# Legislación / Economía

NUEVA LEY DE PROCESOS CONCURSALES DE INSOLVENCIA

LA LISTA CLINTON Y LA JURISPRUDENCIA COLOMBIANA

> Omar Torrijos y su influencia en la lucha Canalera

Impacto Economico de la ampliación y otros proyectos



## CONTENT

6.

## **EDITORIAL**

WHAT WE DO WITH THE EDUCATION?

8.

### INVITED WRITER

CLINTON AND SCHEDULE COLOMBIAN JURISPRUDENCE

13.

## NORMS OF INTEREST

COMPETE PROCESSES OF INSOLVENCY

INDEPENDENT EXPERT COMMITTEE WAS CREATED

SOCIAL SECURITY GENERAL INCOME REGULATIONS WERE MODIFYIED

16.

## CONSULT DOCTRINE & JU-RISPRUDENCE

JUDGMENT ON MATERIAL AND MORAL DAMAGE CAUSED BY MALFUNCTION OF PUBLIC HEALTH SERVICES.

20.

## **POLITICS**

DONALD JOHN TRUMP AND HIS ROAD TO DEFEAT

24.

### PANAMANIAN ECONOMY

CONSUMER'S PRICE INDEX

EVOLUTION OF CONSUMER PRICE INDEX: MONTHLY AND CUMULATIVE VARIATION

MONTHLY ECONOMIC ACTIVITY INDEX IN PANAMA

BANK SECTOR OF PANAMA IS KEPT TO GOOD PACE

## CONTENT

ACP SIGNED CONVENTION WITH COLLECTIVE PILOTS UNION

CANAL EXPANSION AND ITS IMPACT ON THE PANAMANIAN ECOOMY

31.

### WORLD ECONOMY

SUSTAINABLE TOURISM: AN ENGINE FOR JOB CREATION, ECONOMIC GROWTH AND DEVELOPMENT

ECLAC and ILO UNEMPLOYMENT IN LATIN AMERICA AND THE CARIBBEAN increase by 2016 BY ECONOMIC DETERIO-RATION REGIONAL

THE ECONOMIC ACTIVITY CONTINUES
BEING DECELERATED IN LATIN AMERICA

G7 FUEL GROWTH OF GLOBAL ECONOMY

G7 NEEDED TO BOOST DEMAND AND ADDRESSING RESTRICTION SUPPLIES

44.

### ILLUSTRIOUS PEOPLE

PROFILES OF MY FATHER OMAR TORRIJOS HERRERA

SEMBLANZAS DE MI PADRE OMAR TORRIJOS HERRERA

48.

## SPORTS CAPSULE



52.

## CULTURAL CAPSULE



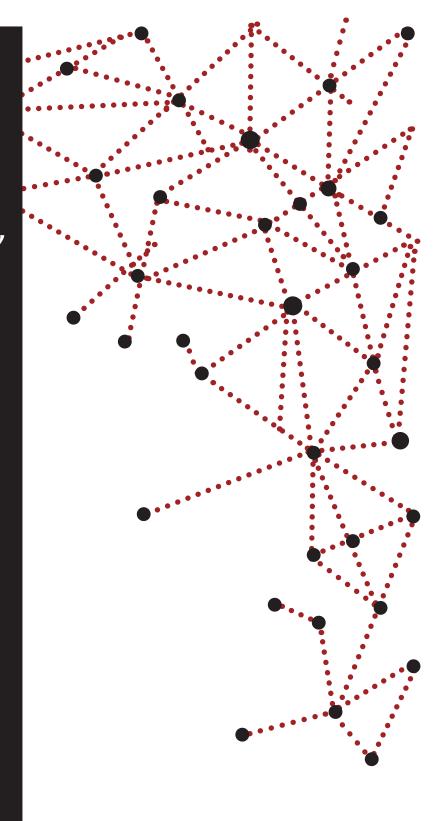




PÚBLICA **IMPUESTOS** CONTRATACIÓN PROPIEDAD INTELECTUAL **REGISTRO** SANITARIO LITIGIOS. **ARBITRAJE** MEDIACIÓN **DERECHO** MARÍTIMO **ABANDERAMIENTO** NAVES DERECHO **ASUNTOS** SOCIEDADES **APERTURA MIGRATORIOS FUNDACIONES PRIVADO** INTERÉS CONTRATOS. DF FIDEICOMISOS ASESORÍA BURSÁTIL **SERVICIOS** NOTARIALES REGISTRO **AMBIENTAL LEYES ANTIMONOPOLIOS TELECOMUNICACIONES** 

Legislación y Economía es una publicación de Rivera, Bolívar y Castañedas, que tiene como propósito principal mantener informados a nuestros clientes, empresarios, industriales, ejecutivos, banqueros, inversionistas, y a todo aquél que tenga INTERÉS en la actividad de **PANAMÁ**.

Legislación Economía



Rivera, Bolívar y Castañedas



@rbc\_abogados



**RBC** Abogados

## EDITORIAL



## WHAT WE DO WITH THE EDUCATION?

ne of major promises in the campaign of President Varela was to lead major changes in education. However, until now observe many of the weaknesses of the system such as increase in dropouts, increased cases of pregnant girls in youth ages refusal of educators on extended day and poor results in the few international tests to determine ability of students to understand subjects such as Spanish, mathematics and science.

At the same time, we note with surprise SENACYT director claim, as funds for scholarships in science and technology areas are meager. In a word repeated by scholars, educational system collapsed, however, all the elements of diagnosis and action plans and collective meetings on the roadmap in this topic are in the hands of authorities and of those in the best condition to undertake this task.



José Javier Rivera - Attorney jj.rivera@rbc.com.pa

This is not a problem that can be solved in a presidential administration but requires a political agreement committing all actors in society, so that mitigation measures and corrective measures are implemented in an orderly manner over



a period of time and legal and regulatory springs that have strong and effective, so that they can be maintained over time in order to change a whole educational culture that has several centuries.

Addressing issues such as the recovery of self-esteem and role of educators, openness regarding methodologies teachings that converts student into a protagonist of his educational future, effectiveness or relevance of the education system that doesn't cause boredom or mere obedience to the dictates of teachers, are just the initial tasks.

The restructuring of the classroom as a place of thought, openness, collaboration and preparation both in science and in arts and sensory skills is essential in this century. But it also requires that both teachers, principals and school supervisors have the ability to acquire goods and services to repair classrooms, acquire the tools for extended days of classes become music workshops, art, crafts, theater and sports, avoiding ennui and boredom.

In case of basic and IPT cycles, incorporating modern technology is necessary for teachers and professors to develop their practices in productive and income-generating activities in areas covering agricultural production, robotics, information technology, repair and team building.

Another crucial element in this process is to prevent educational initiatives that correspond to an administration are suspended or eradicated by the mere fact of a change of government. This happened recently with the educational transformation, but also with other programs of other administrations Connect to Knowledge and English For Life.

Finally, we must deal with independence, courage and selflessness the issue of management in education, since a ministerial entity as the current one is caught in its own habitat, it is the largest employer in the state with a pyramidal hierarchy that makes all decisions are centralized in the minister.

This structure naturally leads to paralysis, because a person can't make all decisions within an organization of more than fifty thousand employees.

The impact of education is so important that we must devote all efforts of society to solve this problem within a reasonable time.

President Varela has the historic opportunity to set the roadmap for an education plan long term and convene all social and political forces to achieve this paradigm.

It will dawn and see... L&E

Amanecerá y veremos...

## INVITED WRITER

Mario J. Galindo H.

Abogado y miembro de la Academia
Panameña de la Lengua
rbcweb@rbc.com.pa



## LA LISTA CLINTON Y LA JURISPRUDENCIA COLOMBIANA.

n a judgment of 5 June 2003, Constitutional Court of Colombia tediously analyzed effects that supplies in Colombia including a Colombian legal person in Clinton List.

#### **BACKGROUND OF THE CASE**

- a. A company called Multiactiva Employees Cooperative Drug Distribuitor onwards (the Cooperative), was included in Clinton List.
- b. As a result of that inclusion, Colombian banks with which it had terminated relationship had any connection with the Cooperative.
- c. Moreover, no other bank agreed to trade with the Cooperative.
- d. Cooperative appeared before lower courts an appeal, claiming it was victim of an unjustified financial blockade and therefore requested a court order forcing banks to establish relations with it issued.
- e. The lower courts gave reason to the applicant and therefore issued an order requested by the Cooperative.
- f. The banks filed an appeal with the Constitutional Court challenging decisions of the lower courts. g. In a lengthy and reasoned judgment, the Constitutional Court gave the reason to banks on the basis that refusal of these to establish relations with the cooperative is based on a reasonable and objective



motivation.

### HIGHLIGHTS OF CONSTITUTIONAL COURT JUDG-MENT

As I have said in previous lines, judgment is very extensive and very reasoned in its contents.





I think last pages of summary judgment so clear jurisprudential doctrine that springs from judgment and therefore, it seems pertinent to transcribe these pages: "49. In accordance with the above in the section on background, are attributed to the banks of Bogota, Bancolombia, Interbanco, Banco de Occidente, Bancafé, Granahorrar and Banco Agrario de Colombia violation of fundamental rights of Multiactiva Employees Cooperative Drug Distribuitor - Copservir Ltda equality, good name, recognition of legal personality, economic freedom, freedom of enterprise and work, horn result of cancellation of current accounts, savings and other financial services that were providing and also by the final decision of these entities to refuse to establish any future financial linkage. this, in addition to compliance with Executive Order No. 12,978 proffered by the President of the United States of America, which prevents them from these financial institutions have any kind of economic relationship and / or legal persons allegedly linked to drug trafficking.

Cooperative says it has no connection with traffickers or develop criminal activities, especially in regard to their nature of association of solidarity sector and non-profit. It also states that the presence of the financial blockade which has been subjected, prevents him develop his social object, seriously deteriorating financial condition of the agency cooperated and its partners.

50. For these reasons, the plaintiff claims that through a court guardianship order the defendants banks be forced to allow access to its financial services to the Multiactiva Employees Cooperative Drug Distribuitor - Copservir Ltda. -. In addition, it is requested to order the Ombudsman and the Ministry of Foreign Affairs to advance to completion all proceedings that may take place, before the administrative authorities of the United States to make such cooperatives be definitely excluded from the Clinton List.

