisition, involuntary alienation through forced appropriations, land use strategies, participation in forms of resistance like social movements, and the use of legal resources. My study initially aimed at tracking land-related decisions between 2006 and 2009. However, I found that decisions that people took concerning their land stretched over many years. They were not sharp, crystal-clear actions taken at a specific point in time. Therefore, it became necessary to include land history over several decades to capture these interrelationships among the decisions. During this phase of the interviews, I also elicited information on beliefs and ideologies concerning land use.
In addition to administering 65 semi-structured interviews (using the questionnaire in Appendix D) in Isla Colon, I also collected eight case histories of land loss through appropriations and evictions among the Ngobe indigenous communities on Isla Colon, Carenero, Bastimentos, Isla Solarte, and Cayo de Agua. I interviewed four resident expatriates from the United States and Germany who live on Isla Colon. I also conducted 10 institutional interviews with government officials in the Cadastral Office, the Reforma Agraria under the Ministerio de Agropecuario, Ministerio de Vivienda, regional and national offices of PRONAT, the Defensorio del Pueblo, Ministerio de Economía y Financia, the Asamblea Nacional, as well as with lawyers at some NGOs such as Centro del Incidencia Ambiental (CIAM). I also collected data from documents and pamphlets relating to tourism and land tenure reforms from the Autoridad de Turismo Panama (ATP – previously called the Instituto Panameno de Turismo or IPAT), Programa Nacional de Administracion de Tierras (PRONAT) and the Asamblea Nacional, and attended various community meetings.
Chapter 4: Bocas del Toro and the Ngobe People

*Si va para Sevilla, tiene que quitar su silla aquí!*  
(If you leave for Sevilla, you need to give up your chair here)  
– A mestizo Panamanian

Bocas used to be considered the backwaters of Panama . . . when we came there was nobody else here. . . . We literally put our finger on the map and decided to come here.  
– A German expatriate resident in Bocas

Introduction

One day during my research, I was talking to a mestizo Panamanian botanist about the indigenous Ngobe position on land conflicts in Bocas and the history of the establishment of the Ngobe-Bugle *comarca* or reservation. When I showed them the original maps of the *comarca* as proposed by the Ngobe (see Jimenez 1984: 49-78 for a brief history), which included most of today’s Bocas province as well as the archipelago of Bocas del Toro, she was aghast and exclaimed: “They are asking for all that land! *Si va para Sevilla, tiene que quitar su silla aquí!*” i.e., “If you leave for Sevilla, you need to give up your chair here.” She was implying that after all, the Ngobe had lost their land since they had not defended it well enough against the Spanish, and now they were
unfairly trying to reclaim it. This speaker’s skepticism about the Ngobe’s claims to land in the archipelago is not unique. I heard it repeatedly from many other elite Panamanians.

During my interviews with the expatriate population in Bocas as well as the Latino residents of the islands, I was told many times that historically, Bocas had been extremely isolated. The expatriates I spoke with conveyed an image of themselves as being intrepid explorers who had found a lost paradise in Bocas. As many put it, Bocas had been “the backwaters of Panama” until the tourism industry advertised the archipelago as a haven for residential tourism in the early 1990s.

When land conflicts stem from claims and counter-claims of tenure among the Ngobe, other Panamanians, and expatriates, the Ngobe try to enhance the credibility of their land claims by referring to their indigeneity and the autochthony of their pre-Columbian ancestors. Hence, in this chapter I situate Bocas geographically and historically by exploring the question of indigenous presence in the area and the theme of Bocas’s isolation. Archeological evidence shows the presence of indigenous cultures throughout Western Panama and the Bocas province. In addition, historical sources document extensive resistance by the indigenous populations of Panama to Spanish presence (MacLeod 1973). Here I show that unlike popular perceptions, Bocas has never been isolated and has had extensive trade contacts with the rest of the world since pre-colonial times.
The Geographical Context

The Bocas del Toro province is located in the northwestern corner of Panama (Guerrón-Montero 2002; St Louis & Doggett 2004). It is bordered by the Caribbean Sea to the north. Ngobe-Bugle comarca and Veraguas province to the east, Chiriqui province to the south, and Costa Rica to the west (see Appendix E: Fig. 1). Most of the province is on the slopes of the Talamanca and Central Mountain ranges, but the majority of its inhabitants live in low-lying areas along the coast and on islands (Gordon 1982). The archipelago of Bocas del Toro lies at the mouth of the Laguna de Chiriqui (Gordon 1982), beginning 35 km from the Costa Rican border. It is part of the Bocas province. The chain consists of 68 islands and numerous mangrove keys, around which are “fields of coral, a titanic variety of marine life and emerald green waters” (St Louis & Doggett 2004: 224).

Bocas del Toro’s coastal regions are under a tropical wet regime. Rainfall averages more than 3,000 mm per year on the coast, and it rains on more than two thirds of the days in the year (Linares & Anthony 1980). There is no severe dry season with less than 50 mm of rain. The rainfall is fairly evenly distributed throughout the year and nearly half of it falls at night. This discourages rapid evaporation, resulting in dense rain forest covers (Linares & Anthony 1980). The only two large and important rivers flowing into this portion of the Caribbean coast are the Changuinola and the Cricamola, located on opposite ends, east and west, of the Bocas province (Linares & Anthony 1980).
Over the last four centuries, Bocas has been populated by wave after wave of migrants – Ngobe, Bugle, Afro-Antilleans, Chinese-Panamanians, Panamanian Latinos, and resident expats from Europe and North America. The region therefore shows a high demographic heterogeneity with an interesting mixture of ethnic groups and dialects (Guerron-Montero 2011b). The Ngobe inhabit the provinces of Chiriqui, Veraguas, and Bocas del Toro (Heckadon 1997. St Louis & Doggett 2004) and comprise Panama’s largest tribe (Velasquez Runk 2012; Young 1980; 1985). Today, more than 70% of the population in Bocas del Toro is Ngobe (see Controlaria General de Panama 2010).

The Ngobe speak Ngobere, a Chibchan language (Young 1980). Most Ngobe also speak Spanish. Some Ngobe speak Wari-Wari, the Creole language of Bocas del Toro province that combines English, Spanish, and Ngobere (Heckadon 1997; St Louis & Doggett 2004: 227). The dialect originated with the Jamaicans who were brought over to harvest bananas in the 19th century. Very few Ngobe speak English. Afro-Caribbeans on the islands speak English as well as Wari-Wari (Heckadon 1997). The Chinese-Panamanians speak Creole English, Spanish, and Mandarin-Chinese (Guerrón-Montero 2002). Latinos speak only Spanish, although some also speak a little Creole English and a little Ngobere. Resident expats speak their language of origin. Some also speak English and Spanish.

Politically, the Bocas del Toro province is divided into three distritos or districts: Bocas del Toro, Changuinola, and Chiriqui Grande (see Appendix E: Fig. 8). Each district is divided into smaller administrative units known as corregimientos. The district of Bocas del Toro has five corregimientos: Bocas del Toro, Bastimentos, Cauchero,
Punta Laurel, and Tierra Oscura. Of these, the three *corregimientos* that form the archipelago of Bocas del Toro consist of Bocas del Toro, Bastimentos, and Punta Laurel. The *corregimiento* of Bocas del Toro is comprised of the islands of Isla Colon and Isla Carenero. The *corregimiento* of Bastimentos is comprised of the islands of Bastimentos and Solarte (also known as Cayo Nancy). The islands in the *corregimiento* of Punta Laurel that are relevant to this study include Cayo de Agua, Isla Popa 1, Isla Popa 2, and Isla Tigre (see Appendix E: Fig. 2).

The largest island in the archipelago is Isla Colon (61 sq km) (see Appendix E: Fig. 7). It also harbors the largest population with more than 50% of the archipelago’s inhabitants residing on it (Controlaria General de Panama 2010). Other prominent islands in the archipelago include Islas Bastimentos (51 sq km – the second largest in population after Isla Colon), San Cristobal (37 sq km), Solarte (also called Cayo Nancy – 8 sq km), Cayo Tigre (also called Isla Popa – 53 sq km), and Cayo de Agua (16 sq km) (St Louis & Doggett 2004).

The capital of the province, also named Bocas del Toro or Bocas town for short, is situated on Isla Colon. More than 78% of the residents in the *corregimiento* of Bocas del Toro live in the town of Bocas del Toro (Controlaria General de Panama 2010). Bocas town is laid out in a grid pattern with most of the hotels, restaurants, and bars on the main street or Calle 3. The only airport in the archipelago is on Ave E, four blocks from the main street. The majority of businesses, stores, and restaurants, as well as all boat-taxi services to the city of Almirante are located in Bocas town (see Appendix E: Fig. 9).
A single road connects the town to the interior of the island and ends at the beach at Boca del Drago (see Appendix E: Fig. 7). Socioeconomic characteristics vary along the road as it proceeds through the town, out of it, and ends in Boca del Drago (Thampy & Cohen 2007). De Samudio (1992: 44) characterizes Boca de Drago as a “Campesino-Latino village with a nearby population of Ngobe.” However, during my fieldwork between 2005 and 2009, I found the locality to be more Ngobe than Latino in ethnic makeup, while along the Drago beach, residents are Panamanian Latinos or expatriate settlers from various countries who have bought estates and built homes along the beach.

The three mangrove colonies on Isla Colon are Barrio de Soluciones, Barrio de Loma Espino, and Higueron (popularly pronounced as “Dijeron”). The area consists of a swamp retrieved from recently cut mangroves and is located along the periphery of Bocas town. These colonies are formed by a gradual process of cutting down mangrove trees and building small huts on stilts out of recycled wood, plastic, and laminate roofs (see Appendix E: Figs. 10, 11, & 12). Barrio de Soluciones occupies the area behind the airport. It is somewhat contiguous with Barrio de Loma Espino which stretches out along the airport strip. The Loma Espino colony stretches up to the foot of a hill on which the airport’s control room is located. The neighborhoods of Barrio de Soluciones, Barrio de Loma Espino, and Higueron consist mostly of people who have emigrated from the comarca Ngobe-Bugle and Tierra Firme or the mainland. A few residents in these colonies are from the archipelago, but were displaced from the land they originally cultivated by tourism-induced land conflicts.
The locality of Colonia Santena consists of colonists from the Los Santos province who settled in the archipelago during the 1970s following a government resettlement program (personal communication, a research participant from the area, August 8, 2006; de Samudio 1992: 44). The program was part of the then President General Omar Torrijos’s plan to “conquer the Atlantic coast” (de Samudio 1992: 44). It is considered to be the only example of organized migration in Panama (de Samudio 1992: 44). More recently, many expatriates have bought property and settled in the area. The localities of Bikri Arriba and Playa Bluff are populated largely by expat residents and a few indigenous Ngobe families. Bluff Centro is populated by the indigenous Ngobe and expat foreigners, while Saigon and Ygriega are localities where a mix of mestizo, afro-Caribbean, Ngobe, as well as expatriates reside.

**The Historical Context**

During my interviews with expatriate and Latino residents in Bocas, I repeatedly heard the region described as the “backwaters of Panama” and as “isolated and cut-off” until the tourism industry made the islands an international attraction. In this section, contrary to these stereotypes, I show that Bocas province and the archipelago had extensive contacts with the rest of the world since pre-Colombian times during Spanish colonialism and the establishment of the banana industry in the region. Throughout these historical time periods, the indigenous populations had definite presence and played an active role in shaping the historical trajectory of Bocas.
There is archeological evidence of people living in Panama for at least 11,000 years (Cooke 1997; St. Louis & Doggett 2004). Pre-Columbian Panama can be divided into three distinct cultural zones: western, central, and eastern. According to Linares (1980), none of these zones were isolated. There exists extensive evidence of trading with cultures as far south as Peru and as far north as Mexico (St Louis & Doggett 2004). For example, objects of gold and other metals were exchanged all the way from Mesoamerica to the Andes (St Louis & Doggett 2004).

Archival and archeological evidence indicate that the Carib Indians of Central America inhabited the archipelago of Bocas since the 14th century (Guerrón-Montero 2002). To the west of the archipelago, there were the tribes of Tanaca, Changuinas, Viceitas, Cabecaras, Zeguas, Terbis, Aoyaques; and to the east, the Carabra, Arabumas, and the Caraboro (Guerrón-Montero 2002). The Dorasques Indians inhabited the valley of the Changuena, and the Viceitas were a sub-division of the Carib Indians and occupied the Atlantic regions of Costa Rica and Panama (Guerrón-Montero 2002). According to Linares and Anthony (1980), most of the indigenous groups in Costa Rica and Western Panama were Chibchan speakers. Archeological sites have been found in the Bocas del Toro archipelago, as well. In 2002, excavations were started at a site in Boca del Drago in Isla Colon (Wake, de Leon, & Bernal 2004). The site has been dated to approximately 900-1150 CE and is considered to be part of the Greater Chiriqui Interaction Sphere. Indigenous rights activists allude to these archeological facts to connect contemporary
Ngobe presence in the islands to a pre-Colombian, pan-indigenous identity and autochthony and to challenge historic accounts of Ngobe migration patterns in the 19\textsuperscript{th} and 20\textsuperscript{th} centuries.

**Bocas del Toro and the Ngobe during Spanish Colonialism**

In the following paragraphs, I demonstrate that it was not only the unwholesome climate of the Caribbean coast that deterred Spanish settlement in the region, but also the persistent and fervent indigenous resistance to Spanish occupation. When the Spaniards first arrived in Panama in the early 16\textsuperscript{th} century, they found it inhabited by several dozen indigenous tribes. Their populations were rapidly decimated by Old World diseases and Spanish swords. Today, only seven of these tribes exist: the Kuna, the Ngobe-Bugle (also called the “Guaymi”), the Embera, the Wounaan, the Bokata, the Bribri, and the Naso (also known as the Teribe) (St Louis & Doggett 2004). The first Europeans in the area sailed along Panama’s Caribbean coast in 1501 (St Louis & Doggett 2004). The following year, Christopher Columbus sailed along the coast on his fourth and final New World voyage. His attempt to establish a colony at the mouth of the Rio Belen in 1503 ended when he fled an imminent Indian attack (St Louis & Doggett 2004). However, many locations in the archipelago today eponymously commemorate Columbus’s visit, among them, Isla Colon (Columbus Island), Isla Cristobal (Christopher Island), Bahia de Almirante (Admiral’s Bay), etc. A second Spanish attempt in 1510 also failed after the would-be colonizers were driven from the region by Indians and hunger (St Louis & Doggett 2004).
Between 1522 and the republican period (in the 1840s), the entire Caribbean coast between Ngobe territory and central Costa Rica defied Spanish colonization. There were major revolts in 1610 and 1709 by the Talamancan Indians (ancestors of today’s Bribri Indians) that terminated the missionization process and retarded acculturation until the 19th century (Cooke 1997). Because of the severity of the indigenous resistance and insufficient discoveries of gold (Cooke 1997), the Spanish did not colonize the region until the 18th century. and even then, they had a weak presence in the region (Guerrón-Montero 2002). Consequently, English colonizers and pirates utilized the region and settled in large numbers in the 17th and 19th centuries (Guerrón-Montero 2002). There is a lot of evidence that by 1745, English corsair were present on the island of Tojar (present-day Isla Colon) (Guerrón-Montero 2002). The English traded with the indigenous in tortoise shell, tortoise meat, sarsaparilla, cacao, and mahogany (Guerrón-Montero 2002). Admiral’s Bay (today’s Almirante) was a refuge for pirates like Henry Morgan and Edward Mansfield between 1660 and 1705 (Guerrón-Montero 2002). Henry Morgan considered Bocas a place of "brave Indians . . . enemies of the Spaniards, who were dedicated to the exchange of turtle meat for articles made in Europe offered by the freebooters" (Guerrón-Montero 2002: 129). Bocas has more connections with the Caribbean than with neighboring Panamanian provinces (Guerron-Montero 2002, 2011). It is possible, therefore, to see how the notion of Bocas as the backwaters of Panama was born and holds sway among local Panamanians and expats. Further illustrating Bocas’s role in the global flows of commodities and capital, Bletzer (1988:35) describes Bocas’s connections with the outside world and Ngobe relations as follows:
Beginning in the 1810s, peoples of diverse origins entered what was La Comarca de Bocas del Toro as immigrants. There were English fishermen from the Nicaraguan islands of Providencia, San Andres and Las Islas de Maiz who came with slaves. English-speaking laborers with families from Jamaica by way of Portobelo (Panama). Spanish-speaking peddlers who came without families from Cartagena (Costa Rica) and Bogota (Colombia). . . Ngawbere were the only group in eastern Costa Rica or Western Panama that had retained their homelands and, despite a brief period of territorial constriction, some degree of demographic stability... [emphasis mine]. Other groups lost large numbers of people or were eliminated completely by the usurpation of their ancestral homelands by the Spanish . . . "partnerships" formed between the English-speaking settlers and Ngawbere from the Cricamola River led to an increase in their production of cacao and coconuts. Ngawbere learned to dig sarsaparilla roots, and, along with raising pigs and cattle, took to hunting turtles to secure meat and shells for trading with the new arrivals. The non-indigenous populations served to link Ngawbere in Bocas del Toro with national and international markets.

In the 18th century, the Talamancans and the Ngobe were increasingly under pressure from the highly mobile Miskito Indians from Nicaragua, who carved out a wide sphere of influence down the Caribbean at the expense of the Spanish colonists and neighboring native groups. They last raided the region in 1805 (Cooke 1997; de Samudio 1992). Miskito Indians are said to have captured Ngobe (as well as other indigenous peoples along the way) and then sold them to plantation owners on their return journey to Nicaragua (personal communication, Stanley Heckadon, March 2009). According to Heckadon, “the Ngobe were the block of rock that stopped the heavy hammer of the Miskitos” as they could not continue beyond Ngobe territory due to their resistance.

This account clearly shows that the Indians presented considerable resistance and made it difficult for the Spanish to establish themselves. Yet, Spanish colonialism had profound impact on indigenous society which continues into contemporary times. Wickstrom (2003) notes that the Ngobe were driven by European presence and concomitant warfare into remote, mixed, deciduous forests in the mountains of western Panama. Here, swidden agriculture was difficult to support in the local ecosystem (Barry
The Ngobe adapted to the marginal environments using mobility through dispersion of kin-group-based residential units or *caserios* (Young 1971). This produced a segmentary and acephalous political culture with decision-making powers limited to the level of the *caserio* (Young 1971). Wickstrom (2003) posits that the Ngobe’s segmentary, acephalous political culture and consensus-based decision-making was not adaptive to the needs of a coordinated society-wide decision-making and leadership structure that is necessary for confronting and responding to rapid socio-economic and political change introduced by modernization. It was not until the Mama Chi revitalization in the 1960s that there was a collective response to the erosion of Ngobe subsistence base and the mechanization of banana plantations that had curbed the extensive use of Ngobe labor (Wickstrom 2003). In contrast, the Kuna, who were driven by colonialism from the hinterlands towards the islands (Wickstrom 2003) experienced conglomeration of population rather than dispersion. I posit that it is the trajectory of an indigenous group’s experience of colonialism that enables the strong political organization of the Kuna, compared to the weak, acephalous lack of organization of the Ngobe.

A close reading of the pre-history and history of a region is necessary for understanding the issues that face an indigenous group today. Neither the Ngobe nor Bocas del Toro as a region were isolated or “discovered” in “pristine” condition. The complex history of Panamanian indigenous interaction with other indigenous groups (like the Miskito) as well as the Spanish conquistadors is lost on today’s Panamanians. Panamanian Latinos sensitive to the indigenous condition often portray the indigenous
population as the noble, yet tragically naive people without agency who were overrun by a single wave of arriving conquistadors that they could not even try to resist (los pobres indígenas). Others, who are unhappy about indigenous land claims, portray them as people who did not resist and fight when they should have, but now want to reclaim land that does not belong to them and which was fairly won by the Spanish.

