



## INDIGENOUS TERRITORIAL AUTONOMY AND SELF-GOVERNMENT IN THE DIVERSE AMERICAS

Edited by Miguel González, Ritsuko Funaki, Araceli Burguete Cal y Mayor, José Marimán, and Pablo Ortiz-T

ISBN 978-1-77385-463-2

**THIS BOOK IS AN OPEN ACCESS E-BOOK.** It is an electronic version of a book that can be purchased in physical form through any bookseller or on-line retailer, or from our distributors. Please support this open access publication by requesting that your university purchase a print copy of this book, or by purchasing a copy yourself. If you have any questions, please contact us at [ucpress@ucalgary.ca](mailto:ucpress@ucalgary.ca)

**Cover Art:** The artwork on the cover of this book is not open access and falls under traditional copyright provisions; it cannot be reproduced in any way without written permission of the artists and their agents. The cover can be displayed as a complete cover image for the purposes of publicizing this work, but the artwork cannot be extracted from the context of the cover of this specific work without breaching the artist's copyright.

**COPYRIGHT NOTICE:** This open-access work is published under a Creative Commons licence. This means that you are free to copy, distribute, display or perform the work as long as you clearly attribute the work to its authors and publisher, that you do not use this work for any commercial gain in any form, and that you in no way alter, transform, or build on the work outside of its use in normal academic scholarship without our express permission. If you want to reuse or distribute the work, you must inform its new audience of the licence terms of this work. For more information, see details of the Creative Commons licence at: <http://creativecommons.org/licenses/by-nc-nd/4.0/>

### UNDER THE CREATIVE COMMONS LICENCE YOU MAY:

- read and store this document free of charge;
- distribute it for personal use free of charge;
- print sections of the work for personal use;
- read or perform parts of the work in a context where no financial transactions take place.

### UNDER THE CREATIVE COMMONS LICENCE YOU MAY NOT:

- gain financially from the work in any way;
- sell the work or seek monies in relation to the distribution of the work;
- use the work in any commercial activity of any kind;
- profit a third party indirectly via use or distribution of the work;
- distribute in or through a commercial body (with the exception of academic usage within educational institutions such as schools and universities);
- reproduce, distribute, or store the cover image outside of its function as a cover of this work;
- alter or build on the work outside of normal academic scholarship.



**Acknowledgement:** We acknowledge the wording around open access used by Australian publisher, **re.press**, and thank them for giving us permission to adapt their wording to our policy <http://www.re-press.org>

# ***Neggsed* (Autonomy): Progress and Challenges in the Self-government of the Gunadule People of Panama**

Bernal D. Castillo

## **Introduction**

One of the great strengths of the Gunadule people is that they have their own concept of autonomy. It is an essential part of the fight for their rights. Since time immemorial, the Gunadule people have had their own institutions for the self-government of their territory, including their own political, legal, economic, social and cultural institutions, in addition to their own forms of social organization (laws regulating biocultural access, use, control and protection). Exercising the right to self-determination includes practising autonomy. It is an inalienable right of all Indigenous Peoples to decide their own form of governance, and they have a right to free, prior and informed consent over all initiatives that may affect their cultural, social, environmental and spiritual ways and means of life. The continuity of these institutional practices, a legacy passed down by the Elders, is embodied in *Igardummadwala*, which is the administrative political platform of the Guna people (Guna General Congress, 2015).

There are many threads to unpick in this. Governments throughout history have refused to accept Indigenous Peoples' right to their autonomy and

this, as we know, has been the case since the time of the European — and particularly Spanish — invasion. On the contrary, Indigenous Peoples were deceived, by sword and by cross, into ceding their natural resources and biodiversity-rich lands to the invaders.

Recognition of the autonomous rights of the Gunadule people has served as a model for other peoples of Abya Yala (Americas) in their struggle for autonomy. Until a few years ago, the people had retained their own autonomy, with strong traditions and culture. With the cultural changes that have recently arrived in the communities, however, the very integrity and sustainability of this autonomy is now being threatened. The main questions posed by this study are: What is happening in the *comarca* (region) that has the longest history of autonomy in Panama? What challenges is it facing? And, how is it trying to overcome them and seek alternatives by which to consolidate its autonomy?

The chapter will attempt to put the current situation of Guna autonomy into historical perspective by means of four major themes: the historical process of the Gunadule people's territorial struggle; the structure of Gunadule self-government; *Neggsed* (autonomy) or land and territory; and the challenges facing the Gunadule people's autonomy.

The methodology applied was a participatory one: with the Gunadule authorities in the region, via meetings of the Guna Cultural Congresses in May, June and October 2019, and then through another visit in January and February 2020. Field interviews were conducted with youth and women in the communities, and I participated in the *Onmaggeddummagan* (Guna General Congresses) in order to understand their current perspective on the situation in the *comarca* and the demands being made of the Panamanian State as regards the ancestral lands of Nurdargana.

## History of the Gunadule People's Territorial Struggle

The self-government of the Gunadule people dates back to time immemorial,<sup>1</sup> with leaders who laid the foundations of the social, political and cultural structure through the creation of the *Onmagged* (Congresses). Later, with the arrival of the Spanish, the Guna people organized and came together to defend their ancestral territory throughout the colonial period and up until the end of the 19<sup>th</sup> century. In 1871, while Panama was still a part of Colombia,

they managed to consolidate their territory with the creation of the Tulenega *comarca*. This laid the foundation for Guna autonomy and was the first Latin American Indigenous *comarca* (Castillo, 2018).

At the start of the 20<sup>th</sup> century, when Panama separated from Colombia in 1903, the Guna territory was divided in two, with one group remaining in Colombia and the other coming under the new republic. In the Panama region, the Guna territory was divided into different areas: Madungandi, Wargandi, Dagargunyala and Gunayala. It was in the Gunayala region that the historical events of the 1925 Tule Revolution took place, when the Guna rose up against the Panamanian government in defence of their autonomy, their identity, their culture, their human rights and, especially, protection of their women, since their traditional dress, the *mola*, a symbol of Gunadule identity, was being vilified (Howe, 2004; Wagua, 2007).

