



Food and Agriculture  
Organization of the  
United Nations

Panama



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# Free, prior and informed consent

**A successful process of dialogue and co-decision-making  
with and for Panama's indigenous peoples**



## Summary and key figures

The Panama Country Office of the Food and Agriculture Organization of the United Nations (FAO) has promoted several initiatives with and for the country's indigenous peoples. These initiatives, thanks to their scaling-up and coordination, have given shape to FAO's Indigenous Agenda in the country, helping to develop the economic basis of the Integrated Development Plan for the Indigenous Peoples of Panama. In this context, FAO is executing a project to support 19 communities belonging to six of the seven existing indigenous peoples in the country, which is financed by the Ministry of Government (MINGOB), with the support of the Ministry of Agricultural Development (MIDA) and the participation

of the 12 indigenous congresses and councils. This initiative aims to improve food security and reduce poverty in the participating communities, with a focus on cultural and environmental sustainability. To ensure the successful implementation of the project, an inclusive and participatory consultation process, with respectful dialogue, has been developed from its inception based on the principle of Free, Prior and Informed Consent (FPIC). It is this process and its results that are described in this document, in order to share the lessons learned and promote its replication.

<b>Implementation period:</b>	January 2018 – December 2019, extended to June 2020.
<b>Location:</b>	Panama, indigenous territories of the Guna (or Kuna), Ngäbe, Emberá, Bri-Bri, Naso Tjërdi and Wounaan peoples.
<b>N.º of participants:</b>	19 indigenous communities, 742 families comprised of 4 452 people.
<b>Executors:</b>	FAO / United Nations Development Program (UNDP) / MINGOB/ MIDA / Vice Ministry of Indigenous Affairs / National Council for the Integrated Development of Indigenous Peoples.
<b>Financing institutions:</b>	MINGOB / MIDA / FAO.
<b>Partners:</b>	Local indigenous congresses of the communities, Mi Ambiente, Ministry of Health of Panama – Department of Drinking Water and Sanitation (Minsa-DISAPAS), National Institute of Human Development, National Border Service (SENAFRONT), extension agencies of the Ministry of Agricultural development.
<b>Investment:</b>	
Total project:	USD 560 000
FPIC process (until signing of Consent Agreement):	USD 17 100 (USD 900/community)
<b>Key Words:</b>	Free, Prior and Informed Consent, Indigenous Peoples, food and nutritional security, poverty, sustainable use.



# Integrated development plan for the indigenous peoples of Panama

There are seven recognized indigenous peoples in Panama: the Bri-Bri, Ngäbe, Buglé and Naso Tjërdi peoples found mainly in the west of the country, and the Emberá, Kuna and Wounaan peoples located mainly in the east. As a whole, the indigenous territories and settlements cover an area of 15 103 km<sup>2</sup>, which represents 20 percent of the national territory and more than 30 percent of the country's forests.

Many of the indigenous territories are located in rural areas with difficult access and limited connectivity to urban centers. Most of their inhabitants practice a combination of subsistence activities linked to agriculture, artisanal fishing, forest management and artisan crafts, among others. Their historical exclusion and limited access to basic services translates into a stark ethnicity gap. Thus, the malnutrition rate of rural indigenous children is between three and five times higher than that of non-indigenous children in urban areas, mainly as a result of the lack of access to drinking water and pollution of rivers (2014). In addition, extreme poverty is 5.9 times higher in indigenous regions than in non-indigenous ones (2005). In absolute terms, indigence affects 68.5 percent of the indigenous population, reaching tragic proportions in certain regions (91.4 percent in the Ngäbe-Buglé region, 72.5 percent in the Guna Yala region) (2012).

In the last few decades, indigenous peoples in Panama have asserted their rights, a process that has had significant institutional and legal consequences. In particular, these include: i) the adoption of a political agreement in 2012 that established the constitution of the National Development Council, with the mission of creating an Integrated Development Plan for Indigenous Peoples of Panama that has become State policy; ii) Law 37 approved in 2016, which establishes the right to a process of Free, Prior and Informed Consent (FPIC) for all those measures that may affect indigenous

peoples and their territories; iii) the creation, in 2018, of the National Council for the Integrated Development of Indigenous Peoples, which brings together the 12 congresses and councils of the seven existing indigenous peoples, as a consultative and deliberative body for public policies directed at indigenous peoples.

