



# Coiba National Park Governance Analysis

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# Acronyms<sup>1</sup>

AMP	Autoridad Marítima de Panamá - Maritime Authority of Panama
ANAM	Autoridad Nacional del Ambiente – Environment National Authority
ANCON	Asociación Nacional para la Conservación de la Naturaleza – National Association for the Conservation of Nature
ARAP	Autoridad de los Recursos Acuáticos de Panamá – Water Resources Authority of Panama
ARTURIS	Asociación Rural de Turismo Sostenible de la Zona de Amortiguamiento del Parque Nacional Coiba – Sustainable Tourism Rural Association of Coiba National Park Buffer Zone
ATP	Autoridad de Turismo de Panamá (antes IPAT) – Tourism Authority of Panama (Used to be IPAT)
BID	Banco Interamericano de Desarrollo – Inter-American Development Bank
CC	Comité Científico – Scientific Committee
CD	Consejo Directivo – Executive Board Council
CI	Conservación Internacional – International Conservation
CP	Comisión para el Manejo Sostenible de la Pesca en la Zona Especial de Protección Marina – Fishing Sustainable Management in the Special Zone of Marine Protection Commission
COPEG	Comisión para la Prevención y Erradicación del Gusano Barrenador – Prevention and Extermination Commission of the Screw Worm
CRUV	Centro Regional Universitario de Veraguas (Universidad de Panamá) – University Regional Centre of Veragua (University of Panama)
CYTED	Programa Interamericano de Ciencia y Tecnología para el Desarrollo – Inter-American Science & Technology Development Programme
G.O.	Gaceta Oficial (Diario Oficial de la República de Panamá) – Official Gazette (Official Journal of the Republic of Panamá)
INAC	Instituto Nacional de Cultura – National Institute of Culture
IPAT	Instituto Panameño de Turismo – Panama Institute of Tourism
MARVIVA	Fundación Marviva – Marviva Foundation
MEDUCA	Ministerio de Educación – Department of Education
MIDA	Ministerio de Desarrollo Agropecuario – Department of Agriculture
MINGO	Ministerio de Gobierno y Justicia – Department of Justice
MINSA	Ministerio de Salud – Department of Health and Human Services
NGO	Non-Governmental Organization
PN Coiba	Parque Nacional Coiba – Coiba National Park
POA	Plan Operativo Anual - Annual Operation Plan
SENACYT	Secretaría Nacional de Ciencia, Tecnología e Innovación – National Secretariat of Science, Technology and Innovation
SENAN	Servicio Nacional Aeronaval – Aeronaval National Service
SINAP	Sistema Nacional de Áreas Protegidas – Protected Areas National System
STRI	Smithsonian Tropical Research Institute
TNC	The Nature Conservancy
UNESCO	United Nations Educational, Scientific and Cultural Organization
UP	University of Panama
ZEPM	Zona Especial de Protección Marina – Special Zone of Marine Protection

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<sup>1</sup> For their Spanish acronyms

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# Executive Summary

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Coiba's Law (Act No. 44 of 2004) opened a new page for Coiba National Park and created a new body named "Executive Board Council" which, among its many duties, it had to approve the new Management Plan for this protected area. This legislation also created the Special Zone of Marine Protection (ZEPM) on the western part of the National Park. In the year 2005, UNESCO designated both sites as Natural World Heritage Site. The Executive Board Council, which has decision-making powers and includes representatives from the national and local institutions and, also civil society organizations, is a new governance concept for the protected areas of Panama. The provisions of Act No. 44 (2004) also created the Scientific Committee (CC) and Fishery Commission for the ZEPM (CP) with specific duties.

In the last five years, among the greatest achievement in governance topics we have the formation and implementation of the new decision-making structure in the Park. The "maximum authority" in the Park – the Executive Board Council – has held more than 30 meetings, approved the conservation and sustainable exploitation policies and lastly, on February 2009, the Management Plan. Good planning has accomplished a considerable financial support which shall be able of supporting the implementation of a great number of activities of the Management Plan.

On July 2007, an initial report was made about the governance in Coiba National Park. This report analyzed a broad number of topics related to the formal and informal structures regarding the decision-making in the Park – such as the legislation and the institutional settlements, the growing competences of public institutions having authority on the Park's resources or activities, the new commissions created by the new legislation and their inter-relation, the public participation in the decision-making process and the transparency of all these procedures.

The 2007 report highlighted the challenges faced by the Park's administration and it made recommendations for improving the processes related to the decision-making.

This 2010 report updates the first report of 2007, it takes into consideration the new events from the last two and a half (2 ½) years which may have an effect on the Park governance topic. The interest and support of environmental organizations are still increasing with a good result for PN Coiba by: helping with scientific information, generating economic options for the communities located at Veraguas coast, disclosing information to the public in general about the Park resources and its heritage and even the control and surveillance of the PN Coiba waters.

On February 2009, the Executive Board Council approved the Management Plan while in July 2009 the approval resolution of the Environmental National Authority (ANAM) was published. Since June 2005, the Executive Board Council has held more than thirty (30) meetings consolidating and establishing their procedures and working method as a group. On July 2009, a new political administration took control and as a result, many CD representatives were removed. Despite the political change, the PN Coiba's structures kept their functional stability. Today, the PN Coiba is in a very favorable position with great opportunities available to successfully implement its heritage conservation goals.

Now, regarding the governance topic there are great challenges even now. The new structure of governance itself still has to be consolidated. Its technical and administrative structure needs to be defined without delay. The new three groups (Executive Board Council, Scientific Committee, and Fishery Commission for the ZEPM) need to create a vision for their future, a better understanding of their roles in the Park governance and to start the planning, follow-up and assessing process of the Management Plan implementation. However, the evidence suggests that these three groups lack initiative and the capability of taking proactive positions in the face of emerging topics which might threaten the Coiba's heritage.

In order to improve the efficiency of the new governance institutional structures generated by the provisions of Act No. 44 in 2004, this report reconsider the recommendations offered in the first report in 2007. It analyzes the progress made towards

the implementation of these recommendations. It also takes into consideration several governance parameters reflecting the good operation of the Executive Board Council, such as meeting localization and attendance; having the required quorum, the replacement of representatives of an institution during the meetings; transparency of the meetings, documents and planning activities; the coordination between the Executive Board Council, Scientific Committee and the Fishery Commission for the ZEPM. During the last thirty (30) months these parameters trends have been assessed by our analysis. The data indicates that many parameters have not changed to a great extent over the analyzed period of time and that there are many weaknesses in the governance process that need to be solved even now.

The report also analyzes some external and internal threats faced by the conservation of the PN Coiba, such as the fast development of tourism activities in the Veraguas coast (external threat), the lack of regulation for the Special Zone of Marine Protection (ZEPM) (internal threat), and the existence of about 3,000 wild cattle in Coiba Island (internal threat). Evidently, the CD should give special attention to these issues.

The following are some recommendations for improving the governance efficacy in the conservation of the PN Coiba:

- i. Increasing the fishery sector representation on the Executive Board Council or, at least, acknowledging that only one representative is not able of pleading in favor of the different interests of the fishery sectors (small-scale/ commercial, sport, industrial fishing, and exporters).
- ii. Being more flexible on allowing the public to have access to the Board's meetings – not to be so restrictive and inflexible about this issue.
- iii. Being open and transparent with the meetings' minutes from the Executive Board Council, Scientific Committee and Fishery Commission for the ZEPM.
- iv. Developing a web page with important information on governance topics (such as the minutes, and the names and contacts of the three commissions' representatives).
- v. Establishing an Information Centre for Coiba National Park which includes an important

- component of governance topics.
- vi. Establishing a Documentation Centre where the public in general may be able of accessing information about the Park and the region, the outcomes from the researches made at the Park and information generated for the public in general (or rather – “the ones opened to the public”).
  - vii. Taking into consideration the transaction’s costs when preparing the budgets (the costs needed to implement a broad public participation policy).
  - viii. Offering incentives to the members of the three (3) governing groups to improve their regular attendance to the meetings.
  - ix. Improving the coordination among the Executive Board Council, the Scientific Committee, and the Fishery Commission for the ZEPM.
  - x. Establishing an administrative support for the Executive Board Council, the Scientific Committee and the Fishery Commission for the ZEPM, i.e., a physical office for the Board, permanent administrative personnel who is exclusively involved in the Board’s duties and a budget to support this measure.
  - xi. Ensuring that the Executive Board Council schedules their activities and prepares an Annual Operation Plan (POA).
  - xii. Conducting training activities for the CD’s members so that they meet their obligations of doing a follow-up and “oversee the strict compliance of the Park’s Management Plan” which was approved by the CD on February 2009 and by ANAM on July 2009.
  - xiii. Creating incentives for the Executive Board Council so that they are able of showing their own initiative. The Board must be informed on emerging issues inside and outside the Park and be able of having their voice heard, as a group, before situations, such as the non-sustainable development in the Park’s Buffer Zone.



# Background

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Coiba's Law opened a new page for Coiba National Park and created a new body named "Executive Board Council (CD)" which, among its many duties, it had to approve the new Management Plan for this protected area. The Executive Board Council, which has decision-making powers and includes representatives from the national and local institutions and, also civil society organizations, is a new governance concept for the protected areas of Panama.

The main purpose of the effort was to provide Coiba National Park with its own Management Plan, so that it contributes to the comprehensive management of this protected area and to improve the inhabitants' quality of life of its Buffer Zone. In the year 2009, the Management Plan was approved, and its implementation phase has just begun.

## **Objectives of this Consulting Service**

The purpose of this Consulting Service is to analyze information on the governance situation of the National Park and its Marine Protection Special Zone to obtain strategic guidelines which might facilitate an efficient administrative management. On July of 2007, the First Governance Report was prepared and it analyzed in detail the decision-making situation and it made several recommendations to improve the performance of all actors involved in it.

The methodology for this second report on the governance includes an evaluation of the efforts of the new groups that Coiba's Law created to oversee the protected area, an assessment of some key topics that were noticed during the research of the first report, as well as the analysis of the socio-economic situation in the study area. The governance indicators were followed, up to where is possible, and the trends detected during the last five years were analyzed to see if there has been any change. Recommendations were given at the end and which can be considered to improve the Park's governance effectiveness.



# Introduction

On July 2007, a “Governance Analysis on Coiba National Park” (quoted below as “Suman (2007)”)² was prepared and it analyzed topics related to the Park’s formal and informal set of rules, i.e., the decision-making process regarding this protected area. The topic itself is quite broad and it covers issues such as the framework legislation which establishes the institutional settlement; the official institutions per se, their competences and performance versus the Park challenges; the new inter-institutional commissions created by the law; the relationship among the Central Government’s institutions which, even now, have a high important influence and the local governments; the public and civil society organizations involvement in the decision-making concerning the Park; the transparency of all these procedures; and the effectiveness of the new institutional settlements to protect the natural and cultural heritage of Coiba National Park and its partner, the Special Zone of Marine Protection .

The first report highlighted the challenges faced by the new institutional model created by the provisions of Act No. 44 (2004), i.e., the “Coiba’s Law”. The legislation creates a new inter-institutional structure to rule the protected area by eliminating certain competences from the Environment National Authority, which currently manage the Protected Areas National System in Panama, and to which the Coiba National Park (PN Coiba) belongs to. At the same time, when these new institutional structures were created, the development of a new Management Plan for Coiba National Park was initiated. The new institutional structure and the Management Plan demand a significant funding to carry out their tenure, actions and strategies.

Now, in the face of these tremendous challenges,

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2 Suman, D. 2007. Governance Analysis on Coiba National Park. ANAM, Conservation International, STRI: Panama.

PN Coiba is in a very favorable situation and it has unique opportunities. Among these, there is the issue that in the year 2005 UNESCO designated the site as a World Heritage Site; an important financial support from several foundations and international Non-Governmental Organizations (NGOs) and also from the Central Government; an already existing and increased significant scientific base; an important theme support from several NGOs who consider this National Park as a priority for their activities in Panama; the existence of a detailed and concrete Management Plan which has already been approved by the National Government; and specially<sup>3</sup>, the energy given by many individuals from these institutions and organizations who have dedicated themselves to care for this protected area. The First Governance Report (Suman, 2007) shows these opportunities, and we take this occasion to be optimistic about Coiba's future – to a large degree because a system that aims well the energy of many individuals and take them to what apparently are good decisions has been developed.

The First Governance Report (Suman, 2007) made a series of recommendations to improve the decision-making and the structure of the new institutional framework that was developed. This report analyzes again these recommendations to find out if they have or not been considered, or instead, if there have been any progress in the situations so that certain weaknesses were solved.

Therefore, this report analyzes Coiba National Park governance's issues after the First Governance Report of 2007. During these past two years, important events on the governance topic at Coiba National Park have been noticeable. First, the impact of the first report might be considered and if some of the parameters have significantly changed. Second, on August 2008, the National Constitutional Assembly amended Coiba's Law when it eliminated its Section 11 which banned the purse seine fishing to the North of parallel 60 30" N. Major civil society sectors were mobilized due to this action and, at the end on April 2009, the National Constitutional Assembly restored the section that had been abolished nine month before. The Executive Board Council did not play any important role in this debate. Third, on

February 2009 the Executive Board Council approved the Management Plan for Coiba National Park and ANAM issued its official approval by June 2009. The Management Plan defined the commitments of many of the actors who were interested in the heritage that this protected area represents. It reactivated also the Executive Board Council. Fourth, on July 2009, after the general elections of May 2009, a new political administration took control in Panama. New political leaders were elected at all levels of the government in the country, from President to Mayors and Township Representatives of the local government. Due to these administrative changes, half of the counselors who were members of the Governance Board were removed. The impact that these political changes have had on the Executive Board Council operation, the operational level of ANAM in the park and the environmental policy in general is of great interest for this study. Perhaps it's still too early to reach solid conclusions, but we might have some preliminary remarks.