The first *comarca* was thus founded in 1925 following a Gunadule uprising in an attempt to break away from the Panamanian State due to its internal colonialism, expressed via an indigenist policy of assimilation and forced integration (Leis, 2005). As a result, the Panamanian government included the Indigenous issue in the country's constitution for the first time in 1925, via a legislative act of March 20 of that year, which allowed for the establishment of *de facto* regional autonomy. The Panamanian government therefore had to reform the 1904 Constitution in order to include the issue of the Indigenous *comarca*, this with the aim of seeking peace with the Gunadule living in the Gunayala region (Valiente, 2002).

As a result of this conflict, the Panamanian government recognized Indigenous territories as reserves (for example, through Law 59 of 1930, which created the San Blas Reserve), and these subsequently served as a model for the territorial claims of other Indigenous Peoples in Panama. Later, under pressure from the Guna authorities in areas where many lands were not included, Law 2 of 1938 was passed creating the San Blas *comarca*, known since 1998 as the Kuna Yala *comarca* (Valiente, 2002).

Law 16 of 1953 approved their administrative and legal status, recognizing the Organic Charter as an Indigenous form of government, and recognizing the authority of the Guna General Congress and the *Sagladummagan* (*caciques* or chiefs) as the authorities in the region. Because of this legal act, this is today the model for the current Indigenous *comarcas* whereby each *comarca* has an Organic Charter governing the internal functioning of its self-government in the region. Later, in the 1946 Constitution, a chapter was

included on peasant and Indigenous communities in which the State undertook to reserve land for Indigenous communities, in addition to making other commitments related to political, economic, social and cultural matters (Valiente, 2002).

Since the late 1960s and early 1970s, induced by the military government of General Omar Torrijos and under the influence of the *Sagladummad* or Guna Chief Estanislao López (who travelled to the various Indigenous regions), a process of permanent dialogue was commenced with the rest of the Indigenous Peoples aimed at settling them in villages (Alvarado, 2001). Indigenous congresses were also organized at which the demarcation of *comarcas* was requested. The presence of Estanislao López helped other leaders learn about the system of organization via congresses and the figure of the chief. Thus, little by little, the other Indigenous Peoples began to introduce changes to their political and historical organization by adopting the Guna model of congresses. The presence of *Sagladummad* Estanislao López was vital to the rest of the country's Indigenous Peoples finding out about the Gunadule form of self-government, since this *sagla* himself, knowing both Guna and non-Guna culture, spoke to the other leaders, telling them that the territories needed to be unified so that they could be legalized in the eyes of the State, and so that Indigenous self-government could be implemented in Panama. This influence led, in 1975, to Estanislao López being appointed National Chief of the Five Indigenous Peoples of Panama until his death in 1982; a unique appointment in Panamanian history.

## Self-Governance Structure of Gunayala Comarca

The regional government of Gunayala *comarca* is composed of the General Guna Congresses (the General Guna Congress, which is the political-administrative unit, and the General Congress of Culture, which is spiritual and cultural in nature) as the highest authorities of the Guna people in Gunayala *comarca*. In exercising their functions, the regional government's assemblies have produced a regulatory legal document for the *comarca* that brings together all the important aspects of customary law with the aim of having it recognized and approved by the Assembly of Deputies as national law, thus replacing Law 16 of 1953, which currently governs the *comarca*. This 2013 document entitled "*Gunayar Igardummadwala*" (Gunayala Fundamental Law) is a good example of the codification of an Indigenous people's laws.

This law would replace Law 16 of 1953, which does not represent the aspirations of the Gunadule people. This Guna Law emerged from discussions held in the assemblies and communities but has not yet been approved by the State. The Guna authorities are, however, applying it in practice (Castillo, 2005) and the Panamanian government bodies are, indirectly, recognizing this internal regional law.<sup>2</sup>

The Guna Fundamental Law, which is the governing law of the *comarca*, states that Gunayala *comarca* is a political division whose organization, administration and functioning shall be subject to a special regime established in the Constitution of the Republic, in this Law, and in the Statute of the Comarca (*Onmaggeddummagan de Gunayala*, 2013).

The sociopolitical structure of the Guna people in Gunayala *comarca* is based on the norms of the *Gunayar Igardummadwala* (Gunayala Fundamental Law):

*Onmaggeddummad Namaggaled*: General Congress of the Guna Culture. The highest cultural and spiritual authority whose function is to establish the cultural and identity policies of the Gunadule people.

*Onmaggeddummad Sunmaggaled*: General Guna Congress. The highest political and administrative authority whose function is to coordinate the region's development projects with the Panamanian State; it also controls the *comarca*'s finances.

*Onmaggeddummagan*: Guna General Congresses. The two Gunayala Congresses mentioned above.

*Sagladummad (cacique)/Sagladummagan (caciques)*: Person or persons legally representing the highest authorities of Gunayala, namely: *Onmaggeddummad Namaggaled* and *Onmaggeddummad Sunmaggaled*, both composed of three *caciques* (chiefs). The choice of the *Sagladummagan* for both Congresses is determined by the 49 communities of the *comarca* through general assemblies.

*Neggwebur Onmaggad*: Local Congress. Highest authority of each community or village. It is established with the full participation of each community's members.

*Neggwebur/Gwebur*: Community. A group of people inhabiting a territory (island or mainland area) delimited under the authority of a *sagla* and *onmaggednega* (Congress House), with relative autonomy in comparison to similar entities, and recognized as such by the *Onmaggeddummagan*.

*Sagla*: Person representing the main authority in each community or village and who, during the session of the *Onmaggeddummad Sunmaggaed*, relays the vote of their village to the plenary session.

Delegate/delegates: Persons elected by the plenary session of each local congress and who represent their community in the deliberations of the *Onmaggeddummagan*.

Statute: Gunayala Statute, a set of rules implementing the *Gunayar Igardummadwala*.

*Babigala*: Guna history, a set of treatises that establish the spirituality of the Guna people.

Law 16 of 1953 establishes that the highest administrative authority of the Panamanian State is the “intendant”, who is the equivalent of the “governor” in other Panamanian provinces, although this position holds little power in the region since it is a symbolic figure compared to the authority of the Guna General Congresses. Decisions taken at the Guna General Congresses, which in general terms are constituted by the General Assembly, are binding on all authorities and communities in the *comarca* and cannot run counter to Guna social, cultural and religious values (*Onmaggeddummagan de Gunayala*, 2013).

