11-11-2010

Panamanian President Ricardo Martinelli Reverses Course on Controversial Legislation

Sean Mattson

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Panamanian President Ricardo Martinelli Reverses Course on Controversial Legislation

by Sean Mattson
Category/Department: Panama
Published: Thursday, November 11, 2010

Panama's President Ricardo Martinelli conceded a rare defeat in October by surprisingly reversing course on controversial legislation that weakened unions and relaxed environmental standards. The pro-business supermarket magnate had initially said he would uphold the June legislation that led to the worst protests of his young presidency. But three months of negotiations with labor leaders, pressure from environmentalists, and criticism of police use of force made the often-uncompromising leader backtrack.

The about-face came amid mounting international pressure because of the government's crackdown on protesters in July, as Panama's official rights organization revealed that as many as 10 people may have died during the violent protests (NotiCen, Sept. 9, 2010). Officially, only two men died, victims of shotgun blasts. But the Defensoría del Pueblo has asked authorities to investigate the deaths of five minors from respiratory problems possibly aggravated or caused by tear gas, as well as three other deaths that happened at the same time as clashes between riot police and striking banana-plantation workers.

Organized labor and environmentalists celebrated the changes. Under the June legislation, union dues were made optional and employers were allowed to hire replacement workers to restart productive activities. The October changes again make union dues obligatory and require nonunion workers to pay dues on unionized work sites. Striking workers no longer can be replaced, and employers can only hire replacement workers for essential maintenance—and only if unionized workers first refuse to perform such tasks.

"The full right to strike has been restored," Genaro López, leader of Panama's top construction union—the Sindicato Único Nacional de Trabajadores de la Industria de la Construcción y Similares de Panamá (SUNTRACS), told news agency following the agreement with the government.

Under the original environmental legislation, the government could eliminate environmental-impact studies for public works deemed of "social interest," sparking fears that major mining and infrastructure projects envisioned by Panama's government could be subjected to lax environmental regulations. "Best practices" guidelines would be used instead. While the government insisted the legislation could not be used for mining projects, the October modifications made it clear that any public or private project deemed to have a moderate or high environmental impact would be required to have an environmental-impact study.

Panama's leading pro-environment group, the Asociación Nacional para la Conservación de la Naturaleza (ANCON), said it was satisfied with the modifications. Subsequent regulation will be needed to define low-impact projects, and environmentalists say they will still follow the government closely to make sure it enforces laws. Internationally recognized best practices will be used only for low-impact projects, said ANCON. "This has been a significant advance," Alida Spadafora, ANCON's executive director, said in a press release.
Presented to lawmakers as a commercial-aviation bill, the June package of laws quickly became known as the "sausage law" because it was stuffed with rider legislation (NotiCen, July 8, 2010). Martinelli had hoped the bill would help speed up his aggressive agenda, and it was quickly passed by the coalition-dominated Asamblea Nacional (AN) as riot police blocked off the legislative chamber while protests raged outside.

But the move backfired, delaying presentation of other potentially controversial legislation, including modifications to Panama's mining-investment laws, and helped damage the leader's popularity (NotiCen, Sept. 30, 2010). The sausage law and the police suppression of protests has figured prominently in international press coverage of Panama this year, including an article by Time magazine questioning whether Martinelli was acting as a strongman.

The reversed course could prove a politically astute move. By reaffirming union rights, Martinelli might have won labor peace at a critical juncture in his presidency. The US$5.25 billion expansion of the Panama Canal is nearing its most labor-intensive phase, and ground will soon be broken on a US$1.5 billion subway project. Both projects are slated for completion around the time Martinelli leaves office in 2014. By underscoring the importance of environmental-impact studies, the president might hope to have eased opposition to major multibillion-dollar mining projects he wants underway before leaving office.

Martinelli admitted errors once the modifications were agreed upon. "When errors are committed, one reconsiders and goes back," Martinelli said at the conclusion of talks to change the laws. But the changes have not undone all the problems created by the law, also called the 9-in-1 law, as many questions remain about the police force used in July's bloody protests.

