

OPEN LETTER
PROTECTED AREAS OF WESTERN PANAMA
La Amistad International Park (World Heritage Site) and
Baru Volcano National Park (Core Area of La Amistad Panama Biosphere Reserve)

Panama, October 1, 2020

Mr.

MILCIADES CONCEPCIÓN
ENVIRONMENT MINISTER
REPUBLIC OF PANAMA

CC:

Director of the Inter-American Development Bank
Director of UNESCO Biosphere Reserves
Minister of Environment and Energy of Costa Rica
Panama Environmental Organizations
Communication Media

Your Excellence:

We hereby address you as the direct responsible figure, and all State bodies and institutions and those responsible for them, including external agencies such as UNESCO, Multilateral Development Banks that fund projects for protected areas, business owners and all Panamanians and their organizations, in order to express our concerns about the poor environmental management, the lack of governance and strategic planning of the protected areas in the west area of the country.

We are concerned about the situation of other protected areas in the country where similar problems exist, but in this letter, we would like to highlight the situation of two priority protected areas and icons of strategic biodiversity values of the country and the region. We are referring to the **Baru Volcano National Park (PNVB)** in the province of Chiriqui and the **La Amistad International Park (PILA)** in the Caribbean and Pacific sectors of Chiriqui and Bocas del Toro.

We, the undersigned, invoke Principle 10 of the **1992 Rio Declaration on Environment and Development**, which states the following: “environmental issues are best handled with **participation of all concerned citizens**, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the **opportunity to participate in decision-making processes**. Panama as a democratic country is obliged to facilitate and encourage public awareness and participation **by making information widely available**. Effective access to judicial and administrative proceedings, including redress and remedies, should be provided”.



Based on this binding legal platform and on the Political Constitution of the Republic of Panama itself, we inform the Minister of Environment of the following points, where we request not only an explanation, but also a set of actions in which we as a society can participate to solve these problems, but above all, to overcome them and begin to manage a new reality of management, with wisdom, science and good will of all parties to ensure that there is no environmental regression and that the values of biodiversity and protection of key ecosystem benefits that the whole region contains are jealously guarded.

Because the Management Plans processes have been lost amidst bureaucracy and historical inoperativeness, it is urgent to clarify the true environmental situation of these protected areas, where we know that there are **acts of destruction of biodiversity, destruction of forests, changes in soil use, plans to use more buffer zones for reservoirs, hunting, construction of new access roads** for various **agricultural activities**, including **extensive cattle ranching, coffee cultivation** and **human settlements**. There is a noticeable environmental acephaly that is helping to destroy the magnificence of the forests and the environmental quality of the two areas and their immediate surroundings, reminding you that the PILA is a **World Heritage Site** and both protected areas are core areas of the **La Amistad Panama Biosphere Reserve**. This means that Panama as a country is obliged to honor commitments to protect and preserve the universal natural heritage value of these areas before the international community.

That said, we request the following:

1. For a long time we, the environmental organizations, have been pointing out deficiencies in the administration of the protected areas of the West; however, we have tried to give votes of confidence and have let a lot of water pass under the bridge, waiting for a clear definition of a roadmap for environmental management. Unfortunately, we have not obtained the expected result and our patience has been misinterpreted by some State agents and by other actors who are not interested in the conservation of these high natural heritage values, but have taken advantage of them to commit hidden, arbitrary or illegitimate acts that affect the protected areas. What is the roadmap?
2. We denounce, for example, the construction and operation of tourism infrastructure works without first-order Impact Studies within protected areas, which is an environmental crime and should not have been allowed. There is also rehabilitation and/or construction of access roads or highways at various points within the PNVB which, in many cases, are ignored or minimized and the incidents are not recorded in monthly reports on the management and protection of these areas. Likewise, conversations about a new hydroelectric dam that would encircle the northern biological corridor of the PILA at the base of the PILA mountain range and the Palo Seco Protected Forest for several kilometers has already started. In this regard, we would like to know exactly what the project consists of and whether UNESCO has already been informed of these plans.