It is in this context that the FAO Country Office in Panama has promoted, since 2013, various initiatives that have been scaled up in a coordinated manner, giving shape to what is called its "Indigenous Agenda". This agenda aims to improve food and nutritional security, as well as the income of the country's indigenous families, helping to develop the economic pillar of the Integrated Development Plan of the Indigenous Peoples of Panama.

After working at a pilot level with 250 families from the Ngäbe Buglé and Guna Yala territories, FAO has partnered with UNDP to execute a project in 19 communities belonging to six of the seven indigenous peoples of Panama. The project is financed by MINGOB, with the support of MIDA and with the broad participation of the 12 indigenous congresses and councils. As a starting point for the successful implementation of the project, an inclusive and participatory consultation process has been developed, with respectful dialogue, applying the principle of Free, Prior and Informed Consent (FPIC) in all the communities involved. This process is described in this document in order to share its lessons learned and promote its replication.





## Panama's indigenous peoples

### Recent events

**Dialogue between the State and the Ngäbe Buglé territory.** Between January and March 2012, a dialogue process took place between the State and the representatives of the Ngäbe Buglé territory, mediated by the Catholic Church and facilitated by the UN. This dialogue was the necessary response to various conflicts and struggles that arose as a result of the adoption of laws that directly affected the interests and rights of the indigenous peoples of Panama.

**Signing of a political agreement.** On March 15, 2012, an agreement was signed that establishes the creation of the National Integrated Development Council, made up of representatives of each indigenous people, the National Government and the National Assembly. The UN has provided technical assistance and the Catholic Church has assumed the role of guarantor of the process.

**First session of the National Integrated Development Council.** On May 11, 2012 the Council met for the first time. The objective of the Council is to establish mechanisms and models for exchanging visions of development within the country, promoting intercultural dialogue between government institutions and representatives of the country's indigenous peoples. It seeks to strengthen democratic governance by responding to the demands of indigenous peoples for inclusion, citizenship, and recognition of their cultural and collective rights.

**Creation of the Vice Ministry of Indigenous Affairs.** On September 20, 2013, the Vice Ministry of Indigenous Affairs was created under Law 64, which is attached to the Ministry of the Interior of the Republic of Panama. This Vice Ministry has the objective of coordinating and executing plans, programs, and projects to promote

public policies that respect the integrated development of indigenous peoples, their identity and fundamental values, as part of Panama's multiculturalism.

**Integrated Development Plan of the Indigenous Peoples of Panama.** Between 2013 and 2016, the National Development Council designed the Plan, which has three pillars: political-legal, economic and social. The Plan will become State policy executed by successive governments. The National Government, together with the Council, began negotiations with the World Bank for the implementation of the plan.

**Law 37 approved.** On August 2, 2016, Law 37 is approved that establishes the right to consultation and Free, Prior and Informed Consent for indigenous peoples whenever legislative measures are considered that could affect their collective rights, physical conditions, cultural identity, quality of life and/or development. It establishes the principles and procedures of the right to consultation, which is compulsory in indigenous territories, the surrounding areas, collective lands and ancestral lands. This Law responded to pressure by the indigenous peoples of Panama, a country that has not ratified Convention 169 of the International Labor Organization (ILO).

**Creation of the National Council for the Integrated Development of Indigenous Peoples.** On July 27, 2018, the Council was created as a consultative and advisory body for public policies directed at indigenous peoples (Executive Decree No. 203). It legally replaced what until then had been the National Integrated Development Council.



## 2

### Challenges

## To adequately implement Free, Prior and Informed Consent in the communities involved

This stage of the project faced the following challenges:

- » Encourage a process through which indigenous peoples are able to carry out their own internal, independent and collective debates, as well as related decision-making.
- » Obtain the consent of the communities involved, if necessary after the negotiation and change of the conditions under which the project will be planned, implemented, monitored and evaluated.

