

# Panama and Nicaragua

Analysis of the Governance Models of Marine Protected Areas (MPAs) and Other Effective Area-Based Conservation Measures (OECMs) and their impacts on Small-scale Fisheries:  
**A Case Study**

Written by  
**Marvin Fonseca Borrás and  
Vivienne Solís Rivera;**  
CoopeSoliDar R.L.

International  
Collective  
in Support of  
Fishworkers







Meeting of small-scale fishers and lobster fishers, women and the traditional community authority in the Ngäbe Buglé Marine Territory of life, Panama, by CoopeSoliDar R.L.





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August 2025

Written by:  
Marvin Fonseca Borrás and Vivienne Solís Rivera,  
CoopeSoliDar R.L.

Editorial Team:  
Sopan Joshi  
Siddharth Premkumar  
Ahana Lakshmi

Designed by:  
Ramu Aravindan

Published by:  
**International Collective in Support of Fishworkers (ICSF) Trust**  
No:22, First Floor, Venkatrathinam Nagar, Adyar, Chennai 600 020, India  
Tel: 91-44-24451216 / 24451217  
Email: [icsf@icsf.net](mailto:icsf@icsf.net)  
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Front Cover:  
The traditional stilted houses of small-scale fishers from the Caribbean Coast of  
Nicaragua, in the Rama-Kriol Territory of Life,  
by Centro de Asistencia Legal a Pueblos Indígenas

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ISBN 978-93-80802-22-0

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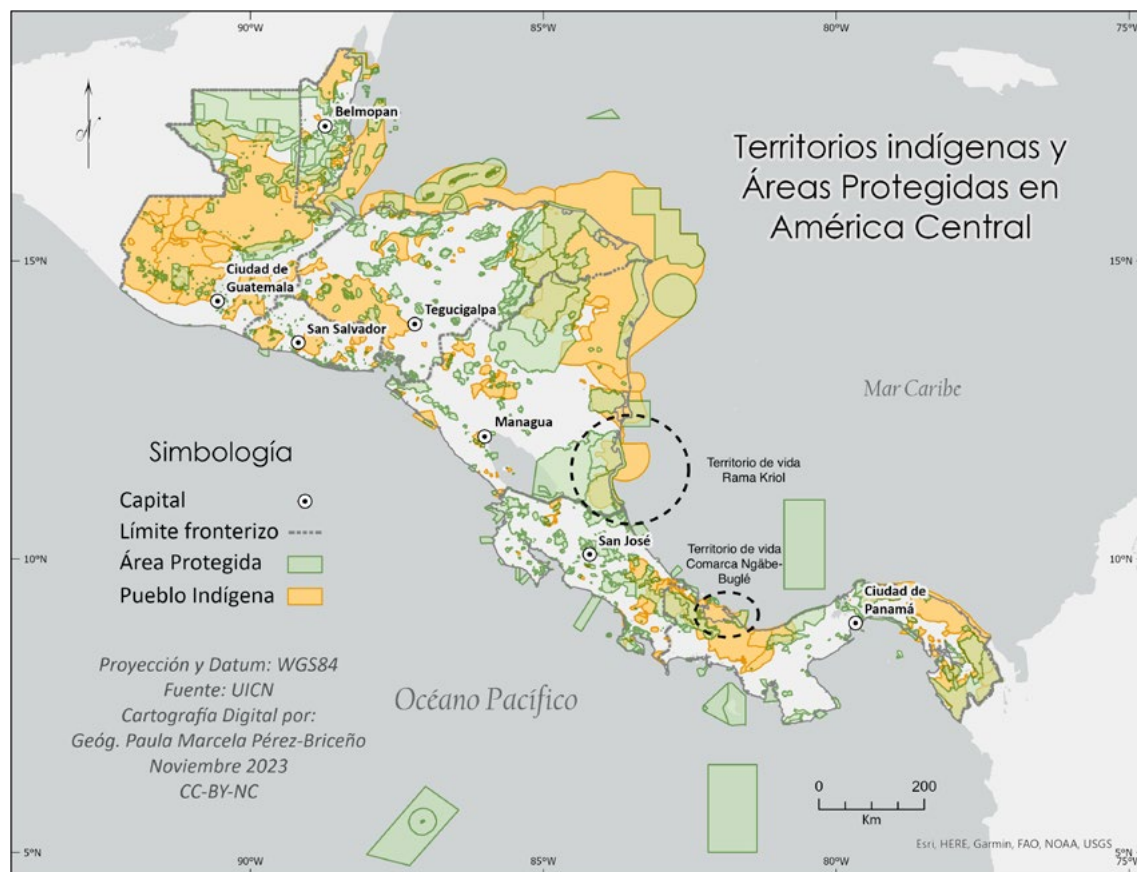
# Introduction

**T**his report, based on two case studies in the Rama-Kriol Territory of Life in Nicaragua and the Escudo de Veraguas-Dego island in Panama, provides inputs and recommendations concerning the governance of marine protected areas (MPAs) and Other Effective Area-Based Conservation Measures (OECMs) in these countries. As well, it offers suggestions on more effective and efficient avenues to achieve global commitments towards protecting 30 per cent of marine area by 2030 (30x30)—in line with a human rights-based approach to marine conservation.

These case studies feature a comparative and proactive analysis—cutting across legal, environmental, social, and economic aspects—of the situations of MPAs and OECMs in the two Mesoamerican countries. This is built around the central themes of the rights of local communities and indigenous peoples, governance models and artisanal fisheries.

Other key focus areas include compliance with the commitments of the 2030 Agenda for Sustainable Development, the Sustainable Development Goals (SDGs), efforts to deal with climate change, and progress on the commitments made in the Global Biodiversity Framework (GBF) approved in Kunming-Montreal 2022.

The research was based on an in-depth review of published technical material. It included: scientific documents; legal documents; public policies and current regulations; gray technical literature; official reports from the countries under study; media reports; and reports on the results of international conventions, particularly those under the umbrella of the United Nations, like the Convention on Biological Diversity (CBD) and the Food and Agriculture Organization (FAO). Key informant interviews (KIIs) were conducted to provide a counterbalance to the official and published information.



**Figure 1.** Indigenous territories and Protected Areas in Central America (Source: IUCN)

## Research context

Research was conducted in the Central American region by CoopeSoliDar R.L. Its highlights were the following:

- There was interest in, and strengthening of, marine conservation efforts in all countries across the region
- Despite the theoretical importance of MPAs in the protection of food security and poverty eradication, the policy frameworks governing these areas overlook the civic engagement of the artisanal fishing sector in decision-making. In addition, they tend to restrict or limit access to resources, which seriously affects the rights of people and communities dependent on marine resources, as well as the preservation and respect for traditions and cultural identity as intrinsic elements of well-being
- In the countries of the region, the following issues were observed:
  - a. The backwardness, poverty, and marginalization of coastal marine indigenous territories
  - b. The accelerated deterioration of environmental, cultural and economic conditions among the region's indigenous fishing communities
  - c. The need to develop and implement innovative and differentiated strategies to strengthen the capacities of indigenous fisherfolk in the conservation and



sustainability of marine and coastal resources, especially in the context of food security and land tenure

- d. The need to promote collective action and the organization of fishers, while respecting traditional structures of authority
- e. The need to recognize and strengthen women's capacities in fishing and organization issues, which could be a strategy to generate positive changes in artisanal fishing communities towards the improvement of their well-being

In addition to the above challenges, the Central American region faces:

- A lack of inter-sectoral and inter-disciplinary data and information on oceans
- Insufficient data exchange between the various actors and sectors
- Limited capacity to assess and address ocean issues in an integrated and holistic manner
- Limited capacity to implement international law as reflected in the United Nations Convention on the Law of the Sea (UNCLOS), and the International Labour Organization's (ILO) Convention 169 (C169) Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Urgency to promote adaptation and mitigation measures to address the effects of climate change on the oceans

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# Nicaragua: Background

The State recognizes, at the highest constitutional level, the existence of indigenous peoples, their rights, duties and guarantees—with the objective of maintaining and developing their identity, culture, and forms of social organization to manage local affairs. Land tenure is guaranteed and in the case of the Atlantic coast, the autonomy regime is established. (See Annex 1: The current legal framework for the recognition of the rights of indigenous peoples and local communities.)

Legal status and rights are guaranteed for indigenous and Afro-descendant peoples, and for the development and collective governance of the resources of these communities, which are historically linked to navigation and artisanal fishing. In the autonomous regions of the Atlantic coast, although the concessions and exploitation contracts are under the authority of the Nicaraguan state, the approval of the corresponding Regional Council must be sought.

Coastal territories are defined by law as public domain, which promotes economic development with an emphasis on tourism through a development plan that defines the fishing areas, settlements, and communities of artisanal fishermen. Current legislation recognizes the territorial rights of indigenous communities.

Regarding access to the sea, its resources and coastal land for fishers, the Nicaraguan state prioritizes the activity of artisanal fishing for its citizens. The government retains the power to provide the corresponding permits according to the availability of fishery resources. It defines, for the exclusive use of artisanal fishing, a strip of three nautical miles adjacent to the coast. Meanwhile, communities in the autonomous regions have the right to engage in artisanal fishing over the three nautical miles off the coast and 25 miles around the keys and adjacent islands.

Fisheries development is under the purview of the Nicaraguan Institute of Fisheries and Aquaculture (INPESCA), created in 2007. It is an autonomous, decentralized entity under the sectoral leadership of the national president. Powers over the fisheries and aquaculture sectors have been transferred to INPESCA; earlier, these were held by the National Administration of Fisheries and Aquaculture and the General Directorate of Natural Resources (GDNR), both under the Ministry of Development, Industry and Commerce.

When the rights of local communities or indigenous peoples—to land tenure, access to the sea and the essential elements for the maintenance of life, culture, identity and livelihood—have been violated, civil society has had to look to the protection systems of international law for legal recourse. For example, in the Inter-American System for the Protection of Human Rights of the Organization of American States, comprising the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR Court). These are organs of the Organization of American States (OAS).

Despite such support, the lack of institutional and judicial controls makes it easy for politically-connected competing interests to challenge indigenous and Afro-descendant peoples for the natural resources that they have used traditionally. This has been especially evident since 2018, when a deep-rooted socio-political crisis erupted in Nicaragua. Between the protests and political violence, the effects of which are still being felt today, the indigenous and Afro-descendant peoples are losing control of their territories.

The 2022 report of the United Nations High Commissioner for Human Rights states: “The human rights situation in Nicaragua has progressively deteriorated since 2018 without the Government showing the political will to address the crisis through dialogue and implementation of recommendations made by human rights bodies and mechanisms. The lack of institutional and legislative reforms aimed at restoring the rule of law and the separation of powers, the isolation from the international community, as well as the severe restrictions on civic space, the harassment of critical voices and the situation of persons detained in the context of the crisis, indicate such deterioration.”

Full compliance with the legal and institutional framework is also under threat from the government’s promotion of agrarian colonization, infrastructure projects, logging, monoculture, cattle ranching and mining expansion—without adhering to the procedures of seeking free, prior and informed consent of the affected communities. For example, the Grand Interoceanic Canal project, which seeks to link the Caribbean and Pacific coasts, directly affects local communities; indigenous and Afro-descended peoples; protected areas; and marine and coastal territories (See Annex 2: The Case of the Grand Interoceanic Canal through Nicaragua).



The traditional stilted houses of small-scale fishers from the Caribbean Coast of Nicaragua, in the Rama-Kriol Territory of Life, by Centro de Asistencia Legal a Pueblos Indígenas



The Ministry of the Environment and Natural Resources (MARENA) is responsible for regulating natural resources, regulating environmental quality, formulating, proposing and directing national environmental policies in coordination with sectoral ministries. The environmental policy establishes that in-situ conservation of biodiversity is the responsibility of the National System of Protected Areas (SINAP). This includes protected areas under governmental governance as well as private reserves. The administration and management of SINAP is the responsibility of the General Directorate of Natural Heritage (GDNH) through its Specific Directorate of Protected Areas.

According to the CBD, the country has 74 protected areas under varying management categories; 66 are terrestrial and eight are coastal or marine. This corresponds to 18 per cent of the national territory. In addition, there are 22 municipal ecological parks under local environmental management through municipal ordinances, in alliance with MARENA. The ministry has recognized 62 private wildlife reserves.

Nicaragua submitted its First National Voluntary Review on the implementation of the 2030 Agenda and the SDGs in 2021. In relation to the fulfillment of SDG 14 ('Life below water'), the review report highlights, among others, the following achievements:

- The development, since 2007, of policies aimed at marine biodiversity conservation
- Marine-coastal areas account for 64 per cent of the total area conserved in the System of Protected Areas
- The implementation of a permanent campaign for the protection and conservation of sea turtles
- The implementation of technologies to reduce marine pollution
- Capacity-building efforts for several target groups
- The accession of Nicaragua to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in 2020

Despite the officially stated progress, discerning the degree of implementation of the 17 SDGs is complex due to insufficient data, according to the independent data-driven think tank Centro de Pensamiento Estrategico Internacional (CEPEI). This is due in part to the worsening human rights situation in Nicaragua, which complicates the fulfillment of economic, social, and environmental agendas, including the 2030 Agenda and the SDGs, among others.

