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SUSTAINABLE DEVELOPMENT**

**FROM CONCEPT TO DESIGN: CREATING
AND ENVIRONMENTAL OMBUDSMAN
FUNCTION AT THE EARTH COUNCIL**

CASE STUDY FROM CENTRAL AMERICA:

**THE DARIEN BORDER REGION BETWEEN
COLOMBIA AND PANAMA: GAP OR SEAL?**



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INTRODUCTION

Few places in the world conjure images as powerful as the Darien Gap. This narrow anchorage point between Mesoamerica and the South American continent, between Panama and Colombia, is geologically one of the youngest portions of land in the Americas. Paradoxically, it was the site of one of the first Spanish settlements (1511) on the *Tierra Firme* of the Continental Americas, and it still stands unforded as the last natural barrier between the Interamerican highway systems of North and South America. The Darien is also the southernmost of the five major potential interoceanic routes across the Mesoamerican isthmus. More significant for its privileged geographical location than for its demographic or economic weight, the Darien Gap is however a crucial passage point for species from the South and Central Neotropical Regions. As a World Heritage Site and Biosphere Reserve, it constitutes one of the major centers of plant diversity of the Americas, with some of the highest levels of endemism, of both flora and fauna. It also houses several transboundary indigenous groups such as the Kunas, Embera and Wounaan, which have settled the forested lands and coastal shoals of Eastern Panamá and Northern Colombia for centuries.

Today, it stands at the threshold of the XXIst Century as the last missing link to connect over 70,000 km. of highways in the Interamerican System in North and South America. With the creation of continental trade blocks, as encapsulated by NAFTA, and the MERCOSUR and the Group of Three (Colombia, Venezuela and Mexico), there are compelling macro-economic and geopolitical factors vying for the opening of the Darien gap. With the impulses set by free-trade policies, many Latin American governments are shifting from protectionist, import-substitution policies, towards lower tariffs on trade, multilateral and bi-lateral free-trade agreements. There have been increased hemispheric consultations, through the Summit of the Americas meetings, Ibero-American meeting, which confirm a unified view of the need to liberalise trade across the Americas. The geopolitical dimension of the Darien Gap is intimately linked to hemispheric affairs, to the Panama Canal, and the Interamerican Agricultural System, particularly in terms of countering the spread of livestock and agricultural pests and disease, and the growing

concern over drug-trafficking are issues that have a direct bearing on the continued existence of the Darien Gap.

Whether it is considered a last resort shelter for the remaining biodiversity, a refuge for surviving indigenous cultures and land rights, or as a lost link in an hemispheric network for trade and commerce, the Darien plot is set to unravel in the next century. The conflict will pit widely differing conceptions of sustainable development, human progress and environmental security. Its outcome is unfathomable, unless we endeavour to compare scenarios, contemplate options for the viable stewardship of one of the most ethnically diverse and biologically rich corners of the world. This paper addresses the issues, actors and scenarios involved in the conflict over the opening of the Darien Gap. It weighs, on the one hand, the stakes at hand in opening the Darien Gap, in terms of biological diversity and indigenous territorial rights. On the other hand, it seeks to analyze the architecture of the conflict and the main actors involved.

In this sense, this case study contributes to the overall concern by the Earth Council (ECO) to qualify the relationship between human rights and environmental issues. The Darien Gap Highway dilemma involves on the one hand the imperatives of world commerce, free-trade and globalization. And on the other hand, it addresses all impending calamities the opening of the gap would imply, ranging from mass migration due to armed conflict, loss of livelihood and of key natural resources due to habitat deterioration, cultural genocide to loss of self-determination due to territorial rights violations, and, increasingly, crossborder disputes of resources involving armed incursions and “hot pursuit”. These scenarios will be addressed at the end of the paper, in order to weigh options and possible outcomes of the Darien Gap dilemma. The paper aspires to simplify what is a complex web of issues, stakes and actors, in order to derive recommendations for future policies, and institutional arrangements for the Darien Gap.

I THE DARIEN: GAP or SEAL?

The Physical Setting

The Darien Gap is located at the southernmost tip of Mesoamerica as it hinges on the South American continent (see Map No.1). It has functioned over the past millenia as a funnel, concentrating species distribution as they interacted and migrated between the north and south american continents. As such, it has functioned naturally as a biological corridor and land bridge between the major neotropical ecoregions of Middle America.

This landbridge has existed only recently in geological times, as what was a chain of volcanic islands which grew during the pliocene to form a narrow band of land, partly submerged by sea. Which the climate changes occurred during the Pleistocene, sea levels fluctuated from 100m lower to 50m higher than at present. This means that the land-based interaction between north and south america has been interrupted and re-established several times over the past 3 millions years. This climate changes were accompanied by shifts in vegetation cover, favouring the formation of *refugia*, areas on higher ground usually less subject to flood and favouring habitat stability and therefore higher endemism and biodiversity.

This is the case of some of the higher portions of the Darien mountain range, which constitute support as a continental divide between north and south America, as well as between the Caribbean and Pacific slopes of the Central American isthmus. The Continental divide in the Darien is barely 16 km from the Caribbean Coast, in the higher tributaries of the Chucunaque River, the largest watershed in Panama (WWF-IUCN,1997:226). The long, gently sloping valleys have carved up the Darien Mountain formed by the Cordillera de San Blas and higher Serranía del Darien where the highest peak in the region is located (Cerro Tacarcuna, 1875m or 5625 ft). The southern portion of the Darien Gap is dissected into a trident shaped range by the other major rivers in the Darien, such as the Tuira, Balsas, and Sambú, which drain into the Pacific Ocean through the Gulf of San Miguel. On the Colombian side of the Darien Range, the Atrato River basin, which drains the entire Chocó Department into the Gulf of Urabá,

on the Caribbean Coast, is one the rivers with the largest discharges compared to its drainage area (Parsons, J. 1967:2). It meanders into a vast wetlands system as part of the Atrato Delta, which encompasses the Tumaradó swamp, which truly constitutes the greatest natural obstacle to the Interamerican Highway, which would have to cross over 22km of amphibious terrain to reach the border between Colombia and Panamá. The Atrato and the Darien range still constitute formidable natural barriers for settlement, as poorly drained soils give way to easily erodable slopes on the Darien mountain range. Almost 95% of the soils of the region are Class VII, VII-VIII and Class VIII which are destined exclusively for protection and forestry because of either steep slopes or poor drainage. On the other hand, along the road leading from Medellín to Turbo we find some of the best alluvial soils (class I and II) of the region, particularly between Chogorodó and Turbo, where most of the plantation economy has been thriving since the 1950s (Parsons, J. 1967:3).

On the average, rainfall is abundant, ranging between 3000 and 4000mm annually on the Caribbean slope, with more abundant precipitation patterns on the inland mountains (4000-5000mm) to less abundant patterns on the Pacific Coast and the Gulf of San Miguel. In general terms, the dry season is more clearly marked on the Colombian side, and Pacific Coast, from January through April.

The Darien is without a doubt one of the most diverse and species rich regions in the Americas. It encompasses ten major vegetation types, including Coastal dry forests and mangroves, Brackish and Freshwater swamps, and various lowland and premontane forests, with its most pristine life zones in Montane Rainforests, such as cloud forest, elfin forests and pluvial forests. Darien harbours an extraordinary diversity of species, due to the concentrating effect of its isthmian configuration, with over 2440 flora species recorded, and high endemism (as high as 23% in the upper mountain ranges), several endangered species of flora and fauna(WWF-IUCN,1997:226). The Gulf of San Miguel houses the largest stand (close to 46%) of mangrove forests in Panama. High tides on the Pacific coastal waters affect vegetation types well into the watershed system of the Tuira and Sambú rivers. The tropical wet forest formation extends from the Panamanian Darien into the Colombian Chocó, as both sides of the range share similar species

composition. While higher ranges have floristic composition similar to the cloud forest refugias of highland Chiriquí and Costa Rica, the lower forests have more in common with the Chocó and adjoining swamp forests. In particular, the riparian forest formation, known locally as the Cativo (*Prioria copaifera*) dominates most of the lower Atrato River Delta and associated swamps, as it is a major source of timber for the Colombian market.

The Darien's fauna is probably less well documented than its flora, much because it is still poorly known. Over 770 vertebrate species have been identified in the Darien, 60% of all mammals in Panamá occur in the Darien, including six of the eight species of primates; five or six species of wild cats-such as the puma, jaguar, ocelot, margay, and jaguarundi. The Darien encompasses two major endemic bird areas, the Darien range and the Urabá lowlands, thirty restricted-range species occur only in these areas, and some are confined to single mountains such as the Tacarcuna peak (WWF-IUCN, 1997: 230).

On either side of the border, there has been a significant coincidence in the timing of conservation initiatives. The creation of the Darien National Park in 1980, covering 579,000 Ha, a Protection Forest since 1972, coincided with the opening of the road between Bayano and Yaviza on the Panamanian side. The National Park of the Los Katíos was created in 1974, covering an extension of 52,000, which was extended to 72,000 Ha. in 1979 in order to include the riparian forests of the Atrato and Tumaradó swamps. In 1981, the Panamanian side was accepted as a World Heritage Site, and as a UNESCO Biosphere reserve since 1983. Covering an area 5790 km square, Darien National Park is the largest park in Panama, and one of the largest in Central America (WWF-IUCN, 1997:230). However, the definitive legal demarcation of the park's boundaries is still in process, amidst growing pressure over land, resources and territorial rights, as we shall see further on.