3 Environment National Authority (ANAM), Resolution No. AG-0449-2009 whereby the New Management Plan for Coiba National Plan, is approved and published in the Official Gazette No. 26,336 (July 31st of 2009).





# I Decision-Making Characterization at Coiba National Park

The First Governance Report<sup>4</sup> analyzed in detail the Act No. 44 on itself, approved by the National Constitutional Assembly on July 26th of 2004, whereby the management and governance new framework for Coiba National Park was established. Now, five years later after its approval, this law is not regulated – which was the Executive Branch (ANAM) responsibility within a three-month period after its approval or at the end of October of 2004.<sup>5</sup>

The provisions of Act No. 44 made a radical change – it created the Executive Board Council, which is of inter-institutional, inter-governmental and civil society setting – with decision competences in the matters of Coiba National Park. The Environment National Authority is still in charge of operating and administrating the protected area of operational level as it does in most of the protected areas which are part of the Protected Areas National System (SINAP).

## **a. Executive Board Council**

The First Governance Report<sup>6</sup> discussed in detail the purpose and operation of Coiba National Park's Executive Board Council. It is more than an advisor council to ANAM; it has executive duties on the protected area and is the “maximum authority” in the Park. It consists of five representatives from the Central Government (ANAM, AMP/ARAP, MINGO, SENACYT, ATP/IPAT), but civil society, local government (some municipalities of the Province of Veraguas) and scientific/academic institution groups

4 Suman (2007), pages 13-18.

5 A draft for the regulation was prepared in the year 2007, but the Legal Counseling from ANAM did not accept it. On July 2009, the draft was presented to the New Director of the Protected Area and Wild Life, and this process was expected to be finished before July 2010.

6 Suman (2007), pages 15-17.

are also represented. The Board has twelve (12) members with full voting and speaking privileges and only four (4) with speaking privileges.

It is the Executive Board Council's duty of approving Coiba National Park Management Plan - which took place on February 2009; also of controlling Coiba Park's Funds; assessing and approving the Special Zone of Marine Protection s regulation prepared by the Fishery Commission for the ZEPM and chaired by ARAP; assessing and approving the Five-Year Period Research Plan prepared by the Scientific Committee, as well a promoting the sustainable development in the neighboring communities of the Park.

In order to make a follow-up of these obligations, the Executive Board Council has held thirty (30) meetings (between ordinaries and extraordinaries), the first one on June 20th of 2005 and the last one on December 3rd of 2009. It has met the minimum obligations of the meetings established on the provisions of Act No. 44 – an ordinary meeting every three months. The meetings have been held in Panama City and in several places of the Province of Veraguas and Coiba National Park. In order to facilitate the work and be involved in so many obligations, finally, on June of 2009, the Board decided to create a number of sub-commissions to cover several topics – something that was recommended in the First Governance Report in 2007 (page 47). The sub-commissions are:

1. Legal Sub-Commission (ANAM, ARAP, ATP, MarViva);
2. Implementation Follow-Up Sub-Commission of the Coiba National Park Management Plan (ANAM, ARAP, ATP, MarViva, MINGO, SENACYT, STRI);
3. Communication Sub-Commission (ANAM, MarViva, STRI) and
4. Executive Board Council Strengthening Sub-Commission (ANAM, ATP, and MarViva).

The Executive Board Council follows its Internal Bylaw which was approved by the Board itself on January 14th of 2005. The idea of reviewing the Internal Bylaw existed since many years ago – but it finally occurred at the end of 2009 when the Executive Board Council approved a new one. The last reviewing versions add the creation of sub-commissions or working groups which might facilitate the Board's efforts. The versions under consideration

create rules about yielding the floor that (according to this analyst opinion) restrict the citizen participation making it more difficult and formalistic.

Another possible change might restrict, to two people, the participation of institutions which are members of the Board, with the exception of the Board's Presidency and Secretariat which might have four people in the delegation. The reason of this review is because of the complaints of some people about the great number of people that sometimes represent certain institutions before the Board, creating – unintentionally – greater power and influence for their position and, also, increasing excessively the opinions and interruptions.

There was a great change in the representatives of the Governance Board's members due to the Executive change that occurred in July 2009. After July of 2009, the Board had six (6) of their twelve (12) representatives who were new. The representatives from ATP, SENACYT, CRUV, MarViva, the Chamber of Commerce from Veraguas and the representative from the Fishery Sector were the only ones who stayed in the Board. Besides these changes, the second one took place on November when the ANAM representative was replaced. Roughly, the changes in the Governance Board membership do not seem to have reduced the Board's energy, enthusiasm or capability. Moreover, I believe that the approval of the Management Plan by the Executive Board Council, in February 2009, gave the Board a new energy who felt somehow discouraged for what some of the members thought it was the slowness on the Management Plan development.

The First Governance Report<sup>7</sup> identified several points that the Executive Board Council might improve – helping the members, members' rotation, and lack of understanding of their duties, among others. Section VI of this report reconsiders some of these matters. Nevertheless, it is thought that the Executive Board Council has been very responsible, it has shown great dedication and energy and it has done a great contribution to the conservation and protection of the Coiba National Park resources.

## **b. Scientific Committee**

The provisions of Act No. 44 created the Scientific Committee consisting of six (6) members, and it is the scientific arm within the new governance scheme.

7 Id., pages 41-48.

Today, SENACYT has the responsibility of being the Scientific Committee Secretariat. The CD still has to approve the internal bylaw.

Their duties include reviewing the Management Plan and giving their scientific opinions<sup>8</sup>, assessing the research proposals in the Park, making scientific proposals and research guidelines and proposing the Five-Year Period Research Plan for the Management Plan for the PN Coiba. Nevertheless, ANAM is still the competent authority to issue the authorizations to carry out scientific researches in PN Coiba. In fact, up to now, the Scientific Committee has not reviewed any research project in the Park.

Now, despite the new energy shown by the Scientific Committee in the last two years, they still have not submitted the Five-Year Period Research Plan which should be an integral part of the Management Plan for the Park. At the present time, the Scientific Committee is considering the Five-Year Period Plan. A five-year period research programme is included in the new Management Plan for Coiba, consequently, the Scientific Committee may use it as the basis for their Five-year Plan.

Between 2007 & 2009, the Scientific Committee has met four times. Unlike the Executive Board Council, the Scientific Committee's meetings were held only in the presence of Committee's members and two times only in the presence of some guests. It must be emphasized that the institution representatives in the Scientific Committee were always the same ones, which facilitated that their meetings, which are considerably less lengthy than the ones from the Executive Board Council, were held without any problem. Most of the Scientific Committee's meetings were carried out at SENACYT's office located in the City of Knowledge in Panama City. These meetings had a good attendance but ARAP's attendance was poor.

The Scientific Committee meeting's agendas include specific topics to be considered and among them we have:

- The location of the Scientific Station
- Remarks on the Management Plan
- Discussion of the ZEPM's Bylaw
- Internal Bylaw of the Scientific Committee
- Discussion on the Resolution AG-0189-2008

(Charge for Using the Environmental Services Offered by the Protected Areas)

- Choosing one NGO as a member of the Scientific Committee

The Scientific Committee states, in their meetings, that their communication with the Executive Board Council is not the best. For instance, the Scientific Committee's members often ignore about the discussions' outcomes and whether their recommendations were useful during the Executive Board Council's meetings. The Scientific Committee's members do not have either a direct participation during the debate in the Executive Board Council's meeting and they ignore if the Executive Board Council considered their suggestions and if these were correctly understood since the species and environment conservation topics are of a very complex nature.

In order to make amendments on the problem of lack of communication, when the Executive Board Council's meetings discuss important debates, some members of the Scientific Committee should be invited, so that s/he help the Executive Board Council to understand the recommendations and to make the most accurate decision from the scientific viewpoint. On the other hand, a Scientific Committee member should always attend to all the Board's meetings or the "Executive Board Council Administrative Director" (figure that does not exist today) should attend to all the Board, Scientific Committee and Fishery Commission for the ZEPM meetings and inform everybody about the activities carried out by each group.

An efficient information mechanism should be established between the Executive Board Council and the Scientific Committee, so that both are kept informed on the matters that have been debated and the reason of the solutions taken during the meetings, not only by the Executive Board Council but also by the Scientific Committee. Section V(f) below, recommends to create an external administrative secretariat for the CD which might facilitate this information mechanism between the CD and the CC This will be, without any doubt, a great advance for both bodies to have a better operation.

<sup>8</sup> This scientific review of the Management Plan successfully took place at the beginning of the year 2009.

### **c. Commission for the Fishing Sustainable Management in the Special Zone of Marine Protection**

The Commission for the Fishing Sustainable Management in the Special Zone of Marine Protection (quoted below as the “Fishery Commission for the ZEPM”) was also created by Act No. 44, and the same law creates the Commission’s responsibilities in the Special Zone of Marine Protection (ZEPM). The law specifies the eleven (11) members of the Commission and the duties of the AMP’s General Directorate of the Coast-Marine Resources (now a days the General Directorate of the ARAP’s Integral Ordering and Handling) to convene their meetings. On July 18th of 2005, their internal Bylaw was approved and it establishes the information about their operation.

Among the Fishery Commission for the ZEPM’s duties are those for creating the policies for the conservation and sustainable exploitation of the fishery resources for the ZEPM and to develop the regulation for the fishery activities for the ZEPM. The policies and regulation (approved by the Fishery Commission for the ZEPM and later on by the Executive Board Council) must be an integral part of the Coiba National Park Management Plan. It was previously mentioned that this situation must be unique and rather difficult for ARAP. Basically, the National Park’s Executive Board Council has the authority to approve the fishery policies and norms for a maritime space that does not belong to the National System of Protected Areas (but which is part of the UNESCO World Heritage Site and the “area associated to the Park”).

Despite several attempts made by several means, it has been impossible, during the years of this study, to obtain the minutes of the Fishery Commission for the ZEPM meetings. This might seem like there has not been a good follow-up on the administrative work of the Fishery Commission for the ZEPM.

The Executive Board Council did not approved during their meeting, on February 5th of 2009 and where the Management Plan was approved, the regulation for the ZEPM offered by ARAP (by the Fishery Commission for the ZEPM). It did not have the approval of the Scientific Committee<sup>9</sup> or the

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9 A member of the Scientific Committee realized that the Committee had to review the ZEPM regulation’s draft. First, the Executive Board Council was going to analyze it without

Executive Board Council, since it does not regulate the industrial or sport fishing in the ZEPM and because is not based on scientific studies. The Fishery Commission for the ZEPM was instructed to review the regulation and submit it again to the revision of the Scientific Committee and the Executive Board Council. Up to December 2009, these steps have not still been taken.

### **d. Pressure exercised by Economic Groups to Change Act No. 44**

The provisions on Section 11 of Act No. 44 created an exclusion zone for purse seines tuna fishing to the North of parallel 60 30” N in the Pacific Ocean in Panamanian waters. The purpose of this provision is to protect the Park’s marine resources – specially the ecosystem high predators such as the tuna fish and the species caught as a minor catch by the purse seines (marine mammals and turtles, among others).

The First Governance Report<sup>10</sup> mentioned that some businessmen were unhappy with Section 11 basically because it obstructed the location of the floating tuna cages (tuna farms) by the coasts of the Gulf of Chiriqui. It was previously mentioned that “on January 2007, the new ARAP’s authorities gave their support to the amendment on the prohibition stated on the provisions of Section 11, which will allow fishing young tuna specimens in the Gulf of Chiriqui to supply the needs of the companies using tuna cages (tuna farms)”.

At the end, the economically powerful fishery groups were successful. The National Constitutional Assembly annulled Section 11, explicitly by means of Section 278 of Act No. 55 (on August 6th of 2008), which to the naked eye it was only a law concerning the maritime trade. The annulment occurred without any prior consultation and it was a big surprise for the environmental groups.

When Act No. 55 was approved, the environmentalist NGOs and scientific institutions, the ANAM, sport-fishing groups and even the Panamanian Sea Products’ Producers, Processors and Exporters Association (Appexmar) were outraged and they began an active campaign to re-establish Section 11, including having meetings with the National Assembly Environmental Commission and a broad disclosure in the media and web sites. On December

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considering the Scientific Committee remarks.

10 Suman (2007), page 39.

2008, a group of 24 environmentalists and from civil society organizations threatens to bring a lawsuit for considering that the law annulling Section 11 was illegal.

When President Martin Torrijos was faced with this pressure, on February 7th of 2009 he issued the Executive Decree No. 7 re-establishing the Exclusion Zone. Little afterwards, on April 6th of 2009, the National Assembly approved Act No. 21 re-establishing the validity of Section 11, shortly after a great mobilization by the environmentalist groups and people interested in the National Park.

Section 11 derogation and its restitution offer important lessons for the governance of PN Coiba. First of all, it showed “the fragility” of the Coiba National Park legal framework – despite the “theoric” strength of the law.<sup>11</sup> The Park was designated by means of a law, not by an executive decree or ANAM resolution. In spite of the burden of this legal framework and its designation as a World Heritage Site by UNESCO, its modification took place – and much to the surprise of many. This story also aims to the institutional fragmentation. ARAP (an institution that is represented in the Executive Board Council) showed interest on modifying Section 11 since – at least – 2006. The interest of annulling Act No. 44 did not only come from strong economic interests from the fishery industry but from the government itself (ARAP). Maybe the most surprising thing that took place was the notorious absence of the CD at the discussion table. The CD, indeed, was not one of the main characters on defending Coiba’s Law. It would have been expected that PN Coiba, the “maximum authority”, to act more energetically and react to defend the integrity of the Organic Law ruling the Park.