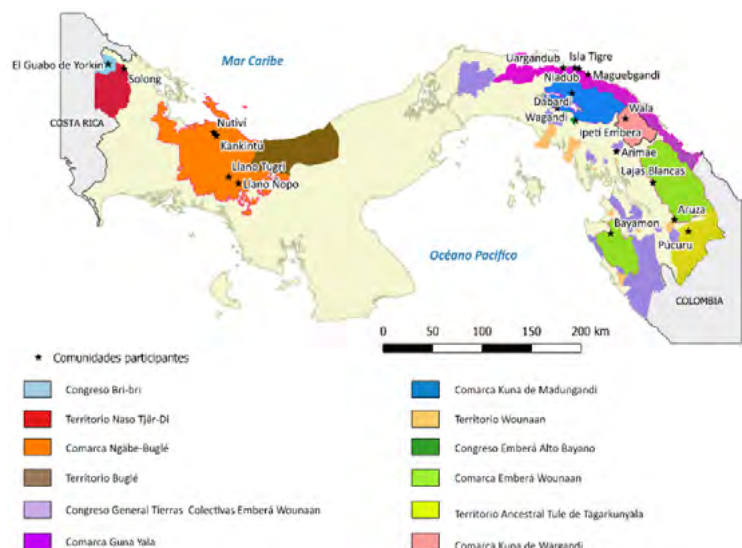


## 3

### Participants

## Nineteen communities belonging to six of the seven indigenous peoples of Panama

- » 19 indigenous communities, belonging to the Kuna or Guna peoples (eight communities), Ngäbe (four communities), Emberá (four communities), Bri-Bri, Naso and Wounaan (one community each).
- » 742 families:
  - Comprised of 4 452 people.
  - 33 percent with female-headed households.



## An inter-institutional process in six steps

The implementation of FPIC in the communities involved was organized based on:

- » **Method:** the approach developed by FAO in collaboration with seven other institutions and that was systematized in the document "Free, prior and informed consent: An Indigenous Peoples' right and a good practice for local communities. Manual for project practitioners (FAO, 2016)". This manual is structured around six steps, including four prior to project implementation and two during and after completion.
- » **Team:** an inter-institutional team comprised of 11 professionals was formed: three officials from the National Council for the Integrated Development of Indigenous Peoples, two from the Vice Ministry of Indigenous Affairs, two from the Interior Ministry, two from the Ministry of Agriculture and two from FAO.
- » **Duration and cost:** the initial stage, which culminates with the signing of the Consent Agreement, takes place in one day in each community, with two technical facilitators. Its cost is approximately USD 900 per community.

### FPIC steps

- 1 **Step 1.** Identification of the affected indigenous peoples and their representatives.
  - » **Definition of selection criteria.** In November 2017, the project management group, made up of FAO, MINGOB, MIDA and representatives of the National Indigenous Council appointed by the traditional authorities, agreed on the criteria for the selection of the participating communities.
  - » **Selection of participating communities.** In early 2018, the authorities of the 12 indigenous congresses and councils of Panama selected ten communities. Although some of these did not fully meet the selection criteria, they were accepted since they had never received support. During 2018, FAO incorporated nine more communities participating in one of its school feeding projects.
- 2 **Step 2.** Documentation of geographic information.
  - » **Location of MIDA communities and agencies.** A map is drawn up to geographically locate the selected communities and to identify the MIDA agencies that serve these territories and that will be responsible for providing technical assistance in the development of project activities.
  - » **Socialization of MIDA regional authorities.** The initiative is explained to the regional directors, appointing the technicians to be assigned to the project, and allocating additional human resources if necessary.
  - » **FPIC training.** An FPIC training session is carried out for all the actors involved, emphasizing the importance of the process to make the project's execution and monitoring feasible.



### 3 Step 3. Design of a participatory communications plan and discussion itinerary for transparent access to project information.