Finally, plaintiff states that its claim also is on track to get

exacted some administrative authorities and private entities Colombian clarify the scope of the Executive Order as grounds objective of excluding financial services. According to the factual circumstances of the case and the arguments in the fundamentals 12-39 of this judment, the Court finds that the tutela is not called to prosper, by the considerations set out below:

51. The need to ensure the general interest of savers and preserve the stability of the economy (principle of public trust) requires the autonomy of private will of financial institutions and / or bank imposed as a rule, when deciding on access, content and delivery of financial services. So that only considered violated fundamental rights of users of that sector when an unjustified financial blockade occurs.

However, in this case, such unjustified financial blockade is not presented, given the absence of several of its requirements, namely: a) There is an administrative means of defense for people included in the Clinton list can protect and shelter their fundamental and thus the same rights; b) a reasonable and objective grounds justifying the refusal of the defendants trading banks is presented.

3.6.1. There is an administrative means of defense for persons included in the list Clinton to protect and protect their fundamental rights.

52. As previously stated, persons included in the Clinton list, have horn administrative mechanism for the defense of their rights, the possibility of requiring the timely intervention of the Ombudsman, pursuant support functions and institutional support, scheduled Article 282 of the Constitution.

According to the evidentiary material collected in headquarters review, it could be verified that Cooperative - Copservir Ltda. - announced with the Ombudsman several meetings in order to clarify the mechanisms of



defense against the US authorities. There, precisely it agreed that Copservir Ltda., Begin the process of administrative appeal to the United States Department of the Treasury, while at the same time, the Ombudsman would advance an institutional accompaniment.

53. The Ombudsman assumed obligations of support and institutional support and no direct representation, considering that feasibility of an administrative or judicial proceedings before the US authorities require direct action of the person concerned. In addition, the cooperative decided to advance on its own the corresponding administrative defense. Thus, on December 27, 2001, Copservir Ltda., sent to the Ombudsman a copy of the letter sent to the Treasury Department in order to request the exclusion of its name from the Clinton list.

However, the Ombudsman dealt with the fulfillment of other obligations, such as the Cooperative advise on the various alternatives of defense, providing logistical support and advance the consults and diplomatic services in coordination with the Ministry of Foreign Affairs. Indeed, on February 21, 2002, letter rose to the Director General of Consular Affairs and Colombian Communities Abroad of the Ministry of Foreign Affairs to establish the process and results of the letter sent to the United States Department of the Treasury by Copservir Ltda.

Contrary to the decision by trial judges, said method is fit and proper to defend the rights and interests of the cooperative mechanism and its effectiveness depends only on the evidence that the same entity contribution to the authorities US. Indeed, the Ministry of Foreign Affairs, Office 2710/636 of 10 July 2000, reported that Mr. Elsy Ospina Duque and Luis Enrique Villalobos Brown, were removed from the Clinton list (the latter plaintiff in the T-152 413 process, for the ruling SU-157 1999).

54.According to the above, the Ombudsman sent to the Corporation on October 23, 2002, the statement submitted by the United States Department of the Treasury to the Colombian Embassy, which informs that the request for exclusion promoted by the company Copservir Ltda., is being studied by the OFAC (Office of Financial Assets Control).

It also informs that in April 1998, before the Federal Courts, that company had filed a lawsuit against the Director of OFAC and the United States Secretary of the Treasury on grounds of violation of administrative processes, to seizure laws and constitutional rights by the inclusion of his name in the Executive Order, being blocked against him in March 1999. Then that decision was appealed to Supreme Court of the United States, who denied the requested appeal, in March 2000.

55. Accordingly, the Multiactiva Employees Cooperative Drug Distribuitor - Copservir Ltda -, Currently is ahead of the administrative mechanism of intervention of the Ombudsman to ensure through management support and institutional support, advocacy and protection their rights abroad (CP art. 282). So, at this time it is pending an administrative proceeding before the United States Department of the Treasury, under study by the Office of Financial Assets Control (OFAC). It is unable to attend the court proceedings before the US authorities, as it was previously judged against. In this vein, the intervention of the Ombudsman is a typical performance of means and not of result, since Executive Order No. 12,978 proffered by the President of the United States of America, is an act of foreign government, only moot before the judicial or administrative authorities of that country. 3.6.2. an objective and reasonable grounds to justify the refusal of the defendants trading banks is presented.En aplicación de la Ley 35 de 1993, las entidades financieras pueden negar el acceso al sistema financiero o terminar los contratos bancarios cuando se presenten causales obje-



tivas y razonables que justifiquen dicha decisión.

56. From this perspective, the Court has held that the inclusion of a person in the Clinton list, is an objective causal authorizing the inability to access the financial system, because of the serious economic consequences that would occur in that sector to accept or order a business or legal relationship with these people, and also in order to ensure the general interest of savers.

57. This causal is linked to the risk of the operation and not the ability to pay the applicant, in view of following reasons, namely: (i) the economic consequences derived type of helplessness of Colombian banking, verbi grace, through the confiscation of sums deposited in branches or agencies abroad and by terminating contracts with foreign correspondent banks; (Ii) For the loss of public trust that is the main asset of an entity in the financial sector given the risk or harm to its reputation and; (Iii) any penalties or fines arising from lack of control money laundering.

58. However, as we discussed this Corporation (Judgment SU-167 of 1999), it is not necessary that the person on the Clinton list, he has been convicted or under investigation for crimes related to drug trafficking in Colombia, to consider legitimate the behavior of banks. The precise purpose of that decision rests foundation in imminent danger of a loss of solvency and liquidity irreparably altering the way the financial system and thus affect the general interest of savers (principle of public trust).

Thus, in present case, according to the Administrative Department of Security and the Attorney General's Office no criminal record are presented in relation to the members of the direct meeting of the plaintiff Cooperative (pages 462 et seq Main Notebook). However, contrary to the decision of the judges instance, the attitude assumed by banks is not disproportionate, because its purpose is to safe-

guard the integrity of a key sector for the country's economic structure and ensure tranquility of saving all Colombians. then it emerges incontrovertibly validity of constitutional principle of prevalence of public or social interest over private interest.

59. Accordingly, situation is Copservir Ltda. Because of the difficulties in accessing the financial system is not attributable to the defendants, since they have decided to deny access to its services, developing a causal objective under the law: His inclusion in the Clinton List. Yet horn Executive Order affects to some extent the rights of the plaintiff, it is appropriate to maintain the defense mechanism previously referenced, consistent in fulfilling the Ombudsman of support functions and institutional support to individuals on that list, in order to achieve the objectives of protection provided for in Article 282 of the Constitution.

60. With regard to the latter, the Court welcomes and reiterates precedent contained in the Judgment SU-157 of 1999, meaning to maintain, by way of support and institutional support, involvement of the Ombudsman and the Ministry of Foreign Affairs in defending the rights of those are included in Executive Order No. 12,978. However, in this case it should not utter a sort that compromise the performance of those bodies, and that according to the evidence brought to the process and which has made express reference, the Ombudsman, in coordination with the Ministry of Foreign Affairs has been advising Copservir Ltda., in the proceedings that it decided to advance directly and on its own to the competent authorities of the United States. 3.6.3.

The lack of constitutional doctrine handed down by the Corporation.

61. In accordance with the previously exposed, it is clear that there may be reasonable disagreements over scope of fundamental rights; however, legal certainty





requires that only one of these interpretations may have binding and enforceable in the legal system. It must necessarily be constitutional doctrine handed down by the Corporation, in view of role that it meets within the constitutional jurisdiction, horn guardian of supremacy and integrity of Constitution (C.P. art. 241). In this context, if a guardianship judge intends not to apply the constitutional doctrine on a subject in particular has established the Corporation, should not only motivate the decision to complete, relevant, adequate and Related, it also has to prove the diversity of the factual or factual circumstances that lead to unequal treatment grant and/or the existence of new legislation to alter interpretation of legal rules applicable to the controversial case assumptions.

In the sub-judice case, the Court found that the decisions of trial judges are motivated to complete, relevant and related to the disputed object way. However, such motivation is not enough, because by itself is not suitable and appropriate to decide the matter under dispute, when there is a repeated previously precedent, unified and binding - in the same subject - by the Corporation.

In addition, from the analysis of factual circumstances surrounding the case under study, it is not possible to find a principle of diversity among the factual circumstances that are invoked in this opportunity and analyzed failures precedent, then, couldn't be granted unequal treatment of persons placed in the same situation. Indeed, the simple fact addressed now a legal entity and not a natural person, doesn't alter the ratio juris exposed by the Corporation in failures SU-157, SU-166 and SU-167 1999 (MP Alejandro Martinez Caballero ) consisting estimate that the inclusion of a person in Clinton List is an objective and reasonable grounds to justify refusal of trading of banks, in order to safeguard the integrity of a key sector for country's economic structure and ensure tranquility of saving all Colombians.

Indeed, as the Court has weighted by constitutional doctrine of binding legal interests or fundamental rights are in conflict, can't the trial judges go over that interpretation and perform further analysis, contrary to legal certainty, the fundamental right equal treatment and constitutional principles of good and legitimate expectations.

Indeed, doctrine formulated by the Corporation, in developing its integration function of the constitutional order, joins the fundamental rule. Therefore, presiding judges can't apply the above text in a different or different unified by the Constitutional Court sense, precisely because it is the direct application of the Constitution to resolve the same case submitted to it.

Therefore, in the case under consideration, it is not right that trial judges have determined that inclusion in the Clinton list is not "adequate and objective" to deny access to banking services, causal accordance with the precepts of the Constitution, as this Court has previously argued otherwise unified by precedent, repeated and binding (SU-157, SU-166 and SU-167 1999). Thus, in that Judgment 1999 SU-157 (MP Alejandro Martinez Caballero) concluded that: "(...) The Constitutional Court considers that the prohibition on bank trading with people who were included in the list is a causal Clinton objective that justifies the decision of the bank ".

62. In light of the foregoing, the Board will revoke the ruling of the seventeen (17) July 2001, issued by the Sixth Circuit Criminal Court of Cali, by the considerations in this decision. Instead, protection of fundamental rights invoked by the plaintiff, to the extent that their inclusion in the Clinton List is not attributable objective grounds defendants financial institutions, and as the Ombudsman refuse, in coordination with the Ministry of Foreign Affairs, it is meeting its obligations to support and institutional support for Copservir Ltda." L&E

## NORMS OF INTEREST



## COMPETE PROCESSES OF **INSOLVENCY**

Giovana del C. Miranda Garzola. - Attorney giovana.miranda@rbc.com.pa

nrecent days, it was approved Law 12 of March 19, 2016 published in the Official Gazette 28036-B of May 23 this year, by which the scheme proceedings insolvency set and other provisions.