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# The case of Rama and Kriol Territory of Life

## Background

The Rama and Kriol Territory of Life is in southeastern Nicaragua, in the Autonomous Region of the South Caribbean Coast (RACCS), comprising a coastal zone, a continental shelf of the Caribbean Sea and a group of keys. It is a combination of the coastline, the coastal plains and the tropical forests between the Bluefield's Lagoon and the Kukra River basin to the north and the Indian River basin to the south. The RACCS includes the municipalities of Bluefields, Rama, and Nueva Guinea, and the Department of Río San Juan, in the municipalities of San Juan de Nicaragua and El Castillo.

For more than fifty years, the Rama and Kriol indigenous peoples struggled to get the government to recognize their collective land rights. These efforts culminated in 2003 with the enactment of Law no. 445: 'Law of Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio and Maíz Rivers'.

Efforts at local organization began the same year with the formal bodies established for the titling process: the National Commission for Demarcation and Titling (CONADETI) and the Intersectional Commission for Demarcation and Titling (CIDT). By 2004, the communal and territorial authorities had been certified by the Regional Council of the South Atlantic Autonomous Region (RAAS), which then began the process of implementing internal regulations and preparing a procedural manual.

The six Rama communities and the three Kriol communities of indigenous peoples operate as a public institution, termed the Rama and Kriol Territorial Government (GTR-K). The Territorial Assembly is their highest political and territorial authority, in respect of their traditional forms of governance. This is authorized by the constitution's Regional Autonomy Statute (Law no. 28) and enshrined by Law no. 445 of 2003. The GTR-K is one of the largest indigenous territories ever titled by the State, covering 406,849 hectares of land area and 441,308 hectares of marine area.

The demarcation process for the Rama-Kriol territory was the joint responsibility of government entities and GTR-K authorities. Among other things, this collaborative effort led them to sign the Joint Management Agreement on overlapping protected areas in the territory, as required by Law no. 445.

## Protected Areas and the Territory of Life

The RACCS is a 'Territory of Life' or an Indigenous People Conserved Territory (ICCA), which is envisioned as an integrated geographic space. Within a Territory of Life, a set of terrestrial and marine spatial units are organized and brought together, with diverse objectives—conservation, spirituality, production, housing, among others. Researchers have laid down three key elements that characterize an ICCA:

- An indigenous people or local community that has a close and deep relationship with a site (territory, area or habitat).
- The people or community are the primary actors in decision-making related to the site and have de facto or de jure capacity to develop and enforce regulations.

- The decisions and efforts of the people or community lead to the conservation of biodiversity, ecological functions and associated cultural values, regardless of original or primary motivations.

There is evidence from around the world about the importance of recognizing de facto and de jure territories of life, as expressed in the Territory of Life Report (2021) by the ICCA Consortium:

“Indigenous Peoples and local communities play an impressive role in the governance, conservation and sustainable use of the planet’s biodiversity and nature. In addition to actively protecting and conserving an astonishing diversity of globally important species, habitats and ecosystems, they provide the basis for clean water and air, healthy food and livelihoods for people living beyond their borders.”

“The great contributions that Indigenous Peoples and local communities make to a healthy planet are rooted in their cultures and their collective lands and territories. The deep relationships between their identities, governance systems and the other species and spiritual beings with whom they coexist are part of their essence. In doing so, they are also contributing significantly to the tangible and intangible cultural and linguistic heritage of the entire world.”

Southeastern Nicaragua, the heart of the Rama-Kriol territory, is generally considered as one of the best preserved places in Central America. As a symbol of centuries-old effective management practices by the indigenous peoples, the territory has sparked interest in, and international cooperation towards, the creation of protected areas.

Costa Rica and Nicaragua have had a trans-boundary conservation process since 1974, beginning with the development of a plan aimed at declaring the Indio Maiz and San Juan river basins as reserves. Subsequently, in 1988, the International Union for Conservation of Nature (IUCN) Assembly in Caracas, Venezuela, approved the International System of Protected Areas for Peace Project (SI-A-PAZ).

Despite the legal protection afforded it, the case of the Rama-Kriol territory highlights the existing flashpoints caused by the lack of official recognition of ‘Territories of Life’ and the defined land uses therein. These points of contentions also extend to the definition of protected areas and the types of governance: from the spatial and social to the spiritual unity of the Territory of Life.

The case also contributes to international discussion on the concepts of governance and management of a protected area.

- Questions of governance: Who decides what the objectives are, what to do to pursue them and by what means? How are these decisions made? Who has the power, authority and responsibility? Who is (or should be) accountable?
- Questions of management: What is done to try to achieve certain objectives? What means and actions help achieve those objectives?

Tables 1 and 2 present the issues of recognition of the rights of the Rama and Kriol people to their territory of life, the protected areas created in that territory, the types of governance and management actions, and the political, legal and institutional situation.



**Table 1.** Protected Areas and conservation models in the Rama and Kriol Territory of Life

Protected area	Main characteristics
Base territorial unit	<p>Rama and Kriol Territory of Life; geographic space that the Rama and Kriol indigenous people have governed and made management decisions beyond the protected areas</p> <p>Given the link between nature and the indigenous people, UNESCO recognized the Biosphere Reserve of Southeastern Nicaragua</p> <p>In addition, as a result of the actions of groups interested in the creation of protected areas, the government created protected areas for the conservation of ecosystems and biodiversity within the Territory of Life</p>
<p><b>Southeastern Nicaragua Biosphere Reserve</b></p> <p><b>Executive Decree 66-99</b></p> <p><b>Year 1999</b></p>	<p>The reserve integrates the following protected areas: 'Los Guatuzos' wildlife refuge, 'Archipielago de Solentiname' (the Solentiname national monument), 'Fortaleza de la Inmaculada Concepcion de Maria' historic monument, Nature reserve 'Cerro Silva' to the Natural Protected Areas of National Interest of Cerro Silva, Biological reserve 'Indio Maiz', as part of the Great Biological Reserve of San Juan Indio Maiz River, 'Punta Gorda' nature reserve, as part of the Great San Juan Indio Maiz River Biological Reserve and 'San Juan River' wildlife refuge, as part of the Great San Juan Indio Maiz River Biological Reserve.</p> <p>The central concept of the Reserve Management Plan is based on these key points: sustainable economic development and conservation of the region's natural resources and potentials, in harmony with national objectives; the management and conservation of the resources and potential of the San Juan river basin, while balancing its historical, cultural and ecological heritage; the incorporation of the population and local governments to the processes of planning and rational management of the resources and environments of the humid tropics, by means of their participation in the planning of the territory, the execution of projects, environmental education and other actions; the integrity of current and potential protected wild areas, for the long-term maintenance of the landscape and biodiversity, ensuring their genetic exchanges.</p>
<p><b>Bluefield's Bay Wetland System, Ramsar Site no. 1139</b></p> <p><b>Bluefields Bay Wetland System. 08/11/01; South Atlantic; 86,501 ha; 11°55'N 083°45'W.</b></p> <p><b>Added to the Montreux Record, 15/01/07.</b></p>	<p>It is partially within the Cerro Silva nature reserve, located in the RAAS. The Bluefields Bay Wetland System was designated on July 27, 2000, and covers 86,500.58 hectares</p> <p>It comprises a diversity of ecosystems ranging from saline to freshwater, encompassing the 'bay', which is actually a coastal lagoon associated with the Escondido River. The forested intertidal zones and mangroves form habitats and biological corridors for threatened larger animals such as the jaguar (<i>Panthera onca</i>), the Central American tapir or 'danta' (<i>Tapirus bairdii</i>), the howler monkey (<i>Alouatta fusca</i>) and the ocelot (<i>Leopardus pardalis</i>)</p> <p>The system is regenerating despite the devastation caused by Hurricane Joan in 1988. The site is extremely important for artisanal fishing, which is the economic and cultural base for the area's ethnic groups. Problems related to population growth and pollution pose threats, although several communities have organized a group of communal park rangers. Subject of a Ramsar Advisory Mission in December 2005</p>
<p><b>Cayos Perla's Wildlife Refuge</b></p> <p><b>Law no. 1039, approved on September 29, 2020.</b></p>	<p>The Pearl Cay system is composed of 18 named cays and seven above sea level bodies of land: Askill Cay and its two islets, Baboon Cay, Black Mangrove Cay, Bottom Tawira Cay, Buttonwood Cay, Columbilla Cay, Crawl Cay, Esperanza Cay, Grape Cay, Jeff Cay (Walter), Lime Cay, Maria Crow Cam Cay, Maroon Cay, Rocky Boar North (composed of three islets), Rocky Boar South (Billbird), Savanna Cay, Little Savanna Cay, Seal Cay, Top Tawira Cay, Vincent Cay, Water Cay, Wild Cane Cay. Also part of the Pearl Cays System are the reefs associated with the Cays that are within the Pearl Cays ecosystem, as well as the Pearl Lagoon</p> <p>The Pearl Cays System Wildlife Refuge (RVSCP) comprises a marine insular area and wetland systems of 456,007.77 hectares, located in the Nicaraguan Caribbean Sea, in front of the wetland system of the Pearl Lagoon municipality, between Punta de Perlas, Set Net Point communities until reaching the territory of Tasba Pauni, including the entire surface of the Coastal Lagoon</p> <p>The buffer zone comprises mostly marine zones, which border the conservation area of the Pearl Cays System (sub-zones for marine self-consumption, core-marine, coral reef protection, ecotourism and sustainable fishing). The buffer zone in the southern part is adjacent to the waters of the municipality of Corn Island and in the north, it projects about 45 km from Amlis Tigni Lagoon out to sea in an easterly direction</p>

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Protected area	Main characteristics
<p>Corn Island, Little Corn Island and Blowing Rock Protected Landscape and Seascape.</p> <p>Law no. 1085, approved on October 13, 2021.</p>	<p>The law states that Corn Island, Little Corn Island and Blowing Rock are characterized by a rich biodiversity and a great potential for tourism development, so it is necessary to conserve wetlands, manage fisheries, manage solid waste and avoid land use change for livestock activities</p> <p>The Protected Area in the category of Protected Landscape and Seascape has as its core zone: Corn Island, Little Corn Island and Blowing Rock, located in the Caribbean Sea, with a total area of 43,056.55 hectares and a buffer zone of 641,696 hectares comprising 22 miles around the core zone</p> <p>It is established as a Protected Area in the category of Protected Landscape and Seascape: Corn Island, with an extension of 950.38 hectares, Little Corn Island, with an extension of 287.67 hectares and Blowing Rock, with an extension of 9,059.98 hectares; 3 nautical miles around the islands, with an extension of 32,758.52 hectares; having these a total extension of 43,056.55 hectares of which 1,238.05 hectares is terrestrial zone and 41,818.50 hectares is marine zone</p> <p>The Marine Buffer Zone comprises an area of 641,696.00 hectares. In accordance with Law no. 217, General Law of the Environment and Natural Resources, all activities developed in protected areas must be carried out in accordance with the Management Plan approved by MARENA, giving priority to the management of wetlands, conservation and restoration of reefs, management of inorganic solid waste, as well as the uses and economic activities to be developed under the principles of sustainable development.</p>

**Source:** compiled using information from MARENA, Ramsar Sites Information Service, Legislación de Nicaragua and Leybook

The Rama-Kriol territory and Escudo de Veraguas Island are part of the emblematic work sites of the ICCA Consortium and CoopeSoliDar R.L., in conjunction with other efforts. Similar struggles have emerged across the Central American region, including the fight for the lake fishing rights of the Maje Embera Drua indigenous people in Panama.

Other campaigns have been conducted in Costa Rica's Network of Marine Areas for Responsible Fishing and Marine Territories of Life; towards the defence of the indigenous and Afro-descendant communities of the Caribbean coast in Nicaragua; towards the defence of Cayo Bolanos and Cayos Cochinos in Honduras; and among the traditional aquaculturists of Bocas de Camichin in Mexico.