A Brief Historical Background

In a synopsis of Darien's historical background, it is striking to reflect of the paradox of its past glories and present oblivion. According to early accounts, the Darien was settled

by indigenous peoples in the XVIth Century, particularly the Kuna and Choco groups. Most settlements were concentrated along the tributaries of the Chucunaque and Tuira Rivers, as they are still today. As in many other remote regions of Central America (Aguan, Mosquito Coast, Talamanca), the Darien was considered a military front by the Spanish Crown because of armed resistance by the Kuna (Chapin, M. 1995). Settled by europeans and maroon slaves early in the XVIth Century, with the establishment of the Cana goldmines-putatively among the richest in the Americas- the Darien became and remained a resource frontier up to this day (Herlihy, 1989; Herlihy,1995). As a result of increasing encroachment by settlers, and intertribal strife with the Emberá and Wounaan, the Kuna progressively migrated to the northern Caribbean Coast of the Darien, known today as San Blas, or *Kuna Yala*. Over the past 150 years, the Kuna have concentrated their settlements on the San Blas Archipelago just off the Caribbean Coast, using the littoral as agricultural land and hunting grounds (Ventocilla, 1995).

The Darien Gap was indeed the site of some the earliest spanish settlements in the Spanish Main, with the foundation of Santa María la Antigua just north of the Atrato River Delta in 1511 by Vasco Núñez de Balboa, and in 1600 of El Real de Santa María, on the Tuira River in contemporary Panamá (Molano, 1996; Herlihy, 1989). These spanish outposts were launching sites for military expeditions and missionary campaigns (Parsons,J.J 1967). By the mid XVIIIth Century, with the exploitation of the Santa Curs de Cana gold mines, settlements along the Tuira expanded, with creation of the riparian villages still existing today (Pinogana, Yape, Boca de Cupe). The Kuna resisted spanish control for centuries, and much like the Miskitos in Honduras and Nicaragua, allied with pirates and bucanears to raid spanish ships and convoys. By 1783, the Spanish Crown decided to abandon their fortifications, leaving the region in relative isolation until the end of the XIX Century.

Much of the contemporary settlement patterns in the Darien were inherited from this tumultuous past, whereby much of the river towns, such as La Palma, Yaviza, El Real, were settled by black communities, descendants of maroon slaves, and augmented by the mid XIXth Century by West Indies immigrants following the building of the

Panama railroad in 1855. Much of these river towns, functioned until the late XXth Century as the essential links between the Darién and the outside world, as ocean-going cargo ships would carry manufactured goods in and ship out raw materials and timber from the hinterland. The historical capital of the Darién, La Palma, is located precisely at the mouth of the Tuira River, before it flows into the Gulf of San Miguel. Until the building of the Interamerican highway to Canglón and Yaviza in 1980, these river towns and fishing community were the hubs of Darién urban life. A XIXth Century french explorer, Armand Reclus, visited the Darién in 1876, and described these rivertowns in much detail, stating the black population (also called *Darienitas*) were c. 2,000 persons (Reclus, A. 1982:112). The Choco indians from Colombia, known as the Emberá-Wounaan, progressively settled the tributaries of the Tuira and Chucunaque, as well as the Sambú and Balsas river, left by the Kuna as they migrated north to the Caribbean coast. Reclus' account confirm that, already in the mid XIXth Century, the indigenous population was constantly threatened by raids from Colombian rubber tappers, and *tagua* 'nut collectors. This contributed to the present-day cultural landscape of the Darién, with its river towns dominated by Black *Darienitas*, and Emberá-Wounaan settlements typically located up river.

The XXth Century in the Darién was marked early on by a resurgence of its role as a resource frontier, as source of gold and timber exploited by foreign interests. The most notorious of these extractive ventures was the Darién Gold Mining Company, an anglo-french enterprise which reactivated the famed Cana gold mines in the late XIXth Century, brutally transforming the economy and society of the region. The Darién Gold Mining Co. Made a fortune, producing over 500,000 Pounds Sterling in Gold between 1899 and 1911, confirming the almost mythical fame of the Cana mine and spurring rapid settlement by fortune-seekers (Molano, A. 1996:130). It built a narrow-gauge railroad between Boca de Cupe and the mine in Santa Cruz de Cana, and created an urban enclave in the heart of the Darién, which in addition to gold mining was involved in the timber industry, with several sawmills along the Tuira and in El Real. With the independance of Panama in 1903, the Darién Gold Mining Co. fell into decadence, diversifying its activities with cattle ranching and eventually banana plantations around Boca de Cupe. Today, Boca de Cupe is the main stopover for Colombian migrants into Panamá, as it constitute the first urban settlement near the border.

The growing incursions of gold miners, rubber tappers and other adventurers into the Darién brought about increasing pressure on the indigenous populations, particularly the Kuna. With the creation of the Panamanian State in 1903, many of the most isolated indigenous communities were slow to recognise the new national authorities, still pledging allegiance to Colombia. By 1909, the Panamanian government had installed a military outpost in Puerto Obaldía on the Caribbean Coast of San Blas. By 1915, the Circunscripción de San Blas was created as a territorial administrative unit. The Kuna had resisted for centuries incursions by foreigners and viewed with similar distrust the competing interests of the Panamanian and Colombian officials. Increasing pressure on natural resources (timber, turtles, tagua nuts) led to more numerous conflicts between Kuna communities and outside interests. By 1919, tensions gave way to open conflict between Kuna communities, timber and turtling interests and government officials. This gave way to the 1925 Kuna rebellion in which Kuna leaders rejected forthright any government presence in San Blas, physically expelling all foreigners from their territory (Howe, 1995: 71). The Kuna (or Tule) Revolution, aptly managed by its leaders, benefitted from U.S. support, which gave them particular leverage against the Panamanian and Colombian governments. In exchange for legal recognition to their territory and relative administrative autonomy, the Kuna agreed to accept Panamanian sovereignty over this border region. The events of 1925 paved the way for the official demarcation of Kuna territorial claims. In 1938, the Comarca de San Blas was created, and by 1945 the comarca's Organic Charter was voted guaranteeing territorial autonomy for the Kuna ever since.

The last ethnic group to settle the Panamanian Darién is composed of mestizo colonists from central and western Panamá, also referred to as *Interioranos*, who started migrating to the Darién since the 1960s opening agricultural lands around existing river towns, but more intensively by the 1980s with the opening of the Interamerican Highway to Canglon and Yaviza. The total population of Darién Province increased twofold between 1980 and 1990, from 26,524 to 43,832 inhabitants. If we consider the Districts of the Province of Panama along the Darién Gap Highway, such as Chiman and Chepo, we have a total population of 76,000 inhabitants for the Geographic Area of the Darién (Darién Geográfico) (MIPPE, 1996). The annual demographic growth rate of 4.49% for

the Darienas a whole was twice the average for Panama with 2.58 between 1980 and 1990. The distribution of this demographic growth is highly differentiated, as some *corregimientos* or counties grew exponentially (like Río Congo 11.5% annually), other stagnated or experienced negative growth (Yape -17%, and Sambú -9.9 % annually). It is significant to note that the *corregimientos* experiencing negative population growth are all located in the upper tributaries and areas most distant from the road. On the other hand, those sectors on or closest to the existing road between Chepo and Yaviza experienced the greatest population increase during the 1990.

For the past decades, these mestizo settlers have concentrated along the penetration road to Yaviza, most located in interfluvial sites, like Metetí, today one of the fastest growing settlements. The *Interioranos* encapsulate the dominant national culture of Panamá, and have transformed the identity of the Darién over the past two decades. They are primarily involved in agriculture, being the region's leading rice producers, with increasing livestock production in the western portion of the Darién, since cattle-raising is strictly prohibited within a 50 mile radius of the Colombian border, as a protection measure against the spread of hoof and mouth disease, as we shall see further on. There is direct corollary between the opening of the Darien Highway in Panamá and major shifts in population distribution, as there is a clear tendency for the most isolated settlements to experience negative demographic growth and outmigration.

On the Colombian side of the Darien, settlement history has been more complex and the resource frontier far larger. It shares with the Panamanian Darien a past typical of a resource frontier, marked by extractive cycles of mining and timber ventures. It also shares the cultural features of the Darien, with Kuna and Emberá settlements which span today's border regions. The Chocó Department of Colombia includes the entire watershed of the Atrato as well as the Baudo Mountain range facing the Pacific Coast. This region has been historically settled by Emberá and Wounaan (also referred to as the Waunana) and Black *Darienitas* (also referred to as *Afrochocoanos* in Colombia) located in rivertowns along the Atrato river and along the Pacific Coast, all the way south to Buenaventura. Traditionally involved in subsistence agriculture and fishing the Chocó indians and *afrochocoanos*, were progressively incorporated into the Colombian economy through extractive activities such as mining, timber, and especially rubber

tapping and *Tagua* nut collecting. By the end of the XIXth Century, Arab commercial interests began controlling the rubber and *Tagua* export trade, based in Turbo. These traders stimulated the expansion of petty commodity trading throughout the Atrato riverbasin and the Urabá Gulf. The early XXth Century saw the incursions of plantation ventures, particular sugar cane and banana, such as the Chocó Pacific Co.. Until the 1950s, trade was essentially waterborne, along most the Atrato tributaries to trading posts such as Quibdó or Arquía, linked to the Antioquia heartland by mule trails since the mid-XIXth Century (Parsons, J. 1967).

The opening up of the *Carretera al Mar*, linking Medellín to Turbo, was completed by the end of World War II after 20 year under construction, as a key route for coffee exports. But it wasn't until the 1950s that road traffic started to spur the settlement of the land along the penetration route. Settlements along the road, such as Dabeiba, Chigorodó, and Apartado progressively grew to become the new economic center of the Urabá region. As on the Panamanian side, the road transformed the orientation of trade networks in the region, shifting the economic center of gravity from the waterborne river trade to the automotive traffic along the new road to Medellín. Rivertowns such as Quibdó, Murindó, Arquía and Pavarandó, tended to stagnate from the 1950s onwards (Parsons, J. 1967; Molano, 1996).