**Bocas del Toro and the Ngobe after Colonialism**

Panama played an important role as a transit zone for the California gold moving between the west and east coasts of the United States and the trans-isthmian railway constructed in 1846 (Louis & Doggett 2004). Therefore, following the end of Spanish rule in 1821 and independence from Colombia in 1903, Panama, and Bocas in particular, became a locus for settlements of people from multiple countries, ethnicities, and races. This rich history of the plurality of peoples in the Bocas archipelago has continued into contemporary times, lending Bocas a cosmopolitan vibe, which ties in with mestizo Panamanian and expatriate views of Bocas as not being “indigenous” territory per se. Historical accounts of Ngobe migrations indicate their absence from the coastal and insular regions of Bocas province since the 1800s and their presence along the coast and on the islands as a comparatively recent phenomenon that is a response to work in the banana plantations (Bletzer 1988; de Samudio 1992; Gordon 1982; Guerron-Montero 2002). These accounts have sometimes been cited by mestizo Panamanians to lend credibility to their views of Bocas as being non-indigenous territory. Indigenous activists
challenge these historical accounts through claims of autochthony of pre-Columbian indigenous tribes from whom they trace ancestry.

The more modern history of Bocas and of the Ngobe is intimately tied to the rise of the banana industry in the 19th and 20th centuries. The Bocas banana industry dates to 1890, when three American brothers arrived in Bocas and founded the Snyder Brothers Banana Company (St Louis & Doggett 2004). Because of its central location, Isla Colon became the heart of this new activity. In the 1890s, part of Bastimentos Island was cleared to establish banana plantations (Bourgois 1989; De Samudio 1992). Nancy’s Cay (or Isla Solarte) was also cleared for banana plantations (de Samudio 1992). Snyder Bananas and other small independent growers were bought out by the United Fruit Company which later changed its name to Boston Fruit Company and then the Chiriqui Land Company. Today, it is well known as Chiquita Bananas (Bletzer 1988; Gordon 1982; St Louis & Doggett 2004).

Bocas del Toro town was the site of one of United Fruit Company’s oldest stations, established at the beginning of the 20th century (Gordon 1982). The town was built on land reclaimed by cutting down mangroves along the beach and filling in the shallow seabed (email communication, Clyde Stephens, April 9, 2009). This process of land reclamation from the sea continues today, as seen in the establishment of the mangrove colonies like Barrio de Soluciones, Barrio de Loma Espino, and Higueron, which I have described in earlier sections. United Fruit constructed bridges and roads and even dug a 15-km canal to ease the transportation of bananas, where they were loaded onto ships for export (mainly to the U.S.). The Company also built houses, restaurants,
clinics, and schools for its workers (Bourgois 1986; email communication, Clyde Stephens, April 9, 2009; St Louis & Doggett 2004).

In the early 1900s, the Chiriqui Lagoon was hit by a banana fungus called Fusarium (Bletzer 1988). Eponymously named _el mal de Panama_ or “the Panama Disease,” the fungus soon destroyed nearly the entire operation of banana production and forced the Company to not only close its plantations along the Chiriqui Lagoon and move its operations to the lowlands of Rio Changuinola, but also to expand its efforts to other commercial ventures, such as cacao and cattle (Bletzer 1988). The Chiriqui Land Company (its local name at the time) later moved its headquarters to Almirante on the mainland and eventually Changuinola became its main center of activity (Bletzer 1988. Gordon 1982). Production in Bocas declined and the community became largely devoid of commercial activities (Bletzer 1988) until the tourism industry revived the town and brought a boom in commerce and construction during the 1990s. When banana plantations declined, Ngobe workers returned to subsistence farming and incorporated former cash crops such as pineapple, cacao, and sugarcane into their religious rituals as well as daily diets. The Ngobe continue to demonstrate their resilience in the face of adverse circumstances even today as they face land conflicts.

Today, United Fruit, which has been purchased and renamed several times, is part of the multinational Chiquita Brands International. Chiquita’s workers in Bocas del Toro province comprise the largest, most diverse workforce in the country. On the payroll are descendants of American, Colombian, and Jamaican blacks; _Antillanos_ who arrived in Panama to work on the railroad and, later, the canal; and members of at least four of
Panama’s seven indigenous groups, including the Ngobe and many people of mixed indigenous and Spanish ancestry (St Louis & Doggett 2004). The Ngobe continue to comprise the majority of the day laborers on the banana plantations (Bourgois 1985). In keeping with their long tradition of resistance to exploitation, the Ngobe organize and demand better wages and working conditions in the banana plantations, as well (Bletzer 1988; Bourgois 1985).

In spite of their long association with the banana industry, the Ngobe have been traditionally adapted to a non-monetary economy with a swidden agriculture base. Their relationship to the land has been relatively stable over centuries because economic dependence on the cash economy and on external institutions had remained subordinate to subsistence agriculture (Young 1980). However, in my survey of the Ngobe in Isla Colon, I found a much greater reliance on the cash economy through wage labor jobs because of alienation from land through emigration from the Ngobe comarca and also due to tourism activities, and subsequent proletarianization and ghettoization in the mangrove colonies near Bocas town. Emigration from the comarca is due to land shortages that reduce the availability of land for subsistence (Cabarrus 1979; Sarsanedas 1978; Young and Bort 1999; Young 1985). As early as the 1980s, Gjording (1981: 21) commented that “Guaymi area is critically over-populated” and is manifested in shorter fallow periods on swidden lands, increased conflicts with neighbors and relatives over use-rights on sections of land, and emigration from the Guaymi area. These reports from Bort (1980) and Gjording (1981) help contextualize the profile of residents in the mangrove colonies near Bocas town. In contrast to the discourses of government officials
who portrayed these residents as people from other islands in the archipelago who had
“foolishly sold their land to foreigners” and then found themselves “sin tierra y sin plata”
(without land and without money), most residents in these colonies reported to me that
they were immigrants from the comarca Ngobe-Bugle who had migrated to Bocas
because of insufficient land in the comarca, in search of wage labor and access to
education.

The Ngobe Cultural Model of Land Tenure

Herlihy (1997) notes that the cosmology of the ancient Indians envisioned order
as arising out of the harmony among the gods, nature, and man. In contrast, mestizo
culture reflects the Judeo-Christian principle that man must dominate and control nature.
He further points out that indigenous peoples are users, not buyers of land. Their
communal land use systems are critical to the conservation of forest resources (Herlihy 1997).

Like many other indigenous peoples in Latin America, the Ngobe do not hold
titles to their land. However, their communal property system must not be mistaken for
an open-access common property system. They do recognize land rights inherited
through descent lines (Herlihy 1997). Use rights are determined in terms of who first
invested labor and time by clearing and planting a piece of land. Bletzer (1988) describes
the importance of “naming” in this process. For horticultural purposes, the first time a
plot of land is cleared, the person clearing the land names it to lay claim to it for use by
members of his household and his descendants. The plot can be an entire hill or hill slope
that cradles a stream. The following generation, the slopes of the hill are divided among
the “claimant’s” children. Where the plot is further divided into smaller parcels, a curve in the stream, boulder or a large tree serves to separate the individual parcels. The original place name is retained to identify the exclusive rights of the family to cultivate the land (Bletzer 1988). Land is collectively owned by the kin group and is regulated to a certain extent by the senior resident male. Use rights are inherited bilaterally and therefore provide a Ngobe individual with at least two alternatives in seeking land to farm.

Thus, land resources are not commodities to be bought, sold, and exchanged for profit. Use rights determine primary rights, but the Ngobe also share communal hunting, fishing, and collecting territories that may overlap (Herlihy 1997). Hence, resource use areas are normally much larger than the areas devoted to actual agricultural use. This fact is lost on designers of neoliberal policies who determine use rights only on agricultural and residential use. Non-recognition of resource use by the State leads to accelerated alienation of the Ngobe from their land in a context where forested land for eco-tourism projects can fetch high prices. Ngobe inheritance traditions have also been affected and abused in some instances because of the land speculation created by tourism. As I describe in Chapter 6, the tradition of bilateral claims has allowed some Ngobe family members to misrepresent to expatriates their family land as being individually owned and therefore available for sale, resulting in the displacement of the entire extended family from their land.

Ngobe concepts of land ownership differ radically from the capitalist concept of the government, and other external agents like corporations, and further contribute to
misunderstandings. Gjording (1981: 34) reports a reaction from a Ngobe when he was
told that the government considers all land to be national land. The Ngobe man
responded with disbelief:

God made the land . . . and only the one who makes something can own it. We plant our
crops and work our fields. the harvest is ours. As with the sombreros we make, we can do
what we want with it—sell it, use it, even throw it away. But no one can own the land,
because no one can make more land except God.

I encountered this reaction over and over again when the Ngobe in Bocas were
told that they had only “Rights of Occupation” and that they were “squatting” on Tierras
Nacionales or state lands. One Ngobe land rights activist exclaimed in disbelief during a
community meeting, “How can the government own ALL the land? This land was made
by God! It was here before the Spanish and before the Government of Panama even
existed! And WE were here before any of them arrived!” As I will show in Chapter 6
through case studies of conflicts, these differences in property concepts contribute to the
land conflicts in Bocas.

The account of indigenous resistance to Spanish occupation and their continued
connections with the market economy over the last 400 years indicates that the Ngobe try
to exercise their social agency even as they occupy a subordinate and vulnerable position
in Panamanian and Bocatorenean society. Bort (1980: 509) summarizes the history of
Ngobe contact with the outside world thus:

The entire history of contact with the outside world has involved changes in Guaymi
socioeconomic conditions that have been responses to immediate circumstances, yet have
shaped future forms of social, political, and economic organization. In many ways, the
contemporary Guaymi must be considered a marginal population. They have been
excluded from the more productive land of western Panama and relegated to land that is
marginal for the application of modern agricultural technologies. They participate in an
international economy, but in a subordinate position as unskilled laborers and producers
of agrarian products. They must respond to external forces, but they are powerless to shape the method of their responses to their advantage.

Contrary to Bort’s (1988: 509) description of the Ngobe as being powerless to change their circumstances, I document in Chapter 6 the various strategies that the Ngobe use as they exercise their agency to adapt or resist the neo-liberal reforms.
Chapter 5: The Economic, Legal, Bureaucratic, and Social Contexts

The tourism industry forms the context for describing and discussing the three factors that create an atmosphere ripe for land conflicts: 1) the legal and bureaucratic framework of the neoliberal land reforms in Panama; 2) the political economy of information flows and Ngobe position within Bocatorenean society that limits their access to crucial information; 3) and differing conceptions of inhabited property as opposed to ‘natural’, ‘unused’, ‘uninhabited’ land between the local Ngobe and immigrant Western expatriates. In this chapter, I discuss the first two of these factors that contribute to land conflicts in Bocas. I explain the economic, legal and bureaucratic context in which tourism development and neoliberal land reforms take place in Bocas. I also illustrate how this context creates the social and ideological marginalization of the Ngobe people in Bocas, which leads to the Ngobe bearing the most of the costs of tourism and neoliberal land privatization while reaping few of the benefits (Thampy & Cohen 2007). I therefore assert that the Ngobe are subjected to environmental racism through the policies of the state and IFIs.
The Tourism Industry

The Bocas del Toro archipelago has been recognized as a tourist attraction since 1991 (Louis & Dogget 2004). Since the early 1990s, the tourism industry grew to be the dominant and almost exclusive industry in Bocas del Toro. What started as a spillover effect of tourism in Costa Rica and road construction projects in the province of Bocas (see Barta 1995; Cody 1998; Dudenhoefer 1995; Smith 1996), was later actively promoted by the Panamanian government to boost the local economy which had grown stagnant following the decline of the banana industry in the early 20th century.

In 1992, the Panamanian government declared "tourism a national priority for economic development..." while also focusing on “bringing foreign investment into its tourism infrastructure” (Ayala 1997: 37. cf. Guerrón-Montero 2002: 6). Since 1993, the Panamanian Ministry of Tourism (IPAT – now renamed Autoridad de Turismo Panama or ATP) and the Organization of American States (OAS) have been developing the master plan for tourism, also called the Plan Maestro de Desarrollo Turistico. This is a USD 685 million technical agreement with the Department of Regional Development and Environment of the OAS (Guerrón-Montero 2002). The plan divides the country into nine zones for its implementation. Bocas, especially Isla Bastimentos, has been part of Zone 2 of this plan since February 1996 (Guerrón-Montero 2002). The plan proposes to "concentrate the construction of hotels" in Bocas town, and to transform the city into a "tourism base camp" for the region (cf. Guerrón-Montero 2002: 6). The IPAT aggressively markets the islands as the finest example of eco-tourism (Guerrón-Montero 2002).
The Balladares government adopted the model of tourism development through foreign investment in the private sector as a viable strategy for economic growth. In 1994, the government of President Perez Balladares instituted Law No. 8, or the Tourism Law (Gaceta Oficial de Panama 1994). This law established procedures for developing and promoting tourism activities in Panama by granting incentives to attract foreign investors to this industry. Tax incentives were made available for the construction of tourist resorts and marinas. The law also exempted owners from real estate property taxes on land used for the development of tourist activities. In addition, the government of Panama provides many tax breaks to encourage foreign nationals to retire and settle down in Panama. Discounts on healthcare and insurance are often advertised in tourist magazines as incentives to retire in Panama (e.g., Pardini 2006). In order to attract foreign investment, the Balladares government passed the Real Estate Law or Law 54 in 1998 (Gaceta Oficial de Panama 1998). Law 54 protects foreign investments by granting foreign investors the same rights as national investors. Further, it gives them the freedom to repatriate their capital, dividends, interests, and profits produced by their investments. The goal of the government was to transform Panama into a tourism-oriented economy with an emphasis on heritage and eco-tourism.

Panama’s model of tourism development has produced competition between locals and resident expatriates for the dollars of visiting European, American, and Latin American tourists (Guerrón-Montero 2002). I found that most establishments that cater to tourists, such as restaurants, hostels, hotels, language schools, or artisan shops, are owned by foreign nationals/expats settled in Bocas. Tourism dollars go directly to the foreign
nationals, with locals benefitting from only wage labor in these establishments, a point that was often stressed by several participants in my study, as reflected in the excerpts from three interviews with Bocas residents below:

"[Tourists] come and they buy the land and when they buy, they promise to give work to the people and then in the end, they don’t do so. Then they privatize everything. It is painful for me and my family because we traditionally live freely everywhere in Panama. Our concept of property is more open (más abierto). All pathways are private. All beaches are private. We can’t walk anywhere. So this is a big problem for us over here.

(Interview with a 33-year-old indigenous surfing teacher and tourist guide in Bocas Town)"

Some tourists come here to exploit the place and then leave. First, tourists would come and rent cabins and see stuff and we would offer services. But then things changed. The people come here, buy land, and absorb the capital from other tourists [because most tourist facilities are owned by non-Panamanians]. Because all the businesses and shops are foreign-owned, all the capital leaves Bocas. Very little remains here. This is exploitative tourism camouflaged within so-called tourism. A foreigner comes and buys land in Bocas. He sells parcels of land to other people from abroad. He gets money. The money goes to foreign banks. Nothing for Bocas or Panama. So, only about 3 percent of the money stays back for construction [of houses and resorts for tourists].

(Interview with a 34-year-old caretaker and administrator for a resort in Isla Colón)"

When tourists come here, they try to remain here and so there are more tourists than there are people who belong here. When Bocas people have a business or a shop, it benefits the people over here. Tourists have businesses and shops that satisfy the needs of other tourists only. So it does not benefit the people who are over here.

(Interview 20-year-old housewife living just outside Bocas Town)"

The growth of tourism was complemented by neo-liberal market reforms that the World Bank and the International Monetary Fund (IMF) introduced through structural adjustment programs since the 1980s. These changes resulted in a booming land market in much of Panama, especially in the Bocas del Toro archipelago. The underlying philosophy behind neo-liberal land reforms posits that granting land titles will improve
the land market, which will facilitate the transfer of land to the most efficient and productive users. Further, land formalization and private ownership is expected to reduce poverty, stimulate national economic growth, increase public savings, and safeguard the environment (Zoomers & van der Haar 2000).

Contrary to these expectations, the configuration of international donor funding, national policies, and free market reforms have resulted in widespread land speculation, land banking by elites, capital flight due to tax incentive policies for foreign investors, and proletarianization of the indigenous Ngobe residents in the Bocas region. With land viewed as a commodity that can be bought and sold on the global free market, Bocas del Toro is witnessing an influx of wealthy foreign and Panamanian elites and a more than 200% increase in land values due to speculation from trans-national realtors, as evidenced in comparisons of real estate prices listed online by realtors in Bocas and the actual purchase prices offered to some of my Ngobe informants (Thampy & Cohen 2007).

Bocas del Toro has been in the national limelight since 2000 for the abundance of land conflicts in the archipelago sparked by “residential tourism” and resort development (e.g., Inwood 2005; Nadal 2009; Winner 2007). The influx of elite retirees accompanied by transnational real estate companies and private realtors resulted in a scurry to grab as much land as possible to be sold at inflated prices to retirees looking for a cheaper retirement plan. In an environment of lax institutional regulation, and a legal land tenure system that was designed for an agrarian rather than a free-market global economy, this flurry of investor activity led to land scams and conflicts. Today, most of the land
conflicts in the archipelago are between indigenous Ngobe residents of a particular location and elite Panamanians or foreigners looking to build homes or resorts in these pristine beaches and forests – hence, my focus on the plight of the Ngobe.

**The Legal and Bureaucratic Context**

In this section, I lay out the legal and bureaucratic context concerning land tenure in Bocas del Toro. The information I present comes from interviews with government officers such as the Cadastral Officer Cristobal Tolato, Mayor Elijio Binns, Governor Esther Chuy, Director of the Reforma Agraria Emma Morales, and from Ovidio Diaz’s (2008) book, *Los Derechos Posesorios, los Bienes del Estado, la Propiedad Privada: Un Analisis Juridico y Economico*. During these interviews with governmental representatives, I found that there was significant confusion even within their own offices about which agency had jurisdiction over what lands.

Below, I explain the kinds of land tenure rights that are possible in Panama and the governmental entities responsible for administering them. I then explain the categories of lands that the state recognizes. In Bocas, the relevant categories include municipal lands belonging to the municipality of Bocas del Toro, state lands or *Tierras Nacionales*, private property or *Tierra Titulada*, mangroves or *manglares*, and beach lands. Finally, I describe the relevant laws that exist, as well as those that are being deliberated in Panama for purposes of privatizing land.

The structural sources of environmental racism that the Ngobe experience are defined by the chaotic nature of the legal and bureaucratic context of land tenure administration in Panama. Important in this discussion is the idea that although the
presence of laws concerning land administration conveys the impression of formality and *de rigour*, actors act based on their subjective interpretations of law, thus producing a fluid politico-legal ecology. Therefore, I argue that actions based on subjective interpretations are “extra-legal” because what matters is not whether transactions or other activities concerning land are exactly legal or not; rather, whether they are *treated* as legal by the concerned actors. The legal credibility of a *produced* interpretation is contingent on the structural position of the attached actor, thus nurturing the environmental racism that the Ngobe experience.

**Tenure Rights**

Tenure rights include *titula* (title), *derecho posesorio* (Right of Posession), *Derecho de Ocupacion* (Right of Occupation), *Concesion* (Concession), as well as informal tenure arrangements.