**Table 2.** Main lessons learned from the Rama and Kriol Territory of Life

Key questions	Status of the sub-case study
Case study	Rama and Kriol Territory of Life
Legal support in defence of legal entities	Law no. 28 – Statute of Regional Autonomy
Type of governance	<p>1) ICCA: Rama and Kriol Territory of Life is legally backed</p> <p>2) Non-protected spaces within the territory of life: sacred sites, fishing areas</p> <p>ICCA: governance by local communities and indigenous peoples</p> <p>3) MPAs that overlap in the Territory of Life, with shared governance</p>
Whether the protected area under study falls under Other Effective Area-Based Conservation Measures (OECM)	<p>Not an OECM</p> <p>In the case of the Republic of Nicaragua, there is no OECM formally recognized in the world registry</p>

Key questions	Status of the sub-case study
Whether the protected area under study is an effective conservation tool?	<p>The Rama-Kriol Territory of Life has for hundreds of years been effective in decision-making and management actions, beyond the definition of protected areas. The Rama Kriol Territory of Life has been considered one of the best conserved places in Central America</p> <p>Hence, the establishment of terrestrial and marine protected areas in South-eastern Nicaragua Biosphere Reserve (1999), UNESCO; Los Guatuzos Wildlife Refuge; National Monument 'Archipelago of Solentiname'; 'Fortaleza de la Inmaculada' Historical Monument Area; Cerro Silva Natural Reserve (Cerro Silva Natural Protected Areas of National Interest); 'Indio Maiz' Biological Reserve; 'Punta Gorda' Natural Reserve; Wildlife Refuge 'Rio San Juan'; Ramsar Site: Bluefields Bay Wetlands System; Cayos Perlas Wildlife Refuge; Corn Island, Little Corn Island and Blowing Rock Protected Landscape and Seascape (2021)</p>
Whether the protected area under study is available to small-scale artisanal fishermen?	<p>The inhabitants have legal rights and regulations that guarantee access and management of the resources present in the Rama-Kriol Territory of Life</p> <p>In the protected areas, Law no. 445 guarantees a Joint Management Agreement for the protected areas superimposed on the territory</p> <p>Despite the above, researchers have documented a series of conflicts present in the demarcation and titling process on the part of the government, such as: appearing to ignore the property rights of the indigenous peoples to transit the Indio-Maiz Biological Reserve within their territory; proposing, without consulting them, the construction of a deep water port in the Afro-descendant community of Monkey Point and the construction of the Bluefields-New Guinea highway prior to titling; issuing an unconstitutional protected areas regulation, in which it intended to allow the titling of non-indigenous third party settlers in protected areas, which, like most of these, have been superimposed on indigenous territories; failing to protect community members in the territory from violence by non-indigenous settlers who burned some of their houses and attempted to usurp their lands; implying the need to file legal actions, such as administrative and unconstitutional injunctions and the sending of communications to the IACHR due to the alleged violations of the human rights of the settlers</p>
In the protected area under study, what are the enforcement mechanisms?	<p>The territory of life is protected by Law no. 28, the Regional Autonomy Statute</p> <p>The rights of the indigenous inhabitants have been defended in national and international courts</p> <p>Protected areas are protected by laws and decrees of their creation</p>
In the protected area under study, are destructive gears near the coast excluded?	<p>Legal support comes from Law no. 445. Joint Management Agreement on the protected areas superimposed on the Rama-Kriol territory</p> <p>The regulations for the creation of the protected areas promote the creation of site-specific sustainable development plans</p>
In the protected area under study, what are the climate change impacts?	<p>No technical or official documentation was identified on the impacts of climate change here</p> <p>It can be considered that the MPAs recently established in the territory were part of government efforts to address the issue of climate change impacts, for example the Protected Landscape and Seascape Corn Island, Little Corn Island and Blowing Rock (Law no. 1085 of 2021)</p>

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Key questions	Status of the sub-case study
In the protected area under study, is the statement that MPAs are effective in addressing biodiversity loss, correct?	<p>No official information was identified to demonstrate that the protected areas created have contributed to halting the loss of biodiversity</p> <p>In this case, governance by local communities and indigenous peoples has ensured the conservation of diversity</p> <p>However, the lack of institutional and judicial control makes it even easier (in the midst of a socio-political crisis that began in 2018) for politically-connected actors to compete with indigenous and Afro-descendant peoples for control over the natural resources and territories that traditionally and historically belonged to them</p> <p>The State implements a policy of internal colonization by promoting uncontrolled immigration of non-indigenous people—called settlers, third parties, or mestizos—who have turned original inhabitants into minorities within their own traditional territories; and without consulting these peoples, imposes the promotion of infrastructure projects such as highways or the Grand Inter-oceanic Canal of Nicaragua (GCIN); as well as logging, the expansion of monocultures such as African Palm, the significant increase in mining activity, the expansion of extensive cattle ranching, and the Bio-Climate Project, which favours those who have invaded indigenous lands</p>
In the protected area under study, what are the mechanisms developed by the local community to find alternatives for their livelihoods?	<p>The State's defence of the rights of the settlers has necessitated the filing of legal actions, such as administrative and unconstitutional injunctions and the sending of communications to the IACHR, due to alleged human rights violations</p> <p>Both inside Nicaragua and beyond its borders, there is a social resistance and struggle by local people, scientists and politicians who are facing off against the lack of governability and institutional paralysis</p> <p>At the Mesoamerican regional level, local leaders have joined the process of defending the rights of local communities and indigenous peoples led by CoopeSoliDar R.L., and TICCA Marino Mesoamerica, which integrates experiences in Panama, Costa Rica, Nicaragua, Honduras and Mexico</p>
In the protected area under study, based on published records of the ministries, MPA authorities and through focus group discussions with fishermen and community representatives, is it perceived that the existing protected areas governance and structure are successful?	<p>The findings emerge from technical documents and disclosures about the institutional crisis and recognition of rights that is currently being experienced in Nicaragua, in the Territory of Life under study and in the protected areas linked to it</p> <p>The weak democratic institutions and the structural racism that historically exists in Nicaragua against indigenous and Afro-descendant peoples has not allowed these peoples to exercise their rights and truly enjoy their traditional territories, most of which were titled by the State a decade ago</p> <p>The protected areas, as a concept, should help, but in practice it has been totally the opposite. The government has not had the political will to respect the laws, and even disrespects the rights of the communities. The theoretical benefits of the protected areas regime should be felt on a small scale; governance structures of these areas should legally prohibit outside actors from overexploiting the resources contained therein</p>
Do members of the fishing community in the protected area receive any social protection?	The information reviewed does not detail any special attention given to the subject of the fishing communities' rights in the territory
In the protected area under study, can MPAs be considered as an effective buffer against uncertainty? Can they be considered an effective buffer against the uncertainty and variability of a dynamic system?	The current political and institutional situation in Nicaragua, as well as the prevailing social instability, does not inspire confidence that adequate control and monitoring measures will be in place to address the threats to natural ecosystems

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# Panama: Background

The Republic of Panama recognizes, at the highest constitutional level, the importance of promoting the participation of indigenous peoples and peasant communities in economic, social, and political discussions.

In the case of indigenous peoples, the State has to ensure due care is afforded to their material, social and spiritual values. In education, it must promote the development of programmes respectful of their cultural patterns. It has to guarantee the reservation of the necessary lands and their collective property, for the achievement of their economic and social well-being. This is in accordance with the provisions of article 127 of the constitution, which provides that there shall be no inalienable property, except in the case of recognized collective property. (See Annex 1. List of the current legal framework for the recognition of the rights of indigenous peoples and local communities.)

The current regulations establish the obligation of the State to exercise prior, free and informed consultation with indigenous peoples whenever a change is proposed that might affect them. This extends to legislative or administrative measures or plans, programmes and projects at the national, regional and 'comarcal' (comarca is a local administrative unit) levels that could affect their collective rights, including their territory, resources, way of life, cultural identity, development and culture.

All consultations regarding changes to the status quo have to be carried out in both their mother tongue and Spanish, guaranteeing the comarca's informed inclusion in State's decisions. Law no. 37 of 2016 makes this applicable to annexed areas, collective lands and in ancestral lands, through State institutions and through traditional mechanisms and representative instances at the local, comarcal, regional and national levels.

However, it must be noted here, that Panama's National Assembly has not ratified the ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169), which safeguards the human rights and fundamental freedoms of indigenous and tribal peoples.

Regarding the management of protected areas, these spaces are under the stewardship of the Protected Areas System (SINAP), which is responsible for ensuring the development of a variety of activities and providing information on the viability of projects to the public and private sector, as well as the management and control of protected areas.

As of 2022, Panama reported 114 protected areas notified in the gazette. In addition, there are six non-notified conservation units. It is estimated that the country's protected areas cover 27,904 sq km on land and 101,456 sq km in water, representing 30.96 per cent of its terrestrial area and 30.50 per cent of its marine areas respectively. Panama is one of the first countries in the world to achieve Target 3 of the Global Diversity Framework, and the objectives of the High Ambition Coalition for Nature and People, known as 30x30.





Fishing craft on the Escudo de Veraguas Island in the Ngäbe Buglé Marine Territory of Life, Panama, by CoopeSoliDar R.L.

To fulfill its international commitments, Panama has adopted the 2030 Agenda and the SDGs as part of its national development agenda, creating a commission for its follow-up and implementation. In 2017, following its National Concertation for Development and the United Nations System process, the government presented a National Strategic Plan with State Vision, detailing a set of priority social actions to achieve the SDGs.

In relation to SDG 14 ('Life below water'), the government has developed a broad agenda, highlighting among the achievements:

- Expansion of the boundaries of the protected area 'Área de Recursos Manejados Cor-dillera de Coiba (ARMCC)'
- Implementation of the Chame Bay Mangrove Conservation Project.
- Approval of the National Ocean Policy through Executive Decree No. 27 of March 15, 2022

However, in recent years, a socio-environmental conflict has broken out in the country. The primary driver of this unrest has been the approval, by the National Assembly, of Law no. 406 (2023), which granted the mining company First Quantum Minerals (FQM) a permit for the exploitation of copper mines for 20 years. This is extendable for another 20 years, including provisions to maintain the operation contract until the exhaustion of the useful life of the mine.

Since then, the situation has escalated, bringing together environmental groups, unions, teachers, indigenous groups, among others, against mining extraction by the govern-

ment, in what has grown to become the most important social movement in Panama over the past 30 years. (See Annex 3: Mining Conflict in Panama: Law no. 406.)

## The case of Ngabe-Bugle Marine Territory of Life

### Background

The Ngabe-Bugle marine territory of life comprises the Bocas del Toro archipelago and the Comarca Ngabe Bugle region, both administratively located in the Bocas del Toro province. The Bocas del Toro archipelago is made up of nine islands, 51 named cays and approximately 200 unnamed cays. The Ngabe-Bugle comarca was created in 1997; it covers an area of 6,968 sq km and is governed by an autonomous government represented by the Ngabe Bugle Cacique General and the Ngabe Bugle General Congress.

Economic activity in the Bocas del Toro province is concentrated in agriculture, the storage and transportation of hydrocarbons, hydroelectric power generation and tourism development. Banana farming, tourism and fishing are key activities in the region.

- **Banana cultivation:** Since the 19th century, the region of Bocas del Toro has developed a large banana enclave, with the founding in 1890 of the Snyder Brothers Banana Company. Later, Snyder partnered with businessman Minor Keith, integrating banana production with existing plantations in Costa Rica, thus establishing a large banana production channel. Banana plantations cover an estimated 30,000 hectares from Changuinola to Guabito. It is the primary economic generator and source of employment in the region—with 80 per cent of the economy dependent on banana production.
- **Tourism:** In 2016, Bocas del Toro was ranked third among provinces with the highest number of lodging establishments (90), behind only Panama (292) and Chiriquí (193). About 1,200 rooms are available in accommodations ranging from apartment-hotels, hotels, hostels, motels and guesthouses. There are more than 600 properties offering tourist accommodation services in the province, most of which are located in Isla Colon (350 homes) and to a lesser extent in Bastimentos. It is estimated that the tourism infrastructure on just Isla Colon contributes 0.9 per cent of the country's GDP.
- **Artisanal Fishing:** The local communities of the Bocas del Toro archipelago, both Afro-descendant and indigenous, have historically lived off coastal marine resources. These are fundamental for local development and food security. Studies conducted in 2010 by the Aquatic Resources Authority of Panama (ARAP) on lobster catch highlighted the large number of communities that are dependent on fishing. These include communities in Isla Tigre, Cayo de Agua, Bahía Azul, Kusapin, Isla Patterson, Playa Lorenzo, Tobobe, and Playa Roja, among others.

Meanwhile, the diving and fishing zones of Zapatilla afuera, Solarte, Isla Tigre, Bahía Azul, Laguna de Chiriquí, Kusapin, Tobobe, El faro, Punta Caracol, Escudo de Veraguas, Cayo de Agua, Playa Larga, Punta Valiente, Playa Lorenzo, along with Zapatilla Afuera and Escudo de Veraguas were found to be the most important for artisanal fishing (at the time of the studies).

### Protected areas and the Ngabe-Bugle Marine territory

The Ngabe-Bugle territory of life has had a significant contribution towards making Panama one of the first countries to achieve the 30x30 goal. Within this territory, a few

protected areas can be identified for closer study. In Bocas del Toro province, these are La Amistad International Park, Isla Bastimentos National Marine Park and the San San Pond Sak Wetlands. In the Ngabe Bugle Comarca, the Palo Seco Protected Forest, the Damani-Guariviara Wetland and the Escudo de Veraguas Protected Landscape have been singled out.

There are also several declared municipal reserves that are not yet part of SINAP. These include the Playa Bluff Municipal Reserve, the Mimitimbi Municipal Reserve and the Isla de los Pajaros Municipal Reserve, all on Isla Colon, and the Humedales de Chiriqui Grande Municipal Reserve in the province's Miramar sub-district.

In the marine conservation sphere, work began in 1990 and has continued to the present.