However, due to the changes that are taking place in the structures of self-government in some Guna communities, a new figure has emerged below the hierarchy of the traditional *sagla*: the *sabbindummad*, or administrative *sagla*, whose role is to draw up and implement the community’s projects (Castillo, 2005). In more acculturated communities,<sup>3</sup> the *sabbindummad* is the highest authority in the community, even though they are not a traditional *sagla* (although they do know the culture, history and problems of the community). This change is occurring for two reasons: first, because of the changes faced by Guna society, with a gradual loss of identity in these

communities, which is now extending to other Gunadule communities; and, second, because of the need to deal with the administration of cooperative projects that many government and bilateral institutions have been financing in the *comarca*.

Several years ago, as the highest cultural authority, the General Congress of the Guna Culture began to promote a rapprochement with the other Guna *comarcas* and with Guna populations in Colombia in order to strengthen and discuss their history and sacred songs. This resulted in the Gunadule Nation Meetings, with the purpose of strengthening the political, cultural and spiritual autonomy of the five Guna territories across Panama and Colombia. This is an initiative that began in 2006 in Maggilagundiwar community, where the leaders and spiritual guides of the Guna peoples of Madungandi, Wargandi, Dagargunyala, Gunayala, Maggilagundiwar (Arquia) and Ibgigundiwar (the last two in Colombia) gathered in an event that has become known as “We sing not to die” (General Guna Congress, 2009). Since then, the authorities of the Gunadule Nation of Colombia have been participating in the Assemblies of the Guna General Congresses.

Through their cultural and administrative entities, the two General Congresses form a dual power: each has clear objectives as regards its influence on the life of the Guna people, and both have been working alongside each other, without interference in the other. When there is an imbalance in governance, the Congress of Culture can take decisions just like the General Administrative Congress, if needed to guide the *comarca*’s destiny. This has in fact already happened on several occasions. This is because its legitimacy is based on its cultural and spiritual character, which forms the basis of the Guna people’s life. In addition, it is they that choose the authorities of the Guna General Congress when there are changes in power or when there is a lack of authority in the Guna General Congress.

The Guna authorities are creating new commissions and secretariats for the proper functioning of the region, thus strengthening their autonomous government:<sup>4</sup>

Secretariat of Tourism

Secretariat of Land Transportation

Secretariat of Maritime Transportation



Secretariat of Food Security  
Court of Justice Commission  
Anti-Drugs Commission  
Secretariat of Territorial Defence  
Legal Advice

Both Guna General Congresses have likewise created an Institute<sup>5</sup> for each congress: the Institute for Research and Development of Kuna Yala (IIDKY) for the Guna General Congress, and the Institute for the Cultural Heritage of the Guna People (IPCPG) for the General Congress of Guna Culture, both with the purpose of promoting self-management projects in the *comarca*.

## Neggsed (Autonomy): Land and Territory

To speak of land and territory, for the Guna, is to speak of their autonomy, of guiding their own destiny, their self-government, of having their own territory and life plan. As the Guna Elders would say: “*We an nabba, we an nega*” (This is our land, our territory, this is our home). The concepts of territory, territoriality and autonomy are seen as complementary and intended as an approach aimed at their protection, custody and a rational use that excludes any exploitation or domination. Through various Guna stories, such as the story of Ibeler and his siblings, they narrate the struggle for their identity against those who subjugated their roots.

The social structure of the Gunadule people has ancestral roots. It is based and built on the model of the *nega*, a word that means house or headquarters; in other words, the Gunadule social organization takes the shape of a house. This symbolizes unity, participation, strength and solidarity (Pérez, 1998).

What is *Neggsed* (Autonomy) in the eyes of the Gunadule people?

These concepts are based on “*massered iddoged*,” which refers to “*wargwen negseed*,” “*bundor gannarbagwa na wargwen neg aggwed*.” *Nega* (house, home, territory), in turn, is based on another symbol that refers to the absolute unity of parts:

“Being a man or being a woman” guarantees the capacity to carry strength and authority in one’s own home, which translates into being a subject. The “house = territory” leads us directly

to a defined land, oriented toward the great house that is *Nana Olobibbirgunyai* (the mother who dances, who turns, Mother Earth).

Without a house, no one can educate their children as they want; without land, no one is free to make their own decisions but has to follow those of the person who is letting them live in the house or is lending them the house or renting them the land, the Guna Elders say. A person who acts according to the desires of his or her creditor, for the Guna, is considered “*eigwa*”, “*wileged*” (poor, disabled, lacking ...).

It is when you have a house or a land to build it on that you can freely choose your friends, guide your children to follow in the footsteps of their grandparents, consolidate the present and trace the future. The things you own then become your absolute property and you can cherish them, celebrate them, even stop enjoying them or change them if you so wish. In this sense, the house (territory, home, land) carries the full spirit of ownership and allows for multidimensional enrichment that can be passed on to new generations. (General Guna Congress, 2015)

The Gunadule people maintain a solid cultural foundation on which to make changes or administrative reforms to the General Congresses. They merely need to consolidate and apply their vision of *negseed*/policy, the fundamental basis of which lies in *Ibeler* and *Ibeorgun*, and in the concepts of:

*Wargwen negseed*: this is an awareness of one's own identity, of being master of one's own house and therefore rejecting all kinds of tutelage and subordination. It is a proclamation of the right to self-determination.

*Bulagwa negseed*: the unity of the hut sticks is symbolic of a model of society in which no one is excluded, where everyone has responsibility and value. In other words, knowing how to choose quality leaders in the search for alliances, unity and co-ordination between different *galumar*.<sup>6</sup>

In Gunayala *comarca*, land is collectively owned in accordance with Law 56 and the Basic Law and cannot be sold or alienated. When there is a boundary problem in the territory, the Guna General Congress works with the competent authorities to resolve it, for example, addressing issues such as settler invasions (non-Guna) within the region's boundaries. In addition, at the communal level, the community has its communal plots for crops, and each person also has his or her own plots, which are passed down from generation to generation. According to Guna tradition, the woman inherits the land, since it is the woman who will bring her husband to work on the land once her father dies. Land can also be sold among community members as long as it has the authorization and recognition of the communal authorities; it cannot, however, be sold to an outsider.<sup>7</sup>

### ***Anmar Nuedgudi* (We are living well)**

For the Gunadule people, the concept of well-being is “*Anmar Nuedgudi*”<sup>8</sup> (we are living well), within the collectivity. For the Guna, their well-being is collective: they work together to build a house, on the land, in sacred ceremonies — they work for the Guna, *Anmar Nuedgudi*, which means:

In this land we are fine, we own the land, we have land to grow, to hunt, to search for our medicine, to fish, whenever we want, without the “other”, outsiders, coming to usurp our territory (*We nabba neggi an nuedgudi, we anmar nabba, anmar nabba nigga inmar digega, anmar nainu nigga arbaed, ibdurgan amied, ina amied, ua amied, waimar anmarga sogosuli, we nabba an-margadi*).<sup>9</sup>

It is different in the cities, where you need money for everything — to eat, buy a house, etc.