Established by Law 13 that the insolvency regime seeks credit protection and creditors, through a reorganization process aimed at ensuring the recovery and conservation of efficient company, as economic exploitation unit and generating employment or through prompt and orderly liquidation of inefficient company. As for the scope, it must be the same to individual traders and registered companies or doesn't apply in the Public Registry, not excluded by law, having their place of business, branch, agency or establishment in Panama.

As noted in preceding paragraph, they aren't subject to the regime of bankruptcy proceedings public entities, municipalities, autonomous entities, semi-autonomous, decentralized companies in which the state owns 51% or more of the shares; banks, insurance companies; entities regulated by Superintendency of Securities Market; entities subject to special arrangements recovery, liquidation or intervention and entities providing public services during period of intervention by the regulator.

Another aspect to mention is that created the Fourth Court of First Judicial District, which will have competition meet in second instance of bankruptcy proceedings which in first instance the Circuit Courts Insolvency in which has been promoted resource appellate.



also Circuit Courts Insolvency who

know exclusively, in the first instance insolvency proceedings and execution processes higher amounts are created. In this type of process are entitled to apply for reorganization the debtor or his representative; General Meeting of Creditors through his representative and the representative of a foreign insolvency proceeding, subject to compliance with the requirements.

It indicated that opening of insolvency proceedings confers bankruptcy financial protection, which translates into the fact that will not start any executive process, execution of any kind, restitution of property or launch against the debtor, for which are suspended the statute of limitations. It also provides that the contracts signed by debtor shall remain valid and that the debtor may not be incapacitated or disqualified from contracting with state entities to undergo the bankruptcy reorganization process.

On the other hand, the law regulates matters relating to the figure of insolvency administrator, qualification and graduation of credits and voting; General Meeting of Creditors and Reorganization Agreement; Effects of Reorganization; Implementation of the Agreement of Reorganization among other topics.

As for the request for liquidation, it noted that the same applies when the debtor ceases payment of an obligation

### NORMS OF INTEREST



that is enforceable, resulting from acts of trade; when I have fought against three or more executions thereof; is hidden abandon their business or close the business establishment.

So we have to Law 13 contemplates effects of the declaration of liquidation on the person and property of debtor; on acts performed by the debtor and the effects on the person of debtor in case of a society. It has allocated a title to regulate Cross-Border Insolvency and aims to promote cooperation between the competent authorities of Panama and foreign States involved in cases of insolvency; greater legal certainty for trade and investment; fair and efficient administration of cross-border insolvency processes to protect the interests of all creditors and reorganization of companies in financial difficulties to protect the invested capital and preserve jobs.

The law in question repeals and amends some articles of the Judicial Code, within which are repealed can mention Article 159 in item 10 and 739, both referred to the bankruptcy and 750 in item 4 changes the phrase "in the bankruptcy proceedings" by "in bankruptcy proceedings insolvency".

Similarly, Title XV of Book II of the Judicial Code Contest Creditors will be called Eliminating word Bankruptcy, Likewise Articles 1791, 1794, 1795, 1801 and 1830 changed all this in order to adapt to the new process of bankruptcy insolvency. Another modified standards is the Penal Code articles 280 and 281, in the first modification Focuses on Establishing a number of Situations That Can be Considered for Classifying a punishable act, similarly, Indicated That the sanction Also apply to WHO COOPERATE With the debtor or legal Their Representatives, if legal person includes partners, administrators, managers, directors, officers, liquidators and General proxies.

Meanwhile Article 281 which established the penalty for those who cause negligently bankruptcy after the reform decreased imprisonment is contemplated by two-thirds for those in criminal proceedings provide information or effective cooperation to prevent continuation or consummation of crime; provide information or cooperation which is achieved know the whereabouts or fate of the real material object of the crime and who restitute property material object of the crime or an amount equivalent to its value voluntarily.

The Commercial Code is repealed reform Titles I, II, III, IV and V of Book regulating Regarding bankruptcy.

Finally, the standard to which we have referred will come into effect from 2nd d January 2017, as provided in Article 269.

This regard we consider it appropriate to note that the mentioned rule is to emerge at a time when a powerful economic group WISA Group is in a state of survival of group companies because of inclusion in the Clinton list by Office of Foreign Assets Control (OFAC) of the Government of United States. But beyond that, it is source of work of more than four thousand workers, which faces an uncertain fate.

A review of the background of Bill 297 it follows that proposed scheme bankruptcy proceedings Insolvency arises because rules of bankruptcy contained in the Code of Commerce responded to the system prevailing capitalism at that time, whose purpose was on one hand, to punish the debtor for breach of its commitments to the disqualification of the administration and management of the company and on the other hand to distribute the assets of the enterprise to its various creditors.

The project was prepared by the audit committee rules of bankruptcy, which was created by the Fourth Chamber of the Supreme Court, to examine comprehensively rules of the Judicial Code and Commercial Code on the subject.

This commission was intended to draft and propose new legislation, which is adapted to new tendencies in bankrupt cylaw and collect relevant standards into a single instrument, simple and comprehensive systematic way, in five main sections: general provisions and competence, company reorganization, liquidation, insolvency and cross-border insolvencies punishable.

On that basis the constitutional chose the option, horn decision of fundamental policy of a market system in which private enterprise is the main plaintiff, with oversight authority of the State to ensure effectiveness of economic system and effectiveness of fundamental rights as right to work and the right to social security.

Taking into account the spirit of the national government approved must modify the rule in Article 269 thereof and establish that it shall enter into force after its promulgation and not in January 2017 standard. L&E





INDEPENDENT EXPERT
COMMITTEE WAS
CREATED

Giovana del C. Miranda Garzola. - Attorney giovana.miranda@rbc.com.pa

xecutive Decree No.94 of 29 April 2016 the Committee of Independent Experts for the evaluation of the operational framework of international services platform in Panama was created.

The Committee shall have as an objective main purpose of the service platform, in order to make recommendations that can be incorporated as best practices to achieve the objectives of transparency demanded by the international community analysis.

Within this context, Committee shall submit a preliminary report within three (3) months and a final report no later than six (6) months of the date of installation of the Committee. However the Commission may ask to extend the term of delivery until within two months. L&E



Giovana del C. Miranda Garzola. - Attorney giovana.miranda@rbc.com.pa

# SOCIAL SECURITY GENERAL INCOME REGULATIONS WERE MODIFYIED

he Board of Directors of the Social Security Fund issued Resolution No.50,064-2016 April 26, 2016 by which modi-



fies Resolution No. 38.788 to 2006 containing the General Regulation of Income Social Security Fund.

Main changes focus on the criteria for the imposition of penalties for infringements of contributors to Organic Law, since reform should consider type of company concerned, whether dealing with a micro and small; medium business or large company.

Measurement to classify companies will be determined taking into account average number of workers in the detail payroll for the last twelve months preceding month or period under investigation and being to be considered micro enterprise to that which has 1 to 4 employees; 5-15 medium and large enterprise workers 16 or more workers.

The minimum and maximum amounts remains only to be applied taking into account, as we indicated the number of workers affected and the type of company concerned, for example, before the reform by the non-registration of the employer to the Fund, the penalty was B/. 500.00 if affected 4 to 6 employees omitted, will now be B/.200.00 if it affects two to four employees in the small, and B/.350.00 if medium and B/. 500.00 itself is Big company.

Another thing to mention is the fact that three new titles that regulate concerning the Simulation of Legal Acts and Exceptional Payment of Fees to opt for a retirement pension old age are introduced. *L&E* 

## CONSULT, DOCTRINE & JURISPRUDENCE



## JUDGMENT ON MATERIAL AND MORAL DAMAGE CAUSED BY MALFUNCTION OF PUBLIC HEALTH SERVICES

Ailen Galván - Asistente Legal ailen.galvan@rbc.com.pa

n April 26, 2016, under the presentation of Judge Abel Augusto Zamorano, Third Chamber of Administrative resolve the claim for compensation filed by Alexander M. Valencia, representing Samuel Nunez for the death of her daughter Lourdes D. Nunez Navarro (RIP) for having material and moral damage caused by malfunction of public health services.

The applicants claim that the Board declares two things:

- 1. That Board of Santo Tomas Hospital is responsible for all the complications that ensued product of all surgical acts done for the patient Lourdes Nunez Navarro (RIP) by malfunctioning public health service provided by his medical staff from admission to hospital on January 21, 2005, until his death on March 24, 2005.
- 2. That Board of Santo Tomas Hospital and Panamanian State are jointly and severally liable to pay Mr. Samuel Nunez, appropriate compensation for

damages caused by the malfunctioning of public health services by Santo Tomas Hospital, who keep relation to what happened to her daughter Lourdes Nunez Navarro (RIP), which caused his death. That defendants be ordered to pay five million balboas (B/. 5,000,000.00).

Among motivations underlying demand indicates that patient Lourdes Dalys Nunez Navarro (RIP) entered the Santo Tomas Hospital on January 21, 2005 by order of Dr. Maria Du Bois, with the diagnosis of choledocholithiasis, presenting acolia, no fever, no signs of acute abdomen, without diarrhea without bloating, diagnosis is product of a study by Dr. Juan Jose Gutierrez. She was subsequently held on January 25 in the morning, a medical evaluation that revealed afebrile, asymptomatic condition, with jaundice, physical examination depressible soft abdomen without pain, the patient underwent ERCP (Cholangio-Pancreatography endoscopic-retrograde) procedure was flawed because not filling the bile ducts was obtained.

## Ly

### CONSULT, DOCTRINE & JURISPRUDENCE

The day after the failed ERCP examination, medically evaluated again, leaving indication in the record that should be passed to the operating room, but this indication was not met. When trying to log in again to the operating room, Dr. Maria Du Bois makes an order to that a conservative management is being notified Chief Operating Room, Dr. Jaime Velarde Batista. Then on January 28, 2005, Dr. Jaime Velarde urgently requests Abdomino pelvic CAT (computerized axial tomography of the abdomen and pelvis) which revealed the following: perforation of the duodenum and inflammatory peri pancreatic changes related to post-procedure pancreatitis ERCP failed.

On January 29, 2005, entering the patient to the operating room, meeting findings subacute cholecystitis, bile duct expansion and pancriatitisuda.