1. Gulf of Chiriqui Marine National Park (1994)
2. Isla de Canas Wildlife Refuge (1994)
3. Punta Patino and Punta Pina Sport and Tourist Fishing Reserve (1994)
4. Coiba National Park and its Special Marine Protection Zone (2004)
5. Isla Escudo de Veraguas-Dego Protected Landscape (2009)
6. Donoso Multiple Use Area (2009)
7. Wildlife Refuge Ramsar Site Humedal Bahia de Panama (2009)
8. Isla Bona Wildlife Refuge (2019)
9. Banco Volcan Marine Reserve Area (2015)
10. Cordillera Coiba Marine Reserve Area (2015)
11. Special Marine-Coastal Management Zones Marine-Coastal Wetland Areas (2008)
12. Special Marine-Coastal Management Zones South of Veraguas (2008)
13. Special Marine-Coastal Management Zones South of the Azuero Peninsula (2010)
14. Special Marine-Coastal Management Zones Archipelago of Las Perlas (2007)
15. Archipelago of the Pearls Reserve Zones (2007)
16. Los Manglares de Panama Viejo Reserve Zones (2013)
17. La Marinera Beach Reserve Zones (2010)
18. Matumbal Reserve Zones (2008)
19. Pixvae Bay Responsible Fishing Management Zones (2019)
20. Comanagement Zones for Responsible Fishing Otoque and Bona Islands (2021)

### **Escudo de Veraguas-Dego Island**

The Veraguas Shield (Dego in the Ngabere language) is a continental island of 3 sq km. Located in the Caribbean Sea, in the Bocas del Toro Province, it is 20 miles from the Gulf of Mosquito and Ngabe Bugle Comarca. The biophysical characteristics of the island, according to a number of studies, are summarized as follows:

- **Formation period:** During the Holocene, as a result of post-glacial events, including sea level rise and continental submergence due to meltwater. Sea level rise isolated peaks and ridges, first as a Peninsula, and then eventually separated them as islands.
- **Lithology:** The Escudo formation consists of a 1.8 million-year-old upper layer made up of bioturbated clayey sedimentary rock with intrusions of mollusc shells and ahermatypic corals. It also features a more densely cemented 3.5 million-year-old lower layer, containing ahermatypic corals and biostromes of coral and sand dollars.
- **Topography:** The island is characterized by a symmetrical series of low, parallel ridges with steep coasts and flattened hills separated by numerous swamps.



- **Climate:** The island has a very humid tropical climate, with rainfall greater than 60 mm in the driest month of the year. Rainfall varies between 3,000 mm and 6,000 mm. The temperature difference between the hottest and the coldest period is 2.5°Celsius on average.
- **Vegetation:** The island corresponds to a lowland tropical broadleaf evergreen forest. Three other types of vegetation have been identified: palm-dominated tropical evergreen forest; mangrove forest; and transitional coastal vegetation on recent marine soils.
- **Diversity index:** Scientific indices show low diversity in the forest of Escudo de Veraguas compared to mainland sites and Gorgona Island. Nevertheless, it is more diverse compared to Coiba Island and the oceanic islands.
- **Anthropogenic threats:** Timber removal, mangrove logging, hunting, fishing of protected species and poor control of tourists.

Regarding climate variability, a 2013 study by USAID stated that the progressive increase in sea surface temperature would affect the sustainability of coral reefs and seagrasses, while sea level rise would impact sea turtle nesting areas, mangroves and beach areas.

The study also suggested that a decrease in precipitation and an increase in air temperature would create substantial changes in the types of potential terrestrial vegetation, as well as the density and structure of the primary forests of the central coast and southern Caribbean. In particular, it identified Escudo de Veraguas-Dego Island as being in a critical situation, with 100 per cent of the extension of its oceanic-coastal elements under medium vulnerability from climate impacts.

### **Creation of the protected landscape**

Isla Escudo de Veraguas was designated as a Protected Landscape by a 2009 resolution because its sensitive natural, biological, cultural and scenic features—besides its role in the continental and marine ecosystems—were deemed to be so valuable as to merit protection. The island is afforded the following protections:

- Preserve the harmonious interaction between nature and culture, through the protection of its land and seascapes
- Protect the mangrove ecosystem and the flora and fauna species associated with this protected area
- Promote traditional artisanal or subsistence fishing practices as established in the management plan, in terms of permit granting, volume, effort level, zoning, conditions, seasonality and other criteria that guarantee the sustainability of the resource
- Promote the socio-economic and cultural development of the communities related to the protected area by encouraging the management, and rational use, of renewable natural resources, as well as environmental businesses and self-management activities that do not endanger the integrity of the island
- Conserve the diversity of the landscape and habitat to maintain the conditions necessary for the survival of the species that inhabit or depend on the protected area

- Offer the public recreational opportunities through sustainable tourism methods that are in balance with the conservation of the natural and cultural heritage of the Veraguas-Dego Shield Island Protected Landscape
- Stimulate scientific research, recreational and educational activities that improve knowledge of the ecological and social relationships in the protected area, with emphasis on the conservation and protection of species and ecosystems present in the area. Prioritize those contributing to the sustainable development of the communities that inhabit or depend on the protected area

In 2009, the National Environmental Authority's (ANAM) regional bureau in the Ngabe Bugle Comarca was charged with the administration of the protected area, in compliance with the law. This guaranteed the participation of the indigenous authorities in the protected area's decision-making structure, which is key to preserving the Ngabe Bugle people's culture and artisanal fishing livelihood.

The traditional authorities of the Ngabe Bugle Comarca are in open negotiations with the objective of not changing the management category of Escudo de Veraguas Island and guaranteeing that indigenous artisanal fishermen can continue to use the island as a site for fishing and landing. Changing the category could make the community's traditional rights of access to the sea and land tenure vulnerable. Therefore, the island has gained relevance as a potential bulwark against attempts to encroach on fishers' land tenure rights.

**Table 3.** A summary of the situation of the Escudo de Veraguas Protected Landscape

Key questions	Status of the case study
Case Study	Escudo de Veraguas Protected Landscape
Legal support in defence of legal entities	Panama recognizes the importance of promoting the participation of indigenous peoples in economic, social and political discussions. In the case of indigenous peoples, the State ensures the care of their material, social and spiritual values. It guarantees the reservation of the necessary lands and their collective property, for their economic and social welfare, according to the article 127 of the constitution. The constitution provides that there shall be no inalienable property, except in the case of recognized collective property
Type of governance	Shared governance, according to Resolutions AG-0095-2009 and AG-0299-2009, which provides MPA powers to the Panama Protected Areas System and the Ngabe-Bugle traditional authorities
Whether the protected area under study is an OECM?	It is not an OECM. Panama has not registered any OECM under the UNEP World Conservation Monitoring Centre (UNEP-WCMC) registry
Whether the protected area under study is an effective conservation tool?	<p>The protected area was created, according to official documents, because of the good condition of the ecosystems. These ecosystems had been historically managed by the Ngabe-Bugle community</p> <p>It follows from the above that the Veraguas Shield Island Protected Landscape would be an effective tool for conservation, as long as the governance model is preserved and the use and rights of the Ngabe-Bugle community are guaranteed</p> <p>According to local indigenous authorities, they agreed to the establishment of the protected area in order to conserve their rights to the island. Artisanal fishers see the possibility of changing the management category as a threat to their rights</p> <p>Documents and studies show that uncontrolled tourism is a threat to resource conservation</p>
Whether the protected area under study is available to small-scale artisanal fisherfolk?	At present, the area allows small-scale artisanal fishing—in accordance with the law and the objectives of the MPA

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Key questions	Status of the case study
In the protected area under study, what are the enforcement mechanisms?	Publication of the resolutions for the creation of the Protected Landscape and recognition of traditional authorities provides the indigenous community with a say in the decision-making structure
In the protected area under study, are destructive gears near the coast excluded?	Fishing is carried out on an artisanal basis. Sport and touristic fishing have also been recently observed
In the protected area under study, what are the impacts of climate change?	<p>A 2013 USAID study warned that the progressive increase in sea surface temperature would affect the sustainability of coral reefs and seagrasses, while sea level rise would impact sea turtle nesting sites, mangroves and beach areas. The study suggested that decreasing precipitation and the increase in air temperature would substantially change the types of terrestrial vegetation, as well as the density and structure of the primary forests of the central and southern Caribbean coast</p> <p>The study identified Escudo de Veraguas Island as being in a critical situation, with 100 per cent of its oceanic-coastal elements under medium vulnerability</p>
In the protected area under study, is it correct to state that MPAs are effective in addressing biodiversity loss?	<p>In this case, what is observed is that governance by local communities and indigenous peoples is what has guaranteed the conservation of diversity</p> <p>If the current governance model is maintained, the establishment of the area may be an element that helps conservation efforts</p> <p>The creation of the protected area has not helped control the threats identified on the island: timber removal, mangrove logging, hunting, fishing of protected species, and poor control of tourists</p>
In the protected area under study, what are the mechanisms developed by the local community to find alternatives for their livelihoods?	<p>To fight to maintain the management category and the existing legal endorsements in the regulations of the Republic of Panama.</p> <p>At the national level, the traditional authorities have strengthened the alliance with the Panama Sea Workers Fishing Union.</p> <p>At the regional level in Mesoamerica: there has been an alliance with CoopeSoliDar R.L., in the defence of rights. The indigenous communities—rights holders of the Isla Escudo de Veraguas and the Sindicato de Pescadores del Mar have established an alliance with the intent to defend the rights of local communities and indigenous peoples. They are guided by CoopeSoliDar R.L. and TICCA Marino Mesoamerica</p> <p>At the global level: there has been an alliance with the ICCA Global Consortium; alliance with artisanal fishers, through the process led by the African Confederation of Professional Organizations of Artisanal Fisheries (CAOPA), which issued a 'Call to Action from Small-scale Fishers' in 2022 (<a href="https://static1.squarespace.com/static/65c0b1be56cc03634ccf8d8a/t/664611db46940b1c7426a635/1715868140256/EN+Call+to+action++online+pdf.pdf">https://static1.squarespace.com/static/65c0b1be56cc03634ccf8d8a/t/664611db46940b1c7426a635/1715868140256/EN+Call+to+action++online+pdf.pdf</a>)</p> <p>Sharing their experiences at international events, including the 2nd UN World Ocean Conference in June 2022, CBD Meeting of the Parties, Kunming-Montreal Global Biodiversity Framework, December 2022, Regional Assembly of the TICCA Latin America Network, February 2023, Workshop for Latin America and the Caribbean, AIPAA 2022</p>
In the protected area under study, based on published records of the ministries, MPA authorities and through FGDs with fishers and community representatives, is it perceived that the existing protected areas governance and structure are successful?	<p>In recent official documents presented by the government of Panama, there are no specific references to the work carried out in the Escudo de Veraguas Study Area</p> <p>However, the strategic documentation does recognize the instrument of creation and consolidation of protected areas as a key element</p> <p>Official documents show that in compliance with SDG 14, the government of the Republic of Panama has developed a broad agenda, highlighting among its achievements: the expansion of the boundaries of the protected area 'Área de Recursos Manejados Cordillera de Coiba (ARMCC)', the implementation of Chame Bay Mangrove Conservation Project and the approval of the National Ocean Policy through Executive Decree No. 27 of 2022</p>

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Key questions	Status of the case study
Do members of the fishing community in the protected area receive any social protection?	<p>The documentation reviewed does not show any social benefit or special coverage, as they are linked to a protected area</p> <p>The situation is more complex when observing the high interest present in the territory to increase tourism. In the case of Escudo de Veraguas Island, uncontrolled tourism activity is already a threat</p> <p>The increase in tourism, as has happened in some islands of the Bocas del Toro archipelago, Isla Colon, in particular, could cause local resource users to lose their rights on the island in the short term</p>
In the protected area under study, can MPAs be considered as an effective buffer against uncertainty and variability of a dynamic system?	<p>There is no technical or scientific evidence (in the case study area) to demonstrate that in protected areas, there is effective protection</p> <p>From the point of view of national authorities, environmental organizations and the academic sector, the established norms, spatial and marine management instruments guarantee that MPAs can contribute to becoming more resilient systems, as observed in the SDG 14 targets</p> <p>But this is not enough. In the Mesoamerican region, a high percentage of protected areas do not have adequate management plans, personnel, equipment and control strategies to guarantee full compliance with the conservation objectives of the protected areas, whether these are marine or continental</p> <p>Official data from 2022 revealed that out of 120 protected areas, most lacked a management plan. There were only 10 with environmental plans. While 20 were in the process of being updated, seven were under development, and five were in the process of developing management plans. In addition, the data indicated that there were 237 park guards, distributed in 59 protected areas (at the time)</p> <p>In the case of the Escudo de Veraguas Island, the challenge of converting this marine protected area into a resilient system will be to guarantee the access rights of indigenous peoples to the sea and securing their land and sea tenure rights—besides ensuring the representation of indigenous peoples and local communities in the governance structure or adopting a model of shared governance</p>



# Progress

## in the implementation of the SSF Guidelines

Over the past decade, the Central American region—due in part to the contributions of civil society organizations—has been making a sustained effort to disseminate and implement the SSF Guidelines. But the region’s contribution to the guidelines can be said to have begun in 2010, when the community from Tarcoles in Costa Rica (facilitated by CoopeSolidar R.L) participated in the Latin American and Caribbean Regional Consultative Meeting on Protecting Sustainable Small-Scale Fisheries: Unifying Responsible Fisheries and Social Development.