- » **Design of the socialization plan.** With the support of representatives of the National Indigenous Council, a socialization plan is designed and shared with authorities from each indigenous congress/council.
- » **Socialization workshops.** The community workshops are coordinated through Council's indigenous officials assigned to each territory. They are carried out in Spanish and with translation into the community's language when necessary.
  - **Module 1.** i) Presentation of the objectives and scope of the project, working mechanisms, proposed activities; ii) identification of priorities at the community level; discussion session between producers, authorities, members of the community and a representative of the National Indigenous Council, where the interests and needs of the community are debated.
  - **Module 2.** Presentation of FPIC as a support tool and a transparency and consultation mechanism. Topics: FPIC is a legal right; it is a process that lasts the entire period of the project; it can be changed or revoked; what are the points to be agreed.
  - **Module 3.** Participatory analysis of the most important areas (self-consumption and commercial sale).



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4 **Step 4.** Obtaining consent, documentation of the needs of the indigenous peoples to be included in the project, and agreement on feedback and complaints mechanism.

» **Drafting of the Consent Agreement:**

- After discussing FPIC and if the community is willing to give its consent, the contents of the agreement should be discussed. For each section, examples are given and points to be discussed by the community are noted. Flipcharts, blackboards, or other materials may be used for the community to record the points agreed.
- The community discusses, behind closed doors, the points contained in the agreement, and the facilitating team is available for any questions during the discussion process.
- The facilitating team analyzes the agreement decided by the community and any doubts are clarified.
- If possible, the agreement is drafted in front of the community. In some communities, formats have been used based on the previous experience of other communities.
- The agreement is read out to the community. If the community members have comments on the document, then it should be adjusted accordingly.

» **Signing of the Consent Agreement:**

- The Consent Agreement is signed by at least three members of the community: the community authority, a woman and a young man. One of the signatories is chosen to sign all pages of the Agreement.
- A copy of the Agreement is left with the community along with the attendance list used to record the participation during the elaboration of the Consent Agreement.

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5 **Step 5.** Monitoring and evaluation.

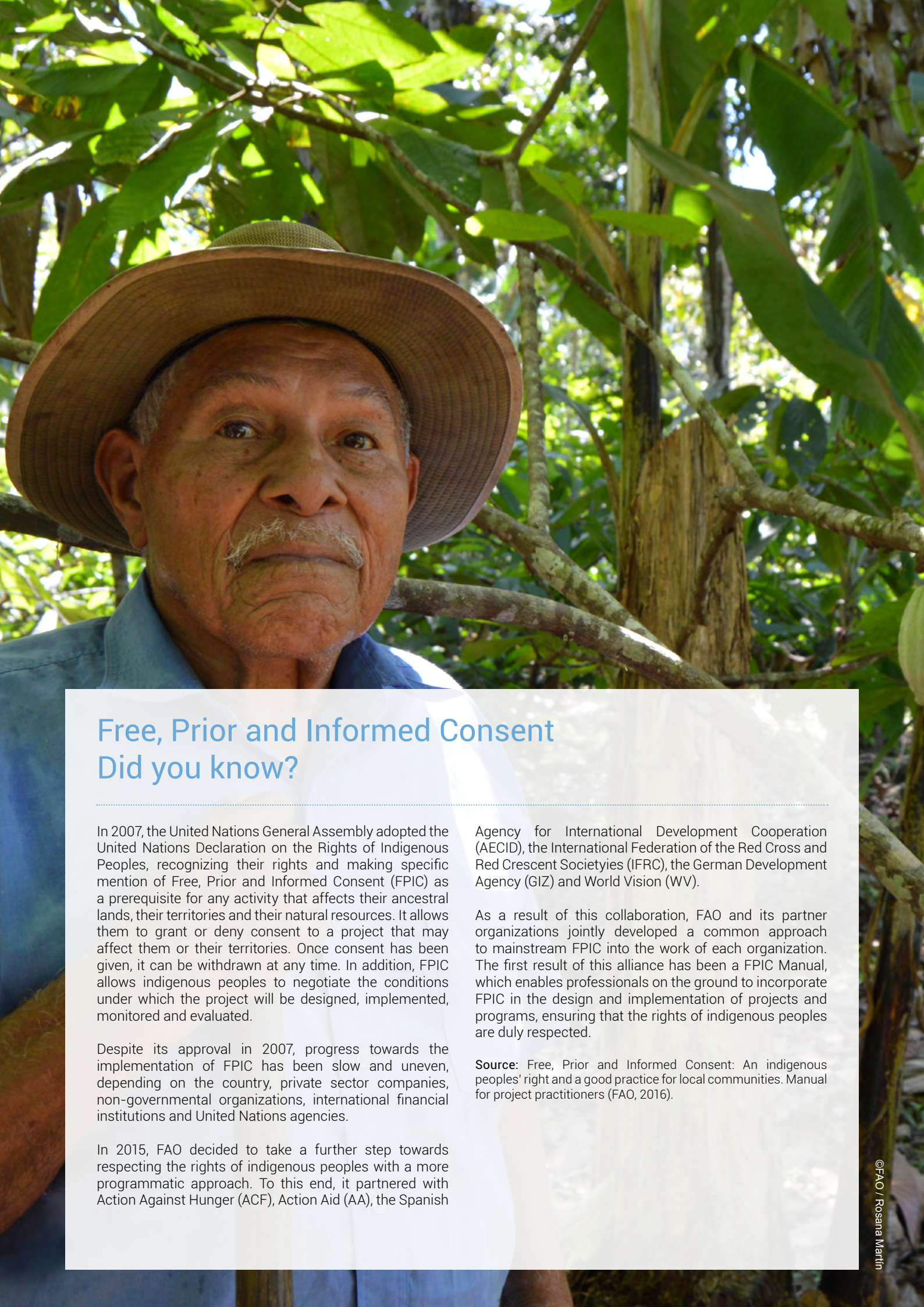
- » **Monitoring.** Through the disclosure, feedback and monitoring plan established in the Consent Agreement, the committees and focal points will monitor all project activities.