### **Threats**

The *Babigala*<sup>10</sup> or historical memory is the inspiration for the Guna identity and this holistic vision of life. *Onmaggednega* (Congress House) is an expression of this integrality of life because it is where all aspects of life are proposed, experienced, considered and confronted.

Therein lies the strength of the Gunadule people, in their culture, which strengthens their autonomy, governing their own destiny. And yet they are surrounded by threats wanting to destroy their culture, their territory, their social and environmental structure.

In recent years, the extractive capitalist economic system has invaded the communities with greater force. Economic individualism, acculturation and the introduction of different values have weakened the Guna's social structure, creating multiple imbalances and deficiencies. Some aspects of this have been overcome, but others, in contrast, have continued and are even worsening. Wanting to fragment the Guna identity means wanting to impoverish and weaken it.

## Economic Dimensions of Guna Autonomy

To understand the current situation in Gunayala *comarca*, we need to analyze it from an holistic perspective whereby the structures of self-government are adapting their internal regulations in order to face up to a capitalist and neoliberal market that is affecting the social, cultural and political life of Gunadule.

Based on cultural concepts, and taking into account the experiences of the Comarca General Development Plan,<sup>11</sup> the Guna General Congress and the General Congress of the Guna Culture authorized the formation of an interdisciplinary team of Guna professionals to produce the Gunayala Strategic Plan. The aim of this document is to act as a guiding document for the endogenous development of the Gunadule people. This document has been discussed with the 51 communities of the region, who were the real decision-makers in this strategic situation plan. The plan was approved by an Ordinary Assembly of the General Congress in 2015, in Agligandi community.

This current reality of the Gunadule people is clearly diagnosed in the Gunayala Strategic Plan 2015-2025. Five themes are established: autonomy, governance and territory; Mother Earth (*Nabgwana*) and its natural resources; education, culture and spirituality; health and traditional medicine; and economy and sustainable development. The document also sets out challenges and goals for a better tomorrow with their own culture, as strong and respected as any other nation in the world, thus strengthening their autonomy.

The Gunayala Strategic Plan 2015-2025 (Guna General Congress, 2015) indicates that the first theme involves "fostering and promoting respect,

recognition and a strengthening of institutional structures.” This is not limited solely to their various forms of internal organization but also covers the rules governing access, control and protection of territory, land and natural resources, in addition to their own justice and decision-making systems. Guaranteeing territorial governance is also established, strengthening traditional practices in the administration of justice, and consolidating mechanisms or procedures for consultation and full and effective participation in projects within the Gunayala territory.

The second theme proposes “promoting ancestral knowledge and environmental and territorial management in order to renew the solidarity-based economy and a region that is environmentally sustainable and resilient to the effects of climate change.” The stated aim of the third is “to contribute to educational, cultural and spiritual development as a right, a factor of cohesion and identity and a transforming force in society, developing the human potential of the Guna population.” The fourth refers to “promoting ancestral knowledge and conventional medicine, interacting to promote quality health in the Gunayala region.” And the fifth is aimed at “creating opportunities and well-being for families and community enterprises by developing and implementing a policy of food production and sovereignty.”

Based on the *comarca's* General Development Plan, the region is taking steps to consolidate its autonomy in several aspects and is therefore establishing complementary bases aimed at avoiding dependence on the national government's administration for the *comarca's* self-management. To this end, they have reorganized their self-governance structure through the creation of secretariats. One of them is the Secretariat of Tourism, the objective of which is to plan and organize actions to develop a self-managed economy from a cultural point of view. Implementing this vision has, however, led to conflicts with the national government due to efforts to control the area's waters, since the territorial sea is controlled by the Guna for the development of their tourism, their commercial maritime market and, particularly, in an attempt to control their sea and fisheries without the intervention of outsiders (unlike other regions of the country, which are subordinate to the government and to fishing companies). The Secretariat of Land and Maritime Transportation is another form of territorial control in the region, since only the Guna can transport passengers and goods and sell products coming from the city and vice versa.

## Controlled Tourism

Tourism is a new area from which the Guna are obtaining an economic income, mainly in the western sector of Gunayala where territorial and administrative control of tourism is in the hands of the Gunadule themselves. There are also small hotels in the easternmost communities of the region. Tourism in Gunayala is controlled and regulated by the Guna General Congress and the local community, with visitors staying in hotels and cabins owned and managed by the Gunadule.

The arrival of visitors to the region, mainly for “beach tourism,” has become a good source of employment, especially via the creation of new hotels and a proliferation of tourist cabins (whether family, group or individual). It has brought with it a myriad of problems, however (Guna General Congress, 2015), including: unscrupulous and even illegal intermediaries who charge tourists for services provided on the islands but do not declare the profits to the islands or communities; waste disposal problems, particularly the solid waste generated by the activity, which results in pollution and health problems; and the presence of floating hotels (yachts) that are generally run by private foreign companies offering services that are not declared to the communities or to the Secretariat of Tourism of the General Guna Congress.

Tourism has now become the main income-generating activity in the region. According to the administrator of the Guna General Congress, they raise around US\$2.2 million each year from this (Moreno, 2018). A tax is charged on both nationals and foreigners, and on the Guna themselves, when entering the *comarca* from the ports of embarkation. The Guna General Congress itself, in the face of the tourism boom, is also promoting its own tourist packages on its tourist island known as *Anmardub* and, with this income, will oversee the administration and operation of the region’s tourism policy.

These charges have been criticized by the national authorities and Panamanian citizens themselves, who state that they live in Panama and should not be charged such taxes. However, the Guna authorities say that these taxes are helping to consolidate their autonomy for local self-management since, not being a municipality, the Panamanian government does not provide public funds to the Gunayala region, and, for this reason, the area suffers from under-development. Despite the presence of regional directorates of central ministries, there is a lack of employment and production

routes, schools are in poor condition, health centers are run down and suffer from a lack of medicines, and there is a lack of port maintenance.