This experience also shows the environmentalist NGOs’ excellent organization, which at the end had a great impact on the final outcome. Indeed, Coiba’s Law modification, without consulting the public, was seen as a very symbolic and dangerous event. It also represented the potential legal framework damage that establishes other protected areas of the country. If this had occurred with a law, it would have been even easier to amend executive decrees and administrative

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11 Despite the fact that a law is the most solid legal framework in the Nation, after the National Constitution, an attempt to change it was made. What does this lesson mean for the future of other protected areas whose legal framework is only an administrative resolution?

resolutions that created other protected areas. It was necessary to get organized with a unified voice against this move. The Management Plan (page 157) acknowledged the great support offered by the NGOs community against the effort for amending the Coiba’s Law.

*The recent modification of the legal instrument that establishes the protected areas, so that developing industrial fishery activities in the marine area next to PN Coiba were possible, exposed the legal vulnerability to which the protected area may be subjected. Regardless of the strong economic interest shown during this action, the situation discussed is being reviewed, thanks to the immediate and effective participation of responsible civil society organizations and institutional bodies, who tried that the executive body got involved and help to undo such legal action and to reinstate Section 11, which had been annulled, to the actual Act 44 of 2004.*

## **e. Political Changes and its Impact on the National Park Management**

At the beginning of July 2009, the new administration of President Ricardo Martinelli took control of the country. Together with the change of the Executive Branch, the ANAM Administrator and the Director of the Directorate of the Protected Areas and Wild Life were replaced. The changeover with the new Protected Areas Director was done very smoothly. On June 2009, the New Director attended a Executive Board Council meeting together with the former Director.

Nevertheless, apparently due to political parties’ disagreement, in November most of the ANAM directors were removed, including the aforementioned Director. At the beginning of December 2009, another person was holding the position as Director of the Protected Areas. Long standing reputation officers from the Directorate of the Protected Areas and Wild Life are apparently advising her and on December 3rd of 2009 she held her first meeting with the Executive Board Council.

It’s still unknown how these internal changes within ANAM and the lack of stability of this institution are going to have an effect on the Executive Board Council work and on the management per se of Coiba National Park. Anyway, it left the institution chaired by the Executive Board Council without leadership, in a state of uncertainty and somehow weakened. By the end of 2009, internal adjustments were made within ANAM but the Directorate of the Protected Areas and Wild Life was working by and large.



# II

## Institutional Coordination

The advantages of the inter-institutional coordination have been previously mentioned. Regarding Coiba National Park, the effective management needs a good coordination among the State's institutions. For instance, the fishery management issue demands cooperation among ANAM inside the National Park, ARAP in the waters of the ZEPM and AMP with the sailing departures issue.

The effective control and surveillance of the Park's regulation already looks as a coordinated effort among ANAM, the Ecological Police, the Aeronaval National Service (SENAN) and the MarViva Foundation.

The research in the Park requires the coordination from ANAM, SENACYT, STRI, among other institutions. These are only a few examples of many that require a good coordination between public and private entities. Some cases which are particularly relevant to the institutional coordination in the Park are considered below.

### **a. Management Plan for Coiba National Park**

After working for more than three years, the Planning Team of the Management Plan finished its work and at the beginning of February of 2009 the Executive Board Council approved the Plan. It represented, without a doubt, a great effort from a team of about twenty (20) people having all the institutional support from ANAM and other institutions, as well as several NGOs and scientific institutions. During the last days of the administration of President Martin Torrijos (June 22nd of 2009), ANAM issued its resolution about approving the Management Plan.<sup>12</sup> ANAM was very concerned about the Management Plan not being approved before the change of

<sup>12</sup> Resolution No. AG-0449-2009 (O.G. 26,336, July 31st of 2009).

government – which might have postponed the approval for an extended time while an assessment commission of the new administration examined it (some say that it might even take a year).

The Management Plan is divided in five (5) programmes: Administrative Management; Environmental Research and Monitoring; Management of the Natural and Cultural Resources; Targeted Recreation, Ecotourism, Environmental Communication and Education; and Control & Surveillance. There is also a Financial Plan. The Management Plan acknowledges, in all its programmes, the great importance of the inter-institutional coordination and the strategic alliances and it tries to specify the institutional duties.

For instance, the Protection & Surveillance issue, the Control & Surveillance Programme of the Management Plan emphasizes about the coordinated participation of the ANAM park rangers with the Ecological Police, the Aeronaval National Service (SENAN) in the maritime areas, and the MarViva Foundation that helps with important efforts in maritime patrolling. Since July 2008, the MarViva and ANAM already have a Cooperation Agreement to monitor and patrol the waters of Coiba National Park.<sup>13</sup> Despite the fact that PN Coiba has six (6) boats in the Park, only one is running. MarViva has one or two more boats. Nevertheless, the ANAM's boats are often out of service and requiring maintenance. However, residents on the buffer area report that they only see one boat, the one from ANAM.

One problem that is still unsolved is the illegal fishing in the National Park; this is because there are not enough boats and personnel to patrol such a large area and detect the law-breakers; the reports that at times are technically poor and do not survive the legal and administrative procedures; the slow legal procedures; the political pressure from the fishery interests and the impunity of the big entrepreneurs. Definitely, even though great advances have been achieved in this field, there is still too much to be done.

The First Governance Report<sup>14</sup> mentions that the National Maritime Services cooperation to oversee the waters of Coiba National Park has not been achieved.

13 Performance Protocol in the Control and Surveillance Operations, MarViva-ANAM.

14 Suman (2007), page 25.

Well now, it seems that the newly formed Aeronaval National Service (SENAN) has started to patrol the Park's waters (but there is not enough information about this). Nevertheless, SENAN's main interests are the national security and the traffic of illegal substances and not the fishery violations in Coiba National Park.

The Administrative Management Programme (Administration Sub-Programme) of the Management Plans makes an explicit reference to the governance issue. It mentioned the need of "a suitable technical-administrative structure to put into operation the programmatic actions and to support the execution of the duties given to the Executive Board Council". Such concern was mentioned in the First Governance Report (See Section VI.F. – "Executive Board Council Duties"<sup>15</sup>).

This Sub-Programme also refers to the need of training the CD's members in governance topics (negotiations, conflict-solving alternatives, communication with their communities, building strategic alliances with public and private institutions, planning, creation and implementation of coordination and support mechanisms for the Executive Board Council, Scientific Committee and the Fishery Commission for the ZEPM, CD's operation follow-up, and adding the environmental management and public participation transaction costs into the PN Coiba budget). The First Governance Report (See Section VI.E. – "Executive Board Council Members' Duties"<sup>16</sup>) recommended all these issues.

Also, the Administration Sub-Programme of the Management Plan (pages 101-102) recommends some governance indicators to make an environment management follow-up and be able of evaluating its effectiveness. The First Governance Report recommended including a series of governance indicators (See Section VI.I – "Governance Indicators")<sup>17</sup>.

The Sustainable Exploitation of the Fishery Resources Sub-Programme of the Natural and Cultural Resources Management Programme recommends making strategic alliances with the MarViva Foundation, the Aeronaval National Service, the CRUV, ARAP, small-scale fishermen, exporting businesses, sport-fishing clubs (Management Plan,

15 Suman (2007), page 44-45.

16 Id., pages 43-44

17 Id., pages 46-47.

pages 128-129). These alliances will encourage the research, control and surveillance, education y communication with the fishery sectors.

The Environmental Education & Communication Sub-Programme of the Targeted Recreation, Ecotourism, Environmental Communication and Education Programme require strategic alliances among ANAM and MEDUCA, MarViva Foundation, ARAP, Albatros Media Foundation, and International Conservation (Management Plan, page 132). Likewise, the activities of the Targeted Recreation and Ecotourism Sub-Programme can only be carried out by means of strategic alliances among ANAM, ATP and the Ecologic Police, among others (Management Plan, page 138).

In short, the Management Plan per se acknowledges the importance of the inter-institutional coordination and the creation of strategic alliances so that the implementation of the entire five programmes which form the Plan be successful.

## **b. Wild Cattle**

It is estimated that about 2,500 to 3,500 heads of wild cattle (farm cattle) are found in Coiba Island. The First Governance Report analyzed the institutional situations obstructing the solution of this problem.<sup>18</sup> Such solution requires coordination, not an easy one, among ANAM, MINGO, MIDA and MINSA, among other institutions.

Often, describing the problem and finding a solution are two very different tasks and, along the years, the problems have intensified. The Management Plan recommends that ANAM establishes strategic alliances and agreements to facilitate the elimination of the cattle from PN Coiba (Management Plan, page 119). The alliances may be with MINGO, MIDA, COPEG, MINSA, among others. The solution to this problem is advancing very slowly. On August 2009, MINGO formally transferred the cattle to ANAM, who has openly stated their will of getting the cattle out from PN Coiba. However, the concrete solution is still to be defined.

There are external pressures to find a solution to this problem. For instance, the decision of UNESCO World Heritage Committee in June 2009 (33 COM 7B.38) emphasized the need of taking an action,

without delay, to solve this problem before it harms even further the natural heritage of Coiba due to the deforestation and erosion caused by these animals. The complete eradication of the cattle from Coiba National Park was classified as a “priority issue”.

## **c. Research and Monitoring**

The Executive Board Council, based on the PN Coiba Management Plan and the Five-Year Period Scientific Research Plan that is been developed by the Scientific Committee, must approved the researches carried out in the Marine Reserve Zone. It is well know that ANAM will grant its authorization for all the researches on wild life and that the National Institute of Culture (INAC) will grant the approvals for studies related to cultural resources.

The Five-Year Period Research Plan (that must be completed by the Scientific Committee and approved by the Executive Board Council) must recommend researches that generate results and which would provide the basis for the adaptive management of the Park.

The plans to create a scientific station on Coiba National Park with the goal of carrying out basic and applied researches focused on offering knowledge to the Park ecosystems’ conservation and management, the critical habitats and the threaten species are still advancing. On September of 2009, ANAM & SENACYT signed an agreement to build a scientific station on Playa Machete in Coiba.<sup>19</sup> The Inter-American Science & Technology Development Programme (CYTED) will provide support on building the station with a contribution of \$1.2 millions with annual installments of \$250,000 until the year 2013. It has not been decided yet when the construction of the station will begin. Nor an Environmental Impact Assessment (EIA) has been done and which needs to be approved by the Executive Board Council and ANAM. The plans for the scientific station in the Park are taking shape since in 2007 SENACYT & CYTED signed a scientific-technical cooperation agreement to build the station in Coiba. The initiative’s goal is to encourage the research on Coiba and help to preserve its natural heritage.

19 An evaluation of the different options proposed by the Management Plan was carried out (Isla Rancheria, Estacion Gambute, Campamento Playa Hermosa, Playa Machete and Playa Maria) and the most favorable option was the one of Playa Machete.

The Management Plan brings up the importance of funding the researches in PN Coiba that is administered by SENACYT. Up to date, SENACYT has run two projects' invitations (2008 & 2009) to encourage the research on basic and applied sciences on PN Coiba and the ZEPM ("International Invitation to Encourage the Research and Development on Mankind's Natural Heritage Site, Coiba National Park"). SENACYT owns these funds, and thus, they represent the importance given by that institution to the research in the Park. Both invitations are focused on the biology of marine and land ecosystems and their goal is to fund researches that are able of supporting the management of the Management Plan of PN Coiba and the ZEPM.

During the first year of the programme, SENACYT chose six (6) projects to be funded by an amount of about \$300,000. Most of the successful participants are people who keep some kind of bond with the Park and know its priorities. At the end of 2009, four (4) projects were chosen during the second invitation with a total funding of \$ 200,000.

The Research and Socio-Economic Monitoring and the Cultural Resources Sub-Programme of the Management Plan proposes an assessment on the Executive Board Council actions to improve the life standard of the residents living in the buffer area of the National Park and a follow-up of the mechanisms' effectiveness of the public participation on the PN Coiba management (Management Plan, page 113).

#### **d. ZEPM's Fishery Management Plan (Fishery Commission for the ZEPM)**

The fishery management (planning, research, norms' implementation) in the Special Zone of Marine Protection (ZEPM) demands a serious and active participation of the Fishery Commission for the ZEPM chaired by ARAP. The First Governance Report takes note of the lack of organization and seriousness of the ZEPM's Fishery Commission for the ZEPM.

During a meeting held on February 5th of 2009, when the Executive Board Council approved the Management Plan, the Board did not approve the ZEPM's Fishery Exploitation Plan offered by ARAP (Fishery Commission for the ZEPM<sup>20</sup>). The Fishery

20 Ten (10) of the eleven (11) members of the Fishery Commission for the ZEPM approved the regulation for the ZEPM. The MarViva Foundation was the only one who

Commission for the ZEPM did not follow the required procedure, forgetting that the Scientific Committee should give its approval to the Fishery Exploitation Plan. The Executive Board Council's members were very concerned with the fact that what the plan proposed was a copy of the Sustainable Exploitation of the Park's Fishery Resources Sub-Programme. Thus, the draft proposed to regulate the small-scale fishing in the ZEPM but not the sport-fishing or the industrial fishing; however, both activities are carried out in the ZEPM.

Since the regulation for the ZEPM was not approved, the Fishery Commission for the ZEPM was given more time to modify its plan and take into consideration the Scientific Committee and Executive Board Council remarks. Once the regulation has been reviewed all over again, it should be submitted to be evaluated by the Scientific Committee and then the Executive Board Council approval. Once it has been approved, the regulation for the ZEPM should be attached to Coiba National Park Management Plan. Nonetheless, up to now (December 2009), the Fishery Commission for the ZEPM has not submitted their reviewed plan, i.e., the regulation for the ZEPM.