Concludes the plaintiff due to subsequent complications to the first and bad instrumental manipulation of January 25, 2005, Lourdes Dalys Nunez Navarro (RIP) underwent 17 surgical procedures that begin on January 29, 2005 and ending on March 21 2005, died on March 24, 2005 with the diagnosis of sepsis, peritonitis and Acute Pancreatitis, as stated in death certificate.

The applicant claims order the State through the Board of Hospital Santo Tomas, as established numeral 10 of Article 97 of Judicial Code, which attributed to Third Administrative Chamber, process of compensation to which are directly responsible for the State and other public entities, malfunctioning public attached to them.

Are estimated violated Articles 5 and 19 of the law governing the Board of Hospital Santo Tomas, since in compliance with the public service provided, not the necessary and proper behavior for compliance with

the preventive and curative health were observed the patient; and that the events that caused the death of Lourdes Dalys Nunez Navarro (RIP) on March 24, 2005, show that officials and doctors at the Santo Tomas Hospital also estimated paragraph 2 of Article 40 of the General Regulation was violated and charges and Santo Tomas Hospital functions Manual, to the extent that its officials didn't pay adequate retention deserved the patient against table presented.

They point to the violation of Articles 1644 and 1645 of the Civil



### CONSULT, DOCTRINE & JURISPRUDENCE



Code that speak of obligations arising from fault or negligence on the part of respondent company.

Lastly points breach of Article 17 of the law governing rights and obligations of patients regarding information and free and informed decision, since the applicant states that didn't comply with the reporting procedure due to patient.

For the Office of Administration hasn't been proven causal link that must exist in any claim for compensation for damages, including the fact alleged bad provision of public health service, and damage caused, in this case the patient death Dalys Lourdes Navarro Núñez (RIP), there is also an evidentiary deficiency.

The judge begins by analyzing the damage, which indicates that to see if there is a real damage must prove the certainty of the damage. By indicating that in this case have credited the consistent damage in the death of Lourdes Navarro Núñez Dalys (RIP), credited with death record provided on the record.

The judge notes that the factual circumstances which determine that the death of the patient reflect in report by Dr. Fulvia Vergara, who sums it up: "Patient was admitted 60 days ago with colecistocoledocolitiasis box, the fourth day of hospitalization is performed ERCP failed, developing pancreatitis. On the eighth day of hospitalization cholecystectomy bile duct further exploration is done. Wound dehiscence presented and evisceration more output tube in T. They have performed multiple intestinal perforations during the course of her hospitalization."

Also for the report by the forensic expert Dr. Andrew Tucker Cesar, who relates: "According to clinical record the cause of death of patient Lourdes D. Nunez Navarro were: 1. Drilling Duodenal by ERCP (unrepaired) 2. post traumatic ERCP Pancreatitis failed evolved to acute ne-

crotizing pancreatitis peritonitis followed by septic shock and Hypovolemic culminating with a picture of multisystem organ failure. Motivated by:

• Duodenal perforation ERCP on 25 January 2005. Acute necrotizing pancreatitis after the date January 25, 2005...

The rapporteur points out that, as stated in Article 17 of our Constitution, the State must guarantee protection of nationals in their life, honor and property, and guarantees recognition and protection of their rights recognized in the Constitution and international standards; as well as the right to health to be protected by the state in all areas, such as plasma Article 109 and 110 of our Constitution. As for the relationship of state responsibility, it derives from a contractual responsibility of this and that also goes for repairing prevention to achieve improvement and optimization in delivering on the performance or execution of administrative activities. All actions of the administration are normed, so service failure has been regarded as violation of an obligation by the State, so that in order to determine the obligation content which is subject the State in a case Specifically, the judge must refer first to the rules governing public activity causing injury, all this taking into consideration that the obligation of the administration goes beyond where the law or regulations as to devote themselves but also in all those events in which the Administration assumes a service or activity organized or where tacitly accomplished is also included in functions of the state.

Highlight the Chamber that statements of Dr. Jaime Velarde and the expert Pedro Rios, possible perforation of the duodenum was due to the failed practice of ERCP examination on January 25, 2005.

As the expert, Dr. Pedro Rios in his interrogation delivery of his expert report, replied that ERCP can cause pancreatitis can also cause duodenal perforation..."

### CONSULT, DOCTRINE & JURISPRUDENCE



Regarding the technique used to feel for and development of infection of the patient expert Dr. Tucker said... "average longitudinal incision would have been the best person to address both the problem of gallstones in the gallbladder, and to meet and solve the problem of a diagnosed duodenal perforation and that once the surgeon didn't give value and this is precisely express base, the type of incision made, ie right subcostal."

So the Chamber considers that evidence that despite diagnoses of the patient, additionally Dr. Rogelio Vargas who performed the first surgery, didn't take into account the outcome of CAT for intervention and therefore made the RIGHT SUBCOSTAL technique which as noted by other specialists, had practiced another incision technique that would have allowed a broader and more effective exploration of the peritoneal cavity. This statement by Dr. Du Bois were corroborated by Dr. Tucker and Dr. Pedro Rios, where the latter said "when ERCP where there have been multiple attempts to channel the bile duct and where there has been performed one precut papilla and gastroenterologist informs me that was failed ERCP and recommends anything by mouth for 24 to 48 hours and that x-rays are performed."

The Chamber considers that time between January 25 to January 29, 2005 (over 100 hours) was crucial for the development of the infection of the patient and subsequent death, after 17 surgeries performed and were unsuccessful.

The Third Chamber considers that it is established that part of the Santo Tomas Hospital was a lack of services, it is for the State to compensate the damage caused, having worked poorly and it was crucial for health of patient from worsening what became her death.

As for the amounts claimed, the Third Chamber considers that although it is true has been proven by the negligent actions of medical staff working for the Board of Santo Tomas Hospital, it is also true that the calcu-

lation of pecuniary damage to be taken into consideration entails consequential damages and lost earnings, medical expenses (which weren't credited to your bill due) and moral damages, which as a whole is estimated at 225,000.00 broken down at 75,000.00 material damages (lost profits) and 150,000.00 damage moral, practiced by several surveys to collect the total to pay.

#### RESCUE OF VOTE

This judgment has the dissenting opinion of Judge Luis Ramon Fabrega, who said that it is not feasible to attribute responsibility to the State, as records of judicial and clinical records clearly demonstrate that there is no direct causal link between the alleged failure an administrative service and death of patient Lourdes Navarro Núñez.

Judge Fabrega cites the expert report, signed by Teresa Rios Atencio, Coroner Institute of Legal Medicine and Forensic Sciences, as an expert, which states: "The patient Lourdes D. Nunez Navarro enters Santo Thomas Hospital with symptomatology of abdominal pain lasting more than one year, exacerbated in recent days of admission to hospital ... "; in this regard, added that "... the young Lourdes D. Nunez Navarro didn't enter heals the hospital, existence of an obstruction of the normal flow of bile evidenced by the symptoms, elevated levels of bilirubin is an event that should be corrected, since stasis or accumulation of the normal flow of bile favors in this growing bacteria and an event called cholangitis that can lead to sepsis occurs... I think ERCP procedure was well displayed... young Nunez Navarro l diagnosed early one acute pancreatitis post ERCP, and gives adequate medical treatment for this condition. " It concludes that for it to set up responsibility of the Administration, it is necessary to determine whether the damage has its origin in the offense committed by the official in the performance of its functions and has a direct responsibility of the State for malfunction public services. Therefore considers that there is no causal link between the action element is inferred that the administration proceeds of an offense, and damage, a situation that is not visible in this case. L&E

## POLITICS



## DONALD JOHN TRUMP AND HIS ROAD TO DEFEAT

Rafael Fernández Lara Abogado independiente rbcweb@rbc.com.pa

hen real estate mogul Donald John Trump filed his candidacy for the presidential nomination of Republican Party, many people thought it would be a contender again, with few taking it seriously and not likely to realize his presidential nomination against other applicants who had higher merits and experience in American politics.

According passed GOP primary and Trump began to accumulate victories unexpected over the other candidates, some analysts still tended to think would not make it, and it was also clear that the so-called "establishment" Republican Party would try to stop it since its members were never shy to manifest disagree that Donald Trump was ideal for presidential elections next November 8 candidate.

I don't doubt that at this stage of American primary cards are drawn and point to Donald Trump as the official candidate for President of the United States by Republican Party. It really is a radical and populist candidate whose strategists are trying to persuade Republican leadership that New Yorker magnate achieve great electoral victories and get an undisputed victory in November, although they are aware of the need to moderate his strong personality and his contentious and controversial style.

His penchant for creating controversy and say what you think without measuring the effects possibly causes sympathy in a sector of US electorate, but in my opinion is not in the majority. Whether your followers want to see soon a different candidate in order to reduce its negative points and they are hopeful that their image will soon change, others on the contrary don't see that possibility as a result of his vociferous style and position of aggressive man which they have left wounds that hardly disappear and have caused outrage and anger. Here are just a sample:

--- In June 2015, when he presented his aspiration to run for the presidency by the Republican Party, described Mexican immigrants rapists and drug traffickers and defended building of a border wall which he would make public expense in the neighboring country.

--- The barbaric expression when said John McCain, former presidential candidate in past presidential elections and current Senator from the Republican Party, is not a hero because he was captured, although yes was brave because he endured five years of captivity and oppression by North Vietnamese, who challenged his claims refusing to let him out of his confinement prematurely because his father was Admiral of the Pacific Fleet.

--- His anger toward republicans, Carly Fiorina and Megan Kelly, the latter host of Fox News, and their foolish statements when accused the presumptive Democratic presidential candidate, Hillary Clinton, to play the "deck of women", saying the only reason which has done well to Hillary Clinton "is by its kind."



His contempt the Republican Senator from Florida. Marco Rubio, calling him a "little one" and "the wimp" Jeb Bush, former governor of Florida.

The New Yorker for many wealthy Donald Trump is projected as rafor Latinos cist

Muslims, like and discriminates against sabled by making fun his of physique.

--- In 2011 claimed current president Obama, justifying its status as US, demanding his birth certificate.

In 2013 noted that blacks and Hispanics responsible for almost all violent crimes. were

--- Then, in August 2015, raised the deportation of millions of illegal immigrants and withdrawing their children from US citizenship, attacking media and journalists who questioned its program, to the point of expelling the Univision journalist Jorge Ramos, , a Press conference.

--- His controversial statements like "I could shoot people on Fifth Avenue and not lose votes"; or "will restore waterboarding for terrorist suspects"; "I ask the complete and total blockade at the entrance of Muslims in the US"; "A wall on the border with Mexico would save us a lot of money"; "This is a country where we speak English, not Spanish"; "John McCain is a war hero. I prefer those who have not been captured," among others.