The road to Turbo also brought about increased incursions by large consortia interested in developing plantations along the Coastal plains of Urabá. One of the first such ventures was the Consorcio Albingia, a Hamburg-based company, which was granted a 5,000ha concession near Turbo in 1909, to plant bananas. Abandoned by 1924, the assets of the company were bought up by Arab interests in the 1950s and became a major African-Palm plantation, still present today (Molano, A. 1996; Parsons, J.J., 1967:76). The 1960 also saw the growth of banana plantation, particular by the United Fruit Company, which first exported banana from Turbo in 1964, at the height of the banana bonanza of the 1950s and 1960s. (Parsons, J.J. 1967:76). The "Miracle of Urabá" was on. The bonanza attracted more and more foreign investors as well as Antioqueño capitalists, because of its productive soils, climate protected from damaging hurricanes and extremely cheap labour force. Land prices increased tenfold and more

during the first half of the 1960s, and by 1965 some 5,500 ha were under banana production, producing 3.5 million stems a year (Parsons, J.J, 1967:85).

The banana bonanza had a number of side effects in the region, the most significant of which was an exponential population growth, reaching up to 9.4% annually in 1963! (Parsons, J.J., 1967:96), among the highest rates of population increase in Colombia at the time. In the 15 years between 1951 and 1964 the population of Urabá increased from 15,700 to over to 132,200; by 1985, it had reached 298,047 (Restrepo, G.A., 1992:289). Apartado, the settlement at the centre of the banana bonanza, is typical of a frontier boom town., marked by extremely skewed distributions of land and wealth, along with contraband typical of border region. Most of the migrants originated from the densely populated regions of Antioquia, Córdoba and to lesser degree from the middle Magdalena. By the early 1970, the bonanza was over, and much of the excess population was pushed to open-up agricultural lands, and particular cattle ranching operations along the tributaries of the Atrato delta and into the Darién. At the end of the 1980s, INCORA (Colombian Institute for Colonization and Agrarian Reform) estimated to 6,000 the families without land in Urabá, with 3,000 families invading for an average of 1.3 ha per family (Steiner, C.,1992:283)

The practice of low wages and dismal housing conditions in the banana plantations of Urabá was also a major cause of social strife and armed guerrilla warfare since the 1960s, culminating, as we shall see further on, with the open armed conflict of the 1980s and 1990s. Much of the current pressures on the Darien's natural heritage, notably Los Katíos National Park, are due to evergrowing numbers of campesinos and ranchers displaced by the crisis in the plantation economy of Urabá and from the intensification of armed conflict in much of rural Colombia. Either displaced for economic or political motives, the past few years have seen a notable increase in out migration from Urabá, much of it headed into the Panamanian Darien.

At the close of the XXth Century, the Darien Gap stands as hiatus between two expanding settlement frontiers. The agricultural frontier is active on either side of the Darien, but the acuteness and severity of the processes unfolding on the Colombian side

outweigh those occurring on the Panamanian side of the border. In this paper, we will attempt to elucidate what has become an extremely volatile and complex situation. Many are the agents and actors in favour and against the opening of the Darien gap, and the stakes and issues at hand leave nobody indifferent. In the following section we shall attempt to portray the architecture of the conflict from global, national and local perspective.

II THE ARCHITECTURE OF THE CONFLICT

The Darien Gap in itself does not constitute a conflict, although many consider it to be a geographical aberration. The enduring presence of this natural barrier, just 200 km from one of the busiest waterways of the world in the Panama Canal, seems to defy any logic. Plans for completing the last remaining (108km) stretch of the Interamerican Highway, have been resurfacing regularly since the 1930s. One would be tempted to think that, at the end of the XXth Century, the imperatives of commerce and free trade would have easily vanquished 100 km of forest and swamp. The fact that the gap has endured so far is an indication that there are multiple and often contradictory forces involved, operating at vastly differing scales. From large infrastructural projects decided upon in Washington or Tokyo, to local land rights and territorial conflicts involving indigenous groups and conservationists, the future of the Darien Gap, is not in the hands of any single agent or group of actors, as we shall demonstrate in this section.

At the Global Scale

Hemispheric interests and the Darien

“If the Berlin Wall fell, why can't the Darién Gap”²

This epigraph sums up the jist of the geopolitical dimension of the Darien Gap. If we consider, moreover, that it quotes Colombia's Foreign Minister in 1992, it provides us with a compelling introduction to this section of the paper.

Its position at the center of the Americas makes the Darien Gap an obligatory passage point for Hemispheric Politics. Two major geopolitical constructs collide in the Darien: The Interamerican System, encapsulated by perennial interests in completing the Interamerican Highway, and the intricacies of Isthmian geopolitics, illustrated by the recurrent interests in an Interoceanic route through the Darien. The first seeks to integrate the Americas, North and South, the second seeks to service world commerce, East and West. Today more than ever, the discourse concerning Globalization and Free-trade places a renewed importance to the need to foster regional integration, trading blocks and free trade zones. Paradoxically, both the Interamerican Highway projects and the Interoceanic Canal projects appeal to the same epochal call for globalization. As we shall see in this section, these geopolitical constructs have a direct bearing on how the Darien Gap is perceived, and why it has remained intact throughout the XXth Century.

Without venturing back to the origins of the Panamerican movement, it is safe to suggest that the Interamerican System emerges with the advent of the United States as a hegemonic world power in the late XIX Century. As a direct corollary to the Monroe Doctrine, the political and economic integration of the Americas was a key geopolitical imperative for the United States. This explains in many regards why the decision whether or not to open the Darien Gap for the completion of the Interamerican Highway has been consistently taken, for most of this century, in Washington, D.C. rather than in Bogotá or Panama City.

As early as 1884, a law passed by the U.S. Congress presented a plan to build an Interamerican railroad system, a fabulous source of potential contracts for northamerican industrialists. Political consultations lasted into the XXth Century, and by 1903, with the secession of Panama and building of the canal, the imperative of the Interamerican railroad connection dwindled. The period prior to World War I was marked by U.S. isolationism, and it wasn't until the 1920s that the idea of the Interamerican highway system resurfaced. During the Fifth International American Conference in Santiago, Chile, in 1923 the Panamerican Highway Congress was founded, which was created to spur the development of the continent's highway network. The second Panamerican Highway Congress, celebrated in 1929 in Rio de

Janeiro, produced the key Convention on the Panamerican highway, literally paving the way for the construction of the 25,744 km highway between Patagonia and Alaska.

The Great Depression of the 1930s and World War II postponed however the implementation of the Plan until the 1940s. The war only reinforced the conviction that hemispheric integration was a geopolitical imperative for the United States. Between 1943 and 1963, 5100 km of the Interamerican highway between the Río Grande on the U.S.-Mexico border and Panama were build, at a cost of US\$270 million, of which US\$170 were provided by the U.S. Federal Government.³ It wasn't until 1955 a Sub-Committee for the Darien was created at the Panamerican Highway Congress, and several feasibility studies were commissioned. Four possible routes were highlighted for the Panamanian section of the highway, and nine possible routes were identified for the Colombian side, including the southernmost route from Quibdó, along the Pacific Coast to reach the Palo de las Letras- a 540 km long route compared to the 81 km between Río León and Palo de las Letras (Parsons, J.J. 1967:63). (See Map No.3) In 1959, the Colombian government incorporated into its highway development plan the Darien Gap Highway (Carretera del Tapón del Darién), projecting to build the 81 km between Guapá, on the Medellín-Turbo road, to Palo de las Letras on the Colombia-Panama border (República de Colombia, 1991:12). Several other feasibility studies ensued in 1964, for the 400km road between Tocumen (near Panama City) and Río León (Colombia), estimated at the time to cost US\$150 Million (ANCON-Fundación Natura, 1996).

By the early 1970s, the opening of the Darien Gap was an impending reality. The U.S. Congress had earmarked US\$100 Million for the building of the Darien Gap highway, while Panama was set contribute US\$30 Million and Colombia US\$20 Million to the grand enterprise (ANCON-Fundación Natura, 1996). A set of agreements ensued in 1971 between the U.S. Government and Colombia and Panama respectively. By 1972, the Federal Highway Administration had established offices in Bogotá, in order supervise the works in conjunction with Colombia's Ministry of Public Works (MOPT).

In an unprecedented up-staging of international affairs, on October 17th 1975, a U.S. District of Columbia Court ruled in favor of a legal suit presented by the Sierra

Club, Friends of the Earth among others arguing that the construction of the Darien Gap highway would have adverse effects on indigenous tribes, as well as the fauna and flora of the region. The court issued an order to the U.S. Department of Transport prohibiting the Federal Highway Administration to pledge funding for the Darien Gap highway, until measures were taken to comply with the regulation concerning environmental and social impacts, as stipulated in the 1969 Environmental Protection Act. Except for sections of the road on the Panamanian side, which were started before 1975, all other U.S.-funded public works on the road were suspended. The U.S. Department of Transport appealed the court ruling twice, in 1975 and 1977, presenting between these the additional environmental impact studies which the court required. These studies conducted by the Batelle Institute in 1975, were followed by other studies unfavorable to the opening of the Darien Gap in 1977 because of sanitary conditions.

In its final ruling, the U.S. District of Columbia Court conditioned the continuation of the works to the compliance with the U.S. Department of Agriculture (USDA) certification of adequate measures to control the spread of hoof and mouth disease, a livestock virus pervasive in South America but still absent in Central and North America. Ensuing this ruling, agreements were passed between the USDA and the ICA (Columbian Agriculture Institute) to conduct an extensive programs for the control and eradication of the hoof and mouth disease. These programs have been on-going for over 20 years, obtaining by 1991 the long-awaited certification by the USDA. Ignoring the U.S. jurisdiction ruling, the Government of Colombia ordered in 1979 the works to continue, and the 28 km section of the road between Río León and Lomas Aisladas was completed by 1983. Between 1983 and 1992, work on the project was paralyzed, as debates concerning the possible impacts of the road continued not only in the U.S. but also in Panama and Colombia.

With the certification by the U.S. Department of Agriculture in 1991, interest in the opening of the Darien Gap has once again rekindled. During the 16th Panamerican Highway Congress in Montevideo, Uruguay, in 1991, the Darien Gap Highway Project was presented with ample information concerning the current situation of hoof and mouth disease in northern Colombia, fueling speculation about renewed U.S. interest in completing the Interamerican Highway System (República de Colombia, 1991). As

illustrated by Table No.1, by 1992, of the close to 400 km of the road planned in 1970, 262.9 km (66%) are built and open to traffic, although only 37 km are asphalted (on the Panamanian side) , a remaining 113.3 km (28.4%) have complete, and 22 km have only partial, design and engineering studies.