Now, we have to be aware that the UNESCO World Heritage Site includes the PN Coiba and the ZEPM. During its meeting on June 2009, the UNESCO World Heritage Committee stated that "it is vital that the State completes its management plan for the Special Zone of Marine Protection and ensures its effective implementation" (33 COM 7B.38). The lack of a plan suggests that there is very little regulation of the fishery activity - specially the industrial fishing. The Committee asked that Panama delivers to the World Heritage Centre a report, on February 2011, on the development and implementation of the Management Plan for the ZEPM.

#### **e. Coiba's Funding**

The provisions of Sections 25 to 27 of Act No. 44 (2004) create the PN Coiba Funding and they establish the core guidelines of how it must work. According to Section 27, the funds generated from PN Coiba revenues are to be allocated among ANAM to administrate the PN Coiba (78%), several municipalities from Veraguas to support their environmental projects and others that benefit small-  

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abstained during the voting.

scale fishermen (20%)<sup>21</sup> and the University Regional Centre of Veraguas (2%) to fund the researches related to the National Park.

The First Governance Report stated that the regulation of Coiba National Park Funds have not yet been agreed upon.

*The lack of a financial mechanism to expedite the Fund makes impossible the funding of small projects by the municipalities. Facilitating the Fund will also be an incentive for the Mayors' active participation in the Executive Board Council and thus otherwise will perceive the direct advantages of the National Park for their communities.*<sup>22</sup>

Two years later, the Coiba Fund had not being regulated. Nevertheless, on August 2008 partial disbursement was made to the municipalities of Veraguas and the University Regional Centre – Veraguas. The Funds' regulation is still a priority.

During the interviews made on 2009 to the municipalities' Mayors who received the money coming from Coiba's Fund, they stated that most of the money was allocated to sanitation works and immediate needs of the community. For instance, the Municipality of Sona received around \$16,000 from the Fund in 2008-2009, which was spent on the ornamentation of the green areas of the Municipal Head, cleaning the municipal garbage dumping site, building public bathrooms and creating a fund for helping people to plant rice and to breed pigs. However, these projects did not directly help the fishermen or their families who have been deprived of their main income.

At the present time, Ricardo Montenegro, is carrying out a study funded by the International Conservation on the implementation of the Coiba's Fund. It is expected that the outcomes of this consulting services will give the guidelines on the effective utilization of the Fund to be aimed at "the investment and administration expenses of the Park, especially to the projects and activities for its management, protection and conservation".<sup>23</sup> Also, a mechanism for the Executive Board Council to protect and follow-up these funds will have to be established.

## **f. ARAP or AMP? - Member of the Executive Board Council?**

Act No. 44 (2004) stipulates that the Maritime Authority of Panama (AMP) is a member of the Executive Board Council. When Act No. 44 (2006) created the Water Resources Authority of Panama (ARAP), the ARAP took up the representation of the AMP in the Executive Board Council due to its fishery competences and, obviously, its responsibilities in the ZEPM.

Nonetheless, the marine contamination, the maritime safety, the boats registration, and issuing the sailing departures are important interests kept by AMP in the PN Coiba. Whether AMP should be represented, in some way, in the Executive Board Council will have to be considered - perhaps by reviewing Act No. 44 (2004) (which is considered a dangerous precedent because of what took place in 2008 with Section 11) and the CD's Internal Bylaw and a co-representation between ARAP and AMP. In any case, a good communication channel must be kept for the appropriate guidelines of the AMP (Ports and Auxiliary Maritime Industries, Merchant Marine). It is indispensable to explain this matter since, in the worse of the cases, some decisions of the Executive Board Council might be invalidated.

## **g. Coastal-Marine Management Plan for the Gulf of Chiriqui**

It may begin as an ARAP project funded by the Inter-American Development Bank (IDB). It will be important to coordinate the future Coastal-Marine Management Plan with PN Coiba's Management Plan. The geographic scope of the Coastal-Marine Management Plan has not yet been defined, but it should include the eastern zone of the ZEPM and the north borders of the PN Coiba.

21 The 20% is shared among the Municipalities of Montijo (8%), Sona (6%), Las Palmas (2%), Rio de Jesus (2%) & Mariato (2%).

22 Suman (2007), page 46.

23 Act No. 44 (2004), Section 27.



# III

## Public Participation

The First Governance Report discussed the advantages of a broad public participation in all the management stages in the protected areas (from the planning, research, and implementation to the assessment).<sup>24</sup> It mentioned that the development process of the Management Plan and the governance per se of the Park offer a very positive examples for Panama about the participation of broad sectors of the society, including environmental NGOs, fishermen from all sectors, scientists and academic institutions. At the same time, there are many opportunities to broaden and enhance the public participation in Coiba and some concrete examples are offered.

Some recommendations that still have relevance are:

- i. Increasing the fishery sector representation on the Executive Board Council or, at least, acknowledging that only one representative is not able of pleading in favor of the different interests of the fishery sectors (small-scale/commercial, sport, industrial fishing, and exporters)<sup>25</sup>;
- ii. Being more flexible on allowing the public to have access to the Board meetings – not to be so restrictive and inflexible about this issue;
- iii. Being open and transparent with the meetings' minutes from the Executive Board Council, Scientific Committee and Fishery Commission for the ZEPM;
- iv. Developing a web page with information concerning governance topics (such as the minutes, the names and contacts of the three commissions' representatives);
- v. Establishing an Information Centre for PN Coiba which includes an important component of governance topics;

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24 Suman (2007), pages 31-35.

25 Section 19 of Act No. 44 (2004) does not help with this issue, specifying that a CD's member shall be "a representative of the small-scale, sport, industrial and exporter sector, chosen among them".

- vi. Establishing a Documentation Centre where the public in general may be able of accessing information about the Park and the region, the outcomes from the researches made at the Park and information generated for the public in general (or rather – “the ones opened to the public”);
- vii. Taking into consideration the transaction’s costs when preparing the budgets (the costs needed to implement a broad public participation policy);

### **a. Management Plan for Coiba National Park**

While preparing the PN Coiba Management Plan<sup>26</sup>, a great experience on the public participation with several actors and different users, mainly from the Park buffer area, took place. The Management Plan reported that 27 different workshops were held on different topics during the preparation of the plan (2006-2009), where about 1,076 people attended these workshops. The fact that different individuals often attend the CD’s meetings and request permission from the Board’s Presidency has to be noticed. Very few times (or perhaps never) in the history of the protected areas in Panama the citizen participation has been so broad and large.

When preparing the Management Plan, a great effort was made to work with small-scale/commercial fishermen groups in the coastal communities of Veraguas and the eastern region of Chiriqui, such as Remedios, Montijo and Icaico, among others. Seven (7) other workshops were organized with the small-scale fishermen. The main purpose was to agree upon the measures to be taken regarding the Sustainable Exploitation of the Fishery Resources Sub-Programme.

An example of this was the regulation for El Dorado fishing arts in El Dorado Fishing Sub-Zone with a Fishing Long Line (108 km<sup>2</sup>). The Management Plan allows a horizontal small-scale line with a maximum of 500 circular fishhooks with a minimum size of 13. After January 2010, the minimum size of the fishhook will be 14. A close season period for El Dorado was established between March 1 to May 31st and

<sup>26</sup> Even though on February 2009, the Executive Board Council approved the Management Plan, this has not been finished yet. The Five-year Research Plan, the ZEPM’s Regulation and the Plan for Public Use are missing.

September 1st to October 31st.

It was very hard to accomplish this regulation and the interests of several interested groups were put into evidence.<sup>27</sup> During the workshops with the fishermen and the Planning Team, the fishermen agreed that the acceptable number of fishhooks per line could be 1,000. However, the Executive Board Council did not accept this number – especially the environmentalist organizations (NGOs) representative – who recommended a limit of 350 fishhooks. In short, the Board accepted to increase its limit to 500 fishhooks considering the fishermen’s economic needs. There are several other examples demonstrating that the Management Plan is a commitment settled between the fishermen’ position on one side and the environmentalists on the other.

### **b. Environmentalist NGOs and their Efforts to Support the Park’s Management**

As it was described in the First Governance Report and in this Second Report, the environmentalist organizations (NGOs) community has gathered together, coordinately, to support the protection of the National Park. There are many examples.

Coiba Coalition’s Group was created with the purpose of providing support to the Planning and Administration Management of PN Coiba. It consists of several local NGOs and international organizations. The idea is to facilitate the technical and financial resources canalization to support the implementation of the PN Coiba’s Management Plan by means of funds coming from institutions such as Conservation International, Walton Foundation, and UNESCO, among others. The Coiba Coalition’s Group consists of institutions such as ANCON, MarViva Foundation, STRI, Albatros Media Foundation, NATURA Foundation, TNC, ANAM and the AMP/ARAP, and ARTURIS, among others.

The Administration Sub-Programme of the Management Plan of the Administrative Management Programme has established the coordination with the Coiba Coalition’s Group and the need of including them in the annual operational plans, with the purpose

<sup>27</sup> The public participation “comes high”. It’s being said that the talks with the fishermen and the agreement among all the parties delayed, for five months, the Management Plan approval.

of optimizing the resources and guiding their efforts.

The outstanding support from the MarViva Foundation to the efforts of protecting the PN Coiba heritage has to be emphasized. MarViva is the CD's Secretariat, it is a member of the Fishery Commission for the ZEPM and it organizes educational campaigns about PN Coiba and their resources. MarVivas' three boats offer a great support to the surveillance and control operations of the Park's maritime zone. On July 2008, MarViva Foundation and ANAM signed an agreement on the surveillance activities in PN Coiba, which establishes the answers from each party before several situations of the patrolling ("Performance Protocol during Control and Surveillance Operations, MarViva – ANAM").

The Sustainable Tourism Rural Association

(ARTURIS-Coiba) is a new initiative between ANCON-Conservation International-Walton Foundation inside the Park's buffer zone. It tries to help on adding small local entrepreneurs of about fourteen (14) communities. The people are trained to manage small businesses and offer maritime transportation services, restaurants, lodging and environmental guides.



# IV

## Economic changes in the Buffer Area

The First Governance Report<sup>28</sup> identifies some economic changes that had already been present in the region and which could have adverse impacts on PN Coiba resources. This exercise is aimed at recommending the Executive Board Council to take proactive positions and to play an important role in the debates. The economic changes are the same as those described in the First Report. Three of the new changes are reviewed here: 1) the growing tourist development in the coastal zone of the buffer area of PN Coiba; 2) the construction of marinas in the coast of Veraguas; and 3) the proposal of building an oil refinery in Puerto Armuelles.

### **a. Buffer Area and the Tourist Development**

The pressures on the PN Coiba buffer area are increasing even now. According the Population Census of 2000, more than 35,000 people live in the buffer area of PN Coiba in some sixty-three (63) communities. It is estimated that during the last decade this population has been reduced to 1.1% , perhaps due to the lack of jobs. Many of these people who live in these communities lack the basic needs.

Now, IPAT (currently ATP) designated the coast of Veraguas as a Special Zone of Tourist Development (Zone 10 of Veraguas). As in many coastal zones of the country, there are great speculation on the lands, hotels, housing & marinas development – as part of a disorganized tourist development.

UNESCO World Heritage Committee, in its meeting on June 2009, showed its concern about the coastal development on the coast of Veraguas (and Chiriqui) bordering the PN Coiba and the potential accumulative adverse impacts that such development might have

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28 Suman (2007), page 35-41.

on the assets of the World Heritage Site (marine contamination, increased sport-fishing, increased recreational boats, pressure to develop more tourist infrastructure in PN Coiba, among other things). The report recommended that Panama creates coastal development and preservation policies for that coast. By the year 2011, Panama shall have to report to the World Heritage Committee about the progress made on creating and implementing coastal management in that zone (33 COM 7B.38).

## **b. Building Marinas**

The First Governance Report mentions the emerging topic of the marinas in the coast of Veraguas bordering the PN Coiba. In 2007, a group of investors – Marina Coiba – proposed to build a marina with a capacity for 435 mega-yachts of up to 300 feet (100 meters). The marina would be located on Bahia Honda in the PN Coiba's Buffer Zone, 22.5 km from the Island of Coiba. The "integral" project included a parking lot for 500 cars, restaurants, a five star hotel with 200 rooms, a gas station, a dockyard, a housing project and sport area – with a total investment of \$120 millions.

In June of 2007, the investors requested the AMP to give them a concession of 49 ha of seabed, 24 ha of beach and 2 ha of riverside for 20 extendable years. On September 2007, AMP's Environmental Unit recommended to grant the concession. In February 2008, AMP granted a "temporary permission" to Coiba Marina. However, ANAM never approved the Environmental Impact Assessment (EIA) of the project. The company withdrew the EIA, Category III that had delivered to ANAM.

Now, the conflict on the ownership of the land is still part of Bahia Honda. Coiba Marina has not demonstrated that is the owner of the lands neighboring the beach areas. Another company claims to have the ownership rights over the same lands. Now a day, squatting and internal divisions inside the Bahia Honda community are part of the conflict.

## **c. Oil refinery in Puerto Armuelles**

Another potential threat for PN Coiba is an oil refinery in Puerto Armuelles, Province of Chiriqui. On May 16th of 2007, Panama signed a memorandum of understanding with Qatar Petroleum and Occidental Petroleum to start the second phase of the refinery

project which was going to include setting's and design's studies of the plant's process. In 2007, it was estimated that the investment would be between \$7 to 9 thousand millions and the refinery daily capacity would be of 350,000 barrels of crude oil.

Now, between the drop of oil prices, the world financial crisis and the new government in Panama, the project has been postponed so far. However, the new administration is interested on reactivating the project.

The potential refinery will have a much greater capacity than the only refinery in Bahia Las Minas, Province of Colon and it would be located at less than 200 km from PN Coiba. A project of this size, within a short distance from PN Coiba, should be a highly important topic and of concern for the Executive Board Council.