**Title or Titula:** A title can be obtained for private property in Panama. In the islands, Panama disallowed titles after 1941. However, the law did not invalidate titles issued before 1941.

**Right of Possession (RoP) or Derecho Posesorio:** Panama recognizes people’s right to “squat” on state lands. This right is referred to as “right of possession” or *derecho posesorio*. Right of possession is granted to whoever labors and invests in a property by “improving” it. It is evaluated through proof of residence, use of property for agriculture, and the building of other structures such as fences. Proof of RoP can be obtained by applying to the government agency *Reforma Agraria* (RA). One must produce three witnesses who can attest to one’s use of the particular property under question. The RA
requires the three witnesses to be neighbors of the applicant for RoP. In other words, one does not have to possess an RoP document to acquire RoP in spirit. RoP in spirit belongs to the person who can prove use of the property in question and does not necessitate a document. According to the Cadastral Officer Cristobal Tolato, the RoP is like a concession that is for a period of 20 years. To obtain RoP, one must prove occupation and use for at least two years in the case of lands under Catastro and six years in the case of lands under Reforma Agraria.

The intent of the State is that a person possessing RoP in spirit and using the property productively would be able to afford to eventually pay for an RoP document. However, it is also reiterated by the Cadastral Officer, Mayor Elijio Binns, and Governor Esther Chuy, that the State must recognize a person’s right of possession in spirit even if he has been using a property for more than 20 years without possessing an RoP document. In my interviews with Sr. Tolato, he also used the term “right of acquisition” or derecho adquirido interchangeably with RoP.

Technically, one cannot “sell” RoP land, whether one has RoP in spirit or in document, because one does not own the land. Thus, a “seller” does not own the land he is “selling”; nor does a “buyer” become the owner. Nevertheless, these “sales” are rampant in the archipelago and they constitute the mechanism through which expatriates have come to “own” property in the archipelago. This presents a dilemma to the Panamanian government concerned about projecting an image of Panama as being a business-friendly country that welcomes foreign investment and respects private property. The sales are technically not legal, yet cannot be pronounced as such. Since the
parties in these transactions are elites and can pull strings in the government, their “rights” are “recognized” by the state. Thus, the state and its agencies are paralyzed between following the consequences of nested laws on the one hand, and the pull of individual personalities on the other. Therefore, the way government agents frame their interpretations is colored by these needs. For example, Tolato says that pre-titled land would pass to the State after 20 years of non-use. Yet he continues a few sentences later to say that the state will “respect” titles because he does not want foreigners and businesses to get the impression that their private properties will not be respected. Therefore, I treat these sales as “extra-legal” sales of land, since there is transaction where land and capital have been exchanged and the various agencies of the government do “recognize” the transfer of property by registering the RoP.

Right of Occupation or Derecho de Ocupacion: I have heard this term used by Mayor Elijio Binns with reference to people residing in the mangrove colonies of Bariada Soluciones, Bariada Loma Espino, and Dijeron. Right of occupation is considered to be an “agreement” between the municipality and a person requesting permission to remain on municipal land without purchasing it.

Concession or Concesion: Concession is like RoP, but it gained more power after the passing of Law 2 in 2006. Concessions can be granted for a period of 90 years and the corresponding property can also be used as collateral for loans.

Informal Tenure: In addition to the above formal categories of tenure, informal tenure arrangements also include written permission slips from people of authority in the government, as well as verbal agreements.
Categories of Land Properties in Panama

**Municipal lands belonging to the Municipality of Bocas del Toro:** This encompasses the city of Bocas that is on solid ground (tierra firme). One can purchase land from the *municipio*. Depending on the location of the property, municipal land can cost anything from USD 1/ sq m to USD 10/ sq m. This is relatively cheap compared to land prices in Bocas. At the same time, there is no more land within the *municipio* of Bocas that is either not private or not occupied. Also, these are prices at which the *municipio* may sell land. A private owner holding a title may sell his property at the going price in Bocas town (as much as USD 400,000 for a 400 sq ft lot).

The purchaser gets an agreement or “acuerdo” from the *municipio*. With this, he can take the acuerdo to the notary (notaria) to register the purchase and transfer of capital. He can then register the title at the public registry (registro publico) after advertising the purchase in local newspapers and at the Mayor’s Office. The requirement for advertisement is intended to allow any possible contestants to the sale to voice their dissent. The notaria and the registro publico are both located in Changuinola, which is on the mainland. The registration process involves a boat ride from Isla Colon to Almirante on the mainland that takes about an hour and costs USD 20, then a bus journey from Almirante to Changuinola that takes about 40 minutes and costs USD 2. Thus, the total time and money needed for any work in Changuinola amounts to more than four hours and USD 44. Titling also involves paperwork at the Cadastral Office in Changuinola and Veraguas. Thus, any paperwork involves a substantial amount of time and money, which would significantly inconvenience a wage laborer or subsistence farmer.
One might also “squat” on municipal lands without purchasing a title if there is an acuerdo with the municipio. In other words, the municipio can give the right to occupy a land to a person who requests it. But that would not make the person the owner of the land. At the same time, once the municipio gives the right of occupation to a person, it cannot now sell that land to a would-be purchaser. It must recognize the Right of Occupation of the person residing on that land, especially if that person has been living there for more than six years.

So the municipio can recognize one’s right of occupation, but it cannot grant an official right of possession document, since RoPs are granted by RA only for state lands. However, “agreements” between residents and the municipio are often mistaken by the residents as RoP documents and citizens claim to possess RoP when in fact, it is not possible to do so on municipal land, since municipal lands are private and belong to the municipality. As Cadastral Officer Cristobal Tolato put it during our interview,

. . . justamente, la nación, el gobierno, autorga al municipio una porción grande de tierra… con barrios, y fincas para que… para ayuda social… para ayuda social a los personas que viven en este lugar. Por tanto, es un derecho adquirido, un derecho que le autorgue la posesión.

. . . In reality, the nation, the government authorizes to the municipality a large portion of land…with neighborhoods, with fields…in order for the municipality to perform its social functions toward its citizens. Therefore, this is an acquired right that allows the municipality to assume ownership of that land.

**State Lands or Tierras Nacionales:** These lands come under the jurisdiction of the Reforma Agraria. Until 1941, one could purchase a title to land that was classified as “Tierra Nacional.” After 1941, titles were disallowed, but prior titles were not invalidated. Currently in Bocas, one can only possess Rights of Possession. RoPs are
granted by the Reforma Agraria. The Cadastral Office or Catastro can only recognize RoPs. it cannot issue RoPs even on lands that are under its jurisdiction.

**Tierra Titulada / Tierra Privada:** This is private property, for which one must possess a title. On the islands, titling of properties was disallowed in 1941. According to Cristobal Tolato, the social function of this change in law was to ensure the right of access to the sea for subsistence purposes for the masses. Before the boom in tourism and subsequent land speculation, land was not of any value in the archipelago. Therefore, families that possessed titles often moved away from the archipelago and did not recollect their possessions there. Because of the exorbitant land values that can be currently obtained in the archipelago, heirs to these old titles now recollect owning titles to these lands and are trying to claim ownership. At the same time, because of the long period of abandonment, other communities have settled on these titled lands, and have RoP either in spirit or in document.

According to Tolato, if a property is titled, it is private property that belongs to a person. But if another person has been squatting on that same land (or a portion of it) for more than 15 years, then the law protects the squatter. In case of a dispute where the title holder tries to reclaim his property, both claimants have to go before the court to decide on the exact course of action. The judge may order the Registro Publico (RP) to register the squatter and may order the Catastro to make a plan of the property and have the squatter prove occupation for more than 15 years. Note that 1) the Catastro cannot adjudicate among multiple property claims; 2) the claimants have to go to court to resolve the case. court cases involve securing a lawyer, travelling to Changuinola and Panama
City for paperwork, knowing one’s rights and laws, and having access to strategic networks that can support one’s grievance; 3) proving residence for more than 15 years can be difficult where property is large and an RoP squatter may be occupying a small portion of it in a remote corner that is not easily visible to outsiders; neighbors who could have served as witnesses may be bought easily by the title holder; the structures that poor Ngobe build are not substantial structures; they are small thatch and wood houses surrounded by horticultural subsistence gardens; 4) the onus of proof is on the squatter. All of this again reinforces environmental racism in the very structure of the legal and bureaucratic system.

**Mangroves or Manglares:** These are colonies established by cutting down mangrove trees, erecting stilts, and then building houses atop these stilts. Since technically they are not on solid ground, these houses fall under the jurisdiction of *Autoridad de Recursos Acuaticos de Panama* (ARAP). Houses further out into the sea fall under the jurisdiction of *Autoridad Maritima de Panama* (AMP). Houses may sometimes be partly on land and partly over the sea. In such cases as I learned from interviews with some residents, both the residents and the officials were confused about who exactly had jurisdiction. The residents were ultimately pointed to either ARAP or AMP instead of the *municipio*.

When clarity is achieved, it is after the fact. For example, during my interview with the *dirigente* of Soluciones as well as other residents from the colony, I was told that before cutting down the mangroves and constructing their houses over the mangrove marshes, the residents had come to the mayor and the governor to ask for permission to
do so. They were given verbal permission to go ahead and establish their settlements over there. But now they are facing challenges to their right to settle in the mangrove areas after it became clear that the mayor and the governor did not have the authority to adjudicate over those properties. Instead, since they were mangrove colonies, and hence aquatic resources, they come under the purview of ARAP. During my interview with him, Mayor Elijio Binns made it clear that the Mayor’s Office only presided over municipal lands and that the mangrove colonies were not municipal lands. Yet, their office had obviously misled the incoming Ngobe migrants from the comarca only a few years earlier.

**Beach land:** Beach land consists of land up to 200 m from the high tide of the sea and falls under the jurisdiction of catastro. These lands cannot be titled. Nor can one get an RoP document, nor build a fence that restricts right of access to this strip of the coastline. However, people living adjacent to or on this land must inform the catastro so that it can protect their occupation as well as the land from illegal activities. Both of these pieces of information regarding jurisdiction of these lands came from my interview with the Cadastral Officer. Land that is beyond 200 m from high tide falls under the jurisdiction of RA if it is not private municipal land. In either case, Article 291 of 1941 makes it obligatory to not restrict public access to the sea (“servidumbre de paso de 5 m de ancho al publico”). However, in my interview with Mayor Binns, he suggested that this land would come under the jurisdiction of ARAP if mangrove trees are present. Thus, where there are no mangrove trees, it would be considered beach land, and would come under the Reforma Agraria. This description once again indicates how confusing and
minutely divided the land jurisdictions are with respect to government entities responsible for administering them. Acknowledging this chaotic scenario, Cristobal Tolato expressed the need for a central agency that administers all lands:

Ahora tenemos que el municipio tiene tierras, Reforma Agraria tiene tierras, Catastro tiene tierras, ... y hay tierras oculta que donde no sabemos donde están... y a quien pertenecen! Un propósito... es hacer un inventario de toda la tierra del estado – no titulados... Puede ocurrirlo. Yo no sé!

Now the situation is such that the municipality has certain lands, Reforma Agraria has certain lands, Catastro has certain lands... and there are “no-man zones,” for which nobody knows who has jurisdiction. One solution... would be to make an inventory of all of the lands that belong to the state that are not titled... This can happen. I don’t know!

Islands: One cannot have titled lands in the islands anymore. But existing titles are respected. Currently, the only entity that will work on privatizing and issuing titles in these areas in the islands is Programa Nacional de Administracion de Tierras (PRONAT). According to Tolato, Reforma Agraria currently does not have jurisdiction over the islands. If that is true, it begs the question of how expatriates have been able to obtain RoP documents. In order to clarify, I asked him, “When people claim to possess RoP documents in the islands, is this not official?” Tolato replied:

No se puede certificar RoP. Insisto! En la actualidad no hay enajenacion o venta de propiedad para titulacion en las islas. No lo hay! No más existe los concesiones. Solamente hay concesion.

This is not official RoP. I emphasize! In reality, there is no alienation or sale of titled property in the islands. It is not possible! One can only have concessions.

Thus, Tolato circumvented my question about RoP by talking about titles (note reference to “enajenacion”) while stressing that one can only get a concession.
Relevant Laws

In 2006, Panama passed the Island Law or Law 2 (popularly known as “the Bocas Law” since it affects the archipelago most extensively) (Gaceta Oficial de Panama 2006). Law 2 stems from the World Bank’s Land Administration Program for Panama (World Bank Document 2000). This USD 47.9 million project aimed to formalize land ownership through titling and parcelization of land (World Bank Document 2000) and created PRONAT – the agency charged with coordinating and executing this mission. The project is based on the neo-liberal philosophy that informal, communal tenure arrangements lead to inefficient use of land (e.g., Hardin 1968) and that private land tenure rights will kick-start an ailing economy by providing an active land market, generating revenues through taxes and fees for titling, and will also lead to income generation for the owners who now have an incentive to invest in their property (Demsetz 1967).

With economic growth of the nation as its goal, Law 2 provides incentives for the development of vacation and retirement homes on island territories and seeks to regulate concessions for tourism development projects. Specifically, it creates an “Express Window” within the Cadastral Office of the Ministry of Economics and Finance (MEF), which grants a provisional authorization to begin operations, while the developer completes the remaining requirements for requesting property concessions over state lands (tierras nacionales). Concessions are like leasing land from the government; and
the law allows one to obtain them for as long as 90 years. Most importantly, Law 2 allows applicants for concessions to request loans for their projects from private as well as state banks.

Applicants, usually foreign and Panamanian elites, can use the property under concession as collateral for a loan. As Mayor Eligio Binns of Bocas put it, “eso es un oxymoron,” because people could use land they were leasing from the government as collateral on a loan they could request from the government itself. All of this means that those people who receive concessions can treat a land that they are only leasing as if it were their own private property to which they hold a title. This consequence of Law 2 is especially important, since Panamanian law does not allow titles in the islands since 1941. Because of these implications, Law 2 incited vociferous protests from indigenous groups who feared that it paved the way for greedy resort developers and real estate agents to gain control over indigenous lands. Between 2006 and 2008, there were numerous public protests and strikes against Law 2 (see Appendix E: Figs. 13, 14, 15, 16 & 17). Law 2 also drew the criticism of local government officials who feared that it bypassed the authority of local municipalities.

In April 2009, the Panamanian National Assembly passed Law 23 or the Titling Law (Gaceta Oficial de Panama 2009a). The law sought to regulate land tenure through titling of rights of possession. Possession is expressed through residential, traditional, environmental, touristic, commercial, or productive uses, and must be shown for a minimum of five years as witnessed by neighbors or the community. Law 23 did not
regulate areas that were mangroves, *comarcal* or indigenous reservation lands, protected areas, and other territories subjected to legal restrictions on private protection.

The same year, Law 23 was rescinded following protests from indigenous groups concerned that they would be alienated from their communal properties. In response, the Panamanian government passed Law 80 to regulate RoP and titling in various zones (*Gaceta Oficial de Panama* 2009b). Law 80 recognizes RoP if proof of residence and use can be proved. Acceptable proofs can include evidence of use of land, witnesses from the community and neighbors, as well as official documents. Law 80 also provides for issuance of free titles for properties less than 5 ha. It then establishes a tiered system of real estate rates for different zones in order to reduce land speculation. The tiered system divides properties into 5-30 ha and more than 30 ha. It fixes the per-hectare rate in urban Isla Colon (Bocas town area) at USD 300,000-700,000 per hectare. In the rest of Isla Colon, the rate is USD 15,000-40,000 per hectare. In the Western part of Bastimentos, it is USD 1,800-6,500 per hectare and in the eastern part, it is USD 1,000-2,500 per hectare. The rates are valid for three years, after which the state will re-evaluate the rates based on market values. The law also specifies that providing access to the sea and the beach is a must for all properties, and failure to do so will result in specified fines. The fines are substantial enough to deter people from closing off access.

Law 80 perpetuates environmental racism by not acknowledging indigenous concepts of property rights and accelerating land alienation through the titling process. For example, it allows the Ngobe and other impoverished local residents to retain their rights to their land located on state land if it is less than five hectares. But since five
hectares is not sufficient for subsistence agriculture (see Young 1980 for calculations), only residence is possible. Law 80 also contributes to the legal chaos that characterizes the Panamanian land tenure regime. For instance, it establishes the Cadastral Office and MEF as the agencies responsible for regulating land titling. It does not mention the PRONAT. Hence, the role of PRONAT in this process is unclear. Law 23 had dismantled the Reforma Agraria’s functions relating to land titling and RoP. But since it was rescinded, it is not clear whether the Reforma Agraria has any functions in this context anymore.

Another problem that leads to confusion about land tenure procedures and applicable laws is that various state agencies have jurisdiction over different kinds of properties. In Bocas, I found that the concerned agencies included the Mayor’s Office in charge of municipal lands in the urban zones (Bocas town), the Governor’s Office playing a mediator’s role, the Cadastral Office in charge of state lands and lands that are 200 meters from the line of high tide, the Reforma Agraria under the Ministry of Agriculture and Fisheries in charge of RoPs, the Autoridad de los Recursos Acuaticos de Panama (ARAP) in charge of properties and settlements that span the mangrove colonies, Autoridad Martitima de Panama (AMP) responsible for properties further out in the sea, and the Programa Nacional de Administraion de Tierras (PRONAT). Some of PRONAT’s actions also contributed to residents’ confusion concerning the status of their properties.

PRONAT was created to oversee the World Bank’s Land Administration Project in Panama. This USD 47.9 million project aims to formalize land ownership through
titling and parcelization of land (World Bank 2000). Part of PRONAT’s operations is funded by a USD 200,000 loan from the Inter-American Development Bank and its goals voice neoliberal principles verbatim. The following account of PRONAT’s aims was retrieved from the project description on the website of Devex, a membership-based international development community:

The National Land Management Program (PRONAT) in Panama aims to promote land tenure security in order to facilitate access to credit and land investment aimed at economic growth in the rural, peri-urban and urban areas of the Provinces of Herrera, Los Santos, Veraguas, Coce and Colon. The project addresses the following issues: (1) security of tenure; (2) institutional modernization; (3) high land market transaction costs; and (4) the provision of supplementary services (technical assistance, education, financial services, conflict resolution and the like). The expected results of the Project, to be monitored during execution are: (1) increased use of land as collateral for credit; (2) increased long term investment in the productive capacity of land; (3) a more dynamic land market with a greater number of land transactions; (4) a more transparent, flexible and efficient process for completing land transactions; and (v) ceteris paribus, higher land prices, reflecting the expectation of higher revenues as a result of establishing formal land titles. The total cost of the project is US$ 32 million, with the IADB providing US$ 27 million, and the Government of Panama contributing US$ 5 million. The project was approved on October 9, 2002 . . . This system must comply with the stipulations established in the loan contract, the loan proposal, the requirements of the Executing Agency and the IADB. The total value of this contract is US$ 200,000 (http://www.devex.com/en/projects/national-land-management-program-pronat-in-panama. Retrieved on October 29, 2012).

During my interviews with residents in the archipelago, I found that Bocatoreneans were very confused about the role and functions of PRONAT in the community. When asked if they possessed titles, RoPs or other documents to their land, residents of Isla Colon would respond that PRONAT had already measured their property and it was only a matter of time before they got their papers. When I interviewed PRONAT officials Karen Ribeira and Ana Rios, they told me that PRONAT had undertaken a ‘study phase,’ the results of which would instruct the methods they will follow when they finally do undertake a census of all properties on the islands to create a
detailed inventory. However, this information had not been conveyed to the residents during their ‘study.’ Many residents had mistaken the survey operations conducted by PRONAT workers on their property as evidence that their property rights would soon be recognized. Two of my study participants (both Ngobe) reported confronting PRONAT workers and impeding their survey operations as they feared that the workers may actually be spies sent by expats or elite Panamanians claiming ownership of their land. Thus, the activities of PRONAT added to the confusion experienced by the residents as well as government officials.