The background of these comments shrillness and generates very disturbing reflections, with possibility that



and egotistical character reach the presidency of the most powerful country in the world. On the other hand, Donald John Trump also blares issues that are liked by a sector of American workers, criticizing some free trade agreements, such as Mexico and other Latin American nations. In his view, many companies have gone to other countries where they pay a lot less and not have to worry much about the subject of the environment, a situationthatismakingjoblessAme-

ricans and not have it are living at the expense of taxpayers.

Like complains about the economic relationship with China, noting that China keeps its currency artificially pegged to the dollar, so that its exports are cheaper while it is difficult for US companies to export their products to China.

Similarly warns about the problem of national debt, which if achieved the presidency would apply a tax of 14.5% on the wealth of those with more than ten million, and with it much of the debt rule and money payment would save interests.

Has emphasized his criticism of foreign policy promoted by Democrats, which he includes the weak role played by the current Obama Administration regarding Islamic State (EI). On foreign policy for his country, it ensures that always put the interests of Americans and their safety above all, reproaching the deterioration of the military and the urgent need to rebuild without skimping on costs.

The zany real estate mogul Donald Trump and eccentric celebrity who has never held political office, begins to be white from their mistakes and controversies. The influential and powerful conservative US political dynasty, the family of another candidate primary,



Jeb Bush, whose father and former president George H.W. Bush (1988-1993), and his brother and President George W. Bush (2002-2009) and the same Jeb Bush, former Governor of Florida, Trump ruled out support. The epithets used by the Republican presidential candidate Mitt Romney to describe Trump were "dishonest, vulgar, slanderous, temperamental, unstable, xenophobic, misogynist... Not for the Presidency."

Senator from South Carolina, Lindsey Graham, one of the most visible faces of Republican apparatus, said "I don't think (Trump) is a reliable and conservative Republican who has shown judgment and temperament to be Commander in Chief."

The Speaker of the House of Representatives, Paul Ryan, who occupies the most important institutional position with Republicans today, originally said he wasn't prepared to support the magnate in electoral process. Today it is giving a rapprochement between Ryan and Trump, but it will be difficult for the electorate to forget the first impression of Ryan on Trump. Meanwhile, it has been apparent that Hispanic Republican leaders have joined the chorus of voices that don't hide their discomfort with the party that holds Republican nomination.

The president of the United States, Barack Obama, although conspicuous member of Democratic Party, believes that the magnate simply has a more attractive rhetoric than his Republican competitors, initially based its political program on the same points in that It highlights the clear opposition against Muslims and immigrants. Finally, Obama declared: "I continue to believe that Trump will not be president."

Obviously, Trump's candidacy for President of the United States by the Republican Party causes concern in many countries around the world and has been a manifest and widespread anger at the possibility that the potentate be the next President of the United States. I think that eventuality, based on their exposed approaches, established enormous

risks, not only his nation but to the world, compromising the stability of the international order. Donald Trump causes concern in many nations that consider their alternative would be a disaster worldwide.

The opportunity to Trump placed in the Oval Office is remote and while the date for the elections, electorate will think more of who is really more prepared to occupy the White House and represent greater stability of power, as it is in effect the United States. His personal view of things is very limited, it is not ideal for the more moderate Republican candidate, or for the more conservative Democrats.

Again, as it was in the electoral tournament in 2008, when Senator Barack Obama faced by the Democratic Party against Senator John McCain of the Republican Party for the Presidency, significant minorities as Latinos, African Americans, Asians, set of women voters who have an unfavorable perspective to him, which will result in the majority women voters don't support, coupled with the same homosexual groups, will be important factors that tip the balance in favor of his opponent, Democratic Party candidate.

Surely the incredible statements will not disappear, its remote chance of becoming President, would represent a step backwards in many respects for his country and especially for the Western world. I believe and hope that the majority of the American people will not be so thoughtless as to vote for Trump. The United States and the world deserve better.

£&₽



## PANAMANIAN ECONOMY



## ÍNDICE DE PRECIOS AL CONSUMIDOR

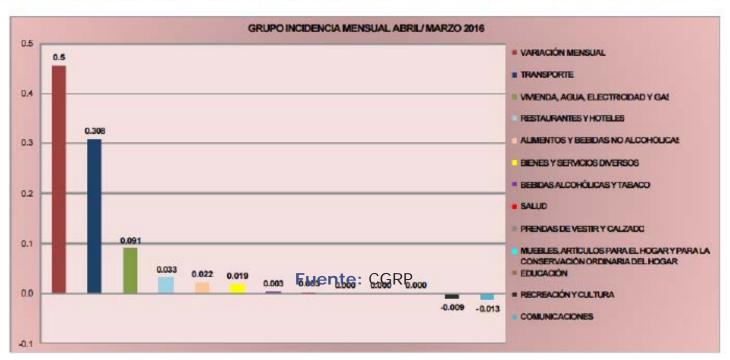
Fuente: CGRP

n April, seven of twelve groups that make up the basket of LPC showed increases two and three recorded declines showed no variation. Groups with positive and affected more significantly the CPI changes were: Transport 1.9 percent, with an incidence of 0.308 percentage points; Housing, water, electricity and gas 1.1 percent, with an impact of 0.091 percentage points; Restaurants and hotels 0.4 percent, with an impact of 0.033 percentage points; Food and non-alcoholic beverages 0.1 percent, with an impact of 0.022 percentage points and Miscellaneous goods and services 0.2 percent, with an impact of 0.019 percentage points.

Transportation group, class with the greatest impact is "Fuels and lubricants for personal transport equipment" by 6.4 percent, due to increased fuel prices for cars.

The group Housing, water, electricity and gas, positive change and the class with the highest incidence in this variation is observed is "Actual rentals paid by tenants" with 3.8 percent, rising rental service housing.

### A continuación, gráfica con la incidencia mensual por grupo del IPC Nacional Urbano de abril de 2016:





## EVOLUCIÓN DEL ÍNDICE DE PRECIOS AL CONSUMIDOR: VARIACIÓN MENSUAL Y ACUMULADA

### GRUPOS IPC ABRIL 2016 Base anual 2013 = 100

Fuente: CGRP

Grupo	Ponderaciones	Incidencia	Variación mensual
TOTAL	100.0	0,5	0.5
Alimentos y Bebidas no Alcohólicas	22.4	0.0220	0.1
Bebidas Alcohólicas y Tabaco	0.7	0.0030	0.6
Prendas de Vestir y Calzado	7.7	0.0000	
Vivienda, Agua, Electricidad y Gas	8.5	0.0910	1.1
Muebles, Artículos para el Hogar y para la Conser	vación		
Ordinaria del Hogar	7.8	0.0000	·
Salud	3.4	0.0010	0.1
Transporte	16.8	0.3080	1.9
Comunicaciones	4.3	-0.0130	-0.3
Recreación y Cultura	9.7	-0.0090	-0.1
Educación	2.4	0.0000	5.0
Restaurantes y Hoteles	6.7	0.0330	0.4
Bienes y Servicios Diversos	9.8	0.0190	0.2

## MONTHLY ECONOMIC ACTIVITY INDEX IN PANAMA

Fuente: CGRP

onthly Economic Activity Index (IMAE) in the Republic for January-March 2016, measured in terms of original series at 1996 prices, grew by 4.04 percent compared to the same period of 2015.

The categories of economic activity that performed well for the aforementioned period were: transport, storage and communications, mining and quarrying, construction, electricity and water, hotels and restaurants and financial intermediation. The other sectors had a positive impact,



but at a slower pace, with the exception of manufacturing, trade, community, social and personal service activities and fishing showed decline. As a whole, transport and communications operations showed positive results, mainly the telecommunications and air transport; however, the Panama Canal Authority didn't present increase and movement measured in TEUs containers the National Port System, was reduced. Financialintermediation presented a positive performance, both in banking and in the insurance business.

Growing activities less dynamic, agricultural sector showed a slight increase in activities such as milk production and cultivation of watermelon; as well as the offspring of pigs and poultry. On the contrary, it decreased cattle breeding, production of raw milk used for the production of by-products and fruit crops such as bananas, melons and pineapples, mainly export was recorded.

The sectors of construction and mining and quarrying maintain a favorable behavior due to construction generated by the public sector, buildings and urban renewal in Colon, resumption of health sector projects, progress of Metro Line 2, the third bridge over the Panama Canal, expansion and improvement of the road network in the country, as well as the private project to build a power plant and other mineral processing in the district of Donoso, Colon province.

Production of electricity and water category presented positive rate, the higher thermal electricity generation and consumption billed electricity and potable water; however, hydraulic generation negative change.

The services provided in hotels and restaurants showed positive results, mainly due to increased entry of hikers and tourists, as well as for expenses during their stay in the country. Other service activities that performed well were private education, demand for qualified personnel and health services provided by the private sector.

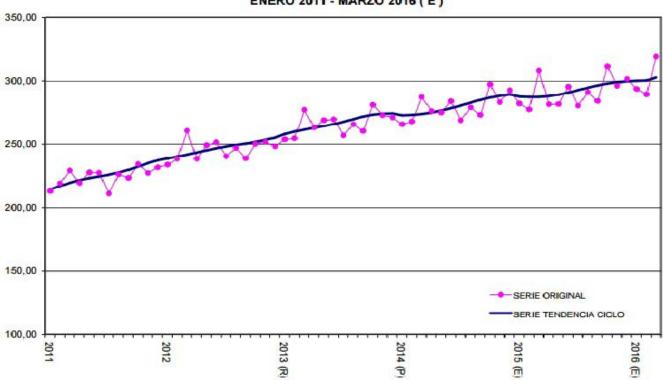
Manufacturing industrial production decline in some activities such as those related to the development of non-metallic products, metal, textiles, chemicals, plastics and printing and publishing activities; however, there was an increase in the food processing and paper manufacturing.

For this period, commercial activity presented negative rate, affected by the local wholesale trade and Colon Free Zone. Fishing activity reported negative results due to lower catch of some export-oriented, such as fish and steak, despite the increase in shrimp and other seafood such as crustaceans and molluscs species.

The provision of fun and recreation showed negative rate, mainly by reducing gambling halls games of chance, from slot machines type A, the gambling tables and gambling halls sporting events. However, lottery sales increase recorded.