The list of emerging topics continues. As it was mentioned in the First Report – "At least, we have to be ready to face the changes and even try of modifying the pressures so that these have a less adverse impact on the protected area resources".







# Governance Indicators & Recommendations for the Environmental Management of Coiba National Park

This last section of the report analyzes some of the governance indicators in Coiba National Park, focusing on topics that were considered in the First Report in 2007. Thus, some indicators were compared – up to where is possible – throughout time. Recommendations were offered, together with this comparison and trend analysis, to improve the decision-making and performance of institutions and organizations created by Coiba’s Law.

## **a. Governance Indicators**

In the First Governance Report, Suman recommended that the Management Plan should adopt Governance Indicators which may help on evaluating the impact of the Plan itself, the progress of the “baseline” and the management actions’ effectiveness.<sup>29</sup>

In fact, the Management Plan adopted a series of Governance Indicators in order to be able of measuring the impact that the Management Plan was going to have and its execution on such indexes. The Management Plan recommended that each year during the Five-Year Period Plan these indicators should be monitored. These two Governance Reports may serve as the basis for this analysis.

The Governance Indicators identifying the Administration Sub-Programme of the Management Plan are:

1. Assistance scale to the Executive Board Council meetings and the existence of a regulatory quorum.
2. Frequency of the meetings

29 Id., pages 46-47

Sites	2005	2006	2007	2008	2009	Total
Santiago de Veraguas	5	2	2	1	4	14
Coiba Island	1	1	1	1		4
Panamá City	1	2	2	3	2	10
Soná Municipality		1				1
Río de Jesús Municipality			1			1
Total	7	6	6	5	6	30

Table 1. Locations where the CD's meetings were held between 2005 & 2009. The last meeting of 2009 (Meeting No. 30 of the CD) was held on December 3rd of 2009. It was included in this table but not in the next tables since the minutes are still not available at the time when this report was prepared.

3. Regularity in the representatives' assistance to the Executive Board Council
4. Assistance scale of the suitable representatives
5. Compliance with the meetings' scheduling
6. Preparation and distribution of the meetings' minutes
7. Topics considered and discussed.
8. Number of decisions taken
9. Compliance level of the actions and decisions taken by the Executive Board Council
10. Time to meet the recommendations' implementations

meetings being analyzed.<sup>31</sup>

The CD's meetings were held in different locations, being Santiago the place where the Executive Board Council met more frequently with 14 meetings held (47%) Next is Panama City with nine (9) meetings (31%), then the PN Coiba itself with 4 meetings (14%) and two (2) meetings in the Municipalities of Sona and Rio de Jesus. In short, 55% of the meetings have been held in the Province of Veraguas (excluding Coiba National Park) and 69% if the ones held inside the Park are added. The same data reported in the First Report was 77%. Table 1 and Figure 1 summarized these data.

Not many CD's members with full voting and speaking privileges attended the meetings held in Panama City. (See Figure 2) Just to mention an example, of all the meeting analyzed, two (2) with the least attendance - with only five (5) members - were held in Panama City. By contrast, the meetings with the greatest Board members' attendance were held in Santiago de Veraguas and the Municipality of Sona. (See Annex, Table 8)

Clearly, there are advantages of holding the CD's meeting in the Province of Veraguas. Historically, the attendance of the municipal government's members

31 The location analysis of the CD's meeting includes thirty (30) meetings up to December 2009. Due to the unavailability of the minutes at the time of preparing this report, other topics analyze the inputs of 29 meetings only, the last one being the meeting held on October of 2009.

## **b. Location of the Executive Board Council Meetings**

The first Governance Report mentioned the importance of holding the Executive Board Council's meetings in places that were convenient for most of the members – specially the local member of Veraguas.<sup>30</sup>

In order to have a better understanding of the Executive Board Council operation, the meeting's minutes were analyzed including those between June 2005 and December 2009 for a final total of 30

30 Id. to page 42



Figure 1. Location of the Executive Board Council’s Meetings

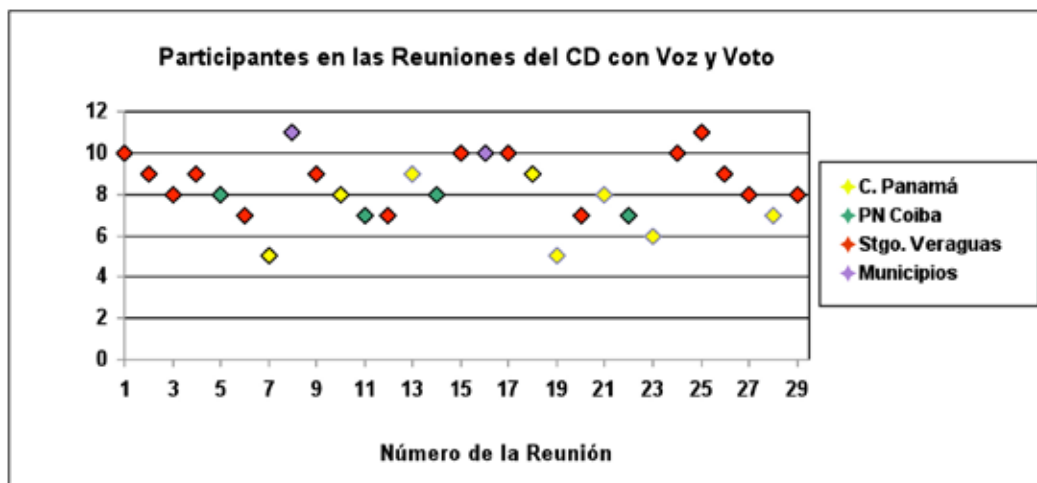


Figure 2. Correlation between the locations of the CD’s Meetings and the number of participants with full voting and speaking privileges.

has increased; the local public would have a greater possibility of attending the meetings and the ANAM officers working at the operational level might be there if necessary<sup>32</sup>. At the same time, this policy might well increase the transportation expenses and time for most of the members and complicate even more the coordination with the Scientific Committee and the Fishery Commission for the ZEPM (assuming that most of their members do not work in Veraguas). The meetings held in Panama City also increase the visibility of the Board’s work nationwide.

### **c.1. Attendance of the CD’s Members to the Meetings**

The attendance to the Executive Board Council’s meetings is another important factor that intervenes in the operation and performance of it. The Coiba National Park’s Management Plan stated that “the lack of full participation of some representatives of the local governments in the Board’s meetings” was one of the greatest difficulties faced by the good operation of the Executive Board Council.<sup>33</sup> It is obvious that the lack of good attendance and commitment of all the Executive Board Council’s members weakens the work of the Board and the positive impacts it might have. Also, it discourages the members who regularly attend the meeting and give their effort

32 Currently, the Director of the National Park does not attend the CD’s meetings.

33 Management Plan for Coiba National Park, page 66. See also Suman (2007), page 42.

Executive Board Council Member	Attendance	Attendance Percentage
ANAM	29	100
MINGO	21	72
IPAT (ATP)	21	72
SENACYT	25	86
CRUV	25	86
ARAP	28	96
Fishery Sector	22	75
MarViva	29	100
Chamber of Commerce	8	27
Sona Municipality	14	48
Montijo Municipality	6	20
Río de Jesús Municipality	8	27

Table 2. Attendance of the Executive Board Council's members with full voting and speaking privileges during the 29 meetings among 2005 to 2009.

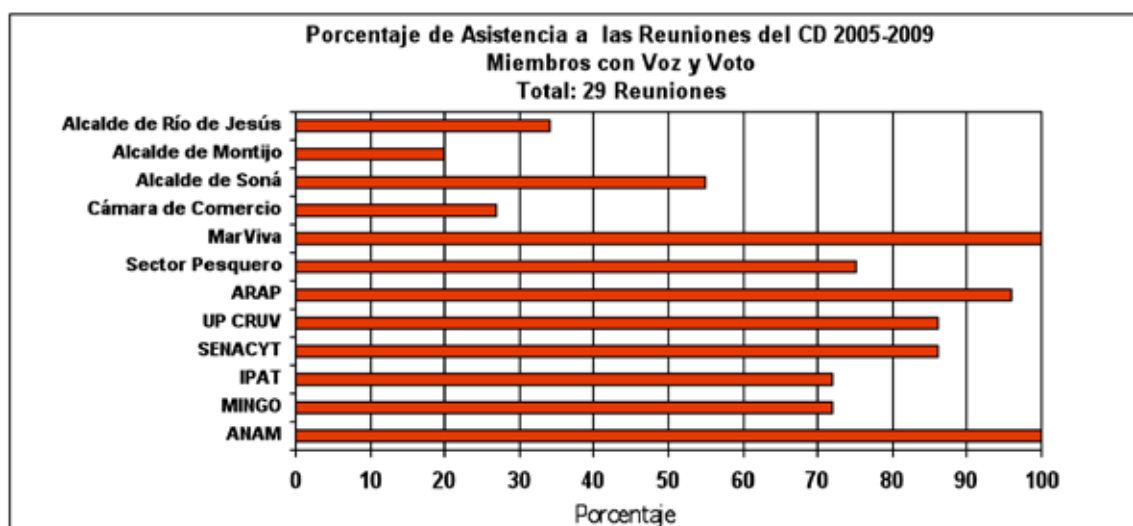


Figure 3. Attendance percentage of the CD's members with full voting and speaking privileges to 29 meetings.

to the management work of Coiba National Park. The absence of some representatives obstructs the communication on both ways, between the community represented and the head entity of Coiba National Park.

Figure 3 & Table 2 illustrated below shows the results from the attendance analysis for each member of the Executive Board Council during the 29 meetings held among June 2005 to October 2009.

The absence of local representatives is still notorious, as well as that of the Municipalities' Mayors and the Veraguas Chamber of Commerce's representatives in comparison with the representatives of other Central Government institutions and the MarViva Foundation

who are part of the Board. Some explanations offered by representatives from the municipalities for their attendance indexes to the meetings are mentioned below. The low attendance shows the lack of commitment with the PN Coiba management.

The Mayor of the Municipality of Soná was the only one who participated, at least, on 14 of the 29 meetings for a 48% of attendance. The representation from other local leaders was even poorer, with an assistance percentage of only 20-27%. Veraguas Chamber of Commerce had a representation of only 27% of the meeting among 2005 to 2009.

During interviews carried out with the Mayors

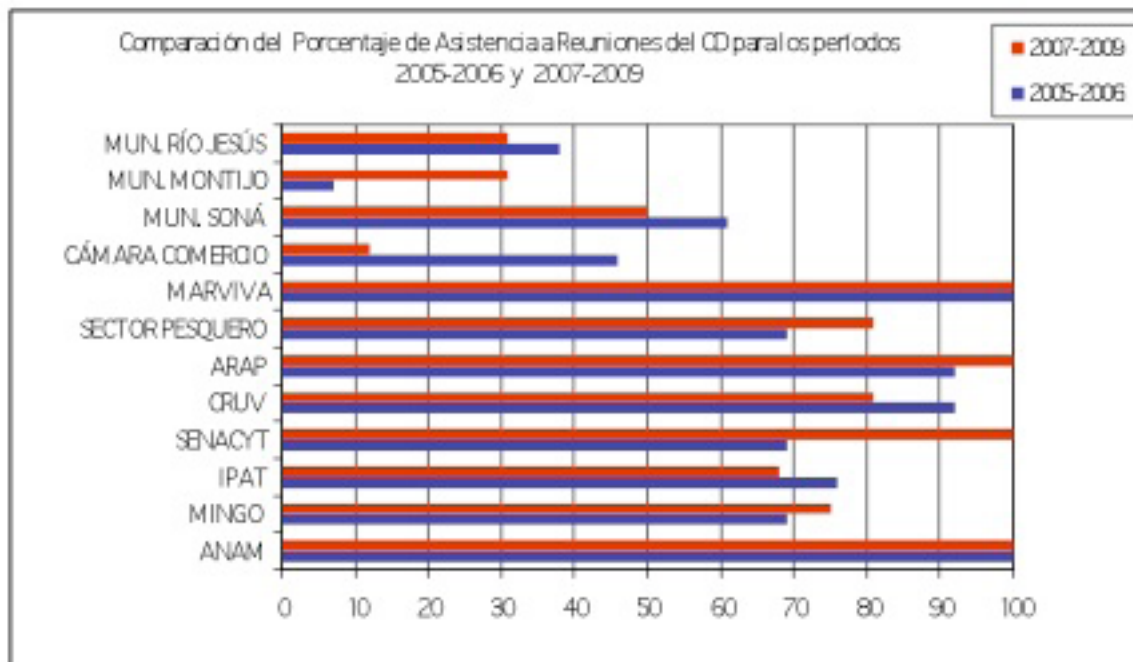


Figure 4. Comparison between the CD’s members assistance to the meetings for the first period of 2005-2006 and the second period of 2007-2009, the numbers are indicated in percentages.

of the municipalities of Veraguas, as part of this investigation, they stated that their attendance to the meeting was not always good because: 1) the meetings are too long; 2) they are not given per diem expenses to cover their traveling expenses; 3) the agendas of the Mayors are full; 4) lack of interest on some topics; 5) lack of knowledge about Coiba’s Law; 6) they have not received the Coiba’s Fund contribution; 7) the meetings are not announced with enough time in advance; and (8) “they keep on talking about the same thing without making any progress”. Notwithstanding, it was noticed that many of these statements do not agree with the reality. It has been noticed the availability from the financial and logistic aid to attend to the meetings, the initial distribution of the money from Coiba’s Fund, the notification in advance of the CD’s meetings and the numerous efforts of the CD to train their members with the details of Coiba s’ Law.