**The Structural Position of the Ngobe in Bocas Society**

If the above delineations of categories of land, tenure rights, laws, and jurisdictional responsibilities of various government entities sound confusing and chaotic, then imagine how disorienting and overwhelming they would be to illiterate and/or underprivileged folks unfamiliar with legal processes in Panama. I found terms such as “RoP”, “titles”, “state lands”, “private lands”, “jurisdictions,” etc. floating around in the public sphere and bandied around by expats, ordinary Panamanians, Ngobe, lawyers, government officials, etc., each of whom assume different meanings not necessarily shared by all actors involved. Thus, actors consume these terms and act on land issues according to their own subjective interpretations, which in turn produce a politico-legal ecology. Whose production influences this ecology and to what degree, depends on the actors’ structural position within Panamanian and Bocatorenean society.

An individual’s ability to create an ethos of credibility depends on access to networks of information flows. Knowing what agency to approach for what purpose, what the legal
procedures are for doing something, what forms need to be filled out and where these forms can be obtained and for how much, and even knowing how to influence the perceptions of a general audience to sympathize with the “truth” of your claims – all of these require access to information networks. In addition, the distribution of legal and procedural information concerning land is geographically and bureaucratically fragmented, which further encumbers the underprivileged.

The Ngobe’s vulnerability stems in part from their location within the political ecology of information flows. Their access to information is limited by illiteracy; lack of familiarity with how a market-based economy functions even though they have engaged with it through wage labor and trading since colonial times; lack of financial resources necessary for obtaining such information and travelling to appropriate agencies located in Bocas town, Changuinola and Panama City; and their physical and ideological marginalization in Bocas society. These barriers make it difficult for the Ngobe to access information or effectively voice their concerns and positions.

Most of the residents in the islands of the archipelago are Ngobe. They use dugout boats with oars to travel short distances. In order to come to Bocas town in Isla Colon, they need a motor and gasoline. For my trip to Cayo de Agua I had to pay USD 150 for gas and boatman’s fees. This would be an exorbitant sum for even the whole community to pitch in if they needed to come to Bocas. If they did secure the necessary resources and came to Bocas, it is quite possible that the Mayor may be unavailable. I could not get a cell phone signal in Cayo de Agua. So it would not be possible for Ngobe in outlying islands to make an appointment with the Mayor ahead of time. Even if they did make an
appointment, it is still possible that the Mayor may be unavailable. For example, I got to interview the Mayor only in my fifth attempt, even though I had taken an appointment with his secretary each time. It is also possible that the Ngobe’s concerns may have to be dealt with by the Governor’s Office, or the Reforma Agraria or the Catastro. These are located in Changuinola. As mentioned earlier, one must take a water taxi to Almirante and then a bus to Changuinola. The total cost comes to about USD 44. Again, there is the possibility that the concerned officials may not be there or the work cannot be done in one day, possibly necessitating another trip.

Despite the lack of physical and financial access to government agencies, if a Ngobe family rowed their boat and arrived in Isla Colon, they would have no place to park their boat and disembark. Although by Panamanian law, docks are public access properties, somehow, Chinese Panamanian store owners have bought all of the docks on Isla Colon and rent them to expats and tourists. This leaves the Ngobe family with no means to come into the island unless they decide to swim!

The marginalization of the Ngobe is reflected in the spatial spread of residents among the audience in community meetings held to address concerns such as the Red Frog Beach Development Project and the Six Diamonds Harbor of the America Marina Project. During both of these meetings, I found that the center and front seats were occupied by expat residents, researchers, and NGOs. The Ngobe stood or occupied the seats along the periphery of the room (see Appendix E: Figs. 18, 19). It was difficult to notice anyone who wanted to talk from the back and it was difficult for those speakers to be heard. Although they were opinionated and articulate about these issues during their
neighborhood meetings, they were reluctant to speak during the community-wide meetings that included all residents of Bocas. Thus, their lack of access to information flows and the physical and ideological marginalization make the Ngobe especially susceptible to loss of land.

The Ngobe’s structural vulnerability and marginalization is further exacerbated by their diminished economic capability. Since subsistence agriculture is not adequate for eking out a living in the archipelago, one must have sources of cash, as well. To obtain wage labor, one must reside near sources of employment such as Isla Colon, Carenero, or parts of Bastimentos. Alienation of land in other islands therefore necessarily means proletarianization and ghettoization of the Ngobe through migration and settlement in mangrove colonies on Islas Colon, Carenero, or Bastimentos. Sources of cash could however include land alienation, as well. If the Ngobe are intent on not being alienated from their land, then they need cash for documentation, lawyers, travel, etc., just to hold on to their property. If they do have wage labor, pursuing legal processes for justifying their land claims involves taking time off from work and thus losing their hourly wage.

Another source of cash could be entrepreneurial activities such as setting up restaurants, making and selling artisan products, serving as field guides, or establishing eco-tourism projects on their properties. However, in addition to lacking the economic and political power that would enable them to tap into these tourist resources, most Ngobe also are hampered by not knowing enough English to communicate with tourists.

The framework of laws and land administration practices produce a chaotic milieu that privileges the interests of foreign and Panamanian elites over those of the Ngobe.
The structural position of the Ngobe in Bocatorenean society further exacerbates their physical and ideological marginalization. Their need for sources of cash makes them further vulnerable to involuntary land alienation and even to shortchanging themselves in voluntary land transactions. The Ngobe form the “‘undesirable’ population” who are displaced through a process of “physical and social erasure” (West & Brockington 2006: 613) of their residence in Bocas. They bear the brunt of the costs of tourism and land privatization, but have access to a disproportionately small part of the benefits. Hence, the environmental racism thesis of the political ecology framework is apt for understanding the position in which the Ngobe find themselves.
Chapter 6: Causes of Land Conflicts in Bocas del Toro and Ngobe Responses to Threats of Resource Alienation

Conozco tramites porque pone en la TV o puede llamar tambien a los autoridades. Pienso que es un tramite muy complicado – necesita ir a Panama, a Changuinola... pero si hay abogado, el puede hacer todos y si no, tenemos que hacer los mismo... suba escalera, baja escalera, suba escalera, baja escalera.

(I know the procedures [for formalizing tenure] because they advertise on TV. You can also call the authorities. I think the process is very complicated. You need to go to Panama, to Changuinola... but if you have a lawyer, they can do everything. Otherwise, you have to do them yourself).

~ Afro-Caribbean woman running for political office describing the long and arduous process of getting tenure documents for her house.

En un lugar estaba basido y la tierra no estaba ocupado con ninguno y ni para gobierno. Entonces yo fui para hablar con los autoridades (Diputado Benicio Robins y Alcalde Eligio Binns y Gobernadora Ester Mena de Chuy) y ellos conversan verbalmente... sin escrito... y ellos dice ‘si puede.’ No trata a conseguir algo escrito. No hay documentos tampoco.

(The [mangroves] was not occupied by either the government or anyone else. So I went and talked to the authorities such as Diputado Benicio Robins, Mayor Eligio Binns, and Governor Ester Mena de Chuy) and we conversed about the issue verbally... not in writing... and they said ‘yes you can [make a house and live on the mangroves]. I did not try to obtain any written agreements. I don’t have any documents either).

~ Dirigente of Barriada de Soluciones describing the informal procedure he followed to get permissions to build his home in Soluciones. The colony has been facing threats of eviction and relocation.

El unico person que dice que la gente no puede vivir aquí es la gobernadora- y queria re-ubicar nos a otra lugares. Y dice como ‘nosotros va enfermar’! Y los Americanos vive cerquita y ellos no va enfermar ¿. . . por lo menos, no tenemos que pagar alquila. Somos gente pobre y lo dinero que gana, usamos para comida.

(The only person who says that the people cannot live here [in the magroves near septic tank] is the governor. They want to relocate us to another place. And they say that ‘we will get sick [by living near the septic tank]’! And the Americans who live close by are not going to get sick?... At least, we do not have to pay rent [here]. We are poor people and the little money we earn, we use for food).

~ Dirigente of Barriada de Soluciones challenging official discourse that argues against people living next to the town’s septic tank “for health reasons”
En 1986 hace acercas para el futuro – porque sabia que va venir problemas. En 1972 la Iglesia Ngobe (Mamachi) predico que va venir muchas personas de afuera y va venir muchas problemas... no trato a ver con Reforma Agraria si hay títulos. No trata a hacer papeles tampoco porque Mamachi dice que aquí en Bocas, nosotros no somos extranjeros para hacer papeles de títulos [emphasis added].

(We constructed a fence around the property because we thought of what the future will bring – we knew that problems were going to come. In 1972, the Ngobe church (Mamachi) predicted that many foreigners will come and bring many problems with them... We did not try to contact Reforma Agraria to see if we could get titles).

~ Dirigente of Bikri Arriba explaining why he decided to build a fence in 1982, but had not yet tried to obtain titles.

These quotes from the local residents of Bocas capture the complexity of land tenure procedures and the red tape that frustrate even educated elites with access to resources. They also illustrate the marginality and vulnerability of Ngobe residents in Bocas and their lack of access to reliable information. Ngobe cosmovision on the relationship between man and land is exemplified in the last quote that indexes the differing property concepts between the Ngobe and the non-indigenous residents and is concerned with the importance of tenure documents. Using examples of land conflicts in Bocas, I explore the causes of these conflicts involving the Ngobe over the last two decades. I demonstrate the social agency of the Ngobe as they try to determine and control the circumstances of their livelihood and survival in the archipelago by exploring the strategies that the Ngobe adopt in order to resist and survive the loss of their land.

Three causal factors produce Ngobe vulnerability to land alienation in Bocas. The first factor indexes the legal and bureaucratic frameworks of the neoliberal land reforms in Panama that I characterize as a form of institutionalized environmental racism (Kottak 1999) and which differentially harms the Ngobe. The second factor is the political economy of information flows and the structural position of the Ngobe as marginal subjects within Bocatorenean society which limits access to crucial information necessary
for procuring tenure rights. I have elaborated on both of these factors in Chapter 5. In this chapter, I use case histories to illustrate how these factors locate the Ngobe as vulnerable subjects. The third factor that contributes to land conflicts pertains to differing conceptions of inhabited property as opposed to ‘natural’, ‘unused’, ‘uninhabited’ land between the Ngobe and immigrant Western expatriates. These differing property concepts (see Appendix E: Figs. 20 & 21) create contexts that are rife with misunderstandings about the nature of tenure rights that a person has on a particular piece of land.

Here, I use case studies of land conflicts to show how the legal and bureaucratic frameworks, together with the structural position of the Ngobe in Bocatorenean society, produce a climate that renders the Ngobe vulnerable. The examples show the connection between the legal and bureaucratic frameworks and the political economy of information flows to which the Ngobe have access. I also illustrate how differing concepts of property result in misunderstandings on the meaning of tenure rights. Simultaneously, these examples illustrate the diversity of Ngobe responses to land conflicts and their social agency.

Examples Illustrating Causal Factors of Land Conflicts

Example 1: The Community of Los Manglares and the Municipality of Bocas del Toro

In 2005, Dixon Clark came from the Comarca to Bocas in search of wage labor. In his words, “viene en 2005. Ya no estaba la comunidad – yo fui el primero person aquí.”

4 All place names in this chapter are fictitious.
Salio Cricamola porque tenia necesidades economico y el unico lugar donde encontrar trabajo es aqui en Bocas . . . viene tambien para educacion de ninos y atencion medico de hijos”. (I came here in 2005. There was no one living here at the time – I was the first person here. I came from Cricamola because of economic necessities and the only place where I could get a job was here, in Bocas… Also I came for my children’s education and health needs.) At that time, there was no place to live in the city of Bocas and rent was prohibitively high. Sr. Clark asked authorities such as the representative of the legislative assembly, the mayor of Bocas and the governor of Bocas whether he could set up his home in Los Manglares, the mangrove swamp adjacent to the city. They verbally gave him permission to do so. At that time, it did not occur to Sr. Clark to ask for a written permission.

Dixon Clark cut some mangrove trees and built a small ranchito on stilts out of recycled wood in the middle of the swamp. Gradually, more and more migrant laborers started to move in. Sr. Clark was recognized as a pioneer to the area and as is customary among the Ngobe, the newly arriving migrants requested him to petition the mayor on their behalf for permission to construct a house. To date, there are 65 families and approximately 450 residents in Los Manglares. In 2007, DC tried to apply for legal documents for his own house as well as for other people’s homes in the community. In response, the mayor’s office, the alcaldia, told him to wait until PRONAT came around to do the measurements for land privatization and titling. However, PRONAT abdicated responsibility for the colony, saying that it was not tierra firme and technically came

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9 All names of people in this chapter are fictitious to protect the identity of the participants.
under the *Autoridad Maritima de Panama (AMP)* or the maritime authorities. Since then, Dixon Clark was shunted around between various governmental authorities. In 2008, authorities informed him that the residents of Los Manglares would be evicted, as their settlement was illegal. Dixon Clark explains:

*Mandaron la gente de PRONAT para medir todo pero no cumplio con trabajo y dice que el gobierno pasado tiene todo registrada en nombre de otras personas y la tierra es comprometido. Y tampoco ellos no presentaron nada plano que dice que cuanta parcelas son comprometido. PRONAT dice que este terreno no es parte de tierra firme y entonces ellos no puede tocar- Yo pienso que parte viene debajo de catastro, parte de municipio y parte de autoridad maritima- yo no pido para detalles de las fronteras (borders) – tengo miedo que nos va desalojar porque ellos habla desalojar – Ellos me notifican verbalmente—no da fecha ni ano.*

(PRONAT sent some people to measure the properties, but they did not complete the Project. They told me that the previous government had registered the área in the name of some other people and that this land was compromised. They did not present any plan which specified which parcels were compromised. PRONAT also said that this land was not part of *tierra firme* and therefore, is not under their jurisdiction. I think part of the land in Los Manglares fall under the jurisdiction of *catastro*, other parts under the *municipio*, and the AMP. I did not ask for details about the boundaries. I am concerned that they are going to dislocate us because they talk about eviction. They notified me about posible eviction verbally… did not give any date nor year).

The community resisted eviction and gained media attention as well as organized themselves. Since the community is located next to the city’s septic tank (*aguas negras*), one of the official discourses has been that the community poses a health hazard and therefore must be relocated. Many members of Los Manglares feel that the government is using the septic tank as an excuse to get them off the land so that the government can sell the property to private developers. In the meantime, families have contributed a portion of their daily wages to fill the swamp and build sturdier bridges to walk between the houses as well as to go out of the colony (see Appendix E: Figs. 22 & 23). They have even paid for narrow stone lanes through the swamp. In addition to making life in the
swamp a little easier, residents hope that their efforts will signal their long residence in the area and transform the negative image of the Los Manglares colony as a temporary and unsanitary settlement of migrant workers. They are determined to avoid eviction and gain legal tenure rights, thereby affirming Dixon Clark’s concluding statement, “… que por lo menos, no tenemos que pagar alquiler. Somos gente pobre y lo dinero que gana, usamos para comida.” (… at least we do not have to pay rent. We are poor people and we use the money we earn for food.)

This case illustrates the legal and bureaucratic chaos in which land tenure procedures are embroiled in Bocas. Even government officials are confused about the jurisdictions of various government agencies. Decisions taken by one government are not formalized and communicated to the next government. For the Ngobe in Los Manglares, visiting the government offices to clarify the confusions necessitate taking time off low-paying hourly wage jobs. The explicit nonchalance of the officials to the plight of the Ngobe residents further indexes the marginal structural position of the Ngobe that compromises them in the political economy of information. This example also demonstrates Ngobe agency through their efforts to change the physical conditions of their locality, while still working to obtain tenure documents and also protect themselves by leveraging attention from media and transnational actors like NGOs and academics.
Example 2: Ngobe Community on the Island of La Puma and an American Investor David Nadoff

For more than 40 years, Garcíela Quintano and her family have been living on 17 ha of land in Isla La Puma. Her parents had immigrated there from the Comarca in the 1960s. She and her siblings were born and brought up on this land. In 2008, workers of an investor named David Nadoff, accompanied by the local police, entered their land and destroyed their houses by burning them down (see Appendix E: Fig. 24). The workers informed the family that the land had been bought by David Nadoff and that they had to evacuate. In all, there were 15 houses, each inhabited by a family. Prior to this incident, the families had no idea that their land had been sold. After this attack, the families retreated further into the interior of the island, cleared new forests, and rebuilt their ranchos on this cleared land in order to avoid being seen from the beach. But the demolition was repeated a few weeks later with the same force and brutality. Out of fear, ten of these families emigrated either back to the Comarca or to Los Manglares colony in Bocas town. The remaining five families retreated even further into the forest and cleared more land.

It was at this point that they contacted a local indigenous land rights leader for help. He assisted them in getting advice from an indigenous lawyer. During her interview, Garcíela Quintano declared that she has no intention of ever giving up and moving out and that she will continue to resist the land grabbing. The family now lives in ranchos, more than a mile inland from the beach, and the intervening land is a marsh that
must be traversed precariously all the way on felled wooden logs. But the Quintano family still does not have a sense of security.

I obtained the rest of the story of this tragedy from Wilma Coreosa, the daughter of Garciela Quintano’s godfather, Bilbo Coreosa. Sr. Coreosa was solicited by agents of the investor David Nadoff to sell his land. This agent was one of the sons of Sr. Coreosa and also a local politician. Sr. Coreosa decided to sell his share of the land following his son’s advice, but could not convince his two daughters to sell their shares of the land. According to Sr. Coreosa’s family, a total of 53 ha – 40 ha belonging to Bilbo Coreosa and 13 ha belonging to his son – were sold for USD 250,000 and USD 300,000 respectively. Sr. Coreosa’s two daughters, Wilma Coreosa and Nadia Coreosa, who each had 15 ha, refused to sell their shares. They were convinced by local authorities and /or their brother and father (it is not clear who exactly) to “sign in support of their father selling his share.” Apparently, the document they signed actually stated that they were to receive USD 25,000 in exchange for their share of the land. The document that Bilbo Coreosa signed is not available. nor does anyone know who may have it. None of the documents of the contract are available or in possession of this indigenous family. The only document they have is the one signed by Wilma Coreosa. At this point, it is important to note that neither Bilbo Coreosa nor Wilma Coreosa is literate and they only put their thumb-prints to the document. Wilma’s thumbprint is attested and witnessed by a number of local officials including elected indigenous officials of the areas insulares and the Comarca Ngobe-Bugle. Bilbo Coreosa has since gone back to the Comarca, and no one knows where he is or how he can be contacted. Wilma Coreosa says that she did
not know that she was being paid in exchange for her land. She claims that she thought she was just being given this money by David Nadoff out of his good will. So currently, the family has no documents that can show exactly how many hectares of land were sold, nor for how much money. This probably explains the discrepancies in the figures reported in this story.