#### ÍNDICE MENSUAL DE ACTIVIDAD ECONÓMICA ENERO 2011 - MARZO 2016 ( E )



## BANK SECTOR OF PANAMA IS KEPT TO GOOD PACE

Source: MEF

he banking sector remains at a good pace as indicated by the behavior of liquid assets that include official foreign banks, Panama and, with gross balances amounting to some 13,3698.3 million dollars to May 20 this year, said Raul Moreira, deputy director of Economic and Social Analysis of the Ministry of Economy and Finance (MEF).

#### Años

Moreira during a presentation to members of the Chamber of Commerce, Industries and Agriculture of Panama on current economic situation in the country, said total revenue for non-financial public sector continue to show increases with a growing 368 million dollars until March 2016, 15.3% over same period last year.

He stressed that these figures are complemented by a significant increase in foreign direct investment in the country, which last year reached 5.038 million dollars, an increase of 16.9% compared to the previous year, with its direct and indirect benefits various sectors of the economy.

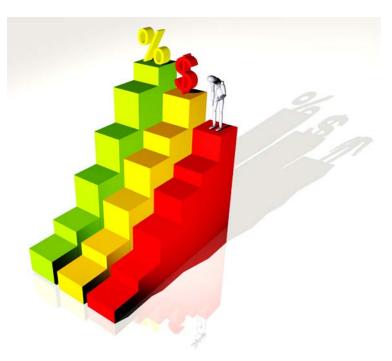
The presentation highlighted that 2015 was a good year for the economy of Panama, with the growth of the most dynamic activities of the country in which the supply of electricity, gas and water account for 13.6% of GDP, while intermediation financial grew by 10.4%. Real estate, ren-



ting and business activities continued occupying a prominent place in our economic growth with 8.1% and mining and quarrying in the coming years will have a higher percentage of our exports, it grew by 7.0%, Moreira said.

Deputy director of economic and social analysis of MEF said that according to projected major international institutions like the World Bank and the International Monetary Fund, among others, Panama will grow 6.2% in 2016, the highest in the region, and according estimates of these same agencies, the rest of Latin America will decrease by an average of 0.3%.

Moreira said that major investment projects and proceed with orders issued by the government reach the figure of 5,123.5 million dollars, among which stand out the Metro Line 2 with 2,062.7 million; Colon Urban Renewal with 569.0 million; Agua Fria-Yaviza road in Darien by 148.6 million; rehabilitation and widening of Panama North corridor by 96 million, among other projects that are already running. L&E



# ACP SIGNED CONVENTION WITH COLLECTIVE PILOTS UNION



Source: ACP

### CANAL DE PANAMÁ

anama Canal Authority (ACP) and the Union of Practical Panama Canal signed on May 9 new collective agreement, which will govern until the end of 2021.

The document was signed by the administrator and deputy administrator of the Canal, Jorge Luis Quijano and Manuel Benitez, respectively form; Secretary General of the Union of Practical Canal, Londor Rankin, as well as by the Administration negotiators and bargaining unit.

Administrator of the ACP Quijano said that now depend on both the practical and the Administration to ensure that the agreement is fulfilled, because the challenges they face from the entry into operation of the expanded Canal are great.

For his part, Secretary General of the Union of Practical Panama Canal, expressed confidence that "all practical we are committed" to the operations of the current Canal and expanded, therefore, all negotiators put their best effort Logar this agreement "because the commitment is with Panama."

It's worth mentioning that last February was signed with the exclusive representative of the unit non-professional workers, which groups more than 80% of workers in the Canal, collective agreement will be valid until September 30, 2019, to as the collective agreement of the unity of Professional Employees, effective until December 30, 2019.

However, pending settlement is reached an agreement with bargaining units of captains and deck officers, marine engineers and firefighters Canal. L&T



## CANAL EXPANSION AND ITS IMPACT ON THE PANAMANIAN ECOOMY

Augusto Cesar García-Abogado augusto.garcia@rbc.com.pa

pril 2016 has been a tumultuous month for Panamanian economy as a result of the turmoil caused by the so-called "Panama Papers," a leaked documents that revealed practices used by financial institutions in major countries around the world, including prominent members of the OECD, with the aim of reducing tax burden on their operations and in other cases avoid completely the same, from which the name of Panama indiscriminately used as a scapegoat for a much deeper problem than it has been raised in the media.

The described situation worsened in early May when news spread that the Department of Treasury of the United States of America included in the "Clinton List" two of the most important business conglomerates in the country led by Nidal and Abdul Waked, with appropriate penalties and prohibitions that this implies in trade, a situation that has set off alarms regarding the integrity of our financial system and the impact of these sanctions on the Panamanian economy.

While the above scenario has caused a general alarm in Panamanian economy, which can't be ignored, it is of cardinal importance rescue Panamanian economy remains strong with an estimated this year 6% growth that we face a scenario that invites us to optimism if one considers that by 26 June 2016 it is expected ope-

ning of the Panama Canal expansion project, one of the most important works of infrastructure worldwide, impact will be reflected not only in Panamanian economy but also in international maritime trade. To this Mega work, we must add the announcement in the development of new mega projects like Metro Line 3 Panama, and the construction of the fourth bridge over the canal.

Here we refer to some of the most important megaprojects for Panamanian economy:

### Panama Canal Expansion:

The Panama Canal expansion project consists of a new lane can spend the Neopanamax boat, with a capacity of cargo containers can be about 13,000, triple the currently circulating through this waterway.

It is expected that with opening of the expanded Canal can recover between 70% and 80% of services were by other routes and to compensate somehow the possible reduction in their contributions to the Treasury that had been agreed at \$ 1.060 million which could be \$ 1.002 million for this fiscal year 2016.

The Canal expansion could be generating between \$ 300 million and \$ 400 million additional to the contri-





bution that gives current Canal, which could be entirely of \$ 1.400 million in 2017 and increase it, depending on how they are going to shipping industry and economies, as the Canal is a link in a long chain of global economy.

In this regard it is important to note that the expansion of the Panama Canal not only ensures the continuity of the seaway as passage of ships, but also the opportunity to develop services to industry, with the aim of turning Panama into a maritime hub and long-term logistics.

## Metro Line 3 Panama and fourth bridge over the Canal:

The extension of Line 3 will be 27 km route from Albrook to City of the Future in Arraiján in its first phase, will feature 14 stations, trenches, bus interchanges, parking and an area of courtyards and workshops.

It is the longest railway line, because the 1 had an area of almost 15 kilometers to San Isidro, while the two cover 22 kilometers to the village on December 24. Line 3 will in City of the Future patio workshops in which maintenance activities, parking station, wash cars, change storage rails tires. and offices be implemented, among other structures that require the work to be put on going.

In addition, it is building an emergency plat-

form at a midpoint between the stations of Loma Cova and Panama-Pacific area states.

Within the grounds of the Panama Metro Secretariat to implement the project is listed that will bring benefits to urban areas of Arraijan, Nuevo Arraiján, City of the Future, La Chorrera and even Panama City.

According to the analysis of work will not generate major disruptions on environment or the population own a building development of this type that rises in previously operated and disturbances will be duly compensated areas, says report.

It is expected that line 3 provides services to residents west of the capital, in schedule from 5:00 am to 10:00 pm The schedule results in an operating range of 17 hours, which would mean having two shifts of work.



In that sense, projections of authorities point out that at peak times of 2020, when it starts operating the system, a frequency of one train every 3.33 minutes will, equivalent to 29 trains per hour between the stations and west line. They carried all the way from Albrook to City of the Future, over a period of 39 minutes 55 seconds.

On demand service, the EIA states that are expected to mobilize 27 000 899 people per hour when the maximum demand of transport is registered. With regard to construction, it is estimated time four years and the operation could begin in late 2019 or early 2020.

In conjunction with the proposed Metro Line 3 Panama, the fourth bridge over the Panama Canal, which should be ready in 2021 it will develop. It is a project of 6.5 kilometers of highway corridor will continue the North and unite with the project widening to eight lanes of the Inter-American say-that the road from Bridge of the Americas to Arraiján-.

This work is above one billion dollars. This project will be combined: road and monorail. You will have two lanes, six lanes and a double track for the monorail.

Metro Line 3 will consist of a monorail with a length of 26.7 kilometers with 14 stations and will allow, when in operation, transfer of thousand people per six-car train and up to 20 thousand people per hour.

Projects described are the main projects on state investment of the current administration, which are aimed at increasing the operational capacity and contributions of the national main asset as is the Panama Canal, and improve the development and quality of life of one of the sectors with the highest population growth as is West Panama.

However, it is important to note that although these projects aim to improve quality of life and boost economic development of the country, remain pending further development and investment in more sensitive sectors such as education, health and culture, which are the pillars of any society from economic, social and political development that is required to aspire to belong to a select group of developed countries, as advertised by all government administrations every five years, since these are the only pillars for comprehensive and sustainable development of a country.

L&E



## WORLD ECONOMY



# SUSTAINABLE TOURISM: AN ENGINE FOR JOB CREATION, ECONOMIC GROWTH AND DEVELOPMENT

Source: Página web OIT

ourism is an important engine of job creation and a driving force of economic growth and development, as shown by the latest statistics.

In 2015, according to World Travel and Tourism Council (WTTC), the sector created more than 107 million direct jobs (3.6% of total, accounting for 3% of world GDP) and supported (directly and indirectly) a total of 284 million jobs, equivalent to one in eleven jobs worldwide. In 2026

these figures should reach 136 and 370 million jobs respectively, ie, increase to be one of every nine jobs worldwide.

Among members of the G20. China, India, Indonesia, Mexico and South Africa are the countries that should



register further growth of tourism and tourist destinations; and between economies that are not part of the G20, Kyrgyzstan, Myanmar, Tanzania, Vietnam and Zambia.

These statistics demonstrate the important contribution that tourism makes to employment and GDP. It is necessary to ensure that growth and development of this sector are sustainable, responsible from social point of view and generate decent work opportunities.

### Contribute to poverty reduction

Tourism contributes significantly to job creation, especially for women, young people, migrant workers, rural communities and indigenous peoples and has multiple linkages with other sectors.

As a result, tourism can contribute to reducing poverty and promoting socio-economic development and decent work. However, if tourism doesn't respect local cultures, is uncontrolled, unsustainable or is not socially responsible, it can have a negative impact on local communities, heritage and environment, exacerbating inequalities.