The lowest attendance, with 72% among the Central Government institutions members, comes from the Department of Justice and the Panama Institute of Tourism (now denominated Tourism Authority of Panama). It has to be emphasized that the representative of the fishery sector did have a better attendance (75%) than some Central Government institutions.

The representatives from Central Government

entities, such as ANAM & ARAP stand out for their high participation. The MarViva Foundation attended to all the Executive Board Council’s meetings. Now, ANAN chairs the Executive Board Council and MarViva is the Board’s secretariat.

In order to have a more detailed time analysis, we have divided the meetings in two phases, the ones held among 2005-2006, and the most recent ones, held between 2007 & 2009. The first period (2005-2006) consists of the data analyzed for the First Governance Report in 2007<sup>34</sup>. In the First Governance Report, warnings were made about the problem of attending the CD’s meetings – especially for the local representatives.<sup>35</sup> In the First Report<sup>36</sup>, several options to improve this situation were offered, including amending the Internal Bylaw to facilitate the replacement of a representative with low attendance, the creation of a fund to pay the per diem expenses to the representatives<sup>37</sup> and flexibility to delegate the representative’s responsibilities. Perhaps, creating a schedule for the meetings with specific dates for the entire year (result from the Board Annual Operational Plan) would be an important planning challenge. We

34 Suman (2007), page 19.

35 Id., page 42.

36 Id.

37 Preference must be given to the per diem expenses of the fishery sector representative and the municipal representatives.

expect to find a better attendance during the second period (2007-2009).

Figure 4 is a comparison between the two (2) periods and it can be seen that, during the second phase among the municipalities' representatives, only the Municipality of Montijo increased its participation in the CD's meetings from 7% to 31%. The attendance of Sona and Rio de Jesus Mayors dropped slightly during the most recent period. However, it must be remembered that their attendance during the first period was not their best. The Chamber of Commerce attendance dropped from 46% to 12% between the first and second period.

Also, the representatives from the Fishery Sector, ARAP, SENACYT & MINGO increased their participation in the CD's meetings. SENACYT participation improved considerably from a 69% to 100%. During the second period, ARAP also participated in all the meetings. A slight reduction in the participation of the IPAT (now ATP) representative

from 76% to 68% can be noticed.

In short, with very few exceptions, great changes in the attendance to the CD's meeting between 2005-2006 and 2007-2009 were noticed. Only SENACYT and the Mayor of Montijo improved their participation in more than 10% among the two periods. Evidently, the Chamber of Commerce was not interested anymore in the Board. With the passing of time, two (2) groups of participants in the Board's meetings can still be observed: Those who participate frequently (Central Government institutions, CRUV, & the Fishery Sector) and those with participation of 50% or less (the three representatives from the municipalities and the Chamber of Commerce).

The Executive Board Council consists of four (4) members with speaking privileges only, in addition to the twelve (12) members with full voting and speaking privileges. Under Act No. 44, the CD's members with speaking privileges only are the representatives of: An International Cooperation Organization, a national

<b>Executive Board Council Members Voice Only</b>	<b>Attendance</b>	<b>Attendance Percentage</b>
ANCON	26	89
Smithsonian Institute	18	62
Chiriqui Governor	0	0
International Assistance Organization	0	0

Table 3. Attendance of the Executive Board Council's members with speaking privileges only during the 29 meetings among 2005 to 2009.

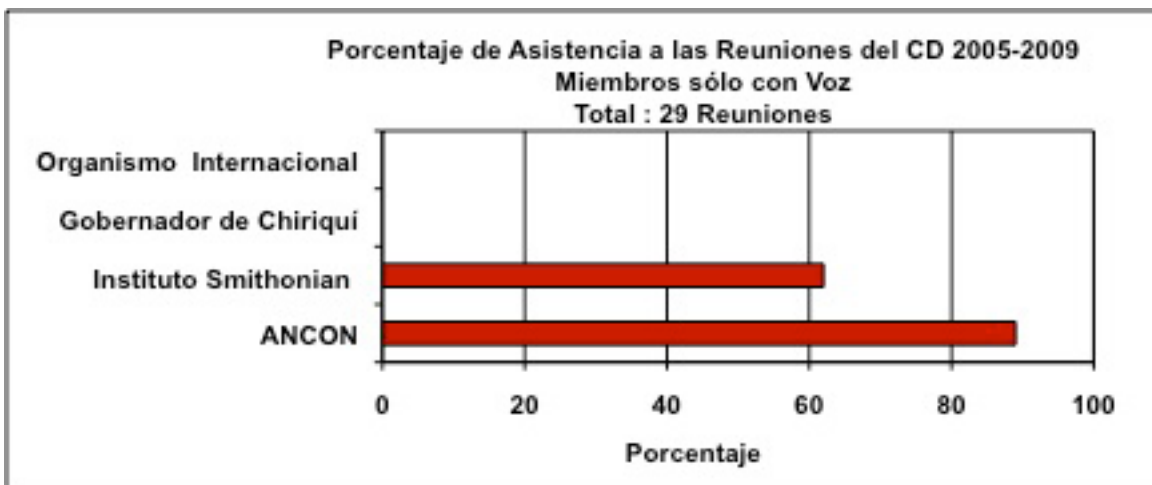


Figure 5. Percentage of attendance of the CD's members with speaking privileges only to the 29 CD's meetings held between 2005 & 2009.

or international Non-Governmental Organization; the Governor from the Province of Chiriqui; and a representative from a scientific institution. ANCON environmentalist organization has the position as the national non-governmental organization while the Smithsonian Tropical Research Investigation (STRI) represents the interests of the scientific community. During the analyzed period, the recurrent absence of the Governor of Chiriqui to the CD's meetings shows his total lack of interest in the PN Coiba matters. The representative of an international cooperation organization has never been appointed. Table 3 and Figure 5 show the attendance data of the CD's members with speaking privileges only.

### **c.2. Quorum of the Executive Board Council's Meetings**

The CD's Internal Bylaw states the quorum to be

matters, a regulatory quorum has to exist and not only minimal majority. Certain major decisions (such as the Management Plan) require of a supra-majority (qualified majority) of 2/3 of the members or eight votes). This recurrent problem delays the agreement approval to make and postpone the decisions for the next meetings that, generally, takes more than one month.

Figure 6 shows that three (3) meetings or 10% of them, colored in yellow, have less than seven (7) representatives with full voting and speaking privileges, which is the minimum quorum established by the Internal Bylaw for the Executive Board Council to hold a meeting.

Colored in red, six (6) meetings of the 29 analyzed (21%) had the attendance of less than eight (8) representatives with full voting and speaking privileges needed for the decision-making where a qualified majority is required.



Figure 6. Representation of the quorum per CD's meetings. The meetings with less than the minimum quorum (7) are colored in yellow and those with less than the regulatory quorum (8) in red.

seven (7) members with full voting and speaking privileges. In some meetings, the decisions resulting from the discussions could not be approved due to the absence of the members with full voting and speaking privileges. The voting is not valid if it doesn't have the attendance of half plus one of the CD's members with full voting and speaking privileges.

The CD's Internal Bylaw requires that in order to make the decision over some agreements on important

In total, nine (9) meetings, representing 31% of the analyzed meetings, did not have at least the minimum quorum needed (qualified majority) to vote in important matters such as conservation policies, amendments to the Internal Bylaw and other important matters as established in the Internal Bylaw.

The absence of quorum is very worrisome. During the period from 2005 to 2006, there were

Executive Board Council Members	Attendance	Attendance Percentage	Representation Index
ANAM	29	100	7
MINGO	21	72	8
IPAT (ATP)	21	72	3
SENACYT	25	86	6
CRUV	25	86	1
ARAP	28	96	4
Fishery Sector	22	75	4
MarViva	29	100	5
Chamber of Commerce	8	27	2
Sona Municipality	14	48	2
Río de Jesús Municipality	8	27	2
Montijo Municipality	6	20	2

Table 4. “Representation Index” and Attendance Percentage of the CD’s Members with Full Voting and Speaking Privileges.

four (4) meetings with less than eight (8) members who attended, while during the period of 2007-2009, five (5) meetings were held without eight or more members. The physical presence of the CD’s members is the least we may expect. An appeal to the counselors to send their alternate board members if they are not able of attending the meeting must be made. Creative ways of motivating the regular attendance of the representatives have to be considered. Another option is to think about reviewing the Internal Bylaw to create the possibility of removing the representative who misses certain number of meetings.

### **c.3. Continuity in the Representation at the Meetings**

The First Governance Report detected the irregularity on the attendance to the CD’s meetings of the same individuals.<sup>38</sup> This means the members rotation, i.e., changing the person that represents the institution in the Board’s meetings.

The continuity of the person representing an institution that is member of the Executive Board Council is another relevant matter that has to be considered when talking about the effectiveness of the CD’s meetings. When the person attending the meeting was not present in the previous one or is his/her first time representing their organization, it

will be more difficult for this person to follow the discussion and understand issues previously discussed or agreement approved. Besides this, we can add that the alternate board members of those permanent members of the Executive Board Council do not have the decision level required to vote without consulting first with their superiors.

In order to have a better idea about this problem, we have estimated what we call the “Representation Index”. For example, if individual A represents Organization X before the CD in Meeting No. 1, individual B represents the same organization in Meeting No. 2, individual A represents again the organization in Meeting No. 3 and individual C attends as representative to Meeting No. 4, the Representativity Index for these four meetings would be 3.

The next Table 4 and Figure 7 shows that during the analyzed period of 2005-2009, from 29 of the studied meetings, most of the participant institutions were represented for more than one executive.

The Representation Index means how many people represented the institution in the CD’s meetings during the analyzed period. For instance, ANAM was represented in the CD’s meetings for seven (7) different executives during the period of 2005 to 2009.

Changing the representative inside the same institution may obstruct the Board’s work if the new

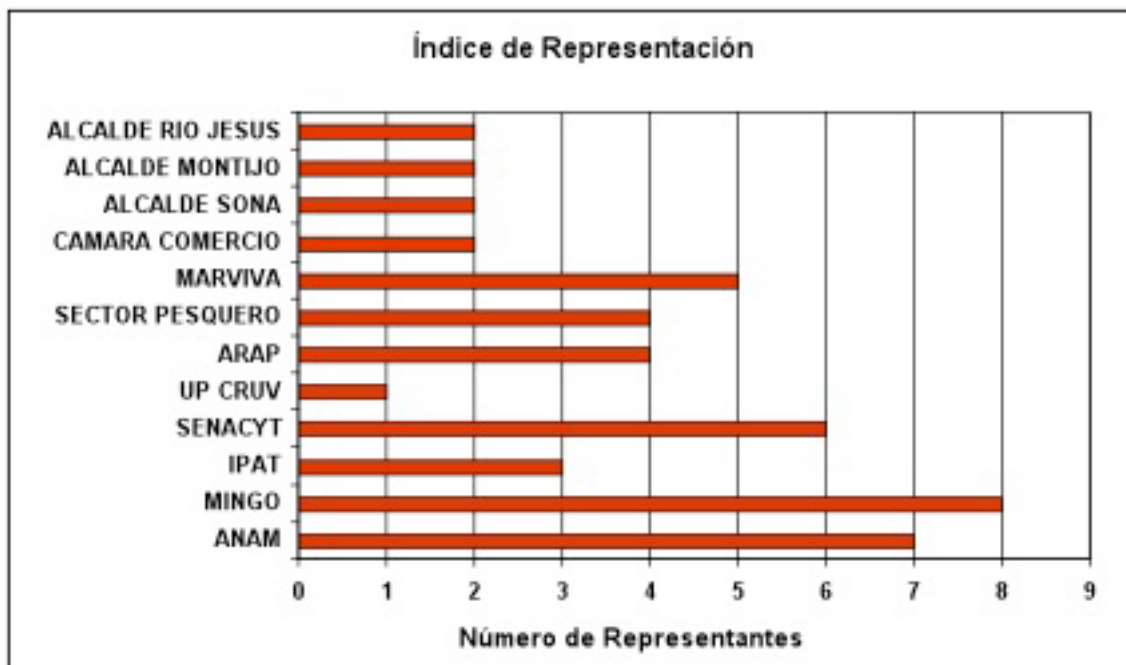


Figure 7. “Representation Index” or Number of Representatives and Alternate Board Members who attended the CD’s meetings for each institution member with full voting and speaking privileges.

representative is not well prepared and informed about the discussion topics. At the same time, it was noticed that the institution members of the Board with greater Representation Index are usually the institutions with the best attendance. These are the Central Government institutions and the MarViva Foundation. It may be that since they have greater human resources, they have the “luxury” of participating even more in the Board’s meetings. While the other three (3) municipalities have a reduced personnel, so that, attending a Board’s meeting may be proportionally harder. Nevertheless, they are bound by their legal obligation to attend to the meetings.

Table 5 and Figure 8 show the “Representation

Index” for the CD’s members who have speaking privileges only. The values of 4 & 5 for the Smithsonian Institute and ANCON, respectively, correspond to the value of 5 for the MarViva Foundation.

**d.1. Transparency in the Decision-Making of the Executive Board Council. Classification of the Participants in the Meetings**

The First Governance Report emphasized its concern that the CD’s meetings were not fully open to the public in general and that a person interested on attending to them had to

Executive Board Council Members Voice Only	Meeting Attendance	Representation Index
ANCON	26	5
Smithsonian Institute (STRI)	18	4
Chiriqui Governor	0	0
International Assistance Organization	0	0

Table 5. “Representation Index” and Attendance to the 29 CD’s Meetings Held Between 2005 & 2009 of the Members with Speaking Privileges.



Figure 8. “Representation Index” or Number of Representatives and Alternate Board Members who attended the CD’s meetings for each institution member with speaking privileges only.