David Nadoff claims to have purchased the 40 ha belonging to Bilbo Coreosa, plus the 13 ha belonging to Bilbo Coreosa’s son, plus the 15 ha Wilma Coreosa owned and the 15 ha Nadia Coreosa owned, plus the 17 ha belonging to Garciela Quintano’s family, plus all the land in between, amounting to more than 150 ha in all (Garciela Quintano’s family lives some distance away from Bilbo Coreosa and their lands are not contiguous. Garciela Quintano was neither consulted nor informed by Bilbo Coreosa about his decision to sell his land). David Nadoff apparently promised Bilbo Coreosa’s family lifetime employment in the resort that he was to build and two ha of land on which he would build cement houses for all of them. Sr. Coreosa’s family has now relocated to this colony nicknamed Boca de Camarones, and lives in ranchos made of wood (see Appendix E: Fig. 25). Instead of the promised 2 ha, the Coreosas only have 1 ha and they do not have even any formal ownership papers to that 1 ha. David Nadoff also promised to pay Sr. Coreosa’s family USD 15 per day for manual labor in constructing his resort. Later it was reduced to USD 12. When the work actually began, they were paid USD 8 per day with no explanation for the difference between that promised and that given. After a month of complaining, the family quit working for the project.
In summary, Sr. Coreosa and his son decided to make quick money by selling their land and unwittingly pulled in his completely innocent godchildren’s family into a land scam. The members of the community were unprepared to engage in a heavy market transaction. They were illiterate and did not know what they were signing. They did not have strategic social connections and therefore, had no access to honest, and affordable legal advice. They live in an area that is very remote. It takes about two hours by boat to reach there from Bocas town and costs about USD 100 in gasoline and fees for the boatman. They also do not have cell phone coverage in that area, which made it extremely difficult for Garciela Quintano’s family to seek recourse to stop the brutal demolition of their homes. It also prevented Bilbo Coreosa’s family from easily talking to other people. The fact that they were engaging in a land transaction involving a large sum of money may have also motivated them to be secretive about it. The family did not know their rights. They had no copies of any of the documents they had signed (except the one Wilma Coreosa had); nor did they know they could demand copies.

Isla La Puma is an island with few steady wage labor jobs. Residents need to buy all their necessities since they do not have land for subsistence agriculture. However, they do not have employment to generate sufficient cash income. Not having handled substantial sums of money, this Ngobe community seems to have essentially frittered away most of their money. Amongst the Ngobe, sharing is a value that is emphasized and gifting money and resources you have to kin is expected (Young 1971). Even USD 200,000 will evaporate very easily when shared among numerous lineages and kin groups.
This example illustrates a number of points. The physical and ideological marginality of the Ngobe that I described in Chapter 5 becomes apparent here. The residents of La Puma were scammed because they lacked access to information. Also, Ngobe tradition of bilateral inheritance (which I described in Chapter 4) has been misused by some unscrupulous Ngobe looking to take advantage of the speculative land market. An Ngobe person may legitimately have claims to land for his or her use through bilateral inheritance. But in Ngobe understanding, it does not mean that they have inherited the land, nor that they are owners. It just means that they may use the land for their livelihood. But this access to their communal land can be portrayed by unscrupulous kinsmen who are in a position to leverage their political connections and contacts with expats to claim ownership and the right to sell without informing their families – as in the case of Sr. Coreosa and his son. It also portrays their social agency, though not in a positive light. It is important to recognize and respect social agency and acknowledge that marginal actors can act for the welfare of their group as well as to their detriment while pursuing their own individual interest.

Example 3: Interview with Dirigente Balboa Kaiser of Agua Dulce Community in Isla Bastimentos

This example illustrates Ngobe concepts of property as well as the malleability of ideologies on property in response to land commoditization and speculation. Agua Dulce is a community on the island of Bastimentos. Since it is on the far end of Bastimentos from Isla Colon, the community is remote and it takes more than two hours to reach by motor boat. Currently, 95 families are using a total of around 350-400 ha. Dirigente
Balboa Kaiser points out that this is not communal land. Each family uses its own territory. Some of these families are trying to obtain formal documents for their territory. The community as a whole is not trying to obtain formal tenure documents: “No tratamos a obtener papel junto (colectiva) – las familias tratan a sacar propios documentos porque nosotros manejamos territorio familia por familia. No es tierra colectiva de la comunidad” (We are not trying to obtain documents as a collective entity – each family is trying to obtain documents for their own territory. This is not collective land belonging to the community.)

The community was founded in 1973 and even now relies on subsistence agriculture. It consisted of families migrating from Cusapin and Cricamola on the mainland. Officially, the land was considered tierras nacionales (state land), since it was island land that was not occupied (refer to Chapter 5 for categories of land in Panama).

Dirigente Balboa Kaiser elaborated on the community’s subsistence strategy and that titling and individual ownership of land would be detrimental to their community since it would limit resource extraction and future expansion of the community:

\[\text{Estaba tierra libre. Terreno nacionales. Todos todavia no tiene terreno registrado con la Reforma porque antes no necesitaba documentos. Solo cuando quiere vender, hacen los documentos. Los otros que no quiere vender sigue vivir tranquila pensando que las problemas no va llegar aqui... Nosotros sobrevivimos con agricultura, y jornalero, y pesca. Agricultura no es comercializado – no es en gran volumen – la familia usa para alimentos y tambien la tierra no da para agricultura intensiva. La mayoria depende sobre jornalero y no tiene agricultura pero ellos tambien tiene que hacer jornaleros. Con algunos extranjeros aqui hay buena relacion- pero con los otros, ellos casi no permaneces...El uso colectivo practican dentro de la familia – es diferente de uso de tierra privada [que] da derecho solo a un person con titulo.}\]

(This land used to be free. State lands. Even today, nobody has their land registered with the Reforma because you did not need documents before. One made documents only when one wanted to sell land. Those others who did not want to sell their land continued to live peacefully thinking that they won’t have any problems. We survive on agriculture,
wage labor and fishing. It is not commercial agriculture – not intensive. We have good relations with some foreigners, but with others, they are hardly here…. Collective use of land applies to within the family – this is different from private land which is a right given to only one person who has the title.)

However, in the last 15 years [since tourism development], expatriates started coming in and buying land on the beach. The dirigente emphasized that he did not consider these expats investors or “inversionistas.” He characterizes them as “estaba especuladores comprando tierra solo para vender.” Those residents who sold their land did so without consulting the community. It did not at first concern the community, as they were unaware of the larger implications of these sales. The dirigente explained that even though people sold land that the community considered belonging to the respective residents, it affected the rest of the community, since they sold unused forest land which affects the resource use patterns and potential for expansion of the community as a whole. The community currently faces a land shortage and has no place to expand into.

Balboa Kaiser explained Ngobe traditions of inheritance that emphasize the importance of investing one’s own labor and time in a piece of land to be able to claim it as one’s own. He remarks, “terreno o propiedad debe ser trabajado [to claim as one’s own]. Pero tambien la indigena, pensando sobre el futuro, atrapa los bosques y lleva...
mas problemas.” (One must have invested one’s labor in land to claim it as one’s own. But also, the indigenous people, thinking about the future, colonize the forests and create more problems.) This example illustrates how Ngobe patterns of land use and tenure rights are changing in response to the commoditization and speculation of land introduced by foreign investment-driven tourism.

One instance of sale of beach land in the community involves a seller who had two wives. The sons of one of the wives who wanted to sell their share of land to expats burnt down the houses of the sons of the other wife who did not want to sell their land. At the same time, expatriates who bought the beach land attempted to deny right of passage to community members. But the community took a firm stance against that practice. The dirigente stressed, “Nosotros pasan para la playa – algunos tenia intencion de no permitir pasar, pero nosotros dice que eso no puede... Pienso que la comunidad esta unido. La mayoria dice que no, pero siempre hay gente que es contra.” (We use the beach – some people intended to prohibit us from using it, but we did not accept that… I think the community was united. Most people said no [you cannot prohibit us from using the beach], but always there are some people who are contrary.)

Examples 2 and 3 demonstrate the social agency of the Ngobe actors. They show how land speculation is also sowing the seeds of discord within the Ngobe community. These examples also illustrate that the Ngobe concept of communal property does not, in and of itself, preclude the idea of private property. It subscribes tenure rights and decision-making to the family instead of the individual, as Western notions of private property do. On the other hand, as these examples also illustrate and Wickstrom (2003)
points out, even though Ngobe segmentary and acephalous political culture makes it
difficult to present a consistent united front to external actors, they can still present
context-specific associational unity when threatened with adverse conditions.

Example 4: Conflict between Kelton Costa and a Spanish Businessman

Kenny Nappo

Kelton Costa is a resident of the island of San Andreas in the Bocas del Toro
archipelago. In 1996, in order to meet his sons’ educational expenses, he sold 12 ha of his
land to Kenny Nappo, a Spanish businessman who had come looking for land to buy on
the island. Sr. Costa was left with two lots of 3.5 ha and 4 ha, respectively. According to
Sr. Costa, the businessman robbed him of the remaining 7.5 ha of land by claiming that
he had bought the entire property, and not just 12 ha, as claimed by Sr. Costa. In the
beginning, Sr. Costa tried to fight back by hiring a lawyer for USD 400. But he could not
follow through because the lawyer was too expensive and he could not afford to keep
paying him. What’s worse, he no longer has the legal papers – not even the plan of the
property – of the deal, because he had given them to the lawyer he had hired, and the
lawyer claims that the papers cannot be returned unless Sr. Costa pays him USD 40 per
page of the plan. The lawyer [his lawyer!] then advised him to sell one of his remaining
lots of land to the businessman so that Sr. Costa can afford to pay him [the lawyer] and
get his plans back.

The businessman’s lawyer has also approached him with an offer to buy his 3.5
ha lot for USD 15-20,000. Kelton Costa is considering negotiating this sale, so that he has
a chance to rescue his 4 ha plot and get the necessary legal papers and plan for that
property. In the meantime, he also contacted Feliciano Santos, my field assistant, who is one of the indigenous leaders fighting for land rights in the province of Bocas. Sr. Costa has tried to participate in protest marches and strikes organized by Sr. Feliciano Santos to protest land loss due to tourism and the violation of indigenous rights. He spoke to me with the hope that the interview will open some channels for him through which he could get justice.

It is clear that the businessman and the two lawyers have taken Kelton Costa for a ride. Ignorance of his rights as a legal client cost Sr. Costa not only his hard-earned money, but also the proof of how much land was really purchased in the first transaction. At the same time, lack of access to structural resources that would enable him to sort out the predicament he is in, forces Sr. Costa to enter into another transaction with the same individual guilty of appropriating his property.

The matter is further complicated by the fact that ideas of property ownership are different between the indigenous residents and the businessmen and tourists who abide by Western ideas of private property. For example, during the interview, Kelton Costa expressed his shock and annoyance over the fact that his sons were not able to tend the little coconut saplings they had planted on the original 12 ha that he had sold to this Spanish businessman. He complained about how security personnel posted by this businessman on the property always chased away his sons if they tried to water the coconut saplings. From Sr. Costa’s perspective, he had only sold the land, not the coconut saplings growing on the land.
This example illustrates the marginality of the Ngobe in terms of access to information and resources needed to defend one’s tenure rights. It also illustrates the misunderstanding generated due to differing concepts of what constitutes a transaction, and the connections between a land-sale transaction and changed tenure rights as a result of participating in the transaction. At the same time, the example illustrates Ngobe social agency. For example Sr. Costa has been pro-active in many ways. He tried to resolve the issue by hiring legal help and contacted Sr. Feliciano Santos – the land rights activist. He was eager to have me interview him as he hoped that access to a transnational agent will aid his cause. He also actively participated in resisting the land privatization laws. In addition, Sr. Costa plays with the possibility of continuing to engage with the neoliberal system by possibly selling more of his land and using the cash obtained to procure tenure documents for the remaining land.

Kelton Costa’s ignorance of his rights and his lack of access to information stands in stark contrast to the responses of several of my non-indigenous participants. For example, a mestizo I talked to in Saigon was quick to point out the exact procedures that had to be followed for different kinds of property in order to secure a title: “Si compro de municipio, tiene que registrar con municipio y catastro — si compro con título, tiene que registrar con catastro y registro publico y notaria — si es tierra baldia, tiene que ir al Reforma Agraria para RoP.” (If you bought land from the municipality, you have to register it with the municipality and with catastro. if bought with a title, you must register it with catastro and registro public as well as the notary. if it is state land, you must go to
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the Reforma Agraria for a RoP.) Similarly, an Afro-Caribbean lady in Saigon laid out the entire procedure step-by-step:


(I bought the land from an acquaintance. So, it was cheaper. It already had RoP when I bought it. In 2008 we procured title to the land. We started the process of titling in 2000. We decided to do this because we had witnessed many incidents where people were selling off other people’s lands and therefore we wanted to have security. We spent more than USD 1,000 (I don’t recollect exactly). In order to procure a title, you have to: 1. Get a surveyor to survey your property. 2. Make a plan. 3. Take the plan to the catastro in Changuinola. 4. They will send someone to check the details. 5. Then you have to take a document to the mayoral office and post it outside the office for a month to be sure that there are no other claimants to the same property. 6. Then you have to pay a certain amount in fees. 7. Pay the fees to the national treasury. 8. Advertise in the official gazette that there are no other claimants. 9. After 1 or 2 months, the Reforma in Santiago will issue a document. 10. The Reforma will send it to Panama City. 11. The document will come back to Santiago again. 12. Then the Reforma will perform the registration. 13. Then it will send the document to Changuinola and now [8 years later!] you are done – you get the title.)

Both of the above comments reflect the fact that these residents were familiar with the process and the culture of Panamanian bureaucracy. More importantly, as illustrated by the second comment, they had the resources and stamina to see an eight-year-long process all the way through. The mestizo lady and the Afro-Caribbean lady’s success put in sharp relief the Ngobe’s lack of resources and access to information that impede their ability to maintain their tenure rights.
Example 5: Playa Poquito Community in Conflict with Elite Panamanian Landholders

In the 1970s, Desmond Baker’s stepfather came to Isla Colon from the Comarca in search of land and work. In 1986, he settled in the Playa Poquito area and farming over 10.5 ha of land. Sr. Baker says that his family decided to emigrate from the Comarca because life was very hard. There was not enough land, and access to essential resources was minimal. As he explained, “Salio de comarca para plata- porque la vida es muy dura alla, no hay plata, no hay sal, no hay pesca porque la lugar es montaña.” (We left the Comarca due to lack of money – because life was very hard over there. no money, no salt, no fish either since the region is mountainous.) Unlike most indigenous people, this family constructed a rudimentary fence around their property in 1986. When asked why they did this unusual (for its time) thing, Sr. Baker replied that he was an ardent follower of the Mamachi faith (a syncretic religion that started among the Ngobe in the 1960s) and the faith warned the Ngobe people in the early 1970s that their future would be threatened by an onslaught of foreigners who would also take away their land. So Sr. Baker decided to take precautions by building a fence. It should be noted that in the islands, Mamachi following is quite rare.

Since 2000, Playa Poquito residents have been persistently pestered by people who claim to be the owners of their land. Initially, two foreigners claimed ownership and asked them to leave. When Sr. Baker refused to leave, they did not bother him. But apparently, they sold the land to a wealthy commercial cattle herder and landlord from Panama City. In 2005, this new ‘owner’ periodically threatened them with eviction and
other tactics of intimidation. Subsequently, there were two other claimants who tried to evict them. This is a classic situation in which each ‘owner’ ‘sells’ the land to another ‘buyer’ after he has failed to evict the ‘squatting’ occupants.

Desmond Baker says that since 2000, he has filed complaints with the authorities. In 2008, he started the paperwork to try and obtain the *Derecho Posesorios*. He could not do it before, as he did not have enough money to pay a lawyer who was charging USD 5,000 in order to carry out the necessary procedures. He and his family are currently considering selling a couple of hectares to foreigners in order to pay for the papers for the remaining land.

Seven related families live on this property. They constitute a total of 38 residents. Desmond Baker, however, has decided to ask for RoP only in his name and that of his father and one of his sisters, because others in his family have not contributed any labor or money to help resist this onslaught of supposed landowners and authorities who have tried to evict them. These others are in favor of abandoning the land and fleeing to some other place rather than face this stress. But they have no clear plan of where they will live if they had to leave this land.

Young (1971) describes land use amongst the Ngobe as being collective within the family. In Desmond Baker’s example, we see some members of his family adapting to the need for formal documents, while other members retreat further away, displaying traditional responses to external threats (Wickstrom 2003; Young 1971; Young and Bort 1979). At the same time, these tensions pull apart the family and the idea of collective family rights. Sr. Baker insists that all members of his family will have the right to live
on the land and use it, while not all of them deserve to have their names on the
documents, as they have not supported his efforts to resist appropriation of his land. This
indicates to him that they will not prove to be good trustees of their land for future Ngobe
generations. Amongst the Ngobe, use rights depend mainly on input of labor: if you work
for it, you have the right to it (Young 1971). In this sense, Sr. Baker embodies the
traditional Ngobe ideology on use rights, even as he tries to adapt it to the current
politico-economic scenario.

Example 6: Land Conflict between the El Monton Community and
Panamanian Cattle Rancher Nelson Herera

Chvito Quintero started living in El Monton in 1982. He was the first person to
colonize the land and start farming in that area. Gradually, other families joined him and
currently, there are approximately nine families living in the area. He was under the
impression that the land was tierra nacional and that he had the right to settle down on it
and cultivate it. In 2001, the government, through the Banco de Desarrollo Agro-
pecuario (BDA), sold the land to Nelson Herera, a wealthy and prominent Panamanian
cattle-rancher. Nelson Herera tried to evict Chvito Quintero and all the other families, but
they resisted effectively and the eviction failed. Sr. Quintero promptly started to
investigate the matter, and filed a complaint with the Comarcal authorities on the
mainland. The Comarcal authorities helped him find lawyers who worked pro bono and
also contributed to taking care of the legal fees. This resulted in a stay order on the
eviction. The Quinteros tried to get RoP, but were unable to do so because of conflicting
claims on the land. The property claimed by Nelson Herera is approximately 370 ha and includes the ~ 100 ha on which the nine families live.

In 2007, Chvito Quintero and four other families paid for a joint plan of 40 ha of their property, while Walter Binns (another resident of El Monton) and two other families paid for a joint plan of 61 ha. When I asked Chvito Quintero if they planned to get two collective RoPs or titles to these properties, he replied that they intended to first get the collective rights over the 40 ha and the 61 ha, since that will save them some money and they can pool together available resources. Once this is done, each family intends to measure out their own plots and get their own titles when they can afford it. He said that their experiences with land conflicts and what they have seen happening in the archipelago have convinced them that it is ultimately safer for each family to have its own legal rights over a plot of land.

Chvito Quintero’s case is one of the most interesting cases of land loss in the region because it is an example of how a Ngobe community has been able to organize itself to present a united front to land usurpers and government officials. At the same time, the residents of El Monton have clearly articulated self-interests. The community was able to get access to appropriate resources which were poised to help them effectively through both legal channels and social channels such as participating in protests, strikes, _comarcal_ politics, youth development programs in schools, etc. Personality is also a key factor here. Chvito Quintero, who is regarded as the _dirigente_ of the community, is also nicknamed _tigre_ or tiger, for being, as he put it, “a person who does not bow down to power.” In the 2009 elections, Chvito Quintero also ran for the
post of vice-mayor of Bocas on a platform of stopping loss of land for the local residents of Bocas. He did not win.

These examples illustrate that the chaotic legal and bureaucratic frameworks surrounding land tenure in Bocas, the political economy of information and Ngobe structural position in Bocas society, and differences in concepts of property between indigenous and non-indigenous residents in Bocas produce contexts in which land scams and land conflicts become ubiquitous. These factors differentially impact the Ngobe more than they affect other ethnic groups in Bocas society. Therefore I assert that Ngobe vulnerability stems from institutionalized environmental racism that subscribes access to environmental resources such as land, thus marginalizing them.