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6 **Step 6.** Systematization and documentation of achievements.

- » **Systematization of achievements.** This process is in progress.





## Free, Prior and Informed Consent Did you know?

In 2007, the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples, recognizing their rights and making specific mention of Free, Prior and Informed Consent (FPIC) as a prerequisite for any activity that affects their ancestral lands, their territories and their natural resources. It allows them to grant or deny consent to a project that may affect them or their territories. Once consent has been given, it can be withdrawn at any time. In addition, FPIC allows indigenous peoples to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated.

Despite its approval in 2007, progress towards the implementation of FPIC has been slow and uneven, depending on the country, private sector companies, non-governmental organizations, international financial institutions and United Nations agencies.

In 2015, FAO decided to take a further step towards respecting the rights of indigenous peoples with a more programmatic approach. To this end, it partnered with Action Against Hunger (ACF), Action Aid (AA), the Spanish

Agency for International Development Cooperation (AECID), the International Federation of the Red Cross and Red Crescent Societies (IFRC), the German Development Agency (GIZ) and World Vision (WV).

As a result of this collaboration, FAO and its partner organizations jointly developed a common approach to mainstream FPIC into the work of each organization. The first result of this alliance has been a FPIC Manual, which enables professionals on the ground to incorporate FPIC in the design and implementation of projects and programs, ensuring that the rights of indigenous peoples are duly respected.

**Source:** Free, Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities. Manual for project practitioners (FAO, 2016).



## Consent agreements signed with the community congresses of each of the 19 communities

The result of this process was the signing of a Consent Agreement with each community, which established:

- » **The areas prioritized by the community and the support activities to be provided by the project**, ensuring that its implementation will not affect the territories, livelihoods, knowledge, social fabric, traditions, governance systems, culture or heritage (physical and non-physical or intangible) within or outside the project area.
- » **The “non-negotiable” issues defined by the community**. The community defined the points that were not negotiable during the implementation of the project, such as not working in or near sacred places, not polluting water sources, not deforesting land to carry out project activities, not using agrochemicals, and not carrying out activities that undermine their culture or identity.
- » **The dissemination mechanism to be implemented**, which corresponds to the form and tools used to communicate with the representatives of the community. It must be accessible according to the level of spoken language and literacy level, it must respect traditional protocols and ensure that all groups in the community – including marginalized groups, the elderly, youth and others – are represented. The community selects the media and focal points.
- » **The agreed mechanism for feedback and complaints**, which will be used to receive, register, review and, eventually, address complaints. It determines, for example, that all complaints should be channelled through the focal point, with those of lesser gravity expressed orally and those of greater severity submitted in writing; any conflicts will be resolved through internal meetings. The formalization of this mechanism guarantees adequate social control.
- » **The Agreement’s monitoring and evaluation plan**. This is the mechanism to monitor activities, request different opinions, and record and share the results with the community, among others. For example, the establishment of a monitoring committee to meet biweekly or monthly, and meetings with FAO and MIDA, among others.
- » **The right of the community to withdraw its consent** in case of non-compliance with the agreement and the possibility of establishing a dialogue for the negotiation of project activities.