**TABLE No.1- Degree of Completion of the Darien Gap Highway, Tocumen,
Panama- Río León,Colombia, 1970-1978-1992 -**

Source: República de Colombia, 1996, cuadro No.2, p.5

COUNTRY/CONDITION	SITUATION 1970		SITUATION 1978		SITUATION 1992	
PANAMA	Km	%	Km	%	Km	%
Paved	0	0	0	0	37.0	11.6
Unpaved	0	0	178.8	57	197.3	62.4
Under Construction/ Improvement	0	0	27.0	8.0	0	0
With Complete Studies	0	0	111.0	35	81.9	26
With Partial Studies	0	0	0	0	0	0
Total Length in Panama/	316.8	0	316.8	100	316.8	100
COLOMBIA						
Paved	0	0	0	0	0	0
Unpaved	0	0	0	0	28	34.4
Under Construction/ Improvement	0	0	0	0	0	0
With Complete Studies	0	0	31.4	38.6	31.4	38.6
With Partial Studies	0	0	22.0	27	22.0	27
Total Length in Colombia	81.4	0	53.4	65.6	81.4	100
TOTALS						
Paved	0	0	0	0	37	9.2
Unpaved	0	0	178.8	44.9	225.9	56.8
Under Construction/ Improvement	0	0	27	6.7	0	0
With Complete Studies	0	0	142.4	35.7	113.3	28.5
With Partial Studies	0	0	22	5.5	22	5.5
Total Length for both Countries	398.2	0	398.2	92.8	398.2	100

As its stands today, there are still 145 km of road left to be build, most of which have been designed and engineering studies completed. Intensive collaboration between the USDA and ICA to control the spread of hoof and mouth disease has enabled to lift some of pending restrictions from the U.S. jurisdiction perspective. But the 1990s have also seen a particular increase in environmental concerns, both nationally in Panama and Colombia, and internationally. As we shall see in the following sections, the concerns raised today against the opening of the Darien Gap, are not as linked to agricultural sanitation, as to environmental and human rights issues

The Panama Canal and the Darien

The other major geopolitical construct to affect the Darien has to do with Isthmian politics. As part of the Central American isthmus, the Darien, and in particular the Atrato River, is one of the five major interoceanic routes, as identified by Alexander von Humboldt as early as 1810. (see Map No4) The second half of the XIXth Century saw the isthmus assaulted by the “scramble for the Canal”. As in the “scramble for Africa”, rival hegemonic powers vied for the control of resources, territories and colonies. Britain, France, and the U.S. as an emerging world power had plans and projects for interoceanic canals. Ironically, the U.S. prized route was the Lake Nicaragua- Río San Juan, which was intensively surveyed by U.S. Navy engineers during the 1870s and 1880s, and by the Isthmian Canal Commission in 1899. The Panama route was by 1880 the french route, led by Ferdinand de Lesseps, the “victor of Suez”. The fracas of the french venture left an option for the continuation of the Panama route through the Chagres, by buying up the assets and the portion of the canal already built. The events of 1903 precipitated the decision, and the canal was Panama. Previously a part of New Granada and then of Greater Colombia, Panamá was the Provincia del Istmo. Its secession from Colombia contributed to souring relations between the newly neighbouring countries for decades.

Although the Panama Canal was completed in 1914 by U.S. Army Engineers and the Canal Zone consolidated as a U.S.-controlled enclave, the rivalry between alternative routes outside Panama continued. It is particularly striking to observe that the search for alternative routes across the isthmus coincided regularly with crisis in U.S. Panama relations. In 1947, a general survey of Canal Routes was commissioned by the U.S. Congress, following the 1943 U-Boot war between Germany and Allied Forces in the Caribbean, and the fear of future military take overs of the canal zone during the Cold War years. All indicated that the Atrato River-Bahía Cupica routes was one of the shortest, and among the most feasible interoceanic routes. With the 50th Anniversary of the inauguration of the canal in 1964, Panamanian nationalist protests and rioting fueled fears for the internal security of the Canal. By 1970, another survey had been commissioned, with several proposals concerning the Darien (1) Bahía Caledonia-La

Palma and 2) Río Atrato-Bahía Cupica) were involved. This was the golden age of the cold war, with even proposals for excavating the canal, in Nicaragua and as in the Darien, through the peaceful use of nuclear power....

The resurgence of alternative canal projects (both wet and dry canals) has been a constant in Central American history, from Tehuantepec, through Nicaragua to the Atrato. Colombian leaders have long sought to have a canal of their own, to compete with a Panama canal they considered as annexed by the U.S in 1903. The historic Canal Zone Treaties signed in 1977 between U.S. President Jimmy Carter and then Panamanian leader General Omar Torrijos, formally marked the end of U.S. control over the canal, setting a 20 year calendar for the hand-over of installations and institutions.. The fact that the in December 1999, Panama assumes total panamanian sovereignty, has rekindled debates about alternative routes, especially since the U.S. invasion of Panama in 1989.

With the giddy growth of asian markets in the 1970s and 1980s and the emergence of the Pacific Rim countries, the economic prospects of using the Darien's unique isthmian position to Colombia's advantage became a major policy item. The first Plan Pacifico, an Integral Development Plan for the Pacific Coast, was approved in 1984 by the Colombian government. It was budgeted for an initial expenditure of almost US\$308 Million, and essentially geared to basic infrastructure and as well as productive projects in forestry, mining, agriculture and fishing. It was also alleged that much of the investments in infrastructure were channeled to improve the mobilization of armed forces in the combat of leftist guerillas, such as the naval base in Bahía Malaga, 50 km north of Buenaventura. (Barnes, J. 1993:136). By 1987, Colombian president Virgilio Barco expanded the Plan Pacifico to ambitious mega-infrastructure project, involving the creation of an Interoceanic Terrestrial Bridge, combining a railway, motorway, canal and oil pipeline, fording the Atrato swamps and across the Baudó range to the Pacific coast, with port complexes and free-trade zones on either terminals. A connection with the Interamerican Highway was foreseen in the US\$4.5 Billion programme, enabling Colombia to compete with or even replace the Panama canal (Barnes, J. 1993:136).. By 1990, the Plan Pacifico had been fully drawn up into a major development program for the Chocó Department.

By 1991, a new political constitution was voted by a constituent assembly, recognizing for the first time the multi-cultural nature of Colombian society. Indigenous territorial rights are acknowledged and recognized as inalienable collective property, and the right to govern their land and resources according to their own laws, customs and political traditions. The Afrochocoano ethnic group were not granted similar rights. While their existence is mentioned in Article 55 of the Constitution, no explicit territorial right was assigned to them (Barnes, 1993; Valencia and Villa, 1992). Over 90% of the close one million inhabitants of the Chocó Department are Afrochocoano, and are increasingly demanding territorial security over traditionally held lands. Indigenous and black organizations have gained considerable visibility, both in the Chocó and the Panamanian Darien and Kuna Yala, over the past two decades, and today constitute key players in the Darien Gap.

Colombian President César Gaviria settled in 1992 for a more modest Plan Pacífico, arguing that previous programs were not suited to the environmental and cultural reality of the Chocó. Although a large share of the US\$321 Million budget is still earmarked for infrastructure development and road building, it places a clear emphasis on social programs and environmental impact mitigation (Barnes, 1993). The Plan proposed the construction of a new superport on the Pacific coast, probably Tribugá Bay near Nuquí, connected to the Central highlands by a highway to Pereira, hub coffee growing country and Gaviria's main constituency. As Barnes (1993:139) aptly states: "What the new Plan leaves out is as important as what it includes". With Multilateral Financial Organizations like the World Bank and the Interamerican Development Bank insisting on environmental soundness and social equity, Colombia's government has gone a long way in catering to regional, national and international fears concerning the impact of such large infrastructure projects, although there is growing international pressure for the final completion of the Darien Gap highway.

The late 1990s have also ushered in a new era of regional trade blocks, echoing the NAFTA, with the MERCOSUR an agreement between Argentina, Brazil, Uruguay with increased involvement by Chile and the Pacto Andino Trade Group of Bolivia, Peru

and Ecuador. The countries most likely to benefit from the Darien Gap highway are organized in the Group of Three, involving Venezuela, Colombia and Mexico.

Gap or a Seal?

During the XIX General Assembly of the IUCN (World Conservation Union), in Buenos Aires in 1994, Resolution 19.66 manifested its opposition to the completion of the Darien Gap Highway, considering that it would affect negatively a World Heritage Site, as a conservation area of global importance. The Resolution also recommends the realization of additional feasibility studies for the improvement of a ferry service on either coasts of Colombia and Panama, as alternative routes to the Darien Gap highway. Since, several large conservation projects (funded by multilateral organizations such as GEF and FIDA) have centered on the Darien, BioDarien and BioPacífico, on either sides of the Gap. These are projects amounting to tens of millions of dollars geared to flora and fauna inventories and sustainable natural resource use. The Post Rio92 climate has also favored also the emergence of a number of environmental NGOs and Community-Based Organizations. In a sense, the 20 years of delay in the construction of the Darien Gap Highway “bought time”. Civil society, indigenous groups, special interest groups, environmental and human rights NGOs are present and active, albeit haphazardly, in the Darién; they weren’t in 1970.

Maintained as a sanitary barrier to protect livestock populations of Central and North America from disease, the Darien has functioned for the entire XXth Century as an effective seal between Panama and Colombia. The Gap refers more specifically to the sections of the Interamerican highway remaining to be built, than to the functional characteristics of this forlorn region of the Americas. Most of the issues raised in the early 1970s are still valid to this day, apprehension over the environmental and social impacts of the road remains, and more and more are voicing their concern, both within the affected region and in international fora. In a sense, the playing field has been leveled since the 1970s, but the importance of the stakes at play has increased as has the number

of players. In the next section, we attempt to dissect the national and local elements of the conflict.