**Ngobe Responses to Threats of Resource Alienation:**

At the same time, the above examples illustrate Ngobe social agency and the heterogeneity of responses. It would be a mistake to assume that social agency is always positive. or to subscribe to essentializing notions of the “indigenous” response. These examples illustrate that Ngobe responses are varied, and often, they are different for different properties used by the Ngobe. In this section, I will delineate some of the strategies that the Ngobe employ through use of an interesting and unique example of Ngobe-expat collaboration. I will then describe the variety of other responses ranging from traditional (see Wickstrom 2003; Young 1971), to active resistance, to enthusiastic support of and participation in the neoliberal regime.
Example of Carlos Nixon and an Expatriate from Wisconsin Collaborate on a Tourism Project in Isla Maiz

This example is a unique and positive illustration of the mix of strategies that Ngobe employ in order to gain or maintain access to at least some of the resources they need in the face of shifting property regimes that are detrimental to their interests and lackadaisical toward indigenous needs and wants. This example is not a case of land conflict. Rather, it illustrates the heterogeneity of Ngobe responses as they strive to secure tenure rights in a neoliberal regime.

Carlos Nixon lives on Calle 6 in Bocas town in a house he bought in 1998. He works as a day laborer. He also inherited three properties from his grandfather in Isla Maiz, one of which was 7 ha in area. As Carlos Nixon relayed to me during his interview, in 2002, Kenneth Dafoe, an expat from Wisconsin, was “walking around” (“estaba andando”) and saw Sr. Nixon’s property and offered to buy it from him. Kenneth Dafoe also offered to make the formal papers in the names of both himself (Kenneth Dafoe) and Carlos Nixon. Mr. Dafoe paid USD 12,000 for the 7 ha lot, and also paid for all of the expenses involved in making the plan of the property and getting the RoP. The plan cost USD 450 for the lot, and the RoP cost USD 350. But the RoP was in the name of both Carlos Nixon and Kenneth Dafoe. In the future, they plan to set up an ecotourism project on that land. Sr. Nixon had asked for USD 12,000 for the 7 ha lot. He felt that it was fair, since the expat was going to be paying for all other expenses and Carlos Nixon still got to have his name on the papers as co-owner. I asked if he had consulted with other family members. Sr. Nixon said everyone was in agreement and that he shared the USD 12,000
with his cousin, his grandfather, his father, and his brother. Carlos Nixon and Kenneth Dafoe also registered the sale with appropriate agencies. Sr. Nixon had wanted to obtain formal tenure papers for all of his properties since 1996. So he considered this sale to be to his advantage. He remarked,

_Es un buen precio porque tiene igual derecho. Yo pido para USD 12,000 porque no tenía plata para hacer todos los documentos y el sobrehaces esos y también para dar a la familia. Yo compartí la plata con la familia – no hizo negocio – no hizo inversión o pone en el banco. Registro venta con el catastro... de antes yo estaba pensando sobre hacer documentos. Desde 1996 estaba pensando a hacer documentos de todos propied... yo siento bien – hay casa que el expat construyo después. ... va hacer turismo en el futuro. Quiso tener un proyecto ambiental para pájaros, y arboles... negocios de turismo... cabañas, hospedajes, senderos, así._

(It is a good price because I have equal rights. I asked for USD 12,000 because I did not have money for procuring the necessary tenure documents and he [the expat buyer] took care of everything and there was still money for the family. I shared the money with the family – did not invest in any business or save in a bank account. We registered the sale with the catastro... before, since 1996, I had been thinking of procuring tenure documents for all our properties…. I feel good [about this] – we have a house that the expat constructed later on… we are going to do tourism in the future. Would like to have an ecological project for the birds, trees… tourism-related businesses… cabins, hostels, trails, etc.)

Carlos Nixon’s example is unique, in that it is the only case of land transaction involving an Ngobe and an expat that I came across that was _not_ a conflict; nor was it considered by the Ngobe party as having swindled them, at least not yet. This was a deliberate and voluntary transaction. And the Ngobe Sr. Nixon considered the transaction as advantageous, since it gave him the necessary monetary resources for obtaining formal tenure documents for his other properties.

In this case, Sr. Nixon used several strategies to secure his and his family’s access to land. He deliberately engaged in voluntary land alienation of some of his land, so that he could use the cash thus obtained to secure tenure documents for the rest of his land. He thus entered into an equal and collaborative arrangement with an expatriate that did not
result in the total and absolute alienation even from the parcel that he sold to the expatriate. He tried to secure his and his family’s livelihood by engaging in a transaction that had the potential for future development as a tourism project. He formed a strategic connection with an expat who not only had the money to buy his land, but also had the financial, legal, and other resources needed to do the legwork for obtaining tenure documents.

Other Ngobe in the Bocas del Toro archipelago similarly displayed a mix of strategies in their responses to threats of resource alienation. Some of these strategies have been more successful than others. They all exhibit not only their social agency, but also index the heterogeneity of indigenous people’s motivations and responses and challenge us to look within rather than at indigenous groups (Feinberg 2006). Most of the Ngobe’s responses consist of everyday practices of property relations that either challenge the Western notion of exclusive individualized property rights through everyday acts of resistance or appropriate useful slivers of this ideology as long as it serves their self-interest. By performing these concretized practices of property relations, the Ngobe shift the categories, interpretations of laws, and ideologies of property away from the idealized conceptions of elites. Below, I describe some of the responses displayed by the Ngobe.

During the interviews, many participants claimed to reside on their property for longer than they actually had. I believe that they used this strategy to protect themselves from possible eviction and to strengthen their claims to RoP in spirit, since they had to prove use of or residence in a particular property in order to have their RoP respected.
Often, when I was surveying residents of Los Manglares for my census, they cited that they had resided in the area for $x$ number of years. However, during subsequent interviews with the same residents, I got a conflicting number of years. For example, some residents of Los Manglares claimed to have lived there since the late 1990s. But on further investigation, I learned that the first settlers had arrived around 2002. After I interviewed several people and then cross-checked their answers, I concluded that participants were extending their actual residence period.

Ngobe residing in the Los Manglares also challenged dominant discourses that sought to marginalize and incapacitate them. Example 1 in this chapter concerns the community and its interactions with the municipality. It demonstrates that the Ngobe do not passively accept discourses thrust upon them. Whether it is the official discourses of “unsanitary living conditions near the septic tank” or “causing environmental damage by cutting down mangroves”, or “a blight on beautiful Bocas and what will the tourists think?” or the dominant mestizo discourses of the “poor indigena” or the “greedy indio,” these examples show that Ngobe responses are heterogeneous, and display social agency.

Residents of Los Manglares have been concerned about threats and rumors of possible evictions. Although they challenge the dominant discourses regarding their settlement, they are also aware of their vulnerable position and strive to deflect the connotations implicit in the dominant discourses that may make them susceptible to evictions. One of the strategies they employ is to contribute money to a community improvement fund. The fund is then used for making community improvements to portray the community as permanent and real, rather than as transient (see Appendix E:
Figs. 22 & 23). For example, truckloads of sand are being bought to fill in the marshes a little bit at a time. The community also tries to replace bridges made of recycled and rotting wood with sturdier bridges made of good quality commercial wood. They also now have electricity and have a common water connection.

Although an ethnic group-level organization and unity have been hard to achieve in the islands, many Ngobe activists have been tirelessly working toward this end. Several activists spend time educating Ngobe residents of various localities in the archipelago about the consequences of privatization, as well as their rights to land. Community-wide meetings called by various project developers are usually preceded by Ngobe activists gathering local neighborhood communities to discuss the agenda of the development projects and build a consensus on what their stance with respect to these projects would be (see Appendix E: Figs. 13-19, 26 & 27). During community meetings, they appropriate essentialist discourses of indigenous peoples by dressing in colorful attires or “naguas” that are associated with the tribe, and represent themselves as the indigena who live in harmony with the land, consider the land as la tierra madre, and believe in communal, as opposed to the Western “greedy” private, ownership of land. Although the Ngobe display acephalous decision making structures, during community meetings concerning land issues, they can display associational unity and perform “Ngobe”.

When faced with conflicting land claims, many Ngobe attempt to find formal, legal solutions. Some Ngobe try to find lawyers who can represent them. They invest their hard-earned cash in seeking justice through formal mechanisms. Even though they
disavow formal tenure documents as contrary to Ngobe relationship with land, they still recognize the importance of these formal channels in this shifting property regime.

Ngobe throughout the archipelago have also defied Western conceptualization of exclusive individual property rights. When faced with fences that lengthen the walking time to reach their own homes, restrict their right of access to the beach or to go fishing in the sea, they ignore the presence of the fence and the “No trespassing” signs and push through into the “private” property. They collect coconuts and other fruits from these properties as they are wont to do on Ngobe lands, much to the chagrin and annoyance of resident expatriates who consider all resources on the land as belonging to themselves simply because they bought the land. In some cases, this conflicting norms of property has resulted in “gun shots in the air” to frighten away the offending Ngobe.

Ngobe in Bocas del Toro, like many indigenous groups around the world, are reaching out to transnational agents (Brysk 2000) such as academics, human rights organizations, and international media. They hope that by jumping the scales from local to international forums they will be able to gain recognition and redress for their grievances faster. To this end, they have formed alliances with some NGOs to protect their interests and requested a World Bank Inspection Panel to oversee the conduct of World Bank projects in the region. The Inspection Panel submitted its report in 2012 and recognized that aspects of the World Bank’s projects have been detrimental to indigenous rights (World Bank 2009). The Ngobe have also presented their case at IACHR meetings. Recently, a documentary film Paraiso for Sale chronicled some of the negative consequences of retirement tourism on the Ngobe (Prado 2011). In addition, Ngobe
activists request cell phones, digital cameras, video recorders and laptops from NGOs and transnational actors so that they can document the actions of authorities and of elite ‘landowners’ in their community.

Some Ngobe who are structurally better positioned, think that privatization of land would be advantageous to them personally. A few opined that privatization should be introduced into comarcal areas as well, so that they could retain their rights to land that they had left behind in the Comarca when they immigrated to the archipelago. A few Ngobe have even started to adopt foreign norms such as fence-building in order to demarcate their territory and ward off possible conflicting tenure claims (see Appendix E: Figs. 28 & 29). Ngobe land rights activists sometimes point to these examples as evidence of “the corrupting influence of the West”.

Very few Ngobe in the archipelago are followers of the Mamachi cult. During my interviews I asked Ngobe participants if they were followers of the Mamachi. They would jokingly reply that they wished they were, but didn’t think they could, or that “they were too young yet” to be followers of Mamachi. When they encountered my puzzled look, they explained that Mamachi had strict rules about not drinking alcohol, and taking only one partner for life, etc. I found only one family in Isla Colon who considered themselves to be followers of Mamachi – Desmond Baker described in Example 5 reinterpreting the teachings of the Mamachi cult to protect his property from the claims of expatriates and elite Panamanians. He lamented that if more Ngobe followed the teachings of Mamachi, there would be more unity amongst the Ngobe and they would be able to better protect their interests in the archipelago.
As the above examples illustrate, the Ngobe employ a variety of responses to protect themselves from threats of conflicting claims to their land. These include: engaging in everyday acts of resistance that defy Western property norms; appropriating essentialized discourses of indigeneity to enhance the credibility of their micro-politico-legal ecology; exaggerating the time for which they claim to be resident on a land; challenging dominant discourses; making community improvements to portray the community as permanent and real, rather than as transient; organizing vigilance and strategies for making their voices heard; finding formal, legal solutions; reaching out to transnational agents such as academics, human rights organizations, and international media; trying to obtain technology to document the activities of authorities and elite ‘landowners’ in their communities; adopting foreign norms such as fence-building; and reinterpreting the teachings of the Mamachi cult. Rather than be victimized by shifting property regimes, these acts enable the Ngobe to challenge dominant property norms and laws and serve to shift the property regime themselves.
Chapter 7: Conclusion

In this study, I have used examples of land conflicts and the Ngobe’s responses to them to demonstrate why the Ngobe are especially vulnerable to land conflicts in Bocas. By elaborating on these conflicts, I have illustrated the social agency and heterogeneity of the Ngobe actors. I have identified the various strategies they use to respond to the macro-structural contexts that pull the Ngobe into the numerous land conflicts that plague the neo-liberal tourist haven of Bocas del Toro. This study has illuminated the causal factors that create a context where land conflicts are inevitable. These factors include the legal and bureaucratic framework of the neoliberal land reforms in Panama, the political economy of information flows and Ngobe position within Bocatorenean society that limits their access to crucial information, and differing conceptions of property between the indigenous and non-indigenous actors in the region. I employed a deep historical lens and used a theoretical framework on property rights that highlighted Ngobe agency and heterogeneity by emphasizing the role of concretized practices of property relations in creating micro-politico-legal-ecologies which influence the legal and ideological layers of property relations.
This study has revealed that Ngobe responses vary from resistance to neoliberal policies, to susceptibility to being victimized by these policies, to articulating with the neoliberal regime in order to further their interests. The same Ngobe actor may exhibit several different responses to different properties that he or she possesses. Hale (2002, 2005) asserts that neoliberalism is less a set of policies, and more a hegemonic construction of the state which disciplines its citizens by privileging certain behaviors and discouraging others. Some Ngobe responses involve articulation with the neoliberal development model. For example, some Ngobe have adopted building fences, selling land, and using the cash thus obtained to secure individual titles to other properties. In addition to displaying social agency, these accommodations of the neoliberal ideologies support Hale’s (2005) contention that the hegemonic neoliberal state forces its citizens to abandon forms of resistance and exhibit forms of participation that allow a favorable climate for neoliberalism to thrive. This begs the question: what are the available options for the Ngobe?

I believe that resistance to neoliberal privatization and conception of an alternate model of development is possible. But to do so, the Ngobe would need to be extremely organized and unified in their visions of development. Both time and land are in short supply in Bocas. Organizing the Ngobe in the archipelago would necessitate the emergence of charismatic leadership. Blatant appropriations of land and evictions of “squatting” Ngobe by the state or by elites could also serve as a tipping point. Once the tipping point is reached, ‘small acts of resistance’ may be abandoned and the Ngobe may be mobilized to manifest rebellion. It is not far-fetched to imagine this to be possible. In
July of 2010, banana plantation workers (comprised largely of Ngobe) in the Bocas del Toro province went on strike to protest against union restrictions introduced by Law 30. Police repression against the striking workers resulted in the death of at least one Ngobe man and several hundred injured. The repression mobilized more than 7,000 Ngobe to join the protests and the law was repealed in October of 2010 (see Cultural Survival 2010).

There are also other possible futures for the Ngobe. These involve accommodating the neoliberal ideology, but modifying it so that it is less detrimental to Ngobe well-being. In his book “Fair Trade Coffee: The Prospects and Pitfalls of Market-driven Social Justice,” Fridell (2007) argues that the fair trade network’s success is largely due to its compatibility with neo-liberal ideals rather than challenging neo-liberal policies and globalization. He also notes that except for the fair trade network, most other fair trade movement initiatives that were more statist and protectionist in orientation were abandoned during the 1980s (Fridell 2007). The distinction between the fair trade network and the fair trade movement is useful when considering options for including land within the gamut of fair trade discussions.

I see two ways in which land may be brought within the gamut of fair trade discussions. The first option would be to use the fair trade network’s strategy and consider the neo-liberal land reforms and concomitant land market as a reality to be dealt with. The question then would be how to enforce fair trade ideologies in the land market. This could be done, for example, through labeling initiatives that are included in titles and sale deeds for land. The labels could specify the local ideologies on land use and
private property concepts that must be respected by the purchasing parties, must ensure use rights and rights of passage to local residents, and must include a price for social premiums that should be paid to the community even if it is sold by an individual. Such a social premium should be over and above taxes (which are currently heavily discounted in Panama as investment incentives). This solution can be viewed as an example of the shaped advantage perspective which depicts fair trade as a project that assists local groups in developing the capacities and infrastructure required to somewhat offset the negative impact of globalization (Fridell 2007).

The second option would be to follow the fair trade movement’s ideologies. Akin to the movement’s advocacy of protection and state intervention in various domestic sectors to equalize the playing field between Northern and Southern countries (Fridell 2007: 23), a fair trade movement in land would disallow land sales to foreigners (see Montero 2010 for an example from Grenada), allow investment in businesses in the region but enforce a cap on profits that can be repatriated out of Panama, improve and enforce labor laws guaranteeing appropriate wages, and make available micro credit for fostering the development of local businesses. This would allow investment in the use of land, but not the sale of land itself to Northern consumers. It is my opinion that land-related concerns fit the fair trade movement’s ideologies rather than the fair trade network’s acceptance of neo-liberal policies.

The de-commodification perspective of fair trade (Fridell 2007) can be used for increasing consumer awareness of land-related issues and the impact of their decisions on Southern citizens. This would involve roping in real estate agencies like Remax, Century
Pillar Constructions, etc. (all of which currently operate in Panama) to participate in the fair trade of land in much the same way as TNCs like Starbucks now support fair trade in coffee. Again, this demands greater consumer awareness that can then put pressure on the TNCs.

This discussion on the land tenure insecurity resulting from neo-liberal policies is relevant to the field of fair trade, where land has traditionally not been considered a commodity akin to coffee, cut flowers, bananas, etc. But it is an extremely important issue that needs to be addressed in the context of free market policies that treat land as a commodity that can be traded on the global market, yet is in many ways different from other commodities because it is a productive, immovable resource that generates different kinds and amounts of value over a long period of time. The land market may also potentially impact the fair trade market, since the loss of productive land to development could impact who has access to enough land to grow other fair trade commodities.

To the uninitiated, everything is forest. Everything is uninhabited grassland. To know the signs of habitation, one must be able to “read” the land. One must know the culture of the people who reside on it and also how they use and shape the land. Then “untouched forest” becomes selectively arboreal horticulture; “vast open grassland” becomes pasture for somebody’s cows; “secondary forests” with “naturally” growing coconuts and papayas and lime trees with a few tapioca plants intermingled among them become some household’s subsistence garden; “Uninhabited”, “pristine” land becomes inhabited, occupied lands. Absence of the means for conveying this cultural information
as well as the absence of desire to know this information contributes to multiple tenure claims and conflicts.

**Contributions of this Study**

This study suggests new domains of research on indigenous studies by illuminating the travails and responses of an indigenous population in Panama who live in a semi-urban region characterized by high demographic heterogeneity. The results of this study evidence the need to look *within*, rather than *at*, indigenous groups. In addition, the results demonstrate the need to shift the focus on charismatic and sensational indigenous movements to heterogeneity within indigenous groups and everyday acts of resistance through which indigenous peoples around the world continue to exert their presence.

I delineate the processes through which structural and cultural factors produce the vulnerability and marginality of indigenous peoples and limit their access to, or alienate them from, their resources. It highlights how land conflicts in Bocas are produced by intersections between pre-existing political and legal structures that privilege elites; by a politically partial neoliberal development agenda; and by cultural distinctions and differential power among elite and marginalized social actors, thus contributing to the environmental racism thesis in political ecology.

The study contributes to the anthropological literature on land use, tenure rights and conceptions of property. Literature on property rights increasingly recognizes that property relations are embedded in the wider socio-economic, political, and cultural
fabric of society (e.g., Benda-Beckmann, Benda-Beckmann & Wiber 2006; Hann 1998). However, with a few exceptions (e.g., Baye 2008), there is little recognition that the practice of property relations may change the legal and ideological layers of social phenomena. My study contributes to this literature on property rights as it demonstrates how the concrete practices of property relations performed by the Ngobe displace the legal and institutional categories of property, and thereby (may) gradually shift conceptualizations of property at the ideological layer.