The findings of that meeting contributed to the regional documents for the development of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines), the first international instrument of its type, endorsed by the Committee on Fisheries (COFI) at its 31st session held in June 2014.

Subsequently, the framework of the Fisheries and Aquaculture Integration Policy 2015-2025 of the Organization of the Fisheries and Aquaculture Sector of the Central American Isthmus (OSPESCA), pointed out the importance of the implementation of this voluntary instrument in 2015: “The SSF guidelines approved by FAO, will be taken into account in planning related to small-scale (artisanal) fisheries in SICA countries, as well as the participation of the Confederation of Artisanal Fishermen of Central America and, where appropriate, other regional civil society guilds related to artisanal fisheries.”

Neither of the two countries under review in this case study are currently undertaking any actions or initiatives aimed at complying with the SSF Guidelines.

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# Compliance with the Global Biodiversity Framework

The situation is more complex when it comes to commitments in the Global Biodiversity Framework (GBF) and Target 3. Nicaragua and Panama are part of the Convention on Biological Diversity (CBD); both having ratified the convention in 1995. In Nicaragua's case, the commitment to Target 3 was assumed as part of its actions to adapt to and mitigate climate change. As well, it has worked toward the preservation of natural areas and environmental resources with the objective of restoring 2.8 million hectares to manage watersheds, improve the resilience of ecosystems, make rural livelihoods sustainable and conserve biodiversity.

Meanwhile, Panama has already achieved Target 3 at the national level, both in continental and marine areas. Its progress in marine conservation was presented as an achievement to the international community on June 9, 2021, as part of the efforts made for World Oceans Day, through Executive Decree No. 138. It also expanded the boundaries of the Cordillera de Coiba Managed Resources Area (ARMCC) MPA.

As defined in the objectives, the primary rationale for the expansion was to address the conservation of submarine chains, biological connectivity and scientific research (including the issue of climate change), angling, line fishing and control of illegal fishing. According to the decree, 66.7 per cent of the area has been accorded absolute protection.

Despite the importance of the creation of protected areas as an instrument of marine spatial planning and conservation, the Central American experience with GBF compliance has been complex and marked by conflicts. Artisanal fishers have expressed their views to researchers:

“Protected areas have not been effective because there has not been a proper negotiation with the people. Local people are not integrated. All the laws can be there, but if there is no user participation, it cannot be protected. MPAs have not really generated any benefits to small-scale fisheries. More information is needed to see if MPAs really bring more benefits to the poor.”

“Protected areas should provide a good for the people linked to these areas. But, in practice, it has been totally the opposite, the government has not had the political will to respect the laws, and even disrespects the rights of the communities. The benefits, in theory, should arrive on a small scale, and by law, other people should not be allowed to overexploit the resources.”

Then, there is the implementation process of the Other Effective Area-Based Conservation Measures (OECM), which has been promoted at several international meeting spaces, including the 14th meeting of the Conference of Parties (COP14) to CBD in Sharm El-Sheikh, Egypt, in 2018; and COP15 in Montreal in 2022, where the GBF was adopted. The scientific community has been developing guides for the identification of OECM with indicators and concepts—distilling the technical instrument for real-world application.

Meanwhile, environmental and academic organizations have been conducting training workshops and mapping exercises aimed at identifying potential OECM areas. A 2020 study conducted a detailed analysis for Latin America and the Caribbean, highlighting a set of possible OECM sites in Nicaragua and Panama:

- **Nicaragua:** private wilderness reserves, RAMSAR sites, water recharge areas, municipal ecological parks, and forest reserves
- **Panama:** indigenous territories, private reserves, canal conservation areas, wetlands, and tree conservation sites

Panama's strategy for the 2023 Small Grants Programme promoted the development of OECM through shared governance, community management of forests, protected areas, private reserves, indigenous conservation areas and the participatory mapping of territories.

However, neither Nicaragua nor Panama have registered a single OECM with the United Nations Environment Programme (UNEP) World Conservation Monitoring Centre (UNEP-WCMC) during the period under review. Nor have indigenous and other communities received any benefit associated with the OECM. None of the local and indigenous leaders who participated in the case study recognized the concept of OECM.

It is essential to point out that the development of such technical indicators without site-specific context—and with the interference of ministerial bodies and environmental NGOs—could lead to local communities losing their rights to governance, access, use and distribution of benefits in the process. This would be a setback to ongoing and emerging efforts for the recognition of the communities' rights in their territories of life.

Both governments have acted to address the impact of climate change. Nicaragua has implemented a strategy based on the creation of protected areas; it has also proposed that all actions carried out in this regard should contribute to the fight against poverty and human development. This could help strengthen the capacities of the population to respond to events, reducing vulnerability.

From the government's perspective, a set of public policies, strategies and the national climate change policy have been developed. As explained in the National Communication on Climate Change, designing and implementing a National Adaptation Plan that proposes a medium- and long-term roadmap oriented towards the reduction of climate vulnerability is still pending.

In Panama's case, the National Action Strategy for Climate Empowerment in Panama (ENACE Panama) has been developed—with the aim to achieve a qualitative change in institutional behaviour and foster awareness among citizens about addressing climate change. This is intended to transform the culture around environment-related work and strengthen human rights for both the present and future generations. This strategy has been formulated with a 12-year timeline (2023–2035), with the focus on eight principles: inter-generational ethics, gender equality, social inclusion, educational innovation, inter-connectivity, inter-culturality, citizen participation and an ongoing review process.

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# Conclusion

Both Nicaragua and Panama have developed public policies, regulations, and strategies to address climate change impacts—with the creation of MPAs being the main instrument. Both countries have legal frameworks that can guarantee respect for the rights of marine-coastal communities, particularly indigenous communities. As well, they have legal provisions to ensure and safeguard spaces for the participation of these communities. However, recent violations of the territorial rights (marine and inland) of these populations have been observed.

A summary of the situation is necessary here:

- While Nicaragua has signed onto international commitments such as ILO Convention 169 (C169) Indigenous and Tribal Peoples Convention, 1989 (No. 169), Panama has not ratified the convention. Its current legislation covers fishers' rights, including the implementation of free, prior, and informed consent
- There is a disparity between government actions and civil society participation. In some cases, this has led to human rights abuses against local, Afro-descendant and indigenous small-scale artisanal fishers
- In relation to the fulfillment of the SDG commitments, there are actions oriented towards the development of protected areas and different types of governance are recognized
- Regional marine conservation actions—led by Costa Rica, Panama, Colombia, and Ecuador, within the framework of the High Ambition Coalition for Nature and People—have had a significant impact on the development of technical and political actions in both countries
- Continental and marine protected areas are the main instrument for guaranteeing conservation. However, there is no robust data in either country to demonstrate the effectiveness of these areas
- From the perspective of the people from local communities who participated in the case study, there is no evidence that MPAs have allowed for a fair and equitable distribution of benefits. Local and indigenous people, particularly small-scale artisanal fishers, are not participating in the design of the creation, norms, regulation, and management of the MPAs
- The concept of OECM is still in the phase of raising awareness and developing technical and institutional training. It is new and unknown to most local fishers, indigenous people, and civil society groups. During the case study period, it has not brought any benefit to the communities. Nor has it been implemented in the countries studied
- If the necessary safeguards are not carried out in the process of recognition of the OECMs by governments, scientific and environmental organizations, it could pose the risk of local communities losing their rights of governance, access, use, and benefit-sharing. This would be a setback to ongoing efforts for the recognition of the subjects of rights of marine areas

- Artisanal fishers are affected by the impacts of climate change. However, their priority agenda is linked to addressing structural problems that the countries of the region have not resolved: land tenure, access to the sea, decent and dignified work, social security, incorporation of women into production chains, public policies that affect their livelihoods. In other words, there is an unresolved gap between the needs of artisanal fishers and the agenda of the governments
- In both countries, progress has been observed in the fulfillment of the 2030 Agenda and SDG 14, but with differing levels of success. Panama's efforts appear to have experienced more favourable outcomes at this point
- Both countries have undertaken actions aimed at promoting and implementing the Blue Economy. In Panama, there is a key approach to the development of economic alternatives, including an opportunity to benefit women. However, if the necessary safeguards are not put in place, Blue Economy initiatives could affect the most vulnerable groups, such as small-scale artisanal fishers, by prioritizing economic measures over conservation processes. In Nicaragua, from what can be discerned from official documents, a more democratic distribution of the benefits derived from conservation is proposed
- The cases of the Grand Interoceanic Canal in Nicaragua and the mining concession in Panama are two examples that highlight how economic interests and large infrastructure developments find legal pathways for their implementation—in contravention of current regulations for the defence of social and environmental rights. In both cases, they have been stopped by the actions of civil society
- Neither country has implemented any action aimed at complying with the SSF Guidelines

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# Recommendations

1. Understanding of the CBD agreements referring to the various forms of governance of protected areas must be reinforced and new concepts such as OECM must be clarified—in order to guarantee more horizontal decision-making that respects the sovereignty and rights of local, indigenous, and Afro-descendant communities to their coastal and marine territories
2. It is essential to have exemplary cases of representative marine territories that have respected traditional forms of management and use—while concurrently maintaining the vitality of the territories under the governance model of indigenous peoples and local communities
3. Supporting the ‘Call to Action’ issued by various fishers organizations in the region is essential. There is a pressing need for the prioritization of shared management models for marine resources in 100 per cent of the coastal zones, and for the implementation of the SSF Guidelines—a decade since their endorsement at a global level
4. It is urgent to promote conversation and coordination between the ministries of the environment and those entities in charge of fishing. Specifically, the defence of small-scale fishing sectors against the challenges of the Blue Economy: mass tourism, mining, oil and gas exploitation, among others
5. In Panama and Nicaragua, issues related to women in fishing and youth are not being considered or addressed within the framework of fair and equitable marine conservation. It is recommended that opportunities are generated for dialogue and discussion of these topics within the framework of the implementation of SDG 14 and the SSF Guidelines
6. The GBF provides an opportunity to advance marine conservation. However, it is crucial to promote and link traditional MPA systems to government objectives. In addition, using approaches rooted in human rights would better permit the recognition of models of shared governance (with indigenous peoples and local communities) that allows for a fairer distribution of the benefits and costs of conservation

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# Bibliography

Acevedo, G. 2023. Conversación personal. Derecho-habiente de Panamá.

Acosta, M. 2016. El Impacto de la Ley del Gran Canal Interoceánico de Nicaragua sobre los Pueblos Indígenas y Afrodescendientes de Nicaragua. Cuaderno jurídico y político, Vol. 1, No. 2, enero-marzo de 2016, Universidad Politécnica de Nicaragua. ISSN 2413-810X| Págs. 21-31. Recuperado de <https://www.calpi-nicaragua.com/wp-content/uploads/2017/05/El-Impacto-de-la-Ley-840-PI.pdf>

Álvarez Malvido, M., Lázaro, C., De Lamo, X., Juffe-Bignoli, D., Cao, R., Bueno, P., Sofrony, C., Maretti, C. y Guerra, F. (Editores). 2021. Informe Planeta Protegido 2020: Latinoamérica y el Caribe. Ciudad de México, México; Cambridge UK; Gland, Switzerland; Bogotá, Colombia: RedParques, UNEP-WCMC, CMAP-UICN, WWF, CONANP y Proyecto IAPA. Recuperado en <https://redparques.com/modules/ecom/documentos/publicacion/INFORME-2020-final.pdf>

Autoridad Nacional del Ambiente (ANAN), 2006. Estado de la gestión compartida de áreas protegidas en Panamá / Autoridad Nacional del Ambiente; Ed. Gabriela Hernández. – San José, C.R.: Unión Mundial para la Naturaleza. Oficina Regional para Mesoamérica, Recuperado en <https://portals.iucn.org/library/sites/library/files/documents/2006-008.pdf>

Borrini-Feyerabend, G. and Hill, R. (2019). Governance for the conservation of nature. In: G.L. Worboys, M. Lockwood, A. Kothari, S. Feary and I. Pulsford (eds.). Governance and management of protected areas, pp. 175-214. Bogotá: Editorial Universidad El Bosque and ANU Press.

Centro de Pensamiento Estratégico Internacional (Cepei) (2021). Informe Nacional Voluntario de Nicaragua ante el Foro Político de Alto Nivel de las Naciones Unidas de 2021. Bogotá: Cepei. Recuperado en [https://cepei.org/wp-content/uploads/2021/09/VNR\\_Nicaragua\\_V1.pdf](https://cepei.org/wp-content/uploads/2021/09/VNR_Nicaragua_V1.pdf)

Consejo de Derechos Humanos. 2022. Situación de Nicaragua. Informe anual de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretario General. Quincuagésima primera sesión. A/HRC/51/42. 12 de septiembre-7 de octubre de 2022. Recuperado en <https://www.cenidh.org/media/documents/docfile/DOC-20220913-WA0000..pdf>

CoopeSoliDar R.L., 2022. Descripción del marco legal sobre pesca artesanal pequeña escala, derecho de acceso al mar, derecho a la tenencia de la tierra y pueblos indígenas. México, Panamá, Costa Rica, Honduras, Guatemala, El Salvador y Nicaragua. Documento Técnico. Investigador German Pochet Ballester. San José – Costa Rica.