More than 700 injured in July protests

The worst of the protesting happened in the western Caribbean province of Bocas del Toro, where banana-plantation workers went on strike when union dues stopped being transferred and salaries were withheld to punish initially peaceful protests. Protesters blocked the main highway into Changuinola, the center of the strikes, and riot squads used tear gas and shotguns to clear out protesters. The government said the use of force was justified as 56 police officers were wounded, including at least one by firearms. The police say five officers were briefly kidnapped and public and private property was damaged by rocks and Molotov cocktails during the protests.

In its latest report on the incident, the Defensoría tallied 716 people injured during the protests. A total of 67 people were injured by shotgun blasts in the eyes, and two people were permanently blinded. Panama's often low-profile rights defender challenged the official death tally of two and requested a thorough investigation to determine if the deaths of eight other people, including five minors, were related to the protests.

The numbers were similar to findings by the nongovernmental organization (NGO) Human Rights Everywhere (HREV), which tallied two more deaths than the official total and insisted six more needed investigation. The Defensoría's count of injured people was the highest yet, as it reaffirmed earlier allegations that people did not immediately seek medical attention for fear of being arrested.

The Defensoría's report includes a tale of woe from the Sistema Nacional de Protección Civil (SINAPROC), Panama's disaster-response organization, which evacuated a shelter full of undernourished children that was hit by tear gas during the protests. The report includes allegations
from a uniformed Red Cross volunteer, who said he asked police to stop firing tear gas and shooting into a neighborhood, only to be allegedly kicked by police and have his arrest ordered. The report said the Red Cross volunteer provided video of the incident.

Some 10,000 12-gauge shells, 140 cops

The Defensoría reported poor cooperation from public hospital authorities when its investigators visited victims of the violence, and they found proof of police warrants against union leaders and abuse of the rights of minors, a number of whom were arrested but apparently not handed over to the corresponding authorities who deal with minors. The Defensoría was highly critical of the use of 12-gauge shells by police, which the organization's report said was described as "dissuasive" by Panama's police chief Gustavo Pérez.

"We can conclude that there exists some mistake, error, or confusion on behalf of our police authorities," reads the report, referring to the police describing as dissuasive the use of shotguns and 12-gauge shells. "In reality, forms part of ."

A government-backed special commission's report on the Bocas del Toro protests released in late October said police were greatly outnumbered by protesters, whose numbers swelled to as many as 4,000. The commission said 140 police officers were on hand to disperse protesters, but they were well-armed with some 10,000 shotgun shells. Officers from the Servicio Nacional de Fronteras (SENAFRONT), Panama's border police, and officers from the Servicio Institucional de Protección (SPI), which serves as the presidential guard, were also involved in dispersing protesters, noted the report, emphasizing that these forces are not trained as riot police.

The commission noted it did not receive information on how many rounds were fired on protesters, but it did request a ballistics report that determined the majority of the blasts were fired at distances of more than 20 meters—if not, there could have been more fatalities. One fatality, Antonio Smith, was shot from less than 20 meters, while the other victim, Virgilio Castillo, was hit from no more than 15 meters, the report concluded.

The commission's report largely coincides with the Defensoría regarding victim statistics but blames only two deaths on police tear gas, for a total of four fatalities.

What is unclear is how criminal investigations are advancing and whether they include an investigation of the use of lethal police force during the protests. Responsibility for the deaths from shotgun blasts has not been officially placed. The special commission reported that an estimated US $35 million in damages was done during the protests, which turned violent when police tried to clear protester roadblocks, unleashing chaos that included burning vehicles and a bank and looting.

Authorities clearly felt under siege. "They had four people kidnapped, shooting with bullets at police," Minister of the Presidency Demetrio Papadimitriu, who was holed up in Changuinola's airport during part of the protests, told the special commission. "I understand that the shot is not the most correct [method], that it’s necessary to look for another way to manage these types of situations, but I sincerely don't see [it]."

-- End --

©2011 The University of New Mexico, Latin American & Iberian Institute. All rights reserved.