### **WORLD ECONOMY**



### Four key steps

The ILO supports promotion of a more sustainable and socially responsible tourism and decent work in the sector:

- In supply chains (eg, agriculture, handicrafts, transport, infrastructure and construction) and both support and promote an integrated approach and local procurement.
- Strengthening initiatives that promote job creation at local level, including in rural areas, contribute to social and economic development and reducing poverty through social inclusion, regional integration and increased local incomes.
- Investing in skills development and training and vocational education; improving working conditions in order to value the image of sector and increase quality of service provided; bearing in mind that the level of competence, professionalism, commitment, dedication and social skills of workers are essential factors of competitiveness.
- Strengthening mechanisms for social dialogue and collective bargaining. These can improve working conditions, career prospects and job security for the benefit of workers and help companies better meet the needs and demands of labor market.

Potential of the tourism industry to contribute to economic and social development has been recognized in various Sustainable Development Goals. Goal 8 (Promoting inclusive and sustainable economic growth, employment and decent work for all) has a goal (8.9) on tourism: "By 2030, develop and implement policies aimed at promoting sustainable



tourism to create jobs work and promote culture and local products." The objective

12 (Ensuring sustainable patterns of consumption and production) and Objective 14 (To conserve and sustainably use oceans, seas and marine resources for sustainable development) also include goals related to tourism.

After strong growth registered in recent decades in terms of job creation and contribution to GDP, the meeting of Tourism Ministers of G20 was established in 2010 to ensure that the sector is present on the global agenda and analyze opportunities and challenges it presents. Chinese president will host the seventh meeting of ministers T20 to be held on May 20 under the theme "Sustainable Tourism: an effective tool for inclusive development".

The event coincides with the first World Conference on Tourism for Development on the theme "Tourism for Peace and Development" to be held on May 19 in Beijing. Both meetings will provide an opportunity to facilitate the promotion of sustainable tourism as a driver of decent work, economic growth and sustainable development.

### The role of ILO in field of Hospitality, Catering and Tourism (HCT)

The ILO is committed to promoting employment and decent work for all in tourism sector. Thanks to its unique tripartite structure, ILO promotes the four pillars of the Decent Work Agenda in this sector, by promoting rights at work, encourage decent employment opportunities, enhance social protection and strengthen social dialogue. ILO initiatives in this sector include:

- Promote the ratification and effective implementation of the Convention on the working conditions (hotels and restaurants), 1991 (No. 172.) Together with Recommendation (No. 179). That accompanies it;
- Seek consensus among industry constituents to formulate policy recommendations aimed at action on emerging issues;
- Develop tools and share knowledge on emerging trends and challenges at the industry level, such as the Practical Guide on reducing poverty through tourism,



explaining how tourism can contribute to sustainable development at local and rural levels and regional integration, how to promote a tourist destination and establish a tourism business;

- Strengthen the capacity of governments and organizations of employers and workers to advance the Decent Work Agenda at the country level through technical assistance and training and guide the ILO on social dialogue in tourism (ILO Guide on Social Dialogue in Tourism);
- Incrementar la coherencia de las políticas a nivel mundial a fin de promover el trabajo decente en la industria de la hotelería, la restauración y el turismo, a través de asociaciones con otras agencias de las Naciones Unidas y organizaciones multilaterales.

In February 2017, ILO held a tripartite meeting of experts to adopt guidelines on decent work and socially responsible tourism. These guidelines respond to the needs of the sector and serve as a coherent and global tool for all stakeholders in tourism sector. L&E



### ECLAC AND ILO: UNEMPLO-YMENT IN LATIN AMERICA AND THE CARIBBEAN IN-CREASE BY 2016 BY REGIONAL ECONOMIC DETERIORATION

Fuente: CEPAL

he evolution of labor markets in Latin America and the Caribbean in 2016 will generally be negative, due to the anticipation of a macroeconomic framework and growth more deteriorated than last year and the weakening of some employment indicators warn ECLAC and International Labor organization (ILO) said in a joint report released today.

Agencies of the United Nations said in a new edition of Employment Situation in Latin America and the Caribbean that these factors, particularly the sluggishness in job creation, would lead to an increase in urban unemployment of over half a point (0,5) percent in 2016 compared to 2015.

"The process of continuous improvement of labor indicators that benefited the region for much of the past 15 years was stopped in a less favorable global macroeconomic context," said Alicia Bárcena, Executive Secretary of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), and José Manuel Salazar, Regional Director of the ILO for Latin America and the Caribbean in the foreword.

"This underscores the importance of measures not only to mitigate effects of the crisis in short term, but also to address gaps and lags longer term, such as the lack of diversification, productivity gaps, high informality and inequality", they add. The Regional Director of the ILO is one of the special participants in the thirty-sixth session of ECLAC, to be held in Mexico City from 23 to 27 May. During the event, Salazar will present at the roundtable on regional dimension of monitoring the 2030 Agenda for Sustainable Develo-

### **WORLD ECONOMY**





pment, which includes a series of objecspecific tives inclusive to and growth work. decent ECLAC-ILO takes report stock of the performance of labor markets in Latin America and the Ca-

ribbean in 2015. This indicates that, mainly as a result of the slight contraction of regional gross domestic product (GDP), this year the average unemployment rate recorded itsfirstincreasesince 2009, from 6.0% in 2014 to 6.5% in 2015.

This increase was a result of increased job seekers entry to the labor market compared to previous years, who did not find the necessary amount of jobs. This was a result of weak wage employment generation as a result of sluggishness in economic activity, the study said. In addition, regional deterioration of quality of employment, given that in view of the lack of sufficient wage jobs, work expanded on their own, generally of lower quality was recorded.

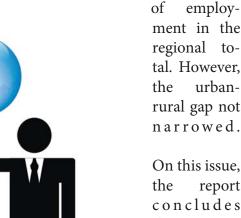
According to the document, weakness in job creation in 2015 was expressed in the third consecutive annual decline in the employment rate (0.4 percentage points), which implied a reduction in number of breadwinners per household. This fall in income has played an important role in increasing poverty estimate for 2015 (to 29.2% of the inhabitants of the region, according to latest projections of ECLAC).

However, ECLAC and ILO emphasize that deterioration of employment and unemployment indicators is not a widespread phenomenon in the region. In 2015, only seven of 19 countries in Latin America and the Caribbean the unemployment rate rose, while nine fell and three remained practically stable. In general, in the countries of Central America, Mexico, Dominican

Republic and the Caribbean nations developments in labor market it was more favorable than in South America, whose performance was affected by impact of the external environment on economic activity and inflation, Inter alia.

In this edition of The Employment Situation is also analyzes the evolution of employment in rural areas of countries of the region between 2005 and 2014 in order to identify whether improvements observed in this period for labor markets as a whole also recorded in these areas, and if the gaps compared to urban areas were reduced.

Available data show that rural areas did benefit from improvements regarding the quantity and quality indicators



On this issue, the report concludes that progress in reducing decent work deficits in rural areas is essential for further moderni-

zation and diversification, as well as improvements in productivity in the agricultural sector. It is also recommended strengthening labor institutions to contribute to the formalization of rural employment, improve social protection, greater compliance with the minimum wage and other labor standards and reduce barriers to the employment of women and rural youth. L&E





# THE ECONOMIC ACTIVITY CONTINUES BEING DECELERATED IN LATIN AMERICA

Source: FMI

s global recovery continues struggling to take hold, growth in Latin America and the Caribbean has again revised downward and is expected to shrink in 2016 for second consecutive year, according to IMF.

In the IMF report entitled Economic Outlook for the Americas, published on April 27 in Mexico City, it is projected regional growth to contract 0.5 percent in 2016, which means two consecutive years of negative growth, first time since the debt crisis of 1982-83. This figure, however, masks the fact that most countries continue to grow moderately safe but, while a small number of economies, -which account for about half of the economy of the regiónare facing a recession, mainly due to internal factors.

The slowdown reflects weak external demand, a further decline in prices of raw materials, volatile financial conditions and, in the case of some countries, significant rigidities and internal imbalances, the re-



port said. At the same time, many countries have experienced sharp depreciations of the exchange rate, mainly due to deteriorating terms of trade and external demand. For 2017, IMF expects

gional growth rise to 1.5 percent.

### Regional diversity

Brazil is mired in a deep recession and economic activity has contracted 3.8 percent -the same rate as in 2015- due to economic and political problems. In Chile, growth is expected to decelerate to 1.5 percent in 2016, due to deteriorating confidence and the low level of investment in the mining sector. Argentina and Venezuela face a contraction in output of around 1 percent and 8 percent in 2016, respectively. However, prospects for medium-term growth of Argentina have improved considerably thanks to the transition currently underway to eliminate distortions and internal imbalances and correct relative prices. In Peru, economy has strengthened and growth is expected to continue increasing in 2016 to 3¾ percent, mainly driven by investment in the mining sector.

In a context of continued recovery in US, growth prospects for Mexico and Central America remain relatively strong. Mexico is expected to continue growing at a moderate pace of 2.4 percent in 2016. The countries of Central America have benefited from low oil prices and continued recovery in the United States. It is projected that growth of regional product is  $4\frac{1}{4}$  percent in 2016.

In the Caribbean, growth prospects remain favorable for countries that depend on tou-



rism. Instead, growth prospects are deteriorating for economies dependent on raw materials.

#### Downside Risks

The regional outlook is subject to several downside risks. Latin America remains particularly vulnerable to higher than expected in China, -destination of 15 percent to 25 percent of exports from Brazil, Chile, Peru, Uruguay and Venezuela- and further falls in prices of raw materials slowdown. A slowdown in China would help reduce prices of raw materials and increase the perception of corporate risk. A deeper understanding of the situation in Brazil deterioration could cause a sudden change in the valuation of regional assets, lower demand for exports between trading partners in the region and higher risk premiums. The report also notes risk that the investment recovery is slower than projected if most restrictive financial conditions and lower growth prospects result in adjustments to the balance sheets of companies that are increasingly indebted in foreign currency.

### Managing the transition

Growth prospects over the next five years are likely to remain weak, particularly for those countries facing lower prices for raw materials and a limited level of investment. According to the IMF, throughout the region, political and economic reforms should aim to manage this transition. In cases where a more accommodative policy orientation could be justified, the room for maneuver in macroeconomic policy is limited. In particular, the room for maneuver of fiscal policy is constrained by high debt levels, slower growth and lower revenue from raw materials.

The flexibility of exchange rate remains essential to help economies adjust to persistently lower prices of raw materials. Where central banks enjoy strong credibility and the transfer of exchange rate adjustments to inflation is limited, you can maintain an accommodative monetary policy if needed to support demand. However,

monetary policy should be geared to preserve the credibility of the central bank in those countries where inflation expectations are increasing in the medium term.