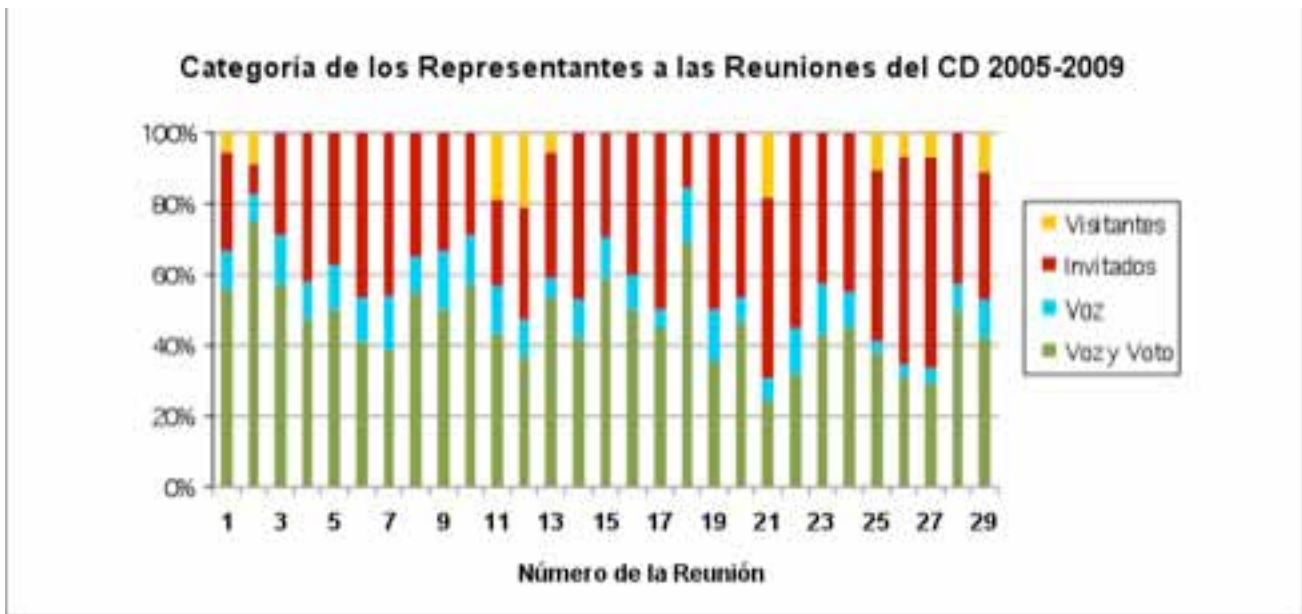


Figure 9. Proportion among the participants of the CD’s meetings according to their category: Member with Full Voting and Speaking Privileges, Member with Speaking Privileges Only, “Guests” and “Visitors”.

request a formal authorization in order to be able of attending the meeting – which may well not be an incentive for the public participation and create the impression that it lacks transparency.<sup>39</sup> Several options to reach an intermediate point were mentioned, such as for instance, hold a closed meeting in the morning but leaving an open period for the afternoon. An open meeting could also be held every three (3) or six (6) months.

Most of the meetings, not only ordinaries but also extraordinaries, showed the presence of many people

who were not CD’s representatives. It was also noticed that many of these individuals asked for yielding the floor without formally sending their request by mail to the CD’s Presidency. Most of the “participants which were not CD’s representatives” had some kind of relationship with some member of the Board (people of the same organization or a related organization). As it can be seen in the next Figure 9, in some meetings the “participants which were not CD’s representatives” are majority regarding the Board’s officer members. (See Annex, Table 8).

There were at least five (5) or more “participants

39 Id., page 33.

Reunión	Fecha	Lugar	Representantes con Voz y Voto	Representantes con Voz	Invitados	Visitantes
1	Jun-20-05	Veraguas	10	2	5	1
2	Jul-07-05	Veraguas	9	1	1	1
11	Ag-26-06	PNCoiba	7	2	4	3
12	Oct-27-06	Veraguas	7	2	6	4
13	Dec-04-06	Panamá	9	1	6	1
21	Ab-17-08	Panamá	8	2	17	6
25	Feb-04-09	Veraguas	11	1	14	3
26	Feb-05-09	Veraguas	9	1	17	2
27	Feb-06-09	Veraguas	8	1	16	2
29	Oct-14-09	Veraguas	8	2	7	2

Tabla 6. Reuniones del CD en las cuales hubo una participación de “visitantes”. “Visitantes” son personas no afiliadas con las organizaciones que son miembros del CD. “Invitados” son personas asociadas con las organizaciones que son miembros del CD.

which were not CD’s representatives” who attended 23 of the CD’s meeting. In six (6) meetings of the 29 analyzed, the number of these participants exceeded the number of representatives with speaking privileges only and with full voting and speaking privileges together.

Most of the “participants which were not CD’s representatives” belonged to the Central Government Organizations (ANAM, ARAP), environmentalists (MarViva, ANCON) or a scientific organization (Smithsonian Institute) who had permanent representation in the CD. These individuals are called “guests” and are people associated to the organizations members of the CD.

The topic of the “guests” is important for the CD’s operation. A delegation of five (5) people from ANAM or MarViva might have an effect, without meaning it, on the CD’s discussions or decision-making. During interviews held with members of the CD, some complains were gathered about the policy of bringing several team of “guests” without previously requesting to yield the floor.

A more comprehensive analysis of the lists of those attending the CD’s meeting show quite often the presence of people who are not affiliated with any organization member of the CD. These people are called “visitors” and they represent the interested public, whether these are small-scale fishing, students, or promoters of a marina. Table 6 shows

that only in ten (10) meetings of the 29 held, some “visitors” of social, university or environmentalist group organizations who did not belong to any of the institutions represented in the CD attended these meetings. Its number is so small that from ten (10) meetings only in one of them the visitors represented 20% of the participants in such meeting. Also, usually the “visitors” attended only to part of the meeting to present beforehand some kind of presentation about a specific topic. A regular attendance of interested parties from local communities or from fishermen associations were not seen in the CD’s meetings

The topic of the public participation in the CD’s meetings is important and it may reflect the CD’s operation transparency. In the First Governance Report, it was observed with concern, the limitations to the public participation that represent the Board “semi-closed” meetings.<sup>40</sup> A positive note is that it seems that the frequency of the meetings with the attendance of the “visitors” slightly increased with meeting number 24 (February 4th of 2009). This was precisely the meeting in which the CD started discussing the PN Coiba Management Plan approval.

40 Id., page 33-34.

## **d.2. Transparency in the Decision-Making of the Executive Board Council. Need of a Web Page**

The need of developing a web page for Coiba National Park and particularly for the Executive Board Council during the developing period of the Management Plan was highlighted during the First Governance Report.<sup>41</sup> Such Web Site might have information about the Executive Board Council, the Fishery Commission for the ZEPM and the Scientific Committee (meetings' agendas, minutes, documents pertinent to the Board's work); explanations on how these organizations work; to make public who are their representatives; report the results of the meetings, and the meetings' Minutes (or at least, a summary of the Minutes).

So far, this has not taken place. There isn't any available information for the public on the activities of the three (3) groups helping on the PN Coiba governance. The only official web site is the one from the ANAM and it only has very superficial information about the Park. You can access this site on the following web page:

*([http://www.anam.gob.pa/joomla/index.php?option=com\\_content&view=article&id=306&Itemid=322&lang=es](http://www.anam.gob.pa/joomla/index.php?option=com_content&view=article&id=306&Itemid=322&lang=es))*

The development of a web page in Internet about Coiba National Park was discussed, during a meeting of the Scientific Committee, following the suggestion of the National Secretariat of Science, Technology and Innovation (SENACYT), as the most suitable place to disclose the agreements, regulations and other topics of interest not only for the Board, Scientific Committee and the Fishery Commission for the ZEPM but also for the public in general. However, no active page could be found.

## **d.3. Transparency – Need of Establishing a Documentation Centre**

In the year 2007, it was also recommended to establish a PN Coiba Documentation Centre and more than that, a centre where the documentation of the three (3) decision-making PN Coiba entities (Executive Board Council, Scientific Committee, and Fishery Commission for the ZEPM) could be

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41 Id., page 43.

kept.<sup>42</sup> The Documentation Centre should have all the minutes of the three (3) groups, publications about PN Coiba and the researches that have been carried out there, maps, videos, brochures and documents that have been prepared for the different public audiences, the Management Plan and all the reports and written inputs during the Management Plan preparation.

Ideally, the Documentation Centre should be in Veraguas in a place of easy access. The University Regional Centre of Veraguas (CRUV) in Santiago has been considered since several years ago – an option that offers many advantages.

## **d.4. Transparency. Improving the Executive Board Council Image in the Communities and among the Different Sectors of the Society**

In the interviews made to fishermen and people in general in the PN Coiba's Buffer Zone, most of the interviewed people did not know the existence of the CD, or its role in the Park's administration. They only knew the Non-Governmental Organizations (NGOs), which according to them were the ones deciding the new regulations and enforcing its compliance. A disagreement toward the NGOs' work who are acting in the PN Coiba's Buffer Zone was also detected. Too much disinformation is circulating among the people of the communities in Veraguas.<sup>43</sup>

In short, one way to improve the CD's images and the governing structures is to make a better propagation of the information, products and reports; allow people to attend the meetings; and hold more meetings in the coastal municipalities of Veraguas.

## **e. Improving the Coordination Among the Governance Board, the Scientific Committee, and the Fishery Commission for the ZEPM.**

The need of improving the communication and

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42 Id., page 34, 43.

43 We heard the opinion of one person in Sona who thought that Coiba's Law sold Coiba National Park to MarViva so that the small-scale fishermen were thrown out from the Park. There is plenty of disinformation in the region.

coordination among the three (3) groups created to rule Coiba was emphasized in the First Governance Report.<sup>44</sup> The Executive Board Council is required to evaluate and approve (or not approve) the product from the Scientific Committee and the Fishery Commission for the ZEPM. A closed communication will generate products of the best quality which, in the last instance, is going to strengthen the Park's Management Plan.

The CD's meetings must always begin with reports from the Scientific Committee and the Fishery Commission for the ZEPM. A representative from both groups must always be present in the CD's meetings. The presence of a CD's member in the Committee's and Commission's meetings might also improve the communication among the groups. The "Executive Board Council's Administrative Director" (a position which does not currently exist but that it should be created) might well be the immediate connection between the three (3) groups. The physical presence of the Administrative Director in all the meetings would improve this situation a lot.

This topic should be considered by the CD's sub-commissions, particularly the Executive Board Council Strengthening Sub-Commission. The CD's reviewed Internal Bylaw might also reflect some of these points.

#### **f. Administrative Support for the Executive Board Council, Scientific Committee and the Fishery Commission for the ZEPM**

In the 2007 report, the importance of establishing the operations and administration of the Executive Board Council (also for the Scientific Committee and the Fishery Commission for the ZEPM) was mentioned.<sup>45</sup> Without doubt, is extremely important to find: 1) a physical office for the CD; 2) permanent administrative personnel exclusively dedicated to the CD's duties; and 3) budget to support the CD's physical facilities, personnel and, also activities. A feasible option would be to situate the offices in the ANAM facilities (ANAM Headquarters or the Regional of Veraguas) with the clear understanding that the CD administration is independent from

44 Suman (2007), page 41-42.

45 Id., page 44-45.

ANAM. The "Board's Administrative Coordinator" (or else the "Administrative Secretary" or "Administrative Director") would coordinate the activities of the three groups (minutes and agendas), offer logistic support to the activities, keep the communication and the agreement/covenants/contracts among the same groups, among the groups and ANAM, the other official institution and civil society organizations.

The need of a legal advisor for the Executive Board Council has been noticed. Then again, the figure of the "Administrative Coordinator of the Executive Board Council" could be this person, i.e., administrator and also lawyer.

The Executive Board Council Strengthening Sub-Commission should consider this recommendation and try to create an administrative support and a permanent physical presence for the governing entities that created Coiba's Law.

#### **g. The Executive Board Council must schedule their activities and prepare an Annual Operation Plan (POA).**

The CD also needs to be scheduled by means of an Annual Operation Plan (POA) – as recommended in the First Governance Report in 2007.<sup>46</sup> The Board must be proactive (take the initiative & assume its responsibilities) and not reactive (readily responsive, that reacts). It must establish goals and make sure of aiming their efforts in a good way. The POA would need to include a budget, administrative support, specific activities which make a follow-up for the PN Coiba Management Plan, and schedule their meetings, among other issues.

#### **h. Duties of the Executive Board Council and its Members**

In the First Governance Report (pages 43-45) a call was made so that the CD per se thought about their own duties and, also those from their individual members.<sup>47</sup>

Now that the Management Plan was approved by the CD, it is their duty to make a follow-up of an unlimited number of components that the Plan has. It

46 Id., page 45

47 Id., page 43-45.

can only perform a good job if it has the permanent administrative support and organizes its activities throughout the POA - as it has been mentioned before. The CD should demand that ANAM only makes one consolidated budget-POA for their activities and also those of other institutions, NGOs and scientific institutions whose activities help on the Management Plan. Definitely, creating the CD's Sub-Commissions will facilitate its work considerably. However, perhaps even some more sub-commissions should be created. It is hard to believe that only one sub-commission - the Implementation Follow-Up Sub-Commission of the

Coiba National Park Management Plan – will have the time, capability, funds and human resources to do the follow-up of the entire Management Plan.

It has been emphasized, several times, that it is the duty of the CD to be proactive and not waiting until having some type of problems or situations that might negatively have an impact on the PN Coiba resources. The CD has to show its own initiative. The Board must be informed on emerging issues inside and outside the Park and be able of having their voice heard, as a group, before situations, such as the non-sustainable development in the Park's Buffer Zone. Undoubtedly, some preventive situations might call upon some of the institutions represented in the CD itself. It has been observed with concern that some emerging issues get very little consideration from the Board and that the CD has not given enough attention to important issues that are taking place inside the PN Coiba's Buffer Zone, such as potential investment that might create problems in the future.