For the communities, this income has been used to maintain their ports, and the profits are distributed at the end of the year for activities to benefit children and the community. They have also been useful in helping communities in the event of natural disasters — fire or flood — as has already occurred in the *comarca*. The taxes have also been used to pay for the upkeep and staffing costs of the congressional liaison office located in the capital city and the Porvenir headquarters. In short, it is one way of applying their political autonomy in the region.

Tourism planning and policy is needed in the region for its sustainable development. The Secretariat of Tourism has also provided training to tour guides on various topics such as waste management, culture, history and the structure of the Guna General Congresses. Associations of hotel, cabin and tour boat owners have also been created to promote tourism.

## Control of Land and Maritime Transportation

Internal access to the different communities is by three routes: land, sea or air. Only those of Guna origin are permitted to provide land and maritime transportation services, and they must operate under the supervision of the Guna General Congress.

By sea, you can travel from island to island in commercial boats or *pan-gas* belonging to the communities that offer this service. It is a recent service, and permission and endorsement must be obtained from the executive committee and the maritime secretariat of the Guna General Congress to operate in the region.

There are also Guna and non-Guna commercial boats in the region that sell products coming from the province of Colón. There is international maritime communication via Colombian coastal vessels trading in the Colombian Caribbean. These Colombian boats, called “*canoas*”, bring edible and commercial products to the area. Flights to and from the region are only available in four communities, due to the high cost of fares. The vast majority of villagers therefore travel by boat.

With the 2007 improvements in the road connecting the *comarca* to the rest of the country, it is now open to four-wheel drive vehicles. In 2011, the Guna Congress established the Secretariat of Land and Maritime Transport,

which began to organize, plan and run activities. Subsequently, in 2014, a plenary session of the Guna Congress decided to separate both activities once more into Land Transport and Maritime Transport, in order to optimize and give greater profile to both areas (Guna General Congress, 2015).

Another road, the Mordi-Muladub Production Route (currently undergoing a feasibility study), in the east of the region, will also exist in a few years' time. This road will provide access to the Puerto Obaldia and Dubwala *corregimientos* (townships) and part of the Ailigandi *corregimiento*. It is well known, given the experience of the El Llano-Carti road, that the opening of a road will create all sorts of environmental, social, cultural and economic problems for which a strategy will need to be sought (Guna General Congress, 2015). Once it has been built, there is also a proposal to extend this road to other nearby communities.

## *Molas*

The “*mola*” is the traditional attire of the Gunadule women, handmade, and a symbol of Guna identity. Not having steady jobs, the women use the art they have learned from their mothers and grandmothers to financially support the family. It has now been commercialized on a large-scale nationally and internationally. The proceeds have, in many ways, served to educate many young Guna people in the city.

Most *molas* are produced for sale in Panama City, either directly by urban buyers who come to the islands or by one of the *mola* cooperatives. Due to the boom in tourism, with the arrival of cruise ships and yachts, they are also being sold in the western sector in particular. In conversation with the women, they told us that women sometimes come from other sectors to sell their *molas* (some from the Usdub communities) during the cruise ship season, from October to April.

This income for Guna women is currently being threatened by unscrupulous businessmen who buy *molas* in large quantities at low cost and then sell them at higher prices to tourist agencies or to other countries. Countries such as Costa Rica and Nicaragua sell imitation *molas* made there without any kind of regulation, without the Guna General Congress or State entities taking action to protect the native *mola*, which is one of the symbols of Panamanian nationality. There are also foreign fashion designers who hire Guna women to sew dresses with *mola* designs for their fashion shows and then sell them at high prices in their stores.



Another major challenge for the art of *mola*<sup>12</sup> is that its designs are used for marketing purposes. For example, the liquor company of former Panamanian President Juan Carlos Varela put *mola* designs on its “Herrerano” bottles, for which the Guna General Congress had to sue him. In the end, the lawsuit went in favor of the Guna people. NIKE also tried to market the “Air Force 1 Low” design on its trainers. This attempt finally failed in 2019 (Guna General Congress, 2019) when the Guna culture’s ability to protect its sacred knowledge, and at the same time consolidate its cultural autonomy, was clearly in view.

## Other Economic Revenue in the *Comarca*

Traditionally, coconut used to be the most important source of income in the region, used for trading among the Gunadule communities. Today its value has diminished, but it is still one form of economic income for households and communities.

The Gunayala *comarca* has other forms of income that have served as a basis for maintaining its infrastructure in the region and in the city. In this regard, it negotiated a 25-year contract with the transnational company Cable & Wireless (without government intervention) to pass fiber optic cable through Gunadule territory by means of the ARCOS 1 project.

In summary, the financial resources circulating in the Gunayala *comarca* can be divided into the following: taxes levied on Colombian, Guna and coastal boats; taxes or contributions from public and private officials; economic contributions from communities at each session of the Guna General Congress and the General Congress of Culture; taxes on Colombian, Guna and coastal boats that wish to use the docks; use of the docks by each community member or tourist that arrives; sales of seafood; issuing of permits and fines to each community member; and the collection of taxes from small commercial stores in each community.

There is no current data on non-governmental organizations (NGOs) or international organizations offering cash donations in the region. The *corregimiento* representatives (B/.40,000 per year) and the government bodies manage the annual budget allocations for projects in the *comarca* on behalf of the Panamanian State.

## Challenges Facing Autonomy: Identity and Transculturation

The Guna communities have a deep sense of identity and great awareness of the value of their way of life; they keep their cultural traditions alive, including use of their language and songs, their spirituality and philosophy of life, all of which are closely related to the forest. For the Guna, forests, land and water have life.

Like other Indigenous regions of Panama, the Gunayala *comarca* faces a myriad of social problems, including migration, loss of identity among the youth, poverty, unemployment, malnutrition, school dropouts, neglect of housing maintenance, drug addiction, increased teenage pregnancy, domestic violence, lack of recreational programs and areas, and a lack of training centres.

Local authorities are currently undergoing changes in their self-governance. One of these factors is cultural change: they are in a process of acculturation of their traditional structures, which are based on a Guna sociocultural organization that dates back hundreds of years. Guna communities that were previously antagonistic to contact from non-Guna visitors and commercialization are now opening up to intensive trading exchanges aimed at promoting community development.