A. National Scale

As in most other Latin American countries, Colombia and Panama are undertaking processes of trade liberalization, and structural adjustment policies to reduce state intervention in the economy, foster increase privatization and lower trade tariffs. Today, export-led economic growth is considered the key to future development. This is clearly reflected in the three versions of the Plan Pacífico, in which Colombia sees in the Darien the possibility of capitalizing on the comparative advantage of its geography. Linking the industrial and agricultural heartland of Colombia to the coast as been an issue for over a century, but at the gates of the XXIst Century its suddenly gains particular relevance.

Successive Colombian governments have been clear in their determination to forge ahead with the development of the Pacific Coast, giving the theme of the Darien Gap highway a back seat. While the issue of the road was central to national politics in the 1970s, its has been overrun by broader concerns over the development of the Pacific Coast. Speculation forces fueled by the prospects of opening up the Atrato and Chocó region has produced a sharp increase in mining and logging concessions in northern Colombia (Barnes, 1993, WWF-Prisma, 1996).

Colombia's political history is profoundly marked by regional rivalry and factional strife. The revolutionary warfare present in Colombia since the 1960s has pooled on these sentiments. Ever since 1948, the country has undergone continuous factional violence. The 1980s and 1990s have seen a marked intensification in civil strife and guerilla warfare. Three main guerrilla groups have operated in Colombia over the past 30 years: The M19, the F uerzas Armadas Rrevolucionarias de Colombia (FARC) and the Ejercito Popular de Liberación (EPL). The estimated size of these forces

combined is 15,000 men⁴. The Darien and neighbouring Departments of Choco and Cordoba have been the focus of some of the most guerrilla warfare, particular in the Urabá Gulf were major banana and palm plantations and their associated labour force are concentrate.. Three major forces contend to control territory, levy taxes and commit indiscriminate murder to disuade opposition . With increase insecurity and guerrilla warfare at hand, the large plantation owners and cattle ranchers have resorted to forming private armies, or paramilitary groups (Reyes, A. 1992: 63). These, in addition to the Colombian army, conduct counter-insurgency warfare and wreck havoc in communities suspected of collaborating with the guerillas. By 1997, there were an estimated 400 such paramilitary organizations operating in Colombia as a whole, presenting over 8,000 irregular troops⁵.

The intensification of counter-insurgency warfare, heightened citizen insecurity, is compounded by the continued involvement of the Drug Trafficking Cartels in the economy of Colombia. Drug lords have emerged as a crucial economic actor in the Colombia of the 1990s. Their extraordinary wealth provides them with the means to influence land markets, buy favors and even fund many of the paramilitary groups operating in the country. The Darien is also a main throughfare for Cocaine trafficking, although most of it seems to be shipped along the Caribbean and Pacific coast⁶. Although ever since the take over of the Panama Canal in 1903, U.S. - Colombia relations have been at odds, there has been a clear turn for the worst since the 1989 U.S. invasion of Panama. The 1990s were blessed by the end of the cold war, but U.S. foreign policy found a new and formidable enemy in the form of the Medellín and Cali drug cartels. Much of the U.S. foreign policy towards Colombia has revolved around the issue of certifying its struggle against drug cartels, as in the case of Mexico. By 1996, the U.S, had openly questioned the source of Colombian president Ernesto Samper's campaign funding money, alledging laundering money and providing political favors to the most powerful drug cartels in the country. The recent state visits by Bill Clinton to Latin America, which brought him to Central America, Venezuela, Argentina and Brazil, carefully avoided Colombia.

In Panama, the intimate relationship between the presence on Panamanian soil of the Canal Zone as well as numerous military bases housing the Joint Chiefs of Staff's Southern Command, have weighed heavily on U.S.- Panama relations. The events of 1964 in which the Panamanian nationalists stated their open repudiation to continued U.S. presence in Panama, led the way to the Carter-Torrijos Treaties of 1977. Once secured the handover of the Canal Zone to panamanian sovereignty, the U.S -Panama relations went through a transition proces, particularly after the death in 1981 of leader Omar Torrijos and his replacement by the mid-1980s by strongman Manuel Antonio Noriega. It is paradoxical to think that the last section of the Interamerican Highway to Yaviza was completed in 1988, in the midst of the most serious crisis in U.S. Panama relations, which culminated with the toppling of the Noriega regime by U.S. troops in december 1989.

The 1990s have ushered in a different style of relations with the U.S., somewhat less confrontarional and more geared to complying with the calendar fixed for the handover of the canal in 1999. There appears to be a resurgence of a national debate concerning the Darien Gap highway. However, its strategic importance is dwarfed at this stage by the momentous stakes at play for Panama in the handover of the Canal Zone. Nonetheless, there are several key actors involved in the contention over whether or not the highway should be built, as we shall see in the following section. As in Colombia, the issue of the road itself is less of a concern than the discussion concerning the style of development these projects foment, and the possible windfall for resident communities in the Darien.

Finally, there has also been a substantial increase since the early 1990 in the number of binational sectorial commissions between Colombia and Panama. Established in 1992, the Comisión de Vecindad has functionned as a binational forum at the Ministerial Level between Panama and Colombia. It has fostered several level of sectorial coordination to address common security, social and environmental issues. In the environmental sector there have been regular meetings between Natural Resource Ministry officials, National Parks Directors and staff involved in administration of the border park of Los Katios and Darien National Parks. These constitute at this stage

important instances for discussing key issues surrounding the Darien. Although these instances have essentially involve the governmental sector, several meetings have involved actors from the NGO and indigenous communities, through the environment and natural resources sub-commission and the sub-commission on indigenous affairs. These official coordination mechanisms have also enabled the organization of encounters between Community-Based Organizations (CBO), both indigenous and black, and NGOs from both side of the border. From such an encounter, organized in 1996 by ANCON (the largest environmental NGO in Panama) and Fundación Natura in Colombia, focused on alternatives to the Darien Gap highway. It is interesting to note that the encounter took place on a cruise ship off Colon on the Caribbean Coast of Panama, and concluded that ferry and aerial links were a viable alternative to the Gap Highway. This meeting also involved key leaders from the Kuna, Emberá-Woonan and Darienita Community Organizations, and clearly linked in their discussions the threat of environmental destruction to issues of indigenous territorial and human rights.

These bilateral instances, and the flurry of commission meetings they have spawned, have reinforced the notion that the Darien Gap problem can only be addressed adequately from a truly bi-national perspective. They all point to the creation of a trans-boundary integration zone, coordinated by institutions built from the forum of the Comisión de Vecindad. This probaby constitutes one of the most crucial initiatives to date concerning the Darien Gap, and above all it involves no other government or instance but Panama and Colombia. This is a clear shift from the days when the fate of the Darien was being decided by the FHWA or the USDA...in Washington, D.C!

B. The Local Scale

The Territorial setting

While global and national forces have, in the past, shaped much of what the Darien Gap is today, it is safe to state that the opening of the Darien highway will face in

the XXIst Century a far more complex array of local actors, institutions and interests. Both the international pressure for the opening of the Gap and the growing global movement to oppose it have had a direct bearing on the agendas being discussed at a binational, national and local level. In this section, we provide a summary inventory of the local setting and the main actors involved in the contention.

Today, the Darien Gap can be divided into three major cultural landscapes(Herlihy, 1989):

- 1) The Indigenous Settlements (Kuna, Emberá, Wounaan) of the Upper Tributaries, of the Tuira, Chucunaque, Sambú and the Atrato rivers.
- 2) The rivertowns and coastal fishing communities, still dominated by the Darienita or Afrochocoano ethnic group, such as La Palma, Yaviza, Garachiné, Ríosucio, Jaque, Nuquí and Juradó on the Pacific Coast.
- 3) The Road Axis Cañita and Canglón in Panamá, such as Santa Fe, Metetí and Canglón, where the bulk of the Interiorano settlers can be found and along the Carretera al Mar between Turbo and Dabeiba in Colombia, such as the towns of Apartadó, Chigorodó, and Guapá, settled since the 1960s by campesino settlers (*chilapos*), cattle ranchers and banana plantation owners.

These settlements and their associated cultural groups are the current setting for the opening of the Darien Gap Highway. As seen in the previous section, these groups are undergoing widely differing demographic transitions and operate in distinct, although connected economic networks. By far the most demographically dynamic and economically dominant group is the settlers located along the penetration routes. The traditional river towns and coastal settlements dominated by Afrochocoanos have tended to stagnate demographically and recede economically as road transportation has progressively replaced waterborne trade. Demographically, however, the Afrochocoano population still dominates the Chocó, and covers a far larger area of the Atrato and Pacific Coast.

In both the Panamanian and Colombian Darien, the indigenous settlements have undergone the most dramatic demographic and economic change, except for the Kuna,

who have tenaciously defended their territory and lifestyle from outside encroachment. Today, they represent about a quarter of Darien Province’s population (República de Panamá, 1996). As seen earlier, negative growth settlements in the Río Sambú and Río Balsas the Emberá and Wounaan ethnic groups have seen their most isolated settlements wither. This can be partly explained by the regrouping of Emberá settlements in response to the creation of the Cemaco and Pinogana Comarcas in the early 1980s. Traditionally a nomadic forest dwelling culture, the Emberá had to sacrifice their transhumance for permanent settlements in order to secure a legally recognized territory in the form of Comarcas. There is still a large contingent of the Emberá and Wounaan population that are not located within the two Comarcas. Many of the land conflicts in the Panamanian Darien, particularly with Park Authorities and Conservation groups, involve this group of indigenous groups. In Colombia, the growing level of organization of Emberá and Waunana populations, and their official recognition under the 1991 Constitution, has secured them territorial claims, particularly along the Pacific Coast and Baudó range.

All these local actors and stakeholders are poised at this stage to be key players in the unfolding Darien Gap scenario. There are profound differences among them in terms of their relative demographic weight and economic and political clout. In the next section, we proposed a schematic inventory of stakeholders currently involved in the Darien.

Towards a Typology of Stakeholders in the Darien

Local Stakeholders	
<i>Indigenous Groups</i>	
<u>Indigenous Government Structures</u>	
PANAMA	
	The Congreso General Kuna
	The Congreso General Emberá –Wounaan
	Congreso Tierras Colectivas (this organization represents the Emberá-Wounaan communities located outside the Comarcas)
<u>Indigenous NGOs</u>	
PANAMA	Fundación Darien (FUNDA)
	Dobbo Yala
	Pemasky/Desosky
	Fé y Alegría
COLOMBIA	
	OREWA

<i>Darienitas and Afrochocoanos</i>	
PANAMA	
	Instituto para la Capacitación y el Desarrollo Integral del Darién (INCADI)
COLOMBIA	Organización Campesina del Río Atrato
	Movimiento Cimarrón
	Asociación Campesina del Río San Juan
	Organización de Barrios Populares del Chocó
<i>Campesino settlers-Interioranos and Chilapos</i>	
PANAMA	Asociación de Productores Independientes del Darien (APID)
	Asociación de Pequeños Madereros de Sambú
	Asociación de Pequeños Taladores
	Asociación Pequeños Agroforestales (Quintín)
	Comité Salvemos Filo del Tallo
COLOMBIA	
Cattle ranchers and Banana plantation owners	
COLOMBIA	Timber Companies and associated organizations (Cámara de madereros, timber exporters, etc..) Mining interests and local operators
<u>National Stakeholders</u>	
<i>Government Organizations</i>	
PANAMA	INRENARE MOP MIPPE MIDA MINSA
COLOMBIA	Ministerio del Medio Ambiente MOPT ICA INA
<i>Religious Organizations</i>	Comisión Intercongregacional de Justicia y paz
<i>The Catholic Church</i>	Vicariato del Darien Fundación Pro-Niños del Darien
<i>The Protestant Sects</i>	
<i>The Environmentalist NGOs</i>	
PANAMA	ANCON Fundación Natura-Panamá Fundación Panamá
COLOMBIA	Fundación Natura-Colombia
<i>Social and Human Rights NGOs</i>	Centro de Asistencia Legal de Panama (CEALP) Centro de Estudios y Acción Social Panameño (CEASPA) Asociación Panameña de Ecoturismo
<i>National Campesino and Indigenous Organizations</i>	

<i>PANAMA</i>	<i>CONAPIP- Coordinadora Nacional de los Pueblos Indígenas de Panama</i>
	<i>APEMEP- Asociación de Pequeños y Medianos Productores</i>
<i>COLOMBIA</i>	<i>National Coordinating Committee of Black Communities of Colombia.</i>
	<i>National Organization of Colombian Indians</i>
<i>Military Organizations</i>	
	<i>The Colombian Guerrillas FARC EPL</i>
	<i>The Colombian para-military groups</i>
<i>Organized Crime</i>	<i>The Drug Cartels (Medellin, Cali)</i>

Binational and International Stakeholders	
<i>Governmental Organizations</i>	
Binational- Panama-Colombia	<i>The Comisión de Vecindad</i> Sub-Commission for Environment and Natural Resources Sub-Commission for Indigenous Affairs
U.S. Federal Government Agencies	USDA DOT-FHWA DEA CIA U.S. Army
<i>International Environmental NGOs</i>	IUCN WWF The Nature Conservancy Conservation International
<i>International Projects</i>	Proyecto BioDarien (UNDP) Proyecto BioPacífico (FIDA) Darien Sustainable Development Project (IADB) Proyecto Frontera Agrícola (European Union) Proyecto PROARCAS-CAPAS-Parques en Peligro
<i>Interamerican System</i>	Organization of American States
	Panamerican Highway Congress
	Interamerican Institute for Cooperation in Agriculture
	Interamerican Human Rights Court
	InterAmerican Development Bank (IADB)
Central American Integration System (SICA)	Secretaria General SICA
	Comisión Centroamericana de Ambiente y Desarrollo (CCAD)
	Consejo Centroamericano de Bosques y de Areas Protegidas (CCAB/AP)

III KEY ISSUES AND STAKES

The Environmental Dimension: Conserving the Natural Heritage of Darien

Since the early 1980s, Darien National Park has been recognized as a World Heritage Site. As a tribute to its unique floristics characteristics, with high levels of

endemism, this Park has become a symbol of the global struggle for conserving the remaining stands of pristine tropical forests. As in many other regions, the creation of protected areas occurred in response to outside threats, namely the Interamerican Highway. Spurred by the continued efforts to resume the construction of the Darien Gap Highway, environmental groups and Natural Resources Institutes of Colombia and Panama worked closely to create by the mid 1980s 600,000 ha of protected areas on either side of the border.

The 20 year hiatus in the construction of the Darien Gap highway enabled international environmental NGOs, such as WWF, IUCN, The Nature Conservancy, to study and document the region's unique environment. The IUCN General Assembly's 1994 Declaration reinforces the notion that the Darien Gap has become a global conservation priority. It is no longer the sole cause of U.S. based Conservation Groups such as the Sierra Club as in the 1975 injunction by the District of Columbia Court. The Darien Gap has become a crucial testing ground for the Earth Summit Conventions on Biological Diversity and Climate Change.

Locally, the boom in Conservation and Sustainable Development initiatives have come up against increasing resistance by local indigenous communities. In the Panamanian Darien, the creation by ANCON, the national conservation organization, of the Punta Patiño Natural reserve, as a buffer zone for the Darien National Park, caused friction with the Congreso General Emberá-Wounaan. Similarly, the creation of the Los Katíos National Park on the Colombian side of the border, also produced conflicts with local landowners and settlers.

However, broad national and international support for Conservation initiatives as those set forth by WWF, IUCN, The Nature Conservancy and ANCON in Panama, reflect the extraordinary capacity for mobilization these organizations have worldwide. The opening of the Darien Gap will most certainly be an occasion for these global organizations to demonstrate their capacity for public advocacy.

The environmental impact of the opening of the Darien Gap highway is no longer based on hypothetical extrapolations. All the data collected since the opening of the road

to Yaviza on the Panamanian side and to Río León on the Colombian side, confirm the devastating effect new roads have on forest environments. Land speculation, deforestation and short-term extractive activities dominate these peripheral economies, and all seems to indicate that these trends will continue and increase. The Darien also has the particularity of lacking adequate supplies of groundwater to support large urban populations or large agricultural ventures. This constitutes an absolute limitation for growth in the Darien.

The dismal social and economic conditions on the Colombian side of the Darien are without a doubt a source of potential migration into newly opened lands. By the sheer numbers involved, these migration flows would be unstoppable once a road is built. As one author puts it, in Colombia, the State is weak, but the bands are strong (Molano, A. 1996)

The Cultural Heritage Dimension: Promised lands versus Ancestral Lands

Another major issue at hand, is that related to the cultural heritage of the indigenous and tribal lands in the Darien. As a UNESCO Man and the Biosphere Reserve, Darien National Park combines a unique natural environment with an extraordinary cultural heritage. Faced with increasing encroachment from settlers and extractive interests, indigenous groups have undergone momentous mobilization over the past twenty years. Except for the Kuna, whose struggle for territorial autonomy dates back to the 1920s, other indigenous groups such as the Emberá-Wounaan have truly started mobilizing for territorial recognition in the 1980s.

With the creation of the Cemaco and Pinogana Comarcas in Panama in the early 1980s, the Emberá-Wounaan General Congress became the leading political expression of the indigenous peoples of the Panamanian Darien. In Colombia, OREWA emerged practically during the same period to defend Emberá-Waunana rights in the Chocó. These organizations have served as a catalyst to rally Afrochocoano and Darienita community-based groups, among the traditionally more passive black population.

Aside from securing their traditional territories, these indigenous groups are struggling from broader constitutional recognition of their rights. In Colombia, there is continued controversy over the interpretation of article 55 of the 1991 Constitution referring to Afrochocoano populations, and over the implementation of article 70 involving indigenous territorial rights. While there is no doubt that indigenous territorial claims have gained considerable ground over the past twenty years, they are still by far the most vulnerable social group to market encroachment and resource extraction pressures. The most isolated indigenous communities of the Darien have seen their population dwindle, as the growing attraction of jobs and markets through existing roads spur out-migration, especially among young adults.

In response to the renewed threat of the Darien Gap Highway, the indigenous organizations of celebrated the 12th Regional Congress of the Emberá-Wounaan in December 1993. In March 1994, the main political leaders (*caciques generales*) of the Darien's major ethnic groups (Embera, Wounaan and Kuna) met in Común, in the Cemaco Comarca, and produced a Resolution of the Indigenous Peoples concerning the opening of the Darien Gap Highway. Among the articles contained in this Resolution, there are clear considerations of the lack of indigenous participation in the Comisión de Vecindad. As a result of this initiative was created the Indigenous Commission on the Interamerican Highway. This commission first convened during a Binational Indigenous Encounter in the Colombian rivertown of Ríosucio in March 1994. In the resolutions that sprang from this encounter, there was a patent repudiation of plans to project the Darien Gap highway through indigenous territories. The forum requested that indigenous, African-american and campesino groups be involved in the feasibility studies of the Darien Gap Highway. Since then, the sub-commission on Indigenous affairs was instituted as part of the Comisión de Vecindad (Neighbouring Commission). These sub-commissions have enabled a greater degree of transboundary coordination and the strengthening of indigenous claims at greater participation in decisions concerning major infrastructure project such as the Darien Gap highway.

The Development and Integration Issue

There ever-growing global and national pressures in favour of opening the Darien Gap. In an era of globalization, instant world-wide communications and free-trade, the Darien Gap is perceived by many economic actors as a symbol of underdevelopment and marginalization. Inexplicably, the Darien Gap has lasted until the XXIst century, as a natural barrier separating the highway systems and economies of north, central and south America.

With the signing of the NAFTA in 1991, there has been a enthusiastic revival of the Interamerican spirit. Practically all the Summits of the Americas, celebrated since the early 1990s have been geared to opening the NAFTA agreement to the rest of Central and South America. The emergence of the MERCOSUR, also referred to as SAFTA, confirms this global trend to form regional trading blocks. All these hemispheric agreements concord with macro-economic policies geared to reduce tariff barriers, improve the physical and economic integration of Latin American countries.

As seen earlier, these global and regional tendencies have had a direct bearing on the resurgence on projects aimed at opening up the Darien Gap, and developing the Pacific Region of northern Colombia. While back in the 1960s and 1970s. U.S. Federal Agencies such as the USDA or the FHWA were key players in the Darien Gap decision, in the 1990s there seem have a lesser role. However, there is still hope in many Colombian official circles that the U.S. would still provide part of the funding for the Darien Gap highway. Colombia has emerged over the past ten years as a major oil producer, these new fiscal revenues make the Colombian State eligible for large multilateral loans for major infrastructure project, such as the Plan Pacífico between the Uraba Gulf and the Pacific Coast. Colombia has clearly stated that it could finance the Darien Gap highway unilaterally if needed, and this is a clear shift since the 1970s.

The tone found in these official documents describing these massive infrastructural projects is still reminiscent of the most optimistic decades of the 1960s and 1970s. Although greater emphasis is now placed on environmental

impact statements and involvement of local communities in site planning, there are still major technical problems with the Darien Gap highway as it stands. As stated earlier, the gap is not comprised of the Darien Mountain range but rather of the swamp lands of the Río Atrato. The most recent plans for the interamerican highway still include a 22 km-long causeway across the Atrato swamps. This causeway would effectively alter drainage patterns, and few details are given as to the final site in which much of the removed surface materials will be deposited. If the causeway were to be elevated above the swamp, the total costs of the highway would be increased considerably. Little consideration is given to the problem of landslides and other inconveniences along the upper tributaries and across the Darien range.

But the greatest impact brought by the road will probably be indirect in nature, through a sharp increase in migration flows, settlers encroachment into indigenous lands and protected areas and increased lack of governance in this remote frontier region. As in other such highways into remote regions, Darien Gap highway will not necessarily bring about local development, as it will cater more to powerful economic interests in the major industrial centers of Medellín, Cauca Valley, and Cartagena. If we add to this bleak picture a continued increase in factional violence in Colombia, and its spillover into Panama, the prospect of the opening of the Darien Gap Highway becomes a matter of national security for Panama, the Canal and U.S. interests still present in Central America. This is probably the reason why the Gap has been maintained to this day. It is no small wonder that Panama's president Ernesto Pérez Balladares has openly stated his opposition to the opening of the Darien Gap highway as it stands today.

Those who most avidly support the opening of the Darien Gap highway include sectors of the export-oriented industrialists and major agricultural enterprises in Colombia, as well as the Transport Ministry, interested in controlling many of the contracts and sub-contracts derived from such a colossal engineering feat. In Panama, curiously, those organizations closest to the small holder peasant groups such as APID, and the Vicariato del Darien has expressed themselves in favour of improving the existing road between Yaviza and Chepo.

Several still see the opening of the road favourably, as a stimulus of the slumbering regional economy of the Darien. Among the strongest interests at play on either side of the Darien Gap are the timber industries, since more than agriculture the timber industry has been the mainstay of the Darien's economy. These are growing signs that Emberá and Wounaan are finding in the timber industry as steady source of hard cash, much at the expense of forest cover in the upper tributaries. On the Colombian side, major timber companies have been operating vast concessions for the past thirty years, particularly in the *Cativales* of the lower Atrato river. The opening of the road would increase the range and weight of the timber industry on either side, thus accelerating deforestation rates, and resource degradation.

IV CONCLUSIONS: POLICIES, INSTITUTIONS AND SCENARIOS FOR THE DARIEN GAP

The Darien Gap still stands at the dusk of the XXth Century, and its symbolic significance is probably expected to do so for even longer. This thin waist of America has for centuries been the object of rivalries, intrigue and myth. From the civilizing zeal of the Spanish Crown all the way to the blueprints civil engineers of the Federal Highway Authority, the Darien has somehow escaped the onslaught of development over time. As one of the world's last sanctuary for a biologically and culturally diverse heritage in coexistence, the Darien truly stands today as a symbol of resilience. What scenarios awaits this remote corner of the Americas, curiously located at its very center, in the coming century?

The stakes at play are high. As a crossing point between East and West, and North and South, the Darien is both a potential route for an interoceanic canal route, and the obligatory waypoint for the last stretch of road link the Americas. Both these geopolitical constructs are powerful, and essentially reflect the outsider's vision of the Darien. They encapsulate modernity, as did a century ago the Panama Canal. They differ

diametrically from the vision forged by those who live, thrive or survive in the Darien today. In contrast to the globally unifying vision of modernity, the indigenous cosmovision of the Darien is anchored in diversity and in what makes the Darien unique. These contrasting visions help us devise several intermeshed scenarios, based on opposites, for the future of the Darien.

Roads versus Parks: An uneven playing field

The Darien is probably best recognized as a stalemate between those in favour of the Interamerican highway and those defending the conservation of the Darien's extraordinary biodiversity. In retrospect, the park is a newcomer, as its original idea dates from the late 1960s and early 1970s, but it was not created as a park until the 1980s. The Darien Gap highway has been dreamed of for centuries, discussed in Panamerican Highway Congress since 1929, and planned and designed since the 1960s.

It was obvious in the 1970s that the encounter between the supporters of the highway or the defenders of the Darien was occurring on an uneven playing field. In the heydays of the Panamerican highway program, the Darien Gap highway embodied the final victory of civilization over the formidable natural obstacles it had to surmount from the Andes to Alaska. Few issues could have possibly countered this modernizing juggernaut, and least of all environmental ones. And it was precisely that which allowed the Sierra Club and its allies to win the court ruling in the District of Columbia Court, and forestall the opening of the Darien Gap highway.

Twenty two years later, the Sierra Club's case has only become stronger. This does not necessarily mean that the playing field has leveled out, but rather that there are many more players involved. This key issue at stake is this fundamentally the choice between the road and the park. Experiences from throughout the tropical world teach us that roads into pristine tropical forests consistently spell disaster. They constitute the single most important factor in deforestation in Central America (Kaimowitz, D. 1996)

The environmental impact of the road through the Darien would be hard to minimize or even control, given its relative distance from population center. Speculative pressures, mining and timber ventures are already at play on either side of the Darien. Each Plan Pacífico or road ventures increases the stakes at play in the Darien. The opening of the Darien would signify the final onslaught, by changing what is unique into a passive bystander to the flux and reflux of markets and commerce.

But it would be, however, simplistic to reduce the Darien Gap Dilemma to a stalemate between those in favor of the road and those who oppose it. There are more dimensions to the confrontation as we shall see.

Parks without People?

Since the early 1980s there has been an global increase of awareness of the need to conserve the extraordinary natural heritage of the American tropics. The parks movement in Latin America has been a generation in the making. The pioneers started in close collaboration with northamerican specialists such as Kenton Miller and created the first national parks in the 1950s and 1960s. The movement took off in the 1970s and by the 1990s it has become a continental affair. The first latin American Park Congress was held in Santa Marta Colombia this year, and was attended by over 750 park administrators, conservationists NGOs and local CBOs. As in the last World Parks Congress, held in Caracas in 1996, there was a clear debate in Latin America between those who favor “Parks without People” versus those who defend indigenous rights, collaborative management and other institutional arrangements for park management.

Significantly, the creation of Darien National Park in 1982, occurred before the recognition of the Emberá-Wounaan Comarcas (Cemaco and Pinogana). Since then several other conservation initiatives have taken place in the Darien, in particular led by ANCON in the case of Punta Patiño. In this instance, the INRENARE (Natural Resources Institute of Panama), ANCON and the Congreso General Emberá-Wounaan were at odds. The creation of the private reserve in Punta Patiño meant the displacement of emberá settlements. Although most of these tensions have been mitigated, there is still

a great of mistrust among the indigenous and darienitas for Park authorities and conservation NGOs.

The issue of the “tierras colectivas”, or the emberá living on lands outside the comarcas is an explosive issue. Several conservation initiatives are dealing with these issues, such as ANCON and BioDarién. Traditionally a nomadic. Forest dwelling people, the Emberá truly became sedentary a few decades ago in order to fight for its territorial rights. Only sedentary peoples can afford a territory of their own. The emberá also consider much of what today is Darien National Park to be their homeland, their traditional hunting grounds and site for transhumance, as we shall see in the next section. This has obviously placed them in direct confrontation with park authorities, who have struggled to control poaching, and more and more timber extraction by Emberá and Wounaan populations. Several, albeit timid, attempts at suggesting Collaborative management or Co-administration arrangement with local groups are currently taking place in the Darien. We are, however, a long way from self-helping, autonomous and reliable local management of park resources by indigenous people and darienitas.

Ancestral Lands versus Promised Land

Perhaps the most powerful dichotomy at work in the Darien are those which oppose the legitimate rights of indigenous people to their territory and resources, and the growing pressure for opening up the agricultural frontier for colonization. A common trait in most Latin American countries, the agricultural frontier has frequently served as a safety valve for demographic and political pressure for agrarian reform. By opening new lands in the humid tropics, particularly in the Amazonian Basin or the Caribbean lowlands of Central American, many governments have avoided the highly conflictive issues of land reform.

As in many other pristine areas of Central America, the Darien has been the stage for a classic confrontation between ladino settlers and indigenous groups. With the belligerent history of the Kuna people nearby, the Emberá have mustered many of the

negotiating abilities and political savvy of their archrivals. Some of the fiercest battles fought by the Kuna was over territory and against ladino or interiorano settlers. Still today, the Kuna systematically evict and burn the ranches of settlers within their territorial boundaries. These drastic measures are designed to deter any further colonization movement, thus protecting the Kuna homeland from excessive incursions of market forces into their territory, their lifestyle and traditional knowledge.

But both the Interiorano and the Chilapo settlers are products of national culture, deeply steeped in a vision of the promised land. As frontiersmen, they see in the Darien a unique opportunity of fleeing the cycle of poverty, exclusion and marginalization. It is one of the last remaining “El Dorado” in Latin America, still harbouring stories of endless and easy riches in the shadow of the Cana goldmines. But the settlers and adventurers which converge on the Darien are not only the meek and needy, but also the rich and powerful. A new and formidable strain of entrepreneur, often linked to drug money, is also setting claims on the Darien through mining and timber concessions, land grabs and drug trafficking. These make the differentiation between the settler in need of land for subsistence from those who seek to speculate on the prime real estate located at the crossroads between the Interamerican Highway and the Interoceanic Canal.

Colombia in Panama: Sovereignty in the XXIst Century

Still a part of Colombia a century ago, the Darien has long been perceived by Colombia as a runaway province. Separated by the Gap, Panama and Colombia share many cultural traits and a long history in common. However, Panamanian's pride themselves to be different from Colombians, and enjoy a relatively prosperous life, somehow at bay from Colombia's endemic violence and endless political strife. In a sense, the Darien has also been used to seal off Panama from Colombian influence, at least for its first century of existence as a sovereign nation. It can be argued that the Darien Gap was maintained as such to protect U.S. interests in the Canal, although it would seem contradictory with the position of the Federal Highway Authority. The hypothesis of whether the Gap and the Canal were formally linked in U.S. overt or covert foreign policy still remains to be demonstrated. It does however explain why

that as the U.S. is relinquishing the Canal Zone, it also seems willing to open up the Darien Gap Highway. The issue is obviously more complex than that, as we shall see further on.

Sovereignty is a concept widely assimilated in Panamá. There's even a beer named after it... The presence of the Panama Canal Zone as territorial enclave under U.S. jurisdiction, crossing the very heart of the country, was perceived by panamanian nationalists as a permanent affront to panamanian sovereignty. As the Canal Zone ceases to exist, attention will shift back to the borders, and in particular to the Darien. Already, several newspapers and the vocal Bishop of Darien, Mgr Rómulo Emiliani have denounced the constant violations to Panamanian sovereignty by Colombian paramilitary and guerrilla groups. The economic and political effects of drug trafficking and money laundering can be felt throughout Latin America. These forces know no borders and effectively baffle the most elementary notions of sovereignty.

How then does a structurally weak state face such formidable forces, which not even the United States has been capable of mustering? The institutional presence by Panama, and Colombia, in the Darien has been historically tenuous. Shrinking public expenditure budgets with structural adjustment policies only reinforce the absence of the state apparatus on the frontier. If it cannot effectively control the situation now, it will do less so once the Darien Gap highway is built. U.S. policy-maker who oppose the highway, do so because they argue that it will enable the drug cartels to ship their goods overland. The task to control an onslaught of traffickers, settlers, poachers, smugglers and illegal immigrants is a daunting one. Throngs of migrants are already entering Panama, in spite of the rough terrain and the hardships crossing the Darien Gap still exact on those who dare.

At this stage, there are few institutional channels through which much of these issues can be addressed constructively between Colombia and Panama. The creation of the Comisión de Vecindad constitute a key forum in which to discuss broadly these issues, much can be done to strengthen this fragile transboundary institutional linkage.

Global Imperatives versus Local Prerogatives

At the dawn of the XXIst Century, it is worthwhile wondering what will be the function of sovereignty in an increasingly globalized world. Some utopists spell the final abolition of border and boundaries, in a true free-market world. The events of the world soemhow to not corroborate that. Boundaries are alive and well, and tend to multiply at the end of the XXth Century.

Notwithstanding, the trend in neo-liberal oriented policies which favor free market over state intervention points to the need to rethink our concept of sovereignty. There has been a notable increase in studies focusing on border regions and transboundary interactions:

- 1) *The determinant of transboundary conflict and cooperation in different political, economic and social setting;*
- 2) *The effect of new geoeconomic blocs, such as the NAFTA, on border-related issues;*
- 3) *Changes in the national security concerns and their effects on interstate and interregional cooperation;*
- 4) *The evolution of transboundary action and the role of formal and informal networks in solving local problems.*⁷

The more careful study of transboundary linkages, trade, exchange and also conflict can provide extremely useful insights into policy options to deal with the Darien Gap. AT this stage, it does seem to constitute a confrontation between the global imperative of linking up to world trade, connecting into hemisferic affairs through the panamerican highway and the local prerogatives of who can control the Darien, and guarantee its long term conservation once the road is built. As a recent study on transboundary cooperation indicates: ” *The policies and practices of the state are constrained by the degree of de facto control that the government exercises over the state frontier. The incapacity of governments (...) to control much of the traffic of persons, goods and information across their frontiers is changing the nature of both states and frontiers*”⁸

The opening of the Darien Gap would most certainly change the natura of the panamanian state and its border with Colombia. In a 1993 letter signed by both the Panamanian and Colombian Ministers of Public Transport, sent to the Director of International Programs of the Federal Highway Administration, they stated the contrary:

“Our governments have made a strong commitment to preserve and improve the fragile environment and take all necessary measures to guarantee that the road will not be used as access to new land for colonization, but as a “bridge” to enable all people from the Americas to freely move through our Continent help preserve our biodiversity and gain valuable knowledge from its study(...) The Darien Gap Highway will improve the image held in the United States and our two countries of road builders so damaged by a history of lack of concern towards environmental issues and prove that development and environment are complementary, rather than antagonistic elements in any society whether developed or not. Furthermore, the connection will stabilise and strengthen democracy in strategic areas of Panama and Colombia that are, in the present state of affairs, fertile land to breed and house guerrillas and drug producers.”⁹

This quote literally embodies the discourse in favor of the opening of the Darien.. But what is more disturbing in this official statement is the conviction that the key to preserve biodiversity is by opening the gap to free trade and global commerce. The upside of the argument is that if the road is not built it will fester as a breeding ground for guerrillas and drug producers.

There are key lessons to be learned in the Darien. The Kuna have maintained their culture and their territory relatively intact from outside encroachment thanks to a single most important fact: control of access. Unfortunately, the opening of the Darien Gap would make control of traffic, trade and population flows untenable. Some of the policy choices that an environmental ombudsman function would have to face, would deal with the very limits of the state, of the notion of conservation, indigenous autonomy and freedom of market and world commerce.

An Ombudsman for the Darien

An environmental ombudsman function at the Earth Council would have the crucial task to relate environmental issues to human rights issues. As was illustrated in this paper, the Darien constitutes a fitting case study to address these issues. Several key issues and instances should be addressed by this institutional figure:

- The Darien Gap highway has been the object of numerous studies, impact statements, feasibility studies and the like. These documents need to be made available to public scrutiny. An informed world public will probably make sounder choices.
- There are a number of alternatives to the Darien Gap Highway for inter-regional trade that have been suggested. There is a need to a detailed study of alternatives.

- The issue of indigenous lands and territorial rights is a crucial one. It needs to be addressed in an integral fashion and not piecemeal. The link between livelihood security, territorial autonomy and self-government must be established. The sharing of responsibilities in the stewardship of the Darien's Natural Heritage sites must be constructed through pro-active initiatives, collaborative management and joint administration of protected areas. The increased number of local NGOs involved in the defense of indigenous rights and territorial claims are key partners in these initiatives.
- The Comisión de Vecindad appears as a key institutional arrangements to strengthen cross-border coordination, interaction and consultation. It is essentially a government sector forum, but it has stimulated encounters and exchanges between other Non-Governmental sectors through its sub-commissions. It constitute a key player with which the Ombudsman should work in the Darien.

The de-linking of issues like international security, guerrilla warfare and drug producing to the whether or not the road is built is essential. There are very real geopolitical projects, constructs and vision bearing in on the Darien. It is important to separate issues instead of amalgamating them. Not building the road does not necessarily mean that there will be greater political instability in Colombia and Panama. Nor does the building of the Darien Gap highway necessarily mean that economic development and prosperity will transform the Darien into an emporium for World Trade.

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¹ The Tagua Palm (*Phytelephas seemannii*) produces a hard nut, the Tagua Nut, also known as the ivory nut, which is used in the confection of buttons and other artifacts. James Parsons (1967:30) related that Tagua nuts were first exported from Colombia in 1845, and by 1893 some 40,000 barrels of nuts were being produced annually along the tributaries of the Río León. Tagua nut production peaked during World War I, yielding 7,000 tons a year in 1913 tallying incomes of almost half a million dollars annually.

2 Noemí Sanín de Rubio, Colombia's Foreign Minister, late 1992, quoted by Jon Barnes (1993:138)

3 ANCON and Fundación Natura, 1996 – This collection of official documents includes a 1996 report from the Transport Ministry of Colombia, National Highway Institute, titled "Proyecto Conexión Terrestre Colombia-Panamá", these figures appear on p-1.

4 These figures appear in the Spanish Daily El País, Edición América, Año XXII, No. 7461, Wednesday October 15th, 1997.

⁵ Ibid.

⁶ For a compelling account of the cocaine-lobster connection in the Miskito Keys off Nicaragua's Caribbean Coast, see Nietschmann, Bernard 1995 *Conservación, autodeterminación y el Area Protegida Costa Miskita, Nicaragua*, in *Mesoamérica*, VOL16, No 29, pp.1-56.

⁷ Ganster, Paul *et al* 1997 *Borders and Border Regions in Europe and North America*, San Diego: State University of San Diego Press/Institute of the Californias, p.4.

⁸ ⁸ Malcolm Anderson 1997 *The Political Science of Frontiers in* Ganster, Paul *et al* 1997 *Borders and Border Regions in Europe and North America*, San Diego: State University of San Diego Press/Institute of the Californias, p.28.

⁹ Eng. Alfredo Arias Grimaldo, Minister of Public Works of Panama and Eng. Jorge Bendeck Olivella, Minister of Transportation, Colombia, letter sent July 6 1993 to Mr. John Cutrell, Director of International Programs, Federal Highway Administration, Washington, D.C.