CoopeSoliDar R.L., 2022. Análisis legal de los Territorios y Áreas Conservadas por Pueblos Indígenas y Comunidades Locales (TICCA) sobre Territorios Marino-costeros en

Mesoamérica. Investigador German Pochet Ballester. Documento técnico. San José – Costa Rica.

CoopeSoliDar R.L. 2022. La Certeza jurídica de la tierra en Nicaragua y un clima de paz son presupuestos necesarios para la gobernanza y el manejo de recursos de la pesca de pequeña escala en territorios indígenas y de afrodescendientes. Investigador Ana Luisa Acosta Castellón. Documento Técnico. San José – Costa Rica.

Convention on Biological Diversity, Nicaragua – Country Profile <https://www.cbd.int/countries/profile?country=ni>

Decree 66-99 (May 31, 1999). Updating and Accuracy of Categories and Limits of the Protected Areas Located in the Southeastern Territory of Nicaragua. Published in La Gaceta, Diario Oficial N°. 116 of June 18, 1999. Retrieved in <http://legislacion.asamblea.gob.ni/normaweb.nsf/3133c0d121ea3897062568a1005e0f89/5f5a230633e-b33290625723a00600179?OpenDocument>

FAO, 2010. Informe de la Reunión Consultiva Regional De América Latina Y El Caribe Sobre Proteger La Pesca Sostenible En Pequeña Escala: Unificación De La Pesca Responsable Y El Desarrollo Social. San José, Costa Rica, Octubre 2010. Recuperado en <https://www.fao.org/3/i2084b/i2084b00.pdf>

German Ignacio Pochet Ballester, Maria Luisa Acosta and Roberto Miguel Sanchez Campos. 2024. 'Marine-Coastal Life Territories In Mesoamerica: A Legal Analysis of The Legal Analysis of Small-scale Fisheries.' <https://www.iccaconsortium.org/wp-content/uploads/2024/10/analisis-legal-de-los-territorios-de-vida-marino-costeros-en-mesoamerica.pdf>

Hebbert., R. 2023. Conversación Personal. Derecho-habiente de Nicaragua

Instituto Nicaragüense de la Pesca y Acuicultura (Inpesca). Información recuperada de <http://www.inpesca.gob.ni/index.php/en/quienes-somos>

ICCA Consortium. 2021. Territories of life: Report 2021. ICCA Consortium: global. Available at: <https://report.territoriesoflife.org/>

ICSF. 2013. Regional Study on Social Dimensions of MPA Practice in Central America: Cases Studies from Honduras, Nicaragua, Costa Rica and Panamá. Monograph by Vivienne Solís Rivera, Marvin Fonseca Borrás et al. March 2013. <https://www.icsf.net/wp-content/uploads/2013/09/930.ICSF137.pdf>

ICSF. 2016. Small-scale Fishing in Central American Indigenous People: Governance, Tenure and Sustainable Management of Marine Resources. SAMUDRA Monograph by Vivienne Solís Rivera, Marvin Fonseca Borrás et al. <https://www.icsf.net/wp-content/uploads/2016/08/930.ICSF153.pdf>

Kriol Branch Territorial Government. 2007. Diagnosis of the Rama and Kriol Territory (GTR-K), retrieved in <https://www.calpi-nicaragua.com/wp-content/uploads/2022/10/Diagnostico-Territorio-Rama-y-Kriol.pdf>

Law no. 1085 (October 13, 2021). Law that Declares and Defines Corn Island, Little Corn

- Island and Blowing Rock, as a Protected Area of Protected Terrestrial and Marine Landscape. Official Gazette No. 192 of October 18, 2021. Retrieved from <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/1f70ac-98d24c93f506258773005929df?OpenDocument>
- Law no. 445. (December 13, 2002) Law of The Communal Property Regime Of The Indigenous Peoples And Ethnic Communities Of The Autonomous Regions Of The Atlantic Coast Of Nicaragua And Of The Rivers Bocay, Coco, Indio And Maiz. La Gaceta Diario Oficial, No. 16 of January 23, 2003. Retrieved from <http://legislacion.asamblea.gob.ni/normaweb.nsf/d0c69e2c91d9955906256a400077164a/f59730333b3f-6fa5062571b200559533?OpenDocument>
- Law no. 28 (July 29, 2016). Statute of Autonomy of the Regions of the Caribbean Coast of Nicaragua” with its reforms. Published in La Gaceta No. 155 of August 18, 2016. Retrieved from [https://siteal.iiep.unesco.org/sites/default/files/sit\\_accion\\_files/10003.pdf](https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/10003.pdf)
- Machazack, M. 2023. Conversación Personal. Derecho-habiente de Panamá.
- MARENA. 2020. VI Informe Nacional de Cumplimiento al Convenio sobre la Diversidad Biológica. Managua, Nicaragua. Recuperado de <https://www.cbd.int/doc/nr/nr-06/ni-nr-06-es.pdf>
- MARENA. 2005. Management Plan for the San Juan River Wildlife Refuge. Proyecto Binacional de Conservación de la Cuenca del Río San Juan y del Proyecto Integral para el Desarrollo Sostenible del Refugio de Vida Silvestre Los Guatuzos. Retrieved from <https://www.marena.gob.ni/wp-content/uploads/2023/08/17-Plan-de-Manejo-Refugio-Vida-Silvestre-Rio-San-Juan.pdf>
- Marín, G. 2004. La Población de Bocas del Toro y la Comarca Ngöbe-Buglé hasta inicios del siglo XIX. Anuario de Estudios Centroamericanos, Universidad de Costa Rica, 30(1-2): 119-162.
- MarViva Foundation. 2021. Atlas Marino-Costero del Humedal Golfo de Montijo, Panamá. (Juan M. Posada and Antonio H. Clemente, Eds), Fundación MarViva, Panama City, Panama, 162 pp.
- Medrano, M. (24 abril, 2022). Gobierno de Nicaragua ratifica su salida de la OEA y clausura la sede de la organización en el país. CNN (Cable News Network). <https://cnnespanol.cnn.com/2022/04/24/gobierno-de-nicaragua-ratifica-su-salida-de-la-oea/>
- Ministerio de Ambiente, 2018. Estrategia y Plan de Acción Nacional de Biodiversidad 2018-2050 de Panamá. Panamá, Ciudad de Panamá. Recuperado en <https://www.undp.org/es/panama/publicaciones/estrategia-nacional-de-biodiversidad-y-plan-de-accion-2018-2030>
- Ministerio de Ambiente. 2022. Memoria 2022. República de Panamá. Recuperado en [https://fliphtml5.com/eebm/hfpx/MEMORIA\\_2022\\_MiAMBIENTE/87/](https://fliphtml5.com/eebm/hfpx/MEMORIA_2022_MiAMBIENTE/87/)
- Naciones Unidas Panamá. 2022. Informe de Resultados Naciones Unidas Panamá. Panamá. Recuperado en [https://panama.un.org/sites/default/files/2023-05/UN\\_pana-ma\\_resultados\\_2022.pdf](https://panama.un.org/sites/default/files/2023-05/UN_pana-ma_resultados_2022.pdf)

- Muñoz, P., Martínez, S., 2021. Nicaragua: Situación de los ODS y Propuesta de Acción Política y Seguimiento. Global Call to Action Against Poverty (GCAP). Recuperado en <https://gcap.global/wp-content/uploads/2018/09/24-05-21-ESTUDIO-PAIS-NICARAGUA-SITUACION-DE-LOS-ODS.pdf>
- Ospeca, 2015. Política de Integración de Pesca Y Acuicultura 2015-2025. San Salvador. Recuperado en <https://www.fao.org/faolex/results/details/es/c/LEX-FAOC179438/>
- Palacio M., Mayelin. 2019. Quantification of the water footprint in banana production: A case study in Bocas del Toro, Panamá. Thesis submitted for consideration by the Division of Education and the Graduate Program as a requirement to opt for the degree of Magister Scientiae. Tropical Agricultural Research and Higher Education Center (CATIE), Turrialba, Costa Rica.
- Pineda M. 2010. Compendium of results report of the application of surveys to lobster divers of the island communities of Isla Tigre and Cayo de Agua, Province of Bocas del Toro and coastal communities of Bahía Azul, Playa Lorenzo, Isla Patterson, Bucorí, Kusapin, Playa Roja and Tobobe, Comarca Ngöbe Bugle. Panama Aquatic Resources Authority
- República de Panamá, Ministerio de Ambiente. 2023. Cuarta Comunicación Nacional Sobre Cambio Climático en Panamá. Recuperado en [https://transparencia-climatica.miambiente.gob.pa/wp-content/uploads/2023/08/4CNCC\\_2023\\_L.pdf](https://transparencia-climatica.miambiente.gob.pa/wp-content/uploads/2023/08/4CNCC_2023_L.pdf)
- República de Panamá. 2020. Segundo Informe Nacional de los ODS. Secretaría Técnica del Gabinete Social. Panamá. Recuperado en [https://sustainabledevelopment.un.org/content/documents/26427Panama\\_Informe\\_Voluntario\\_Reducido\\_1\\_reduced.pdf](https://sustainabledevelopment.un.org/content/documents/26427Panama_Informe_Voluntario_Reducido_1_reduced.pdf)
- República de Panamá, Ministerio de Ambiente. 2022. Estrategia Nacional de Ambiente. Gestión Ambiental para la Restauración de los Ecosistemas y el Desarrollo Sostenible e Inclusivo. Recuperado en <https://www.undp.org/es/panama/publicaciones/estrategia-nacional-de-ambiente-ena-2021-2031>
- República de Nicaragua. 2021. Primer Informe Nacional Voluntario: Avances en el cumplimiento de los ODS, alineados con la Agenda 2030. Managua, Nicaragua. Recuperado en [https://planipolis.iiep.unesco.org/sites/default/files/ressources/nicaragua\\_vnr\\_2021\\_spa.pdf](https://planipolis.iiep.unesco.org/sites/default/files/ressources/nicaragua_vnr_2021_spa.pdf)
- República de Nicaragua, 2023. Cuarta Comunicación Nacional sobre Cambio Climático, República de Nicaragua Edit. Impresiones a Colores, S.A. Managua, 2023. Recuperado en <https://unfccc.int/sites/default/files/resource/4CN-Nicaragua.pdf>
- Resolution AG-0095-2009: Declaring as a protected area the Isla Escudo de Veraguas Protected Landscape.
- Resolution AG-0299-2009: Whereby the Regional Administration of the National Environmental Authority in the Ngöbe Buglé Region is designated to be in charge of the administration of the protected area known as Paisaje Protegido Isla Escudo de Veraguas (Veraguas Shield Island Protected Landscape).
- Rodríguez, K. 2021. Woody plant diversity and structure of the non-flooded forest of the



Veraguas Escudo Island – Degó. Graduation work presented as a partial requirement to obtain the degree of Licenciada en Biología con orientación en Biología Vegetal. University of Panama. Faculty of Natural Sciences, Exact and Technology. School of Biology. Department of Botany.

Sofrony, C. 2020. Otras medidas efectivas de conservación basadas en área – Omec en Latinoamérica y el Caribe: Perspectivas de conservación más allá de las áreas protegidas. Proyecto IAPA – Visión Amazónica. Unión Europea, Redparques, WWF, FAO, UICN, ONU Medio Ambiente. Bogotá, Colombia. Recuperado en [https://redparques.com/modules/ecom/documentos/publicacion/archivo\\_9fc3d7152ba9336a670e36d-0ed79bc43.pdf](https://redparques.com/modules/ecom/documentos/publicacion/archivo_9fc3d7152ba9336a670e36d-0ed79bc43.pdf)

UICN. 2005. Estado gestión compartida de áreas protegidas en Nicaragua: resumen / Ed. Gabriela Hernández. – 1a. Ed. – San José, C.R.: UICN-Mesoamérica; Managua, Ministerio del Ambiente y los Recursos Naturales (MARENA). Recuperado en <https://portals.iucn.org/library/efiles/documents/2005-059.pdf>

USAID – BIOMARCC – GIZ 2013, Integrated Study of Vulnerability and Bioclimatic Scenarios of the Marine-Coastal Resources and Ecosystems of the Caribbean Coast of Nicaragua and Panama. USAID. USAID Regional Program for Aquatic Resource Management and Economic Alternatives and the Coastal Marine Biodiversity Project in Costa Rica – Capacity Building and Adaptation to Climate Change (BIOMARCC), 94 p.