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## 6

## Impact

## The communities have rapidly increased and diversified their production


The correct application of the FPIC process has facilitated the creation of an intercultural environment conducive to the adoption of innovative agricultural techniques, as well as a greater degree of valorization of ancestral agricultural practices. Two years after the start of the project, significant improvements are evident in the increase in agricultural production, such as:

- » **More than 180 ha of land** in which different types of improvements have been incorporated (conservation practices, recovery of traditional varieties, sustainable technification, among others).
- » **The increase in yields** from 15 to 231 percent.

Crops	Average production of participating families		
	March 2018 (baseline)	December 2019	Increase (%)
Yuca (pounds/m <sup>2</sup> )	1.63	2.50	53
Ñame (pounds/m <sup>2</sup> )	1.02	3.00	194
Ñampi (pounds/m <sup>2</sup> )	2.62	3.01	14.8
Banana (bunches/ha)	300	993	231
Maize (quintals/ha)	16.85	35	108
Red rice (quintals/ha)	15-20	45	100
Otoe (pounds/m <sup>2</sup> )	3.8	5.5	70

**Source:** FAO, 2019. Technical assistance project to strengthen food security, improve nutritional status and restore production systems in ten indigenous communities of Panama within the framework of the implementation of the Integrated Development Plan for Indigenous Peoples. Semiannual report, December 2019.

- » **The diversification of crops.** Starting from four traditional crops, today six varieties of vegetables are grown, four varieties of tubers, three different grains and, in some communities, dual-purpose chickens (meat and eggs) are produced.
- » **The recovery and valorization of ancestral recipes.** Through collaborative work with indigenous women in the communities, a process was carried out for the systematization of the main ancestral recipes to be shared by each people. As a result of this exercise, a recipe book was created with recipes for seven nutritionally balanced indigenous dishes.
- » **The formation of an intersectoral committee** in the Guna Yala territory, coordinated by representatives of Congress and the Interior, and advised by FAO. It has the participation of six ministries and institutions of the State, the Guna Congress and FAO.

A woman with dark hair, wearing a red shirt and a beaded necklace, is holding a banana plant stem. The background shows a lush, green rural landscape with trees and foliage.

## Technical assistance project to strengthen food security, improve nutritional status and restore the productive systems in ten indigenous communities of Panama

### SEVEN PRODUCTS ACHIEVED

1. Production methodologies and techniques – environmental, social and culturally compatible and that allow the restoration of production systems in a sustainable way – have been developed and applied by the participating communities.
2. The producers have the capacity to generate income by selling surpluses from the agri-food systems.
3. Traditional production systems have been strengthened and new crops have been incorporated.
4. The participating communities have improved their own economic activities and their economic structures.
5. Indigenous families and key actors have the capacity to apply acquired knowledge about food and nutrition security.
6. The participating communities have strengthened the management capacity of their organizations.
7. Intersectoral and inter-institutional services have been coordinated to respond to the demands of the communities, producers, and organizations.