According to our field research and conversations with local authorities, they tell us that there is a weakening of their culture due to the impact of cultural globalization. The use of solar panels has led to a proliferation of television and cable in the communities. In some areas, electricity is available 24 hours a day, and most of the community members pay for their electricity. A study needs to be conducted into the basic need for electrification in the region, since it has reached the region's shores via the road sector. It is important to note that the Guna General Congress decided not to accept the electricity transmission line project that was to stretch from Colombia to Panama through the eastern sector of the *comarca*, passing through Gunayala territory. Their refusal was due, among other things, to the fact that the opening of the road and the electricity transmission line would affect sacred sites and because, with the opening of a road, guerrillas, paramilitaries and drug traffickers would gain easier access and thus have a greater presence.

The use of mobile phones and other means of communication has, in some ways, diminished the Gunas' interest in their cultural heritage; for

example, many do not attend meetings or songs in the local congress, preferring to watch television programs. They show little interest in valuing their culture, listening to their history or sacred songs, since their parents talk little to them about these things and, particularly, because of the presence of the school and churches in the community, which have changed the Guna mentality. This can also be seen in the construction of concrete houses instead of more traditional ones; more people are going to health centers instead of the *inaduled* (herbal doctors); and funeral ceremonies are carried out in a festive manner (when someone dies, their relatives or mourners offer food to all those attending the cemetery or the wake).

One of the greatest challenges relates to youth and children, since they are the future leaders who will steer the ship of Guna autonomy. There is a huge difference between those studying in the *comarca* and those who go to the capital to study. Young people who have studied in the region, unlike those living in the cities, have a desire to care for and protect nature within their ideological and cultural make-up — they have lived on the land, they know the language and are involved in cultural events. Young people studying in the cities are more prone to a loss of cultural identity and to being assimilated by the dominant culture due to a lack of cultural policies in the Ministry of Education's programs that could guide them in Indigenous culture. Some take this "fashion for cultural globalization" back to the communities, bringing televisions, radios, DVDs, CDs, mobile phones, computers and audio equipment to help them feel like they are in a city environment, and the young people who live in the communities then imitate them.

Not everything is negative, however, as there is a group of young people, some of whom were born in the region and others in the city, who are consolidating their roots by organizing in youth associations, theater groups, singing, dancing, learning the sacred *Babigala* chants together with the Elders in the capital city and using virtual platforms to disseminate their culture. The Guna General Congresses are also implementing Intercultural Bilingual Education (IBE) to strengthen the foundations of identity in the Gunayala region. This began in the 1970s at the initiative of Guna teachers. The IBE project was inaugurated in 2014 with the aim of strengthening the Guna culture and language. It was promoted by the local authorities and today has the support of international agencies such as the Spanish Agency for International Development Cooperation (AECID).

## Agricultural Production

One of the great challenges for Indigenous Peoples in terms of strengthening their autonomy is agricultural and marine production. In the Gunayala region, communities face uncertainty that is resulting in a transformation of their social and economic patterns, as many have stopped working in the fields or on their plots (*nainugan*) for their daily subsistence. This has led to dependence on the province of Colón and the capital city and on ships arriving from Colombia, from whom most of the communities buy basic necessities such as rice, bananas, plantain and sugar. In the past, these were products they obtained from their own harvests. Today, they are purchased from the vessels that arrive on their shores, or vehicles arriving by land. This is due to the young people's lack of interest in working the land, their desire to obtain easy money, to study to become an educator or work in government institutions such as health, police or other State entities, or even to work in tourism as a guide, renting boats and selling *molas*, leaving behind their agricultural and fishing work.

One of the consequences of not working the fields is that goods have to be purchased on credit from Colombian ships, and many natural products have been replaced by canned foods.

The Guna authorities have therefore created the Food Security Secretariat to support agricultural production in the communities.<sup>13</sup> It is important to note that, without agricultural production and the use of medicinal plants, a people cannot be independent of the market. Only by ensuring the agricultural and maritime production of their own food as well as the use of their own herbal medicines for treating illness can a people be considered autonomous.

## Using the Courts to Recover Nurdargana's Ancestral Lands from the Panamanian State

A boundary issue arose with the creation of the Panamanian State in 1903, as this divided the Guna people between Panama and Colombia. This boundary issue still persists, aggravated by the invasion of local settlers (from Santa Isabel), those from Los Santos province and also from Colombia, which is harming the territorial integrity of Gunayala. Today, this problem is even more acute due to the Panamanian government's sale of the ancestral lands of Nurdargana (west of the *comarca*) to national and foreign businessmen (Castillo, 2020). It was for this reason that the Guna authorities decided to sue

the Panamanian State in order to recover those lands, which were not included in the laws of 1930 as an Indigenous reserve, nor that of 1938 creating the San Blas region, nor that of 1953 by which the San Blas region was organized, and nor that of 1957 when it was declared an Indigenous reserve and the lands were declared non adjudicable (Guionneau-Sinclair, 1991). For the Gunadule people, these laws are fundamental for the recovery of their ancestral lands.

In 2009, with *Cacique* (Chief) Gilberto Arias, the Guna General Congress decided to authorize the Guna Congress' legal team to use all legal means provided by the agrarian reform to call on the Panamanian courts to incorporate approximately 5,000 hectares of the Gardi region into the Gunayala *comarca*. This is an area where Guna communities have occupied, used and exploited the land and natural resources for more than two centuries. The Guna General Congress also decided to petition the Inter-American Commission on Human Rights, based in Washington, D.C.

The Guna General Congress' complaint to the Panamanian State, which is before the Inter-American Commission on Human Rights (IACHR),<sup>14</sup> is for violations of their ancestral territorial rights as enshrined in the Inter-American Convention and other human rights instruments. Given that Panama has not approved ILO Convention 169, many land claim petitions have not been recognized by the Panamanian State.

The Guna General Congress is therefore demanding that the Panamanian State be ordered to put a halt to the private titling of the communities' collective lands; that all concessions or construction permits within the area of conflict be suspended; and that the Guna communities be allowed to make use of their traditional lands.