Por otra parte, ante la desaceleración del crecimiento y los cambios en las condiciones del mercado financiero, el nivel de vulnerabilidad de las empresas en América Latina ha aumentado. La rápida depreciación de los tipos de cambio y los aumentos en los diferenciales de los CDS soberanos, así como el deterioro de los fundamentos de las empresas, también han contribuido al aumento del riesgo corporativo desde 2011, lo que subraya la importancia de los marcos de política y la supervisión de riesgos. Según el informe, también se prevé que, en el futuro previsible, el crecimiento en América Latina y el Caribe se mantenga por debajo de las tendencias históricas. Se mencionan varias razones, tales como redes de infraestructura inadecuadas, deficiencias en la calidad de la educación, diversidad relativamente escasa de las exportaciones, así como menores precios de las materias primas. Las políticas estructurales orientadas a resolver algunos de estos cuellos de botella podrían ayudar a impulsar el producto potencial.

En la última edición de Perspectivas económicas: Las Américas se presentan tres capítulos analíticos en los que se examinan más a fondo estos importantes desafíos regionales: la vulnerabilidad de las empresas en América Latina; el traspaso del tipo de cambio a los precios en la región, y la inversión en infraestructura en América Latina y el Caribe. L&T





# G7 FUEL GROWTH OF GLOBAL ECONOMY

Source: World Bank

he G7 finance summit started on 05.20.2016 in the Japanese city of Sendai with a focus on strengthening and balance growth of global economy in a scenario marked by slowdown in the Chinese locomotive and emerging countries. Finance ministers and governors of central banks of the seven most developed economies (Japan, USA, Germany, UK, France, Italy and Canada) and their counterparts in the European Union (EU) met so Informal forum "the future of the global economy" in order to start this two-day meeting.

In this symposium behind closed doors included other names weight at the top, as the managing director of International Monetary Fund (IMF), Christine Lagarde, Eurogroup chairman Jeroen Djisselbloem, the World Bank president, Jim Yong Kim, or secretary General of the OECD, Angel Gurria.

This was the first meeting point of face to define the most pressing macroeconomic challenges and to seek ways to stimulate growth and curb volatility still persists in the markets by pooling macroeconomic agendas. In the meeting the foreign exchange market will also be discussed at a time when US He wants to stress his opposition to the "artificial" devaluations to increase competitiveness while Japan argues that the current movements of Forex can reach justify an intervention to lower the yen posture.

Individual approaches. Given these differences in fiscal policy and exchange rates, it is likely that the G-7 economies agree on a response of individual approaches to

address risks impeding the growth of the global economy. And it is that after years of aggressive emissions of money, monetary policy has reached its limit and the



policy response of the G-7 to a weak inflation and slow growth has become increasingly fragmented.

Symposium participants agreed that, rather than relying on short-term fiscal stimulus or monetary policy, combined with investments appropriate structural reforms would achieve a sustainable expansion, said a source at the G-7.

The first working session held at the main location of summit: the region Akiu hot springs, on the outskirts of Sendai. Before this first meeting, participants traveled to the coastal region of Sendai, which suffered the brunt of earthquake and tsunami of March 2011.

Japan, which holds the presidency of the G7, has chosen Sendai as the setting for this summit to show their efforts towards rebuilding this devastated region and experience in preparedness for natural disasters, as in 2011, are able to hit the global economy hard. L&T



# G7 NEEDED TO BOOST DEMAND AND ADDRESSING RESTRICTION SUPPLIES

Fuente: Banco Mundial

leaders agreed on the need for action to boost global demand and eliminate factors affecting productivity amid persistent risks to the global economy, said Wednesday Japanese Prime Minister Shinzo Abe. "There are downside risks to the global economy" as the side effects of the slowdown in China, Abe said during a debate with leaders of the opposition party.

"I called the need to generate demand and eliminate restrictions on the supply side", Abe said, explaining what he discussed with European leaders during a visit to Europe earlier this month. Japan will chair next week a summit of the Group of Seven advanced economies in the West, where measures to address weakened global growth will be among main points of the agenda.

Abe said G7 leaders have a common understanding of risks overshadow global perspective. "None of the leaders he sees no need to worry that these risks materialize", he added.

Drop down fiscal stimulus measures could help boost growth particularly when central banks in Japan, the United States and Europe implement an expansionary monetary policy ultra Abe said.

"This view I is shared between Japan, the United States, Canada, Italy, France and the European Union," he said, excluding Germany and Great Britain of G7 nations.

Abe has struggled to obtain consent from the G7 nations for a coordinated fiscal action and encourage global growth, with countries like Germany and Britain insisting on fiscal austerity. L&E



# ILLUSTRIOUS PEOPLE



# GENERAL OMAR TORRIJOS HERRERA AND HIS FIGHT

Lisbeth Martez- Asistant lisbeth.martez@rbc.com.pa

ur cemeteries are full of fight rebel Panamanians, they turned into a cross because they fought for the right to decide their country by themselves their own standard of conduct, without foreign interference; to maintain the right of peoples to freely choose their friends or their enemies; because no one will haggle any people in the world the right to exploit and use their own resources, because we don't deny the right to choose our own way of life; because we are not press when we want to draw our own international policy and the inherent right of every people to be able to communicate freely with the people you want. The sacred principle that each country should be able to choose the schemes you want, the method of government they want, in pursuit of their own development is respected. We leave you, please find the recipe to cure our own ills... The awakening of Latin America should not be hindered, but supported to promote peace. A new consciousness is being created in the Latin American man and can only be peace if allowed to follow their own conscience this canal."

\*Address by General Omar Torrijos Herrera before the Security Council UN meeting in Panama City on March 15, 1973."

On 26 June this year the opening of third set of locks will be held, one can't speak of the majesty of this work without remembering who was one of the protagonists

in this story, Gen. Omar Torrijos Herrera, a man visionary, triggering en-



dless controversies, breaking paradigms and facing a power with a single purpose that his people would enjoy full sovereignty within its entire territory.

General Omar Torrijos Herrera began fight for the Panamanian territory was called Canal Zone in June 1971 giving rise to a new negotiation process between Panama and the United States to reach an agreement. That year the United States issued a proposal that would serve as a basis for future treaties. In January 1972, the General Torrijos rejected the proposal and issued negotiating positions. United States complained that violated the agreement that negotiations should be private and confidential.

In March 1973 Panama met in the Security Council of United Nations, this being the second time that the body worked outside its headquarters in New York. Attempting to resolve the almost explosive situation in relations between Panama and the United States.

## **ILLUSTRIOUS PEOPLE**



At this historic meeting, General Torrijos express "that Panama has never been, it is not, never will, Associate State, Colony or Protectorate, or want to add a star to the flag of the United States of America."

The Security Council adopted a resolution in favor of Panamanian cause, which was vetoed by representative of the United States. Of the fifteen Security Council vote came only vote against the United States and abstention by the Government of Great Britain. a resounding triumph for Panamanian cause was achieved.

Panama could bring worldwide attention to denounce colonial enclave that was the Canal Zone as a cause of conflict that disturbed peace in this part of the world. A year later, in February 1974, the TACK-KISSINGER statement was signed by Panamanian Foreign Minister Juan Antonio Tack and Secretary of State Henry Kissinger. In the same bases of a new negotiation between Panama and United States, in order to abrogate the treaty of 1903. And the national interest of Panama to exploit for their own benefit its privileged geographical position were identified.

On March 27, 1975, after a meeting on Contadora Island, Colombia, Venezuela, Costa Rica and Panama issued the Declaration of Panama, which firmly and energetically supported the position of Panama over the Canal.

At the Fifth Meeting of Non-Aligned countries held in 1976 in Sri Lanka, in which participated General Torrijos issue a statement on the Panama Canal and consolidated its position as the country Non-Aligned approved. In June 1976, at the Sixth General Assembly of the O.E.A. a statement of the Latin American Foreign Ministers was approved calling for a new Canal Treaty.

Cleverly he had managed to raise the issue of Panama Canal bilateral scheme in which the United States wanted to keep. The struggle had internationalized. Achieving an advantageous position as we were in a different position and had no such disadvantage as

in previous attempts after signing of treaties in 1903.

The world had witnessed an act of villainy against a small developing country. It is within this framework that was signed on February 7, 1974, the TACK-KISSINGER Declaration.

The eight points of the TACK-KISSINGER Declaration were:

- 1. The Treaty of 1903 and its amendments will be repealed upon the conclusion of an entirely new Interoceanic Canal treaty.
- 2. Concept of perpetuity is eliminated.
- 3. The completion of jurisdiction of the United States in Panama.
- 4. Panamanian territory in which is located the Canal will be returned to jurisdiction of the Republic of Panama.
- 5. The Republic of Panama will have a fair and equitable sharing of benefits arising from the operation of the Canal on its territory.
- 6. Will participate in the administration of the Canal.
- 7. Will participate in protection and defense of the Canal with United States.
- 8. Bilaterally agree on provisions on new works that expand capacity of the Canal.

The latest negotiations were on military affairs, which resulted in the Statute of the Armed Forces (SOFA acronym). There they participated as negotiators for Panama, Adolfo Ahumada, Nicolas Gonzalez Revilla, Jaime Arias Calderon and Romulo Escobar Bethancourt and the United States, Phil Barringer and his assistants Pentagon. They worked between November 1974 and March 1975.

In November 1974 a parallel negotiating table on land, water and Canal management, coordinated by Edwin Fabrega with the participation of Omar Jaen Suarez, Augusto Zambrano, and Arnoldo



Cano Flavio Velasquez was established. Until August 1977 held more than 50 meetings with the US counterpart, led by Lieutenant General Welborn Dolvin, with Colonel Lawrence Jackley and Lieutenant Colonels Robert Duker and George Carroll.

They agreed on demarcation of areas on which Panama granted rights of use to the United States during the term of Canal treaty and timetable reversal: areas of operation of the Canal, housing areas for civilian employees of the Canal Commission, sites defense and military areas of coordination, both for housing and for training and areas under special agreements. Panamanian marine areas over which the neutrality treaty would apply to both inputs of Interoceanic Canal were defined. A third negotiating table, with Nicolas Ardito Barletta, Minister of Planning and Economic Policy, negotiated it pertains to financial compensation would receive Panama, with its counterpart Anthony Solomon, deputy Treasury secretary, and Richard

Negotiation which dealt personally General Omar Torrijos, was led by Minister