Western Region Competitiveness Center, 2018. Vision 2050. Diagnosis. Bocas del Toro. National Secretariat of Science and Technology. Panamá. Retrieved from [https://www.senacyt.gob.pa/wp-content/uploads/2019/04/Visi%C3%B3n\\_Bocas\\_del\\_Toro\\_2050\\_DEF.pdf](https://www.senacyt.gob.pa/wp-content/uploads/2019/04/Visi%C3%B3n_Bocas_del_Toro_2050_DEF.pdf)

#### **A Call to Action from small-scale fishers**

<https://static1.squarespace.com/static/65c0b1be56cc03634ccf8d8a/t/664611db46940b1c7426a635/1715868140256/EN+Call+to+action++online+pdf.pdf>

#### **Other online links**

- » [https://www.gacetaoficial.gob.pa/pdfTemp/29894\\_A/101138.pdf](https://www.gacetaoficial.gob.pa/pdfTemp/29894_A/101138.pdf)
- » <http://www.inpesca.gob.ni/index.php/en/quienes-somos>
- » <https://www.marena.gob.ni/2020/09/03/areas-protegidas/>
- » <https://observatoriop10.cepal.org/es/tratado/convenio-la-diversidad-biologica> .
- » <https://panama.un.org/es/sdgs>).
- » <https://www.gabinetesocial.gob.pa/ods-panama/>
- » <https://www.cbd.int/meetings/COP-15>
- » <https://www.ppdpanama.org/estrategia.html>
- » <https://www.unep-wcmc.org/>
- » <https://dcc.miambiente.gob.pa/biblioteca-climatica/>).
- » <https://es.mongabay.com/2023/11/las-razones-detras-de-las-protestas-que-exigen-el-cierre-de-la-mina-panama/>
- » <https://www.elfinancierocr.com/internacionales/mineria-o-medioambiente-el-dilema-que-convulsiona/65OEMWBSCJEPFHDX2OE65GPV4/story/>

- » <https://elpais.com/america-futura/2023-10-27/protestas-masivas-en-panama-en-rechazo-a-una-concesion-para-explotar-la-mayor-mina-de-cobre-de-centroamerica.html>
- » <https://www.libertadciudadana.org/comunicado/negociacion-minera-panama-2022/>
- » <https://www.ocma.org/que-nos-dejan-las-protestas-contr-la-mineria-en-panama/>
- » <https://www.iccaconsortium.org/es/2023/10/26/ticca-panama-congreso-indigena-maje-embera-drua-exigen-derogatoria-contrato-minero-inconstitucional/>
- » <https://www.france24.com/es/minuto-a-minuto/20231103-panamá-declara-moratoria-minera-tras-dos-semanas-de-masivas-protestas>
- » <https://www.defensoria.gob.pa/comunicado-no-14-defensoria-pide-al-gobierno-restablecer-la-paz-social/>
- » <https://www.organojudicial.gob.pa/noticias/judiciales/csj-declara-inconstitucional-la-ley-406-de-20-de-octubre-de-2023>.
- » <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/914d10ad15d09a2f06257b9e004c82e8?OpenDocument>
- » <https://www.calpi-nicaragua.com>
- » <https://www.calpi-nicaragua.com/analisis-del-resumen-ejecutivo-del-analisis-eias-gcin/>
- » <https://www.calpi-nicaragua.com/el-titulo-del-territorio-de-los-creoles-de-blue-fields-y-el-gran-canal-interoceanico-por-nicaragua/>
- » <https://landportal.org/es/blog-post/2021/02/la-rescisión-de-la-concesión-del-gcin-y-el-proyecto-del-puerto-de-aguas-profundas>
- » <https://elpais.com/america-futura/2023-11-02/la-otra-resistencia-de-nicaragua-proteger-la-selva-en-el-pais-mas-deforestado-de-centroamerica.html>
- » <https://agendapropianicaragua.press/pueblos-rama-kriol-y-comunidad-negra-creole-indigena-de-bluefields-sientan-a-dictadura-ortega-murillo-en-corte-idh/>
- » <https://www.youtube.com/watch?v=UzY8SNXTIMA>
- » <https://www.youtube.com/watch?v=6uSWw7t5cdE>
- » <https://www.youtube.com/watch?v=fB7GSRsriOI>
- » <https://www.youtube.com/watch?v=VOF1UwsWRag&feature=share>
- » <https://www.intur.gob.ni/2021/10/13/corn-island-es-declarada-area-protegida-de-paisaje-terrestre-y-marino-protegido/>
- » <https://rsis Ramsar.org/es/ris/1139>
- » <https://saot.iden.institute/areas-protegidas-del-pais-sin-plan-de-manejo-ni-guardaparques/>
- » <https://www.prensa.com/sociedad/areas-protegidas-del-pais-sin-plan-de-manejo-ni-guardaparques/>
- » <https://www.gabinetesocial.gob.pa/ods/14-vida-submarina/>
- » <https://saot.iden.institute/areas-protegidas-del-pais-sin-plan-de-manejo-ni-guardaparques/>
- » <https://www.prensa.com/sociedad/areas-protegidas-del-pais-sin-plan-de-manejo-ni-guardaparques/>
- » <https://www.gabinetesocial.gob.pa/ods/14-vida-submarina/>

# Annexure

## Annex 1.

### List of the current legal frameworks for the recognition of the rights of indigenous peoples and local communities.

Summaries taken from:

CoopeSoliDar R.L., 2022. Descripción del marco legal sobre pesca artesanal pequeña escala, derecho de acceso al mar, derecho a la tenencia de la tierra y pueblos indígenas. México, Panamá, Costa Rica, Honduras, Guatemala, El Salvador y Nicaragua. Investigador German Pochet Ballester. San José – Costa Rica.

CoopeSoliDar R.L., 2022. Análisis legal de los Territorios y Áreas Conservadas por Pueblos Indígenas y Comunidades Locales (TICCA) sobre Territorios Marino-costeros en Mesoamérica. Investigador German Pochet Ballester. San José – Costa Rica.

#### Legal research: Nicaragua

Constitución Política: [https://www.oas.org/juridico/spanish/mesicic3\\_nic\\_const.pdf](https://www.oas.org/juridico/spanish/mesicic3_nic_const.pdf)

#### Laws and policies concerning indigenous peoples:

- » <http://legislacion.asamblea.gob.ni/normaweb.nsf/b92aeea87d-ac762406257265005d21f7/ad835620b6bb306062580180059df9d?OpenDocument>
- » <http://legislacion.asamblea.gob.ni/normaweb.nsf/d0c69e2c-91d9955906256a400077164a/1b5efb1e58d7618a0625711600561572?OpenDocument>
- » <http://legislacion.asamblea.gob.ni/Normaweb.nsf/164aa15ba012e567062568a2005b-564b/46f4788c835b6077062576550054b9e6?OpenDocument&Highlight=2,costeras>
- » <http://legislacion.asamblea.gob.ni/Normaweb.nsf/164aa15ba012e-567062568a2005b564b/f59730333b3f6fa5062571b200559533?OpenDocument&Highlight=2,445>
- » <http://legislacion.asamblea.gob.ni/Normaweb.nsf/164aa15ba012e567062568a2005b-564b/878312ca9631b9f60625723400675ddb?OpenDocument&Highlight=2,3584>

#### Fisheries norms

- » [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/1A666D4D9929B-0F6062570A100583F5F?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/1A666D4D9929B-0F6062570A100583F5F?OpenDocument)
- » <http://legislacion.asamblea.gob.ni/Normaweb.nsf/164aa15ba012e567062568a2005b-564b/878312ca9631b9f60625723400675ddb?OpenDocument&Highlight=2,3584>
- » <http://www.inpesca.gob.ni/images/artes%20de%20pesca/artes%20de%20pesca.pdf>
- » <http://www.inpesca.gob.ni/index.php/en/direcciones/dopa/acuerdos-interinstitucionales>
- » <http://www.inpesca.gob.ni/index.php/en/direcciones/dopa/resoluciones-ejecutivas>

### **Legal research: Panama**

- » Constitución Política de la República de Panamá (Artículos 88,90, 108, 124-127)
- » Ley N.º 18 de 1934: Sobre las Reservas Indígenas
- » Ley N.º 29 de 1984: Código Judicial: (Artículos 178, 335)
- » Ley N.º 27 de 1993: Por el cual se aprueba el convenio constitutivo del fondo para el desarrollo de los pueblos indígenas de América latina y el caribe, firmado en Madrid, España el 24 de julio de 1992, durante la segunda cumbre de los estados ibero- americanos.
- » Ley N.º 1 de 1994: Legislación Forestal (Artículos 26, 32, 44, 99)
- » Resolución de Junta Directiva N.º 05-98 de 1998: Reglamentación de la Ley Forestal
- » Ley N.º 24 de 1995: Legislación de Vida Silvestre (Artículos 6, 7, 50)
- » Decreto Ejecutivo N.º 43 de 2004: Que reglamenta la Ley No. 24 de 1995 (Artículos 17-20, 49-)
- » Decreto Ejecutivo N.º 163 de 1996: Por el cual se crea el Consejo Nacional para el Desarrollo Sostenible (Artículos 2,3,7)
- » Ley N.º 41 de 1998: Ley General del Ambiente y reforma del año 2015 (Artículos 2,5, 12-15, 23)
- » Decreto Ejecutivo N.º 57 de 2000: Conformación y Funcionamiento de las Comisiones Consultivas Ambientales (Artículos 5-10, 28-34)
- » Resolución N.º 583 de 2007 Creación de la Dirección Nacional de Política Indígena
- » Ley N.º 72 de 2008: Que establece el procedimiento especial para la adjudicación de la propiedad colectiva de tierras de los pueblos indígenas que no están dentro de las comarcas.
- » Decreto Ejecutivo N.º 223 de 2010: Que reglamenta a la ley 72 de 2008, que establece el procedimiento especial para la adjudicación de propiedad colectiva de tierras de los pueblos indígena que no están dentro de comarcas.
- » Ley N.º 80 de 2009. Que reconoce derechos posesorios y regula la titulación en las zonas costeras y el territorio insular con el fin de garantizar su aprovechamiento optimo y dicta otras disposiciones.
- » Decreto Ejecutivo N.º 287 de 2008: Que crea la Comisión de alto nivel para atender los problemas de los Pueblos indígenas en Panamá
- » Ley N.º 37 de 2016: La consulta y consentimiento previo, libre e informado a los pueblos indígenas
- » Sobre la creación de Áreas Protegidas . Decreto Ejecutivo N.º 619 de 2012: Por la cual se reglamente el proceso para la creación de áreas protegidas y modificación de áreas protegidas.
- » Decreto Ejecutivo N.º 59 de 2016: Que crea y regula el manejo compartido en el SINAP
- » Decreto Ejecutivo N.º 203 de 2018: Que crea el Consejo Nacional de Desarrollo Integral de los Pueblos Indígenas
- » Norms of Comarcas (local administrative units)
- » Ley N.º 16 de 1953: Por la cual se organiza la Comarca de San Blas
- » Decreto Ejecutivo N.º 89 de 1983: Por el cual se regula el nombramiento y remoción



del intendente de la Comarca de San Blas.

- » Ley N.º 99 de 1998: Por la cual se denomina Comarca Kuna Yala a la Comarca de San Blas.
- » Ley N.º 22 de 1983: Por la cual se crea la Comarca Emberá de Darién
- » Decreto N.º 84 de 1999: Por el cual se adopta la Carta Organizativa de la Comarca Emberá-Wounaan de Darién
- » Ley N.º 24 de 1996: Por la cual se crea la Comarca Kuna de Madugandí
- » Decreto Ejecutivo N.º 228 de 1998: Por el cual se adopta la Carta Orgánica Administrativa de la Comarca Kuna de Madugandí
- » Ley N.º 10 de 1997: Por la cual se crea la Comarca Ngöbe-Buglé
- » Resolución AG-0095-2009: Por medio de la cual se declara como área protegida el Paisaje protegido Isla Escudo de Veraguas
- » Resolución AG-0299-2009: Por medio de la cual se designa a la Administración Regional de la Autoridad Nacional del Ambiente en la Comarca Ngöbe Buglé, como encargada de la Administración del área protegida denominada Paisaje Protegido Isla Escudo de Veraguas
- » Decreto Ejecutivo N.º 194 de 1999: Por el cual se aporta la Carta Orgánica Administrativa de la Comarca Ngäbe-Bugle (Reformado por el Decreto 537 de 2010)
- » Ley N.º 34 de 2000: Crea la Comarca Kuna de Wargandí
- » Decreto Ejecutivo N.º 414 de 2008: Por el cual se adopta la Carta Orgánica Administrativa de la Comarca Kuna de Wargandí

#### **Culture and access to justice**

- » Ley N.º 25 de 1984: Por la cual se atribuyen los efectos del matrimonio civil a las uniones conyugales celebradas de acuerdo con las costumbres del pueblo kuna
- » Ley N.º 3 de 1994: Código de la Familia
- » Decreto Ejecutivo N.º 94 de 1998: Por la cual se crea la Unidad de Coordinación Técnica para la ejecución de los programas especiales en las áreas indígenas
- » Resolución N.º 4376 de 1999: Medicina Tradicional
- » Ley N.º 20 de 2000: Del régimen especial de propiedad intelectual sobre derechos colectivos de los pueblos
- » Decreto Ejecutivo N.º 12 de 2001: Por el cual se reglamenta la Ley N.º 20 de 2000
- » Ley N.º 35 de 2000: Que crea el Patronato de las Ferias de los pueblos indígenas de la República de Panamá
- » Decreto Ejecutivo N.º 687 de 2008: Que implementa y desarrolla la educación bilingüe intercultural en los pueblos y comunidades indígenas de Panamá
- » Acuerdo N.º 424 de 2009: Por el cual se crea el departamento de acceso a la justicia para los grupos indígenas
- » Ley N.º 88 de 2010: Que reconoce las lenguas y los alfabetos de los pueblos indígenas de Panamá y dicta normas para la educación intercultural bilingüe
- » Ley N.º 42 de 2010: Que declara el 9 de agosto día nacional de los pueblos indígenas

## Annex 2.

### The case of the Grand Interoceanic Canal through Nicaragua

The Inter-American Court of Human Rights (IACHR) notified on March 8, 2022 the submission of the Pueblos Rama and Kriol lawsuit against Nicaragua. The issue began in 2012 due to the lack of Free Prior and Informed Consent (FPIC) for the approval of Law no. 800, which created the legal framework for the Grand Interoceanic Canal through Nicaragua (GCIN). In 2013, Law no. 840 granted the GCIN a concession permit for work on indigenous and Afro-descendant lands.