Since 2009, the Guna Congress' legal team has filed 20 opposition proceedings in relation to Panama's agrarian reform, identifying 15 land title applications and more than 20 objections. In addition, at the local level, appeals for titling have been filed under Law 72 of 2008, but these remain in limbo and a claim of unconstitutionality has therefore been filed with the Supreme Court of Justice. The Inter-American Commission on Human Rights has been kept constantly informed of all these legal proceedings.

The Commission took some time to study the documents and prepare its report, finally declaring the complaint of a violation of the human right to land admissible (indicating that it was aware of it or was investigating it). This report is referred to as an "Admissibility Report" and the complaint was known throughout this time as Petition 1528-09.

By means of Admissibility Report 125-20 (which considered that there may have been a human rights violation), the Commission has completed its evaluation of the evidence, and so previous Petition 1528-09 now moves to the category of “Case 13997 — *Guna de Gardi Communities of the Nurdargana Region v. Panama*”, i.e., it is now considered an international case and the process is initiated before the Commission. The Commission will, after a period of six months, issue a “Merits Report” with recommendations. During this period, both the Panamanian State and the petitioners may present additional arguments, but the petitioners may not present new facts or human rights violations not contemplated or included in the Merits Report.

The Inter-American Commission on Human Rights notified the Guna General Congress on 23 June 2020, granting it four months expiring on 4 October and two additional months of extension expiring on 23 December 2020 in which to submit additional evidence and documents referred to as additional arguments. However, as of December 2022, the sentence has not been ruled on by the IACHR or by the Panamanian government, it has not given a response to the territorial demand, nor to the intentions of the French businessman to open a road in the affected area without the authorization of the Guna authorities, violating national laws.

## Women’s Participation in Autonomy

Since time immemorial, women have played an important role in Gunadule culture: they are the givers of life, and they have worked alongside men in the struggles and organization of the Gunadule people. History since time immemorial tells of great women leaders such as Olowaili, Gigardiryai, Olonagergiyai and others who possessed great knowledge of Mother Earth. They also fought alongside the men on the arrival of the Spanish, for example Narasgunyai and Nagudiryai, and in the historical events of the Guna Revolution of 1925.

Women currently participate in the *onmaggednega* (General Assemblies) as community delegates, and in their own communities, where they have the power to take decisions on development projects in their village. They have also come together at the *comarca* level, with the support of the *comarca* authorities, to consolidate the role of women in the region.

## Conclusion

Two aspects of regional autonomy are noteworthy: on the one hand, that of having a legally constituted territory and own culture and, on the other, the capacity for self-determination or self-government with one's own structure, recognized at the government and international level.

The culture of the Gunadule people is dynamic and acts as a foundation for the development of a society based on their worldview, understood as human creation, and their knowledge of nature, humankind itself and society. They have an accumulated knowledge that needs to be preserved, enriched, recreated, systematically transmitted, practised, adapted and widely disseminated.

The Gunadule people are taking advantage of economic opportunities for self-management, which are strengthening their territorial autonomy. In this process, the Guna people have gained the capacity to administer their *comarca* through their own laws, which the government authorities themselves recognize.

However, a lack of public policies for economic and territorial development and productive and social infrastructure essential for the growth and socioeconomic development of the *comarca* has not helped facilitate or promote agricultural and fishing production. This has resulted in the communities remaining dependent on food products from Colombia and the capital, an important challenge for the consolidation of their autonomy.

A social market economy is developing in the *comarca*, promoted by the Gunadule themselves, especially the owners of hotels and cabins and small merchants in the communities. In the case of Gunayala, social control and community ownership of the Guna General Congresses and the communities over their natural resources, territory and local and district self-government still prevails, despite strong pressure from foreign and national companies and businessmen who wish to invest. The "social control" established at the regional and communal level, by which those permitted to work in their territory are the Guna themselves, is therefore a mechanism of adaptation to the capitalist system. There are other rules for income distribution in the Guna territory over which the community has more control because the goods are communal. In the neoliberal economy, however, income concentration has deepened because governments have ceased to fulfill their role of equitable

income redistribution among the population. It could be said that there is a more equitable redistribution of income among the Guna community.

The nation-state has no public policy of territorial economic development for the Indigenous Peoples of the country. The Gunadule people themselves have therefore produced their own Regional Development Plan to consolidate their autonomy: a plan based on their own agricultural production in each community, with the aim of reducing their dependence on external agents when a regional or global crisis arises. The Secretariat of Food Security was created for this same reason: to promote a return to work in the fields and thus create mini-community agricultural enterprises to sell products to Guna stores and visitors or tourists.

Another aspect of empowerment is Guna medicine. In 2019, the General Congress of Culture founded the “*Ina Ibegungalu* Care and Learning Center” to train the *inadulegan* (herbal doctors) in their medicine, and to promote the care of patients by Guna doctors themselves. The importance of this has been clearly seen with the COVID-19 pandemic, during which the Guna authorities complained to the Panamanian government about a lack of coordination in implementing intercultural health, not only in their area but also in the other Indigenous territories of Panama. The influence of the World Health Organization has determined that the solution is the use of masks and the purchase of medical supplies, ignoring the importance of herbal medicine as a control and prevention method for the Indigenous communities as an alternative for Panamanian society.

Guna or *Neggsed* autonomy is therefore developing under the institutions of their own self-government, as a territory controlled by the Guna themselves in which to promote their own development in accordance with their cultural and political reality. The recovery of their ancestral lands of Nurdargana in the west of the *comarca* is the main political aim of the Guna authorities in order to prevent the incursion of settlers and transnational companies who see Guna lands as an area to be exploited to satisfy their own interests. It is therefore important that the Guna Fundamental Law be approved as national law since it consolidates their autonomy and self-determination. Since the basis of Guna autonomy is cultural, as the Guna Elders say, if we have a strong “*buar*” (central trunk) with no cracks, the destiny of the people will be consolidated in the strengthening of their political and territorial self-government.