In his study of property relations among the Urapmin in Papua New Guinea, Robbins (2006) notes that the desire to possess property is not necessarily an obsession in many cultures. This does not automatically discount the concept of private property. rather, the emphasis may be on deriving meaning through the exchange of property. Possession of property is important in the West. However, with a stress on the commodification of land for circulation in the global market, greater emphasis is placed on the exchange of property (as illustrated through land speculation in Bocas), without a concomitant attachment to meaning. This kind of exchange results in alienation and commodity fetishism. Hegel (1942) advocates an approach to politics as the pursuit of mutual recognition, rather than the struggle for self-aggrandizement or self-protection. For Hegel, property functions as material goods to be possessed, as well as symbolic ones to be given away in order to create communities of recognition. I acknowledge the reality of globalization of the land market and the role of institutional politics in reinforcing Ngobe vulnerability and marginality, and in aiding land accumulation by elites. I suggest that one way for the Ngobe to take back control of their lands and their communities may
be to engage with the land market by applying the framework of fair trade to land, and thus creating communities of recognition that are acceptable to them.

An important mission of ethnographic writing is to accurately present what one has learned through the application of scientific methods for investigating a problem. At the same time, it is also important to use evocative writing techniques and form (Richardson 2000) to audience (Lincoln 2001) our research. It is binding on researchers to include audiences for whom an enlarged understanding might make a positive difference in their abilities to acquire agency and control over the circumstances of their own existence (Lincoln 2001). I believe that expats (residential tourists), who are seen by the local population as the cause of their problems, are prisoners of their own “habitus” (Bourdieu 1977), as much as backpack tourists, policy makers in IFIs, middle-class Panamanians, local Afro-Caribbeans, local indigenous peoples, etc. Each of these groups swim in their own habits of thought (Fiske 1992) that are a product of their social space and the practices of the other social beings who inhabit that social space (Fiske 1992).

In order to reach these audiences, I include a poem that I compiled by using the method of poetic transcription (Glesne 1997). Several of my interviews with Ngobe who had experienced land loss were poignant and full of pathos. These interviews were apt for generating evocative texts that convey the emotions of the interviewees through poetic transcription. I compiled the following poem, using the actual sentences, terms, and words of my respondents. It captures the pan-Ngobe experience.
**Ngobe sin Tierra**

Yo vino de la Comarca  
Buscando para trabajo.  
Para escuelas para mis niños.  
Para hospitales para mis hijos.

Porque allá,  
La vida es muy dura!  
Cuando no hay sal,  
No HAY sal!  
Cuando no hay azúcar,  
No HAY azúcar!

Aquí,  
Hay "trabajacitos"  
Hay "camarones"  
Hay "chambea".  
Pero no hay tierra.  
No hay derechos  
En nuestra propia país.

Aquí,  
Vivo bajo de  
Amenaza de desaloja.  
Cada día!

Y mis niños hablan español.  
Quieren aprender inglés.  
No entienden Ngöbere.

A mi, me extraña mucho  
Los ríos de mi lugar,  
Los bosques, los montañas,  
Mi terreno, mi suelo,  
Mi vista del mar, mis pesca.

Así la vida.  
Soy de la Comarca.  
Soy Ngöbe.

**Landless Ngobe**

I came from the Comarca  
Looking for work.  
For schools for my children.  
For hospitals for my kids.

Because over there,  
Life is very hard!  

There is no salt!  
Nor sugar!  

Here,  
There are odd jobs  
There is scut work.  

But I have no land.  
No rights  
In our own country.

Here,  
I live under  
The threat of eviction  
Every day!

And my children speak Spanish.  
They want to learn English.  
They do not understand Ngobere.

I pine for  
The rivers of my native place,  
The forests, the mountains,  
My land, my soil  
My vista of the sea, my fish.

That’s life.  
I am from the Comarca.  
I am Ngobe.
Bibliography


Gaceta Nacional de Panama. (2009a). Ley 23: Que declara el territorio insular área de desarrollo especial, regula adjudicación de tierras costeras y dicta la legislación para el aprovechamiento de éstos mediante un proceso de regularización y titulación masiv de derechos posesorios. No. 26267.


Waatanabe (Eds.), In *Pluralizing Ethnography* (3–33). Austin: University of Texas Press.


Appendix A: Questionnaire for Study on Tourism in Bocas

Interview: DATE: Location:

1. Cuantas personas viven en su casa?
2. Quien es el asalariado principal en su familia?
3. Como se llama usted? (solamente para la conversacion).
4. Cuantos anos tiene?
5. Tiene ninos? Cuantos anos tiene?
6. Que trabajo hace?
7. Cuanto dinero gana en su trabajo? Y Que otras entradas economicas tiene?
8. Usted trabajo es eventual o permanente?
9. Existe una variacion salaria desde la llegada de los turistas?
10. Que hacen los otros miembros de su familia y cuanto dinero reciben?
12. Usted contribuye en los gastos de otra casa? (de sus padres/abuelos/hijos/tios, etc.)
13. Posees tierras? Cuantos hectareas? Las vendes o las alquilas?
14. Desde que tiempo o generacion poseen estas tierras?
15. Cultivan pasto para las vacas?
16. Que cosas cultivan en las tierras y que uso le dan a este cultivo (consumo personal o venta)
17. Reciben dinero por turismo ecologico en la selva aqui?
18. Usted consume los alimentos que cultiva o es necesario comprar los?
19. Como se abastece usted de vegetales y verduras?
20. Donde naciste?
21. Donde vive?
22. Con que frecuencia viajas a Bocas? Porque motivo? Cuanto gastas cada vez que viajas?
23. Piensa que el turismo es bueno para su familia?
24. Piensa que el turismo es bueno para la sociedad donde vive?
25. Cree que con la llegada de la industria del turismo las familias que tienen tierras van a dejar herencia de tierra a sus generaciones?
26. Years of formal education of the informant and other adult members of the family.
Appendix B: IRB Protocol for Study on Tourism in Bocas

CONSENT
Behavioral/Social Science

IRB Protocol Number: 2006B0199
IRB Approval date: August 28, 2006
Version:

El Documento de Consentimiento para Participar en este Proyecto
La Universidad de la Provincia de Ohio, Estados Unidos

<table>
<thead>
<tr>
<th>El Tema del Projecto:</th>
<th>El impacto del turismo en la economía rural de la Isla Colon, Bocas del Toro Provincia de Panama</th>
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<tr>
<td>Investigadora:</td>
<td>Gayatri Thampy</td>
</tr>
<tr>
<td>Patrocinador:</td>
<td>Tinker Field Research Grants</td>
</tr>
</tbody>
</table>

Este es un documento para participar en una investigacion con su consentimiento. Contiene importante informacion sobre el estudio, es usted quien decide participar.

Su participacion es voluntaria.

Por favor lea la informacion cuidadosamente. Si esta inseguro, por favor pregunte antes de tomar su decision de participar o no participar. Si decide participar usted podra preguntar el significado de las preguntas y recibira una copia del cuestionario.

Propositos:
El estudio busca la comprension de los efectos del turismo, los ingresos de la economia rural de la Isla Colon. El objectivo del proyecto es estudiar la diferencia de ingresos entre las personas de diferentes antecedentes socio-economicos y la distribucion de los beneficios. La segunda parte de proyecto implica la comprension de los cambios de los usos de las tierras, la norma hereditaria y el tamaño del impacto turistico.

Procedimiento / de trabajo:
Es importante para la comprension del estudio, los negocios y servicios, la relacion entre los recidentes de Bocas del Toro. Entonces, con los consentimientos de los habitantes de
Isla Colon, nosotros queremos entrevistar las personas que viven y que trabajan en esta Isla. Nosotros queremos recoger las informaciones sobre: ingresos, gastos, propiedades, y sus opiniones sobre los efectos de turismo para su familia y su sociedad.

Duración:
Usted puede salir del estudio en cualquier momento. Si usted decide hacer en alto en la participación, del estudio, no estaras penalizado y no perderas beneficios. Su decision no estara afectada en el futuro en relacion con la Ohio State University.

Riesgos y Beneficios:
Este estudio no posee riesgos para usted. Estaremos tomando, cuidando y conservando la informacion confidencial reunida. Los beneficios que resultan con la finalizacion de este estudio es comprender mas la realidad social y economica de su sociedad.

Confidencialidad:
Se estara guardando la confidencialidad relacionada con su informacion personal.

Incentivos:
No estan los incentivos materiales para participar en este estudio.

Derrechos del Participante:
Usted puede negarse a participar en este estudio sin penalizarse o sin perder beneficio el cual de otra manera tambien tiene derecho. Si usted es estudiante o empleado de Ohio State University, sus clases o estatus de empleo no estara afectara por su decision.

Si usted elije participar en este estudio, usted puede descontinuar en cualquier momento su participacion sin estar penalizado o perder beneficio. Por firmar esta forma, Usted no pierde sus derechos personales y legales, tu puedes tener participacion en este estudio.

Instituido por la autoridad de las investigaciones de participantes humanos examinaban este projecto de investigacion y buscaban aceptable acuerdo aplicable a las reglas de estados, federal y las policias de la universidad que son designados para proteger los derechos y bienestar de los participantes en esta investigacion.

Contactos y Preguntas:
Para preguntas, preocupaciones, o quejas acerca del estudio, usted puede contactar Dr. Jeffrey Cohen (Profesor Asociado, 113B Lord hall, 124 W. 17th Avenue, Columbus, OH-43210. Telefono: 1-614-247-7872. Email: cohen.31@osu.edu).

Para preguntas acerca de sus derechos como participante en este estudio, o para discutir las otras preocupaciones o quejas en relacion de este estudio con alguna persona quien no es una parte de esta investigacion, usted puede contactar Ms. Sandra Meadows en la Oficina de Metodos de Investigaciones Responsables al 1-800-678-6251.
Si usted no está de acuerdo con la participación y resultado de este estudio, por cuestiones o preguntas acerca de su desacuerdo relacionado con el estudio, usted puede contactar a Gayatri Thampy (243 Calderdale ct., Blacklick, OH-43004, USA. Telefono: 1-614-501-1978. Email: thampy.2@osu.edu).

La copia de este documento se la estare dando al participante.

Nombre del investigador que solicita el consentimiento:

Gayatri S Thampy

_______________________________

Firma del investigador que solicita el consentimiento.

_______________________________

Fecha y hora. AM/ PM.

_______________________________
Appendix C: Questionnaire for Study on Land Tenure Issues in Bocas

Formulario de Consentimiento para la participación en investigaciones de la Universidad de Ohio State

CONSENT
Behavioral/Social Science

IRB Protocol Number: 2008B0216
IRB Approval date: September 23, 2008
Version:

<table>
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<tr>
<th>Título de la investigación:</th>
<th>Uso de tierras y reformas de propiedad en Bocas del Toro, Panamá</th>
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<tr>
<td>Investigador:</td>
<td>Gayatri Thampy</td>
</tr>
<tr>
<td></td>
<td>Instituto Smithsonian de Investigaciones Tropicales (STRI),</td>
</tr>
<tr>
<td></td>
<td>AGGRS, OIA y Department of Anthropology (The Ohio State University).</td>
</tr>
</tbody>
</table>

Este es un documento que contiene información acerca del estudio e información acerca de sus derechos si decide participar voluntariamente del estudio. Su participación es voluntaria. Por favor preste especial cuidado a la información presente en este formulario. Además, sientase en libertad de consultar todas las dudas que tenga y de preguntar lo que requiera antes de tomar la decisión de participar o no en este estudio. Si decide participar, por favor informe al investigador acerca de esta decisión. Si decide participar, recibirá una copia de este formulario firmado por el investigador.

Propósito:
La realización de este estudio me permitirá obtener mi diploma de Doctor en Antropología. El propósito de este estudio descansa en comprender los factores que influencian las decisiones del hogar en relación con el uso de la tierra y propiedad. En esta investigación, se estudiarán aquellas decisiones que refieren a la compra, venta, alquiler, arrendamiento, y cambio de derechos de posesión y uso de parcelas de tierra. El estudio se realiza en el contexto de recientes cambios en las políticas de desarrollo de turismo y reformas que conciernen a la propiedad de la tierra que han sido implementadas en Bocas del Toro, Panamá. Por lo tanto, también estamos interesados en explorar aquellas decisiones que se relacionan con el cambio en los derechos de propiedad y uso de la tierra y con las formas de resistencia a estas nuevas políticas.
Para comprender qué factores afectan a las decisiones del hogar, necesitamos recolectar información acerca de los ingresos y gastos de su hogar, nivel de educación, edad y género de los miembros de su hogar, los derechos de posesión de sus tierras en los últimos dos años. Cualquier tipo de decisión que concierna a la propiedad y a la tierra que haya tomado en los últimos dos años. y, finalmente, la extensión de sus relaciones, vínculos y contactos con otras personas.

Para proteger su privacidad, todos los datos recolectados van a ser almacenados de manera de mantener su identidad confidencial, asegurando que terceros no puedan establecer su identidad a partir de la información obtenida.

Procedimientos:
Al comenzar el estudio primero se realizó un censo de las islas Colon y Bastimentos. Durante el censo, se le dio un volante que contiene información sobre el estudio y se recolectó información acerca de la ubicación de su hogar, el número de miembros en su hogar y si posee o no propiedades o tierras en algún lugar del Archipiélago de Bocas del Toro.

Se le solicita su participación en el estudio porque:
Usted ha sido seleccionado por el investigador para obtener información preliminar. Usted ha sido seleccionado aleatoriamente del censo de hogares en las islas de Colon y Bastimentos. El investigador ha obtenido información acerca de usted a través de ______________________ debido a que usted se encuentra en la actualidad viviendo fuera del área en la que se conduce la investigación.

Una vez que esta información sea obtenida, se eliminará cualquier dato que permita identificarlo a usted o a su hogar de forma de proteger su identidad. El resto de la información será analizada junto con otras entrevistas y los resultados serán presentados luego en conferencias y artículos.

Duración:
La primera entrevista durará aproximadamente una hora y media. Si el investigador tiene más preguntas, una vez concluida la primera le solicitará una segunda. La segunda entrevista tomará aproximadamente unos veinte minutos.

Podrá abandonar su participación en el estudio en cualquier momento que desee. Es importante que sepa que no incurrirá en ningún tipo de obligación como resultado de su decisión de participar o no participar y que esta decisión tampoco afectará su relación con el investigador o con la Universidad de Ohio State.

Riesgos y Beneficios:
El investigador no considera que haya mayores riesgos en tomar parte de la investigación más allá de la perdida de privacidad. Sin embargo, todas las medidas posibles van a ser
adoptadas para proteger su privacidad y la confidencialidad de los datos recolectados de manera que nadie pueda identificarlo a partir de ellos.

Quizás no existan beneficios que pueda obtener a nivel personal o de su hogar. No obstante, la comunidad en la que vive se beneficiará de los resultados de este estudio ya que podrá obtener una mejor comprensión de cómo las recientes políticas económicas han afectado su vida. Los resultados obtenidos al finalizar el estudio serán puestos a disposición de la comunidad de Bocas del Toro a través de copias de los artículos escritos y de los libros que hayan sido publicados por el investigador. Debido a que estos resultados también serán presentados en conferencias nacionales e internacionales, la región de Bocas del Toro podrá atraer mayor atención hacia sus problemas.

Confidencialidad:
Todos los datos recolectados se mantendrán confidenciales. Sólo el investigador tendrá acceso a los datos. Bajo ninguna circunstancia se brindará la información obtenida acerca de su identidad a alguna autoridad de Panamá. Cuando los datos sean almacenados en la computadora, aquellos datos que contengan información sobre su identidad serán almacenados de forma separada. De esta forma nadie podrá establecer conexiones entre su identidad y los otros datos obtenidos.

Después de que todas las entrevistas estén completas y el investigador abandone el sitio de investigación, cualquier tipo de información acerca de su identidad será borrada y destruida. Los resultados del estudio serán presentados sólo en una forma general que no permita la identificación de su persona. Si partes de lo que usted ha dicho durante la entrevista son incorporados en los artículos no se ofrecerá ninguna precision acerca de su identidad y ésta permanecerá anónima.

Incentivos:
No hay incentivos para participar en el estudio mas allá que compartir informacion sobre las problemas en Bocas.

Derechos del participante:
Usted podrá rehusarse a participar en esta investigación sin incurrir en algún tipo de sanción. No perderá ninguno de los beneficios a los que tiene derecho. Aún cuando decida participar en el estudio, podrá abandonar la investigación en cualquier momento sin sanción o pérdida de sus beneficios.

Un Comité Institucional de Revisión que supervisa la investigación con personas en la Universidad de Ohio State revisó este estudio y lo calificó como aceptable de acuerdo con las regulaciones estatales y federales y las políticas de la universidad diseñadas para proteger los derechos y el bienestar de los participantes.

Contacto y preguntas:
Si usted tiene dudas, preguntas, o quejas acerca de la investigación siéntase en la libertad de contactar:
Si posee dudas o preguntas acerca de sus derechos como participante en esta investigación o para discutir cualquier otra inquietud relacionada con la investigación o presentar alguna queja acerca de alguien que no sea parte del equipo de investigación, podrá contactar a Ms. Sandra Meadows en la Oficina de Prácticas de Investigación Responsables en 1-800-678-6251 o en 001-614-688-4792.

Si usted fue herido como resultado de esta investigación, o si tiene dudas acerca de algún tipo de herida que haya resultado de la investigación, podrá contactar a Gayatri Thampy (thampy.2@osu.edu, 6824-9527 (celular en Panama). Phone (Hogar): 001-614-501-1978).

Investigador/ Equipo de Investigación
He dado completa explicación de la investigación al participante o a su representante antes de solicitar su firma. No hay espacios blancos en este documento. Una copia de este formulario ha sido dado al participante o a su representante.

<table>
<thead>
<tr>
<th>Nombre de la persona obteniendo el consentimiento</th>
<th>Firma de la persona obteniendo el consentimiento</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gayatri Thampy</td>
<td>Fecha y Hora</td>
</tr>
</tbody>
</table>
Appendix D: Questionnaire for Study on Land Tenure Issues in Bocas

Cuestionario para Entrevista Semi-estructurada

La mayoría de estas preguntas fueron adaptadas World Bank Living Standards Measurement Study (WBLSMS).
Las preguntas son realizadas con ambos jefe y jefa de hogar simultáneamente.

Entrevista No: ______. Localidad: _______________ Día / hora de la Entrevista: _______________

Por favor recuerde que usted puede retirarse libremente de la entrevista en cualquier momento y que tambien tiene la libertad de no responder cualquier pregunta que no desee.

Módulo 1: Listado del Hogar

Jefe y / o jefa de Hogar:

1. ¿Cuál es su nombre? (esta pregunta será empleada sólo para propósitos de la conversación).
   - Hombre (H): __________
   - Mujer (M): __________

2. ¿Cuántos años tiene?
   - Hombre: __________
   - Mujer: __________

3. ¿Cuántos años de educación ha alcanzado?
   - b. Escuela Media (M): H: __ M: __
   - c. Escuela Secundaria (S): H: __ M: __
   - d. Diploma (D): H: __ M: __
   - e. Universidad (U): H: __ M: __
Otros miembros del hogar:
4. ¿Cuántas personas integran el hogar? _______________

5. Para cada miembro por favor provea la edad, el sexo, el número de años de educación alcanzado, la relación con el jefe de hogar y el nombre de su cónyuge si lo tuviera:

|---------|------|------|--------------------------------------------------------------------------|-------------------|-------------------------------|

Módulo 2: Empleo, ingresos y perfil de gastos del Hogar:

Empleo:
6. Para cada miembro del hogar (usted incluido) por favor responda las siguientes preguntas en relación con el ingreso monetario para el último mes:

<table>
<thead>
<tr>
<th>Miembro</th>
<th>Empleo / actividad que genera ingreso</th>
<th>Temporario / Permanente / empresa de casita / Pequeña empresa</th>
<th>Tiene interacción con turistas en este trabajo? (Sí/ No)</th>
<th>Ingreso Mensual de esta actividad</th>
<th>Otros comentarios</th>
</tr>
</thead>
</table>

Ingreso Mensual Total del Hogar:
Productos Agriculturales:
7. ¿Vende productos animales en el mercado para dinero? Si / No

Cuántos por mes? $ / mes.
Huevos: H; Gallo: G; Puerco: P; Vaca: V; Langosta: L

<table>
<thead>
<tr>
<th></th>
<th>H</th>
<th>G</th>
<th>Pollo</th>
<th>P</th>
<th>Carne de P</th>
<th>V</th>
<th>Carne de V</th>
<th>Leche</th>
<th>Abono</th>
<th>Pesca</th>
<th>L</th>
<th>Otros</th>
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</table>

8. ¿Vende algún producto cosechas en el mercado para dinero? Si Si la respuesta es sí, cuales son las.