**Source:** Semiannual report, December 2019.



## 7

## Success factors

## Culturally sensitive methodology with inter-institutionality and broad participation

- » **The use of culturally sensitive methodologies helped** to develop a process of dialogue and implement the project in a horizontal and participatory way based on the priorities and interests of the communities. The respect for the rights and governance structures of indigenous peoples, the creation of spaces for informed dialogue, and the delegation of decision-making power, among others, helped create an environment of trust and respect.
- » **The creation of a trained inter-agency and multidisciplinary team** in charge of FPIC implementation contributed significantly to ensuring the quality of the process. In addition, the incorporation of a professional from the ethnic group (translator), along with the support material provided and unlimited duration of the workshops, facilitated the generation of a climate of trust and the adequate delivery of information.
- » **The broad and permanent participation during the project cycle** of all community members ensured that all the demands and needs present within the community were addressed.

## 8

## Sustainability

## Community empowerment and participation of ministries

The sustainability of the project has been ensured by: i) the empowerment of the communities as the result of FPIC; and ii) the presence of resources and skills in the territories, thanks to the strengthening of institutional coordination.



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## 9

## Replicability and scalability

## Systematic replication in new projects in the region

- » **Productive inclusion project in Panama's Ngäbe Buglé territory.** FPIC has been implemented in 28 communities that will participate in a FAO productive inclusion project. This is an initiative aimed at women beneficiaries of the Red de Oportunidades, a conditional money transfer program managed by the Ministry of Social Development.

### Capacity building to ensure Free, Prior and Informed Consent

- » In 2017, and based on the Manual developed by the FAO Indigenous Peoples Team, the first regional training course for the application of FPIC was held in Panama.
- » Various international funds, such as the Global Environmental Facility (GEF) and the Green Climate Fund (GCF), have explicit fiduciary standards that require FPIC compliance.
- » Currently, FPIC is implemented in all FAO projects working with and for indigenous peoples. Among others, the two mega-projects of the Green Climate Fund (GCF) implemented by FAO (PROEZA - Paraguay and RECLIMA in El Salvador) have their respective FPIC mechanisms.





## Six main recommendations

- » **Protect the cultural and ancestral wealth** of indigenous peoples and promote the adoption of innovative practices through interculturality.
- » **Incorporate cultural sensitivity** as a basic principle for the implementation of any collaboration with and for indigenous peoples.
- » **Use a participatory and horizontal approach.** The implementation of FPIC must be continuous during all stages of the project, allowing permanent feedback and adjustment of the support actions.
- » **Incorporate a gender and intergenerational approach.** The participation of women and youth in the dialogue process and in the support actions of the project generates greater inclusion and should accelerate the process of change.
- » **Promote coordination between public institutions and the traditional authorities of indigenous peoples.** The formation of public-indigenous bodies (intersectoral committee in the Guna Yala region, for example) allows the dialogue and co-design processes to be sustained beyond the project.
- » **Empower communities.** The empowerment of communities contributes to giving continuity to processes and actions beyond changes in governments.



## Inclusive participation and inter-institutionality

- » **The participation of all members of the communities.** The FPIC process succeeded in convening and involving the vast majority of the members of each community involved, which contributes to their well-being. The requirement that a woman and a young man sign the consent agreement constitutes an important advance as an inclusion mechanism.
- » **An inter-institutional work culture.** The creation of inter-institutional teams has allowed the generation of more pluralistic dialogues and more multidisciplinary support, which in turn has improved the effectiveness of this support.

*“Like a deep mountain lake, each FPIC process is a reflection of its environment, and no two lakes are identical. When the process is respected, it brings numerous benefits to everyone, and although it is not easy to reach the summit, the view makes the effort worthwhile.”*

### Gender

- 33 percent of participating families are headed by women.
- Consent Agreements must be signed by a woman and a young man.

### Social inclusion

- Ethnic approach.
- Intergenerational approach.
- Generation of trust and respect.

### Social participation

- FPIC process.
- Participation in field schools.

## More information:

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Edificio 238, 3ª Planta, Ciudad del Saber, Clayton.  
Panama City, Panama
- **Documents:**
  - [Free, prior and informed consent: An indigenous peoples' right and a good practice for local communities. Manual for project practitioners \(FAO, 2016\).](#)
  - [Agenda Indígena de Panamá, Fortalecer los sistemas agroalimentarios de las comunidades desde un enfoque comunitario y participativo \(FAO, 2018\).](#)
  - [Sabores indígenas de Panamá \(FAO, 2019\).](#)