## NOTES

- 1 Ibeler and his sister Olowaili, millenary characters, together with their siblings, laid the foundations of the Gunadule people's struggle. For their part, Ibeorgun and his sister, Olokikadiryai, laid the foundations of the social, cultural and political organization of the Gunadule people prior to the arrival of the Spaniards.
- 2 Many Guna specialists believe this fundamental law will remain unapproved by the Panamanian State for many years since it reflects the regional autonomy of Gunayala in its self-government and the definitive demarcation of the *comarca's* boundaries. The dissent of tourist companies and Panamanian officials is currently preventing recognition of the region's original boundaries. This "more autonomous" recognition is necessary to avoid dependence on State regulations, which are often more limited.
- 3 Acculturated communities are those in which the "traditional" *sagla* does not exist or, if it does, it is relegated to a secondary position; the main role is that of the administrative or political *sagla*, i.e., the *sabbindummad*.
- 4 These secretariats have been created with the objective of decentralizing the work of the traditional authorities; they have scarcely had a role, however, due to a lack of planning of their tasks in the communities.
- 5 The Institutes are the NGOs of the Guna General Congresses. They are "autonomous" and one of their functions is to raise funds. However, they do not have operating budgets and are not decentralized; they depend on the decisions of the *comarca* authorities for progress in their work. The Guna Heritage Institute has a long history of experience, having been originally founded as the Koskun Kalu Research Institute. Its directors include a traditional authority and professionals who have collaborated for its smooth operation in the communities. It is the only Institute that has a technical team of professionals.
- 6 The *galumar* are sacred sites or sites of wisdom where the Guna Elders gather for their joint decision-making. These sites are not to be desecrated. They are fortresses or protected areas.
- 7 "Nainu family farming" has been the historically prevalent form, however. Pers. comm., Geodisio Castillo, agroecological researcher on ancestral and traditional knowledge (05/01/20).
- 8 The Gunadule people also say "*An Yeeriddodisaed, anmar yeeriddodisaed* — be happy, we are happy."
- 9 Own interpretation and translation.
- 10 *Babigar* or *babigala*. Path of Baba and Nana; the treatise of Baba and Nana covers the attempt to explain the creation of the universe to Baba and Nana right through to the definition of human beings, their role on the path and the development of Mother Earth.
- 11 General Management and Development Plan for Gunayala Comarca, produced by the Management Study of Kuna Yala Wildlife Areas (PEMASKY) Project and approved on 7 November 1987 by the General Congress as a biosphere *comarca* in the community

- of Assudub, Resolution No. 3. Currently known as the Nargana Township Wilderness Area (Área Silvestre del Corregimiento de *Nargana*).
- 12 Today, the design of the *mola* has gained importance among the four Guna nation authorities, as they have come together to defend and promote it. However, there are companies such as the Motta Foundation that have opened museums of the *mola* for marketing purposes.
  - 13 With the COVID-19 pandemic, it was noted that agricultural production was vital in the region, as communities with strong agricultural roots were able to offer farm products to other communities that were running short of items. I believe there was no adequate public policy on the part of the government in this regard, which limited itself to merely delivering boxes of canned foods that lasted only a few weeks instead of distributing seeds to increase agricultural production and reduce dependence on the sale and purchase of products.
  - 14 There is a precedent in the Indigenous land conflict with the Panamanian State. In the case of the Guna of Madungandí *comarca*, their main territorial problem is the invasion of settlers onto their ancestral lands. However, a case was made to the Panamanian State to pay compensation for the territories flooded during the construction of the Bayano Dam in 1976, a case that was taken to the Inter-American Commission on Human Rights (IACHR). One of the requests was to evict settlers from the territory of the Kuna de Madungandí *comarca*. It was not until 2015 that the Panamanian State undertook to pay due compensation to the Guna of Madugandí and Emberá of Bayano.

## References

- Alvarado, E. (2001). *Perfil indígena de los pueblos de Panamá*. Unidad Regional de Asistencia Técnica (RUTA) y Ministerio de Gobierno y Justicia.
- Asamblea Legislativa (1998). Por la cual se denomina Comarca Kuna Yala a la Comarca de San Blas. Gaceta Oficial: 23701 Publicada el 29-12-1998.
- Castillo, B. (2018). *La comarca de Tulenega de 1871 como antecedente en la construcción de la autonomía guna en Panamá*. (Tesis de Maestría en América Latina). Universidad de Panamá.
- . (2005). *La autonomía indígena en Kuna Yala frente al impacto de la globalización: un análisis de los retos del autogobierno indígena*. (Tesis de Maestría). Universidad de Costa Rica. Costa Rica: Congreso General Guna (2020). *Informe Final. Estudio sociocultural de los límites de Nurdargana*. Instituto de Investigación y Desarrollo de Kuna Yala. Gunayala
- . (2009). Encuentro Binacional del pueblo kuna dule. Panamá. *Boletín Kika*, 5(29). Junio. <https://bit.ly/3fTpI5V>
- . (2015). *Plan Estratégico de Gunayala, 2015-2025*. Comarca Gunayala. Panamá.
- . (2019). Comunicado del Congreso General de Gunayala sobre Zapatillas Nike. <https://bit.ly/39uSCrG>

- Howe, J. (2004). *Un pueblo que no se arrodillaba. Panamá, los Estados Unidos y los Kunas de San Blas*. CIRMA, Plumssock Mesoamerican Studies.
- Leis, R. (2005). Panamá: condiciones políticas para los procesos de autonomía. En Leo Gabriel y Gilberto López Rivas (Coord.), *Autonomías indígenas en América Latina. Nuevas formas de convivencia política* (pp.113-193). Plaza y Valdés Editores.
- Moreno, J. (2018). Gunas reciben \$2.2 millones de turistas y nacionales. *Periódico El Siglo*. Panamá. <https://bit.ly/36nUqkn>
- Onmaggeddumagan de Gunayala (2013). GUNAYAR IGARDUMMADWALA (Ley Fundamental de Gunayala). Gunayala, septiembre. <https://bit.ly/3lLZjZ0>
- PEMASKY (1990). *Comarca de la Biosfera de Kuna Yala. Plan General de Manejo y Desarrollo. Resumen Ejecutivo*. ANCON, STRI y AEK.
- Pérez Archibold, J. (1998). Autonomía kuna y Estado panameño En Miguel Bartolomé y Alicia Barabas (Coord.), *Autonomías étnicas y Estados Nacionales* (pp. 243-274). 1 edición, Instituto Nacional de Antropología e Historia.
- Wagua, A. (2007). *Así lo vi y así me lo contaron: Datos de la Revolución Kuna. Versión del Sailadummad Inakeliginya y de kunas que vivieron la Revolución de 1925*. Fondo Mixto Hispano-Panameño de Cooperación.
- Valiente, A. (Comp.) (2002). *Derechos de los pueblos indígenas de Panamá*. Primera edición. Impresora Gossestra.