The Board also needs to make a follow-up on the point of view of the communities neighboring the Park about the CD's performance and the Management Plan.

The Board may be more effective and get better inputs if it makes a better strategic use of qualified guests who may submit a topic and establish the basis for a productive discussion. The guests must be skilled on the topic to be considered in the meeting and give an accurate and technically correct opinion. The qualified expert would not have to necessarily be part of the CD, but some well-known person at regional, national or international level for his/her knowledge on a specific topic. These invitations might well be part of the Board's scheduling (POA).

Priority must be given to training the members per se of the CD - especially at the times of great changes on the membership (as 2009, for example). The training should include the same legislation ruling in this protected area, the CD's regulation and the Management Plan. It should also include a basic preparation in the solution (or transformation) of conflicts, negotiation, effective communication with the "public" or core group represented by the Counselor.

### **i. Representativity of the Executive Board Council's Members**

The First Governance Report mentioned that the counselors should be faithful representatives of its group and have convening power.<sup>48</sup> The example quoted was from the fishery sector that is represented by only one (1) member in the CD. This is hardly the right representative who is able of talking about the interest of the small-scale, sport, industrial and export sector – and least of all to have convening power.

The fishery representative comes from the sport sector and the alternate board member is from the small-scale sector, as mentioned in the First Report.<sup>49</sup> The representative from the small-scale sector attended to the meeting when these were held in Veraguas, while the representative from the sport sector attended the meetings in Panama City. However, during the February 2009 meetings held in Santiago when the Management Plan was approved, the sport sector representative did attend. This event does not help on building the trust of the small-scale sector in the process.

### **j. Topics discussed in the Executive Board Council's Meetings**

A study of the topics discussed in the 29 analyzed meetings of the CD was carried out and divided into categories. The bases of this information were the minutes prepared by the Board Secretariat after the meetings. Table 7 below shows the frequency, in descendent order, with the topics that were discussed. Frequency means the number of meetings in which the topics were discussed.

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48 Id., page 33.

49 Id.

<b>DISCUSSED TOPICS</b>	<b>FREQUENCY</b>	<b>DECISION</b>
Management Plan PN Coiba	20	Approved –FEB 09
Transfer of livestock outside PN Coiba	14	Unresolved
ZEPM Management Plan	10	Not approved
Scientific Committee Activities	10	
Scientific Station at PN Coiba	10	Approved
Conflicts with fishermen	8	
National Security at PN Coiba	7	
Legal Counseling	7	
Law no. 44 and its regulations	6	
Public Use Plan	6	Pending
Mayors Attendance to Executive Board Council Meetings	6	
Fishermen workshops	6	
Fishery Exploitation plan	5	
Executive Board Council Internal Regulations	5	
Development of area 10 and tourism	5	
PN Coiba Finances	4	
ZEPM Fishery Commission	3	
Article 11 of Law no. 44	3	No agreement
Visits and collaboration with other parks	3	
PN Coiba Access Permits	2	
Montuosa Island	2	
Patrolling and forest ranger	2	
International Collaboration	2	
Community Work and New businesses	2	
NGO Activities	2	
Marinas within PN Coiba Influence Areas	2	
Staff withdrawal and legal authorities	1	
Diving Regulations and Locations	1	Approved
Conflicts among fishermen communities	1	
Development of an Information Center CRUV	1	Not created
Armuelles Port Refinery	1	
Park Visit from the Minister of Tourism	1	

Table 7. Topics Discussed in the CD's Meetings with its Frequency (number of meetings in which the topic was discussed) and the Final Decision.

Among all the topics aforementioned, the one that was fully discussed was the preparation of the PN Coiba's Management Plan and its annexes – such as the ZEPM's Management Plan, the Plan for Public Use and, also the Fishery Exploitation Plan and the conflicts with the fishermen.

One of the main topics discussed, in 14 meetings, was the cattle's' exit from the Island of Coiba and it does not have a final answer even now, being this one of the main issues that still has not been solved.

It is surprising that some of the topic got so little attention from the CD. The social work in the local communities was not one of the topics highly discussed. The need of developing new income sources for the population that used to live from the fishing profits and that now is deprived from parts of this income is well known. The poverty's effect will be directly reflected on the efforts for the PN Coiba conservation. The PN Coiba's social part is not indeed reflected in any meeting. The agendas of the analyzed meetings do not show how to deal with mitigating the economic impact caused to the fishermen by the new fishery restrictions and regulations. Perhaps the little consideration given to this topic is due to the poor attendance of the municipal representatives to the CD's meetings.

Establishing an Information Centre in the Veraguas University Regional Centre of the University of Panama is very important for developing the population educational plans as well as for the future scientific and conservation research plans. However, the topic was discussed only one time and there is not an operational answer for establishing the Information Centre.

The deliberations about annulling Section 11 of Act No. 44 were discussed in three (3) of the 29 meetings only, which is surprising since this a very important topic for the sustainable fishery conservation and exploitation – in addition of being very symbolic. It was already mentioned that the CD acted in a very passive way before this important topic for the future of PN Coiba and it never openly stated to be against the elimination of Section 11.

A table of the topics which were discussed in the meetings for the entire analyzed period in chronological order has also being added. (See Annex, Table 9) In this table the horizontal axis represents the number of the CD's meetings. Table 8 shows the dates of the 29 analyzed meetings.

Meeting No	Date	Location	Representatives with Voice and Vote	Representatives with voice	Guest and visitors
1	Jun-20-05	Veraguas	10	2	6
2	Jul-07-05	Veraguas	9	1	2
3	Ag-29-05	Veraguas	8	2	4
4	Oct-14-05	Veraguas	9	2	8
5	Nov-7-05	PNCoiba	8	2	6
6	Nov-19-05	Veraguas	7	2	8
7	Dec-13-05	Panamá	5	2	6
8	May-19-06	Soná	11	2	7
9	Jul-13-06	Veraguas	9	3	6
10	Ag-01-06	Panamá	8	2	4
11	Ag-26-06	PNCoiba	7	2	7
12	Oct-27-06	Veraguas	7	2	10
13	Dec-04-06	Panamá	9	1	7
14	Feb-07-07	PNCoiba	8	2	9
15	Mar-16-07	Veraguas	10	2	5
16	May-29-07	Río de Jesús	10	2	8
17	Jun-21-07	Veraguas	10	1	11
18	Jul-05-07	C. Panama	9	2	2
19	Ag-02-07	C. Panama	5	2	7
20	Mar-11--08	Veraguas	7	1	7
21	Ab-17-08	Panamá	8	2	23
22	Jun-18-09	PNCoiba	7	3	12
23	Nov-18-08	Panamá	6	2	6
24	Dic-3-08	Veraguas	10	2	10
25	Feb-04-09	Veraguas	11	1	17
26	Feb-05-09	Veraguas	9	1	19
27	Feb-06-09	Veraguas	8	1	18
28	Ag-04-09	Panamá	7	1	6
29	Oct-14-09	Veraguas	8	2	9
30	Dic-3-09	Panamá			

Table 8. Summary of the CD's Meetings Analyzed during the period 2005-2009.

Discussed Topics	1	2	3	4	5	6	7	8	9	10	11	12	13	14
PN Coiba Management Plan	X	X	X	X	X	X		X	X		X	X		
PN Coiba Finances		X												
PN Coiba Funds								X	X			X		
Governin Board Internal Regulations						X		X					X	
Fishery Exploitation Plan			X											
Fishery, arts and regulations					X		X	X						
ZEPM Regulations			X			X		X						
ZEPM Fishery Commission		X		X										
ZEPM Fishery Research			X			X								
Law no. 44 and its regulations							X	X	X	X	X		X	
Montuosa Island														
Public Use Plan								X	X			X	X	
Development of Area 10 and tourism								X	X					
Diving regulations and sites														
PN Coiba livestock Transfer		X		X	X			X	X		X			
Mayors Attendance					X		X				X	X		
Park Access permits					X									
Article 11 of Law no. 44								X						
PN Coiba Scientific Station		X												
Scientific Committee Activities		X	X								X			
Quinquennial Research Plan														
Fishermen workshops		X	X				X	X						
Fishermen conflicts	X			X		X	X	X						
Conflict among fishermen						X								
Fishermen attendance														
Legal counseling											X			
CRUV Information Center														
PN Coiba National Security		X			X			X						
Patrolling and Forest Rangers		X												
International Collaboration												X		
Park visit and collaboration												X		
Marinas around PN Coiba														
Armuelles Port Refinery														
Personal withdrawal		X												
Community work					X									
Park visit from Minister of Tourism													X	
NGO activities													X	

Figure 9. Cronological Analysis of the topics discussed during PN Coiba Executive Board Council meetings from 2005 to 2009

14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	Total
X				X			X	X	X	X	X		X	X	X	20
												X		X	X	4
X	X					X					X					7
														X	X	5
							X			X	X	X				5
							X				X	X				6
X	X	X				X				X		X		X		10
														X		3
	X	X										X				5
																6
	X	X														2
	X										X					6
											X			X	X	5
	X															1
X	X	X				X				X	X			X	X	14
X								X								6
X																2
X										X						3
X		X		X	X	X			X	X			X		X	10
	X	X						X		X		X		X	X	10
	X	X														2
		X						X								6
	X	X					X									8
																1
	X														1	
	X	X									X		X	X	X	7
		X														1
			X	X									X		X	7
															X	2
				X												2
				X		X										3
						X	X									2
				X												1
																1
															X	2
																1
															X	2



# VI

## Conclusions

During the last five years, the people involved in the creation of PN Coiba have traveled a long way. With the guideline offered by Coiba's Law, in conjunction with the great dedication of countless number of people, an innovator model for the decision-making process in the Park is being developed. The formation and performance of the Executive Board Council, Scientific Committee and the Fishery Commission for the ZEPM include new institutional and inter-governmental coordination ways that have also given important spaces for the public participation. According to the Management Plan itself (page 157):

*The current institutional structure of the PN Coiba's Executive Board Council is in an explicit consolidation process and it should play a leading role in the next implementation managements of the PN Coiba's Management Plan, given the legal basis supporting the new administration model and the proper representativeness that it keeps from the main key actors involved in it.*

During the last five years, some of the greatest achievements in governance topics are the formation and implementation of the new decision-making structure in the Park. The "maximum authority" in the Park – the Executive Board Council – has held more than 30 meetings, approved the conservation and sustainable use policies and lastly, the PN Coiba's Management Plan. Good planning has accomplished a considerable financial support which shall be able of supporting the implementation of a great number of activities of the Management Plan.

Now, regarding the governance topic there are great challenges left. The new structure of governance itself still has to be consolidated. Its technical and administrative structure needs to be defined without delay. The new three (3) groups need to develop a vision for their future, have a better understanding of the role in the Park's governance and start to put

together a planning, follow-up and assessment work. They need to take more proactive initiatives and positions. In the face of new and surprising situations, sometimes the CD does not act together and it does not show the wisdom and stability that it should have on these cases. This report shows that the Scientific Committee and the Fishery Commission for the ZEPM has been less productive than the CD.

The CD is in a crucial phase with the approval of the Management Plan in 2009. It must not only be consolidated and amend their weakness, but also it needs to take responsibility – the one of doing a follow-up of the Management Plan’s implementation. Great opportunities are emerging for the governance topics in the Park. We hope that this report would help on the self-criticism needed to take advantage of these new opportunities that shall lead to the preservation of the natural and cultural heritage of Coiba.

In short, this report proposes some recommendations for improving the governance system efficiency in the PN Coiba and we highlight the following:

- i. Increasing the fishery sector representation on the Executive Board Council or, at least, acknowledge that only one representative is not able of pleading in favor of the different interests of the fishery sectors (small-scale/commercial, sport, industrial fishing, and exporters).
- ii. Being more flexible on allowing the public to have access to the Board meetings – not to be so restrictive and inflexible about this issue.
- iii. Being open and transparent with the meetings’ minutes from the Executive Board Council, Scientific Committee and Fishery Commission for the ZEPM.
- iv. Developing a web page with important information on governance topics (such as the minutes, the names and contacts of the three commissions’ representatives).
- v. Establishing an Information Centre for Coiba National Park which includes an important component of governance topics.
- vi. Establishing a Documentation Centre where the public in general may have access to information about the Park and the region, the outcomes from the researches made at the Park and information generated for the public in general (or rather – “the ones opened to the public”).

- vii. Taking into consideration the transaction’s costs when preparing the budgets (the costs needed to implement a broad public participation policy).
- viii. Offering incentives to the members of the three (3) governing groups to improve their regular attendance to the meetings.
- ix. Improving the coordination among the Governance Board, the Scientific Committee, and the Fishery Commission for the ZEPM.
- x. Establishing an administrative support for the Governance Board, the Scientific Committee and the Fishery Commission for the ZEPM, i.e., a physical office for the Board, permanent administrative personnel who is exclusively involved in the Board’s responsibilities and a budget to support this measure.
- xi. Ensuring that the Executive Board Council schedules their activities and prepares an Annual Operation Plan (POA).
- xii. Conducting training activities for the CD’s members so that they meet their obligations of doing a follow-up and “oversee the strict compliance of the Park’s Management Plan” approved by the CD on February 2009 and by ANAM on July 2009.
- xiii. Creating incentives for the Executive Board Council so that they are able of showing their own initiative. The Board must be informed on emerging issues inside and outside the Park and be able of having their voice heard, as a group, before situations, such as the non-sustainable development in the Park’s Buffer Zone.

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