3. In the Baru Volcano National Park, there are cases reported to the Regional Office of the Ministry of Environment, in the Palmira Sector (Cañas Verdes), the source of the Colga River, the southern sector in the district of Boqueron. A high impact tourism project comprising eight (8) canopy towers was recently installed in the eastern sector (La Camiseta Entrance) of the park, in the area of the road to the summit of Baru Volcano, which already has a file in the public prosecutor's office but has not been adequately investigated to determine responsibilities; as well as other activities carried out on the road to the top of the Park, without Environmental Impact Studies for which derisory sanctions were applied in comparison with the serious ecological damage caused. There are strong indications that the cultivation of specialty coffee (Geisha) is not being investigated in several sectors, which is affecting forests, undergrowth and secondary forests in different stages of succession, in the jurisdiction of farms that previously only cultivated traditional coffee and did not go beyond the natural forest surrounding them. In Cerro Punta and Paso Ancho, the advances of traditional agricultural farms continue in sectors of Alto Pineda, Bajo Grande, Las Cumbres, Los Altos de Bambito. There is an anarchy that affects various natural values and violates the norms that regulate the parks.
4. In the Caribbean and Pacific sector of the PILA, we point out some examples of lack of controls and investigation of forest clearing and opening of secondary vegetation for cattle ranching entering through the Boquete area, Culebra sector; road advances towards the PILA through Los Pozos and Jurutungo and advances of the agricultural frontier in Las Nubes, Guadalupe, Entre Ríos, among other places. Recent mapping using recent satellite imagery shows the existence of dozens of expanding cattle ranches, owner-occupied farms and workers' hamlets. When will the status of these farms in the PILA be clarified?
5. Some of these cases have administrative files and even in prosecutors' offices; but they have been insufficient in the face of the constant aggressions against these important protected areas and zones of influence. Unfortunately, the duty to investigate, penalize, arrest and repair the damage has not been firmly fulfilled. It seems that the system of impunity is prevailing, and this is unacceptable in a State governed by the rule of law. MiAmbiente is responsible for following up and prosecuting many of these cases. What progress has been made in this regard?
6. We remind you that EIA and EAE are decision-making instruments and not mere formalities for decisions taken outside the democratic space. We remind you that, as the full democratic state to which we aspire, we invoke the need for broad consultation for decision-making in the best interests of the nation and the country's assets. Furthermore, we call for an audit of the current state of the

damage and diverse environmental impacts generated in protected areas by the **Chan 75** dam, which after its construction has provoked social uncertainty and forced displacement that threatens the ecological integrity of many areas that were directly or indirectly impacted by the dam.

7. We stress that, given this scenario, society must be fully informed of the damage caused to protected areas, the progress of civil or criminal proceedings and all ex officio reports and complaints in the Ministry of the Environment or the Public Prosecutor's Office. The legal department of MiAmbiente is excessively slow and bureaucratic, while in the judicial instance, especially at the level of the prosecutors, there is no specialization in environmental matters. It seems that the seriousness of the complaints is not understood, and that the processes stagnate or are shelved, losing the essence of administrative and criminal environmental justice, affecting the participation of defenders and complainants who are ignored by officials without clear competencies in the environmental dimension.
8. There is no healthy governance, which limits trust and joint work to adequately protect the natural heritage, whether outside or inside protected areas, with high biodiversity value, for recreational activities and public benefit. We perceive complacency and improvisation, decisions made without consultation, in open ignorance of existing or current management plans; little or no control of activities that cause negative impacts. Given this scenario, we demand respect for and strict compliance with the laws that created each protected area, the official management plans, the Convention on Biological Diversity, the Forestry Law, the Water Law, compliance with the Aichi Biodiversity Conservation Targets, the binding legal framework as a World Heritage Site and core areas of the La Amistad Panama Biosphere Reserve. The country must be respectful and set an example of compliance with the international agreements it has signed and the adoption of the Sustainable Development Goals.
9. In addition to the above, we point out that many of the problems lie in the centralized management of the Ministry of the Environment (MiAmbiente), but that it transcends from ANAM in terms of the responsible management of protected areas and natural heritage.
10. It is necessary to professionalize the officials linked to protected areas, to train them adequately in environmental education and legislation, and to guarantee training, skills acquisition and stability for the personnel who manage protected areas in situ. A strong strategic planning component is necessary so that MiAmbiente's actions in protected areas are not seen as isolated, improvised acts, but as an exercise of a structured and implemented plan, together with civil society.

11. We denounce the lack of compliance with Article 122 of Law 41 of the General Environmental Law, which creates the Superior Environmental Prosecutor's Office and the Circuit Prosecutor's Offices for environmental crimes which, after 22 years, have not been implemented and no one has demanded it, except civil society. This is evidence of a serious failure of the system, and it calls into question the institutionality of the Ministry of the Environment in the face of national and international commitments ratified by institutions such as UNESCO and other multilateral bodies of no less importance.
12. We request once again that the environmental legal system be respected, that all **illegal projects** or projects with documents that allege **questionable legality** be halted and suspended, due to the degree of impact they cause, which is aggravated by the fact that they are the product of public investments or international loans that affect protected areas, their creation objectives, ignore their vulnerabilities and neglect needs such as the effective implementation of management plans with their programs and zoning.
13. That the management plans of the PILA and PNVB be updated, with suitable and ethical professionals or companies, prioritizing the protection of these areas and the inclusion of civil society in administration mechanisms (e.g. a Board of Trustees), with sufficient funds (a special regional fund for the West is a very necessary option), which allows the establishment of environmental governance mechanisms, where public servants with competence in environmental issues and citizens who voluntarily work to promote respect and care for the environment, can interact proactively.
14. We request MiAmbiente to install a public access server for all **environmental information**, including all the data produced in the last 20 years for the western region, Chiriquí, Bocas and the Ngäbe Bugle Comarca; where such data can be used by scientists to improve, increase and update it, contributing with more studies, management, actions, processes and plans with official and scientific data. As an example, the available data published online by the Smithsonian Tropical Research Institute, which is not a national institution. International and national laws establish that the accessibility to and maximum publicity of environmental information in the custody of the state is a right of the citizens. MiAmbiente's current public access data is totally scarce, incomplete, outdated, coarse-grained or non-existent for the whole country and for the western region, and with this quality of data they impede the progress of these protected areas in every sense, in management, science, citizen empowerment and the thousand positive results that access to quality data generates.

15. We call on all Panamanians and their organizations to fight firmly to achieve respect for the environmental legal system, forging a firm unity for the natural heritage of all. And we urge the officials to assume the leadership that destiny has placed in their path, regardless of partisan politics and in the common interest and well-being of the protected areas and immediate zones mentioned here.

We respectfully and responsibly request, in accordance with the Transparency Law, a full written response to the 15 points raised and we endorse MiAmbiente to lead the implementation of concrete actions in conjunction with civil society, other government agencies and local governments to resolve with concrete results the challenges posed and the requests made for the effective protection of the natural and environmental heritage of these strategic protected areas in the west of the country.

With kind regards.

Sincerely,

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In addition, the following Panamanian organizations support this petition:

1. Panamanian Ecological Association (Donaldo Sousa)
2. Environmental Law Association (Donaldo Sousa)
3. Ecotourism and Health Medicine Association
4. Alliance for Conservation and Development - ACD (Susana Serracín)
5. Association of Producers of Integral Farms of the Caisán River – APROFIRC (Lidia Saldaña)
6. Friends of La Amistad International Park (Ana Sánchez)
7. Association of Organic Producers of Rovira (Danila Pitty)
8. Sentinels of the Baru Volcano National Park
9. Ecological Voices Collective – COVEC (Olmedo Carrasquilla)
10. Colibrí, Ecological Association of Panama (Raquel Coba de Boyd)
11. Federation of Professional Associations of Panama (Donaldo Sousa)
12. Victoriano Lorenzo Movement (Jonathan González Quiel)
13. Center of Thought for Sustainable Development (Ariel Rodríguez)
14. Coordinator for the Defense of Land and Water (Carmen Tedman)
15. Cerro Punta Organic Producers' Group (Lourdes Gaitán)
16. Panama Primates Project (Laura Patiño)
17. Panamanian Observatory of Environment and Society – OBPAS (Carlos Escudero)
18. Renaissance Environmental Group for the Protection of the PILA (Melania Barrow)
19. Nature and Science Foundation 507 (Karla Aparicio)
20. National Water Defense Network Panama (Damaris Sánchez)
21. A Grain of Conservation
22. Canal Area Communities Association (Donaldo Sousa)
23. Community Organization, Cerro San Cristóbal
24. Guardians of the Rivers, Boquerón (Seferino Gutiérrez)
25. Environmental Research Institute – IDIMA (Demetrio Miranda)
26. Water and Land Foundation (Jacinto Rodríguez)
27. Santa Rita Conservation Group 27 (Edidio Bonilla)
28. Mycological Foundation of Panama

29. Batipa Ecological Foundation
30. MY SEA Movement
31. Alliance of Young Environmentalists of Panama
32. Climate Save Panama