Cosechas: ____________

Alquiler o renta:
9. Por favor provea la siguiente información en relación con alquileres y rentas:

<table>
<thead>
<tr>
<th>Objeto</th>
<th>Cuán a menudo</th>
<th>Tarifa</th>
<th>A quien? (Turista / residente local/ Jornalero migrante)</th>
<th>Ingreso Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casa/ Habitación</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parcela</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Bote</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto/ Camión</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rickshaw</td>
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</tr>
</tbody>
</table>

| Ingreso Total para Alquileres y Rentas: |
Otras Fuentes de ingreso:
10. ¿Recibe usted o algún otro miembro de su hogar algún tipo de asistencia monetaria que provenga de programas gubernamentales, asociaciones no gubernamentales, becas de educación, etc.? __________
   a. ¿Cuántos miembros de su hogar reciben asistencia? _________
   b. Que tipo de asistencia? __________

11. ¿Dispone de miembros de su familia o de amigos que no vivan con usted y que le envíen dinero regularmente? __________
   a. ¿Dónde se encuentran viviendo/ trabajando? __________
   b. ¿Cuán a menudo le envían dinero? __________
   c. ¿De qué forma se relaciona esta persona con usted? __________

Ingreso Total del Hogar para el ultimo mes:

12. En un año que necesidades usted tiene que requiere mucho dinero (como mas de 50$)?

<table>
<thead>
<tr>
<th>Ítem de gasto</th>
<th>Costo</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

13. ¿Renta o alquila objetos de terceros? Si es así, complete la siguiente tabla.

<table>
<thead>
<tr>
<th>Objeto</th>
<th>Cuán a menudo</th>
<th>Tarifa</th>
<th>De quién?</th>
<th>Para que uso?</th>
<th>Quien en su vivienda es responsable para eso?</th>
<th>Contratar mano de obra? Porque?</th>
<th>Gasto Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casa/ Habitación</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parcela</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bote</td>
<td></td>
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<tr>
<td>Auto/ Camión</td>
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</tr>
<tr>
<td>Rickshaw</td>
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</tbody>
</table>

Gasto Total de Alquileres y Rentas:
14. ¿Envía dinero a algún familiar o amigo que no vive con usted? ____________
   a. ¿Cuán a menudo envía dinero? ____________
   b. ¿A dónde envía el dinero? ____________
   c. ¿De qué forma se relaciona esta persona con usted? ____________

15. ¿Contrata trabajadores para recibir ayuda en tareas domésticas o agrícolas?
   a. Para qué trabajo contrata mano de obra o domésticos? ____________

Modulo 3: Hogar y otros bienes y animales:

Tipo de Hogar:

16. ¿Usted o algún otro miembro del hogar poseen la casa donde habitan? ____________

17. Describan la apariencia de este hogar:
   a. Techo: i.) paja ii.) madera iii.) cemento iv.) lamina
   b. Piso: i.) paja ii.) madera iii.) cemento iv.) tierra
   c. Paredes/ Muros: i.) paja ii.) madera iii.) cemento iv.) tierra
   d. Baño: i.) dentro del hogar ii.) fuera del hogar iii.) no hay
   e. Agua Corriente: i.) presente ii.) ausente
   f. Número de pisos:
   g. Acerca alrededor de la propiedad?
**Otros bienes:**
18. ¿Posee alguno de los siguientes bienes?

<table>
<thead>
<tr>
<th>Bien</th>
<th>Cuantos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generador Eléctrico</td>
<td></td>
</tr>
<tr>
<td>Bomba Eléctrica</td>
<td></td>
</tr>
<tr>
<td>Bicicleta</td>
<td></td>
</tr>
<tr>
<td>Motocicleta</td>
<td></td>
</tr>
<tr>
<td>Auto</td>
<td></td>
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<tr>
<td>Camión</td>
<td></td>
</tr>
<tr>
<td>Rickshaw</td>
<td></td>
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<tr>
<td>Teléfono</td>
<td></td>
</tr>
<tr>
<td>Teléfono Móvil o Celular</td>
<td></td>
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<tr>
<td>Cámara/ Video Cámara</td>
<td></td>
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<tr>
<td>TV</td>
<td></td>
</tr>
<tr>
<td>Heladera</td>
<td></td>
</tr>
<tr>
<td>Lavarropas</td>
<td></td>
</tr>
<tr>
<td>Colector de Agua de Lluvia</td>
<td></td>
</tr>
<tr>
<td>Canoa / lancha</td>
<td></td>
</tr>
<tr>
<td>Motor para la lancha</td>
<td></td>
</tr>
</tbody>
</table>

19. ¿Usted o algún otro miembro del hogar poseen los siguientes animales o aves de granja?

<table>
<thead>
<tr>
<th>Animal /Ave de corral</th>
<th>Cuantos</th>
<th>Quien en su hogar posee los?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gallinas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bueyes/ Toros</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cerdos</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caballos</td>
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<tr>
<td>Conejos</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabras</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Otros</td>
<td></td>
<td></td>
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</tbody>
</table>
Por favor recuerde que usted puede retirarse libremente de la entrevista en cualquier momento y que también tiene la libertad de no responder cualquier pregunta que no desee.

Módulo 4: Decisiones en relación con la tierra y otras propiedades:

Listado de Propiedades:
20. Para todas las propiedades/ tierras que usted tiene… donde son las? Para que usted las usa? Y como adquiere las?

<table>
<thead>
<tr>
<th>Tipo de Propiedad</th>
<th>Quien posee</th>
<th>Área</th>
<th>Propietario (P)</th>
<th>Arrendador (L)/Locatario (A)</th>
<th>Heredada (H)</th>
<th>Fecha</th>
<th>Derechos de Propiedad</th>
<th>Registrado en el Catastro</th>
<th>Vía</th>
<th>Compra (Precio y Fecha)</th>
<th>Arrendamiento (Precio y Fecha)</th>
<th>Alquiler (Precio y Fecha)</th>
<th>Uso</th>
<th>Comentarios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casa / Finca / Huerta / Pastura / Rio / Bosque / Otro</td>
<td></td>
<td></td>
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</table>

Decisiones en relación con la tierra/ propiedad
21. ¿Vendió o intercambió su tierra/ propiedad en parte o totalidad entre los años 2000-2008?

22. ¿Por cuál motivo? ¿Cuáles fueron las circunstancias que causaron esa decisión?

23. Con quien usted la vendió o intercambió?
   Un agente de bienes reales (extranjera / local) / una turista / un Panameno / un Bocatoreneo?

24. ¿Qué derechos de propiedad tenia sobre esta tierra/ propiedad?

25. ¿Fue decisión suya el vender / intercambiar la tierra o alguien lo contactó para comprar la propiedad?

26. Alguien le obligó a vender / intercambiar la tierra?

27. Si contesta sí, usted trata a resistir la venta de su tierra? En cual manera?
28. ¿De qué manera participaron otros miembros del hogar de la decisión?
29. Que recibió usted en cambio para este parcela de tierra?

30. Cómo decidió cuál sería un mejor precio para esta tierra?

31. Piensa que usted recibió un buen precio para su tierra?

32. Si usted recibió dinero en cambio para su tierra, qué hizo con el dinero que recibió por la venta de la tierra/ propiedad?

33. ¿Registró la venta con el Catastro o otro agencias? Porque o porque no?

34. ¿Cómo se siente ahora con esta decisión de vender la tierra?

35. Approximadamente, cuanto, usted piensa es el precio para una hectarea de tierra ahora en la arquipielago? Para hacer los derechos posesorios? Para hacer titulos?

36. Si alguna de su tierra/ propiedad contiene bosques, ¿obtuvo alguna ganancia por vender productos forestales o por llevar a turistas a visitarlos?

37. ¿Construyó senderos a través del bosque?

38. ¿Qué derechos de propiedad tiene sobre estos bosques?

39. ¿Va a conservarlos como bosques o va a convertirlos en fincas o pasturas o otro? ¿Por qué?

Módulo 5: Capital Social:
Las siguientes preguntas se refieren a las formas en las que usted está conectado con otros miembros de su comunidad.

40. Cual es su etnicidad? [auto-identifica].

41. Que es su religion? [auto-identifica].

42. ¿Es usted, o algún miembro de su hogar, parte de algún grupo, unión o cooperativa en Bocas del Toro? Estos pueden ser grupos religiosos, cooperativas de campesinos, cooperativas de pescadores, cooperativas de artesanos, cooperativas de capitanes de bote, uniones de trabajadores, uniones de maestros, etc.?
43. ¿Cuándo se unió a cada uno de estos grupos?

44. A lo largo de un año (entre 2007 y 2008), ¿cuánto menudo ha participado en las actividades de cada uno de estos grupos?

45. En comparación con cinco años atrás, ¿usted piensa que participó más, igual o menos en las actividades de estos grupos?

46. ¿Contribuye con los gastos de estos grupos o hay costos que debe pagar para unirse al grupo? ¿Cuánto paga por mes?

47. ¿En qué forma se beneficia siendo parte de este grupo?

48. ¿Le permite el grupo acceder más fácilmente a alguno de los siguientes beneficios:
   a. Educación y capacitación
   b. Servicios de Salud
   c. Servicios Sanitarios y Abastecimiento de Agua
   d. Crédito o Ahorro
   e. Bienes Agriculturales y Tecnología
   f. Irrigación
   g. Otros?

49. ¿Posee la mayoría de la gente en estos grupos:
   a. Mismo sexo:
   b. Mismo grupo de edad:
   c. Misma religión:
   d. Mismo barrio o comunidad:
   e. Misma etnicidad:
   f. Misma ocupación:
   g. Mismo Nivel Educacional:
   h. Mismas perspectivas políticas:
   i. Mismo Status Económico?

   Explique si no son aproximadamente los mismos.

50. Si existen reuniones comunitarias para discutir algunos temas en relación con la comunidad, ¿usted o algún miembro de su hogar asisten siempre/ algunas veces/ raramente?

51. ¿Cuántos amigos cercanos posee en la actualidad? Estas son personas con las que se siente a gusto, puede charlar sobre asuntos personales e íntimos, o solicitar ayuda.
52. Si repentinamente necesitase 100 $ para algún gasto del hogar, ¿cuánta gente conoce a la cual podría solicitar ayuda y que estarían dispuestos a ofrecerla?

53. ¿Pertenecen la mayoría de estas personas a un mismo / más alto/ más bajo status económico?

54. Si usted debiera enfrentar una emergencia de más largo plazo como la muerte del sostén de familia, el fracaso de la cosecha o la pérdida de trabajo, ¿cuánta gente, más allá de los miembros de su hogar, estarían dispuesto a ayudarlo?

55. En el ultimo un año , ¿cuánta gente con problemas personales le ha pedido ayuda?

56. ¿Es la mayoría de esta gente de un estatus económico similar, mayor o menor?

57. En general, ¿piensa que puede confiar en la mayoría de la gente en su comunidad o siente que debe ser cuidadoso?

58. En una escala del 1 al 3 (1 = completa confianza, 2 = no está seguro, 3 = no tiene mucha confianza), por favor responda cuánto confía de las siguientes categorías de personas:
   a. Gente de su mismo grupo étnico
   b. Gente de otro grupo étnico
   c. Gente de su misma localidad
   d. Gente del archipiélago de Bocas del Toro
   e. Panameños que viven fuera del archipiélago
   f. No-Panameños
   g. Comerciantes
   h. Oficiales del gobierno local
   i. Oficiales del gobierno central
   j. Policía
   k. Maestros
   l. Enfermeras y Doctores
   m. Organizaciones no Gubernamentales y Trabajadores Comunitarios

59. ¿Cuántas veces en el ultimo mes ha usted o alguien en su hogar leído el diario o ha escuchado a alguien leyendole el diario?

60. ¿Cuán a menudo escucha la radio?

61. ¿Cuán a menudo mira TV?

62. Para cada uno de los siguientes fuentes de información sobre lo que realiza el gobierno (como proyectos de desarrollo, reformas agrarias, extension agricultural,
tarifas laborales, etc.) diga me si ese fuente es 1= muy importante, 2= un poco importante, 3 = no es importante para usted?

   a. Parientes, amigos y vecinos
   b. Tableros de información en la comunidad
   c. Mercado local
   d. Diario de la comunidad o local
   e. Diario nacional
   f. Radio
   g. TV
   h. Grupos y Asociaciones
   i. Negocios y colegas/ socios de trabajo
   j. Asociados políticos
   k. Líderes de comunidad
   l. Agentes del gobierno
   m. Organizaciones no Gubernamentales
   n. Internet (red)

63. Para cada uno de los siguientes fuentes de información más importantes acerca del mercado (como trabajos, precios de bienes, precio de la tierra, tarifas de renta actuales, etc.) diga me si ese fuente es 1= muy importante, 2= un poco importante, 3 = no es importante para usted??

   a. Parientes, amigos y vecinos
   b. Tableros de información en la comunidad
   c. Mercado local
   d. Diario de la comunidad o local
   e. Diario nacional
   f. Radio
   g. TV
   h. Grupos y Asociaciones
   i. Negocios y colegas/ socios de trabajo
   j. Asociados políticos
   k. Líderes de comunidad
   l. Agentes del gobierno
   m. Organizaciones no Gubernamentales
   n. Internet (red)

64. En su opinión, ¿cuán honestos son los oficiales y los empleados de las siguientes agencias? 1 = muy deshonesto, 2 = un poco deshonesto, 3 = muy honesto, 4= no aplica (no hay agencia en la comunidad o barrio).

   a. Oficiales del gobierno local
   b. Líderes tradicionales de comunidad
   c. Doctores y enfermeras en el hospital o clínica de salud
   d. Maestros y empleados/ directivos de la escuela
   e. Empleados del correo
f. Policia

g. Jueces y empleados de la corte

h. Empleados de las Organizaciones no Gubernamentales

65. Usted conoce personalmente (conoce como contactar ellos, saluda cuando les encuentran en la calle, habla algunos veces) alguien de estas grupos de personas: a.) abogados, b.) oficiales del gobierno local, c.) oficiales del gobierno nacional, d.) Organizaciones no-gubernamentales, e.) academicos / scientifcos nacionales y internacionales f.) periodistas
Appendix E: Figures

Fig. 1: Bocas del Toro Province in Panama
Fig. 2: Archipelago of Bocas del Toro with prominent islands.
Fig. 3: Visual Interpretation of The Layered Approach to Property Relations (Benda-Beckmann, Benda-Beckmann & Wiber 2006).

This approach interprets property as being embedded in layers of social phenomena – the legal-institutional layer, the concretized social relations layer, the ideology layer. This is my visual interpretation of the Layered approach. I see the layer on ideologies of property as mediating the legal-institutional layer and the layer of concretized social relationships of property. These layers need not be aligned and practices in one layer may change other layers, but not necessarily at the same pace.
Fig. 4: Visual Representation of the Practice Force-field approach (Nuijten & Lorenzo 2006).

The Practice Force-field approach is an extension of the Layered approach with the influences of the wider force-field on the concretized social relations of property made explicit. I interpret the Force-field approach as collapsing the legal-institutional and ideology layers from the Layered approach into the concept of the force-field within which are embedded the concretized social relations.
Fig. 5: Factors contributing to land conflicts involving the Ngobe in Bocas del Toro, Panama.
Fig. 6: The Micro-politico-legal ecology approach.

The Micro-politico-legal ecology approach that I use in this study combines the Layered approach and the Practice Force-field approach to property relations. In this approach, I assert that social actors consume categorical property terms produced in the legal-institutional layers of social phenomena and they act on land issues according to their own subjective interpretations of these terms within concretized social relationships. These actions by social actors in turn produce politico-legal ecologies. An actor’s structural position within society determines whose production of a micro-politico-legal-ecology (represented here by “suns” of varying sizes) influences the practice force-field within which actors are embedded, and to what degree.
Fig. 7: Isla Colon, the largest island in the archipelago.
The capital of the province, Bocas del Toro or Bocas Town, is located on Isla Colon.
Fig. 8: Graphical representation of the divisions of the province of Bocas del Toro
Fig. 9: Schematic layout of localities in Isla Colon

Fig. 10: Barrio de Soluciones
Fig. 11: Barrio de Loma Espino
Fig. 12: Barrio de Higueron
Fig. 13: Ngobe people protesting the privatization of land in Bocas archipelago.
Fig. 14: Protests against the privatization of land.
Protests against the privatization of land often tagged along with protests for higher wages in resort construction jobs. The protests often reflected various alliances and sub-groups marching together, but protesting or demanding different things.
Fig. 15: Ngobe protesting the privatization of land in Bocas in 2006 and expressing the indigenous ideal of land use.
Fig. 16: Ngobe protesting the construction of the Red Frog Beach project in Bastimentos.
Fig. 17: Ngobe demanding the right to preserve their way of life.
Fig. 18: Ngobe residents at the community meeting to discuss the Six Diamonds’ Harbor of the Americas marina project in Bocas del Toro.

Notice the spatial relegation of the Ngobe to the margins of the Hall. The center (to the right of the image) is occupied by expats, scientists, NGOs and other local residents.
Fig. 19: Residents of Bocas attending the Red Frog Beach community meeting in 2006.

The meeting was convened by the Red Frog Beach project to discuss residents’ concerns about the economic and ecological impacts of the project. Although a few Ngobe speakers were able to publicly express their opinions during the meeting, the conduct of the meeting was such that most questions were either deflected or went unanswered as the project developers spent time thumping through their environmental impact report. Ngobe women were visible in their traditional dress or “naguas”. But the meeting largely marginalized the Ngobe who were present in significant numbers.
Fig. 20: An expat residence that fences out access to the sea
Fig. 21: Clash of Western private property concepts with Ngobe concepts.
Ngobe participants are stumped when expats buy property and do not even allow them right of passage through their land.
Fig. 22: Community Development in Los Manglares.
Residents of Los Manglares contribute a portion of their daily wages to fill up the swamp and build sturdier bridges to walk between the houses.
Fig. 23: Community Development in Los Manglares.
This photo depicts sturdier bridges made of non-recycled wood built by the residents of Los Manglares to walk between the houses and to leave the colony.
Fig. 24: Garciela Quintano’s house burnt and destroyed by employees of American investor David Nadoff in Isla La Puma.
Fig. 25: One hectare of land on Isla Puma that Bilbo Coreosa’s family was given by the American investor David Nadoff.
Fig. 26: Dijeron Community Meeting.
Ngobe residents of Dijeron having a community meeting the day before the Bocas-wide community meeting to discuss the Harbor of the Americas marina project in Bocas del Toro.
Fig. 27: Ngobe protesting neoliberal development projects
Fig. 28: Some Ngobe have started adopting Western property norms and are building rudimentary fences.
Fig. 29: Some Ngobe have started adopting Western property norms and are building rudimentary fences.