Given the lack of effective response from the judicial system to the unconstitutional actions filed by the authorities of the indigenous and Afro-descendant communities, the case was presented in 2014 before the IACHR.

The hearing for case (No. 13.615) was held on March 5, 2020 during the 175th Session of the IACHR. Once the case was before the IACHR Court (CDH-39-2021) following the written stage of the process, the Court held on February 2, 2023 the public hearing of the Pueblos Rama y Kriol Vs. Nicaragua case. In April 2024, the IACHR Court delivered its verdict, determining that Nicaragua's refusal to consult with indigenous authorities violated the right to self-determination of the petitioning communities.

Consultations for Law no. 800 and Law no. 840 were not conducted with the indigenous and Afro-descendant communities of the Rama and Kriol Territory, nor with the Indigenous Black Creole Community of Bluefields (CNCIB), despite the fact that 52 per cent of the GCIN route would pass through their territories.

Authorities of the Rama and Kriol Territorial Government (GTR-K) at the time accused the State of Nicaragua of coercing the President of the GTR-K into signing the supposed "Free, Prior and Informed Consent Agreement for the Implementation of the Nicaragua Grand Interoceanic Canal Development Project", in violation of good faith. The Agreement—for which the Rama and Kriol peoples claim not to have given their FPIC—illegally grants the GCIN Authority a perpetual lease on 263 sq km of land in the heart of their ancestral territory.

The CNCIB also accused the State of Nicaragua of not consulting its members and instead imposing a government parallel to the one legally elected and constituted by the CNCIB; aborting the titling process of its traditional territory; illegally dismissing its representative in the National Commission for Demarcation and Titling (CONADETI); and titling only 7 per cent of its traditional land, leaving out 93 per cent, in order to favour the GCIN megaproject.

The indigenous and Afro-descendant authorities of the GTR-K and the CNCIB agreed with the IACHR in the sense that the controversy in the case is about: 1) compliance with the State's obligations regarding collective property in relation to the CNCIB; and 2) compliance with the duty to clean up the Rama and Kriol territory. They also considered it essential to submit the case to the IACHR Court because of the serious impact that the GCIN would have on their land and on their traditional way of life--and due to the lack of effective domestic remedies in the Nicaraguan judicial system, which failed to provide due judicial protection. Between 2013 and 2020, these towns filed 19 Amparo Appeals

(writs of protection) and the Nicaraguan judicial system did not protect them in any of the legal actions.

The failure of the State of Nicaragua to comply with its international obligations, is also evidenced by its neglect towards clean-up efforts in the Rama and Kriol territory, titled since 2009; and thus compromising the protection of a healthy environment and the preservation of the Indio-Maíz Biological Reserve, which forms part of the Rama and Kriol territory.

The State of Nicaragua is internationally committed to protect and guarantee the physical, psychological and moral integrity of its citizens, members and authorities of indigenous and Afro-descendant peoples. In this case, the rights of the Rama and Kriol peoples and of the CNCIB—human rights defenders of their own peoples. As well, the State is bound to protect their territories and environmental resources without any discrimination whatsoever, which the petitioners deem to not have been done. In this case, the State of Nicaragua must repair the damages caused to the Rama and Kriol peoples and guarantee that the acts that violated their human rights would not be repeated.

The Center for Legal Assistance to Indigenous Peoples (CALPI) and the Human Rights Clinic of Seattle University, Washington, USA, had aided indigenous and Afro-descendant authorities in their claims since 2013, and represented them before the IACHR Court.

## **Annex 3.**

### **Mining Conflict in Panama: Law no. 406**

On October 23, 2023, the National Assembly approved Law no. 406, granting First Quantum Minerals (FQM) a 20-year copper mining permit, extendable for an additional 20 years, including maintaining the operating contract until the end of the mine's useful life.

Afterwards, the then-President of the Republic, Laurentino Cortizo, ratified the law and with it, FQM's operating contract. As the Observatory of Mining Conflicts in Latin America (OCMAL) pointed out, this action will not only maintain the mining company's operations, but also replace another contract signed in 1997, which had been previously declared unconstitutional because (among other reasons) the concession was granted without a bidding process.

The approval of Law no. 406 paralyzed the country and fomented a social movement on a scale that was unprecedented in Panama's recent history. It brought together various sections of Panamanian civil society: student groups, environmental movements, teachers, trade unions, public officials and political leaders, among others. It included those on whom the law had a direct impact, indigenous peoples, including from the Majé Emberá Drua and Ngäbe-Buglé communities, that have raised their objection to the mining concession.

The social actors opposed the development of mining activities due to:

- The historical antecedents of the signing of the contract pointed it out as being unconstitutional
- The lack of transparency in the negotiation process and in the management of public funds

- The environmental impacts of the mining activity (12,955.1 hectares located in Coclé del Norte, Donoso district, and other deposits in different parts of the country) in the Mesoamerican Biological Corridor
- Non-compliance with international agreements, such as the Escazú Agreement

For the government, the non-ratification of the mining operations represented a loss of at least US\$375,000 per year in minimum contributions and a loss of 8,000 direct and indirect jobs. They pointed out that the income from mining activity would offset the projected losses in the Panama Canal (as a result of a reduction in the transit of ships due to drought). Non-ratification could also generate a climate of lower confidence among investors, in addition to other damages resulting from the breach of contract in international courts, the government noted.

The confrontations continued for weeks across the country, causing loss of human lives and social instability. Given the scale of social unrest, the Ombudsman's Office of Panama called on the Panamanian government to immediately restore the fundamental guarantees that, de facto, the people were not enjoying: life and physical integrity, freedom, access to health, food security, work, education, freedom of the press, free transit, private property; as well as the right to peaceful protest, in compliance with the protection mechanisms that the Political Constitution of the Republic of Panama, international agreements and laws empower it to provide.

On November 3, 2023, the National Assembly approved an indefinite moratorium on concessions for the exploration and extraction of metal mining in all Panamanian territory. However, the legal issues surrounding Law no. 406 and the voided FQM contract are still ongoing (as of the case study period).

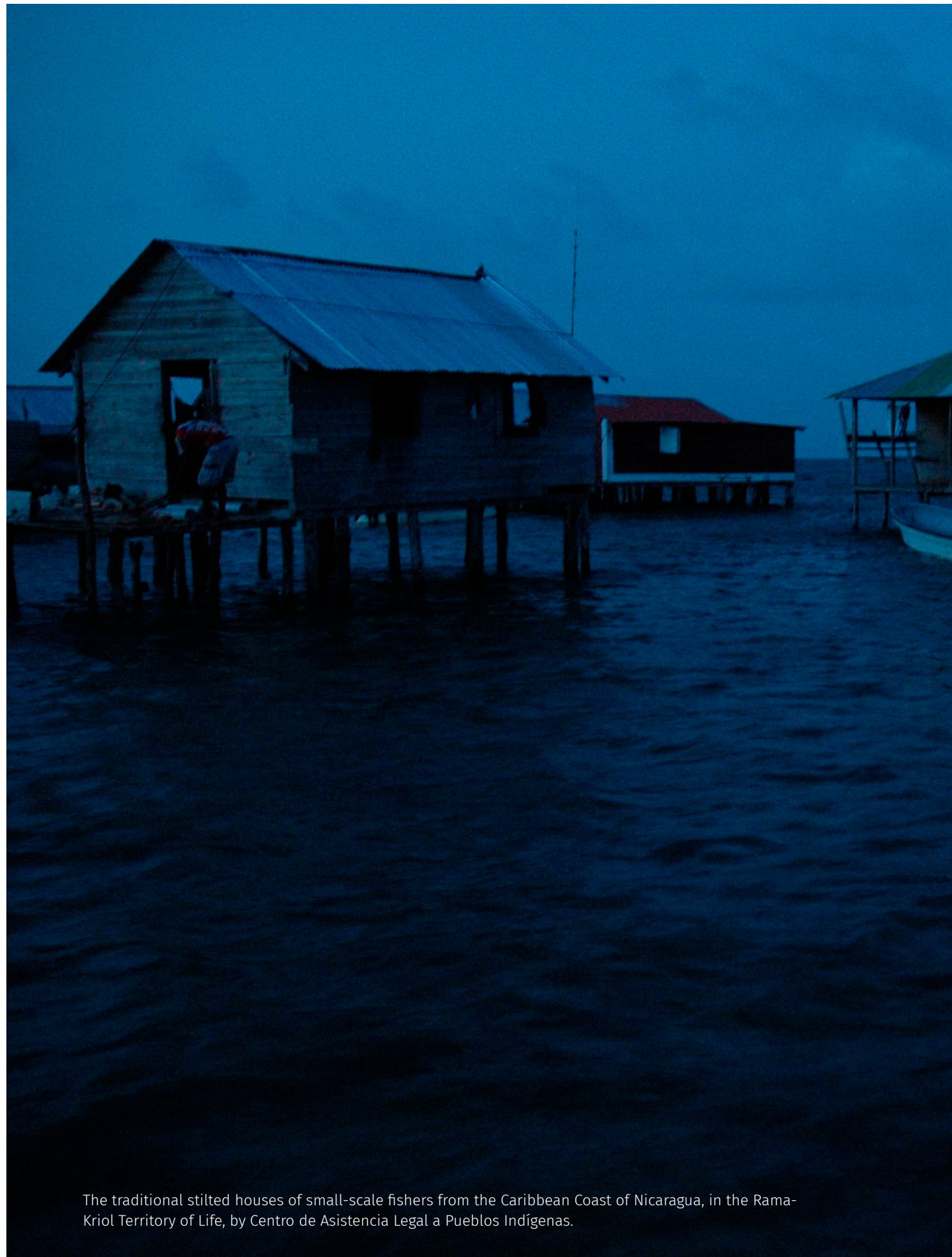
On November 27, 2023, the Supreme Court of Justice, by unanimous vote, declared as unconstitutional Law no. 406, which approved the mining concession contract.

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Traditional lobster fishers in the Rama Kriol Territory of Life,  
by Centro de Asistencia Legal a Pueblos Indígenas.






The traditional stilted houses of small-scale fishers from the Caribbean Coast of Nicaragua, in the Rama-Kriol Territory of Life, by Centro de Asistencia Legal a Pueblos Indígenas.





A stylized map of Central America and the Caribbean region, rendered in a light blue color against a dark blue background. The map shows the outlines of the countries and the surrounding islands. The text is overlaid on the map, with some parts of the map visible behind the text blocks.

Based on two case studies—in the **Rama and Kriol Territory, Nicaragua**, and on the **Veraguas Dego Island, Bocas del Toro archipelago, Panama**, this report looks at how **traditional conservation arrangements under indigenous and local communities** can be effective in achieving global biodiversity goals such as those in the 2022 Kunming Montreal-Global Biodiversity Framework (KM-GBF). This is especially important since there was no formal recognition of the conservation functions of these institutions.

The findings of the case studies indicate that these long-standing conservation arrangements can be instrumental in enhancing conserved marine areas by 30 per cent. They suggest that meeting KM-GBF goals by applying a human rights-based approach (HRBA) may be better achieved by recognizing effective indigenous conservation practices and helping to make them more resilient by addressing threats, and fulfilling relevant voluntary commitments under the Sustainable Development Goals (SDGs).

Applying an HRBA, the report holds, would require recognizing the traditional rights of local communities, indigenous peoples and artisanal small-scale fishers and fishworkers, including women, particularly their preferential rights to marine and coastal resources, and traditional institutions of governance. These rights are often circumvented when they conflict with large-scale economic and infrastructure projects, such as the Grand Inter-oceanic Canal in Nicaragua and mining concessions in Panama.

The report draws upon earlier ICSF case studies on MPAs in Mesoamerica as well as relevant legislation, policies and reports. Focused group discussions and key informant interviews were held among indigenous peoples and Afro-descendants in the sites under study to understand the role of legislation and community practices in relation to access to resources, conservation of biodiversity (public, private and community-based initiatives) and human rights.

ISBN 978-93-80802-22-0

**Marvin Fonseca Borrás** is the President of the Board,  
CoopeSoliDar R.L., Costa Rica

**Vivienne Solís Rivera** is Technical Associate,  
CoopeSoliDar R.L., Costa Rica

International  
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in Support of  
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