

Monday January 24<sup>th</sup> 2011

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

cc:

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

Dear Honourable Committee Members,

The indigenous Ngöbé Buglé people live on their legitimate territories according to their cultural traditions and practices of sustainable, subsistence agriculture. Our Comarca<sup>1</sup> covers an area of 6,690 km<sup>2</sup> and is governed by authorities and traditional institutions that include General, Regional and Local Congresses, as well as Intermediate Chiefs and Spokespeople, and General, Regional and Local Chiefs.

As Ngöbé Buglé people, we feel threatened by reforms to the Organic Charter of the Comarca #194-537,<sup>2</sup> which is the administrative law of the Ngöbé Buglé people, as well as proposed reforms to the Mining Code,<sup>3</sup> and by the incitement from the mining company that claims to be promoting responsible mining and that is represented by Mr. Don Clarke and Loreto Cubillos.<sup>4</sup> As a result of our experience with them, the Ngöbé Buglé people and peasant farmers will always be on guard to defend life, future generations and natural resources when faced with the intervention of strangers.

Panama's state mining company (CODEMIN) together with associates such as Panama Mining (owned by Toronto-based Inmet Mining Corporation) are promoting reforms to the country's constitution and mining code in their own interests and those of their institutional supporters. The Ngöbé Buglé people, however, before a full assembly of the General Congress in 2006 ratified Resolution No. 4 and in a special meeting of leaders<sup>5</sup> approved their complete opposition to medium and large scale mining because this company, together with the national government, is attempting to exterminate the Ngöbé Buglé indigenous people.

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

2 Reforms were made to the Comarca's legal framework via Decree 537 on June 2<sup>nd</sup> 2010 following an announcement by the Director of Indigenous Policy for the Ministry of Government and Justice José Isaac Acosta calling for new elections in the Comarca. This was the first time that Panama's electoral tribunal has directly called for elections in the Comarca, since it was legally constituted in 1997. Decree 537 is contested as a violation of the Comarca's charter, for having been made without consultation of the traditional authorities. Further information is available in the electoral observers's report from Human Rights Everywhere, "Informe sobre las elecciones a delegados para los congresos generales, regionales y locales de la Comarca Ngäbe-Buglé (24 de Octubre de 2010," dated October 28<sup>th</sup> 2010.

3 These proposed reforms are currently being debated in the Panamanian National Assembly.

4 Don Clarke and Loreto Cubillos are associates of Kokopelli consulting company (<http://www.kokopelli.ca/nosotros.html>). In Panama, Don Clarke also identifies as a representative of the Canadian mining company Corriente Resources. Don Clarke testified before the Standing Committee on International Trade on November 29<sup>th</sup> 2010 with regard to the Panama Canada free trade agreement.

5 Details included with supporting documentation.

As a result, the Ngöbé Buglé people urge the Canadian parliament to stop promoting mining projects, and the Panama Mining (Inmet) project in particular, on indigenous lands. Also, all those who are allies or employees of mining companies within Ngöbé Buglé territory are unwelcome. The mining policy says that it is intended to fight against extreme poverty on indigenous lands and tries to promote the idea that we are very poor, without rights, and coming apart economically, but it isn't like that. We know that extraordinary poverty exists in Africa and in other parts of the world where there is no medicine, and where there is hunger, water scarcity, lack of good homes, and much sickness. But these companies are not out to combat this poverty, but rather to disturb the Ngöbé Buglé people.

We might not be the most beautiful or special people in the world, but we are firmly opposed to this kind of policy on our territory, and if Cerro Colorado didn't exist with its large deposit of copper and other materials, no company would be worried about our well-being.

We do not have a foreign representative that has the authorization of our General Congress to represent us outside of the Ngöbé Buglé Comarca. The General Congresses are the only representative institutions of the Ngöbé Buglé people. Neither Don Clarke, nor Loreto Cubillos, nor anyone else represents us. It is our representative institutions that act according to our governing charter and international legal instruments for the collective and customary rights of indigenous peoples and nations, with particular regard for territorial rights.

Our congressional authorities, along with local authorities and organizations, are opposed to irresponsible mining and have demanded through letters to the Embassy of Canada and the national government of Panama the expulsion of Mr Don Clarke and his allies for having divided the people in the communities using poor information about mining. We call upon the international community and the Canadian government that if they have any doubts, they can call upon the legitimate representatives of the Ngöbé Buglé people. Attached are supporting documents that demonstrate our complete rejection of mining companies and of Mr. Don Clarke.

For more information, we can be contacted by phone at (507) 6493-8117 or (507) 6950-2207.

Signed:

Pedro Rodríguez  
President of the General Congress of the Ngöbé Buglé people

Octavio Rodríguez Rodríguez  
2<sup>nd</sup> Secretary of the General Congress of the Ngöbé Buglé people

Lunes 24 de enero de 2011

Sr. Lee Richardson,  
Presidente  
Comité de Comercio Internacional  
Parlamento de Canada

Sr. Peter Julian  
Diputado del Parlamento Canadiense

Señores Diputados,

[1] El pueblo originario Ngöbé Buglé está asentado en sus legítimos territorios basados a sus culturas tradiciones y agricultura de subsistencia y sostenible, y también a través de una delimitación Comarcal de *6,690km<sup>2</sup>*, es Gobernado con función de sus autoridades y organismos tradicionales mediante el Congreso General, Regional Local y Jefes Inmediatos y Voceros. *y Cacique General, Regional, Local.*

[2] El pueblo Ngöbé Buglé nos sentimos amenazados con las modificaciones de la Carta Organica 194ª537 de la Comarca que es la ley administrativa del pueblo Ngöbé Buglé, del Código Minero, y también la incitación de la empresa minera que dicen pulsar la minería responsable por Sr. Don Clarke y Loreta Cubilla. Por ellos el Pueblo Ngöbé Buglé y campesinos estaremos siempre alerta de las intromisión de extraños, siempre en defensa de la vida de nuestras generaciones y de los recursos naturales hasta las ultimas consecuencias.

[3] La CODEMIN en solidaridad con filiales como la Minera Panama (INMET) están impulsando la reforma de las Constitución Nacional y del Código Minero para sus propios beneficios partidarios institucionales, que el Pueblo Ngöbé , mediante el Plena del Congreso General ratifico la Resolución No. *4 y 1* Aprobado ~~2006-2007~~ mediante encuentro extraordinario de dirigentes que describen total rechazo a la minería a mediana y a gran escala porque esta empresa con los gobiernos nacionales pretende exterminar el Pueblo originario Ngöbé Buglé.

[4] En tal virtud, el Pueblo Ngobé Buglé solicita al Parlamento Canadiense que cesan de impulsar los proyectos mineros y en particular aquel de Minera Panama (INMET) en nuestros territorios y a todos quienes se consideran sus aliados y trabajadores que su actividad dentro del territorio Ngöbé Buglé es inadmisibile porque la política minera dice que esta combatiendo la extrema pobreza en suelo comarcal que pretenden de vender esta idea que somos tan pobre, sin derechos, y desenvolvemos económicamente cuando no es así. Sin embargo conocemos de la existencia de pobreza mas grande de la historia que existe en Africa y en otros partes del mundo adonde no hay medicina, hay hambre, falta de vital liquido, buenas residencias, muchas enfermedades porque tales empresas no van a combatir esta pobreza sino que vienen a molestar al Pueblo Ngöbé Buglé.

No somos el mas bonito y de preferencia, pero si que estamos en contra a esta política en nuestro territorio, y si no existía Cerro Colorado con grande yacimiento de Cobre y de otros materiales ninguna empresa estuviera preocupado por nuestro bienestar.

[5] No tenemos representante foránea que nos represente fuera de la Comarca Ngöbé Buglé que este autorizado por el Congreso General. Los Congresos General son los únicos organismos representativos del Pueblo Ngöbé Buglé. No es Don Clarke ni Loreto Cubilas ni otros. De esta manera hacemos publico las acciones bajo el amparo Carta Magna e instrumentos jurídicos internacionales sobre los derechos colectivos y consuetudinarios de los Pueblos y Naciones Originarios, de manera especial sobre los derechos territoriales.

[6] Las autoridades del Congreso, así que autoridades locales y organizaciones en contra de la minería irresponsable se han exigido con notas dirigidos a las embajadas de Canadá y el gobierno nacional la expulsión de este Señor Don Clarke y sus aliados por dividir a la gente de las comunidades con sus malas orientaciones a la minera. Les pedimos a las comunidades internacionales, el Gobierno Canadiensés que si tienen algunas dudas puedan servir de dar entrevista a los representantes legítimos del Pueblo Ngöbé Buglé. De esta manera adjuntamos los documentos en total rechazo a las minerías y al responsable Don Clarke.

Para mayor información contactarnos al teléfono: 507.64938117 o al 507.69502207

  
Pedro Rodríguez  
Presidente del Congreso General Ngöbé Buglé

  
Octavio Rodríguez Rodríguez  
II Secretario del Congreso General Ngöbé Buglé

Cc/  
Comité de Comercio Exterior, Parlamento de Canadá  
Glen McPherson, Embajada de Canada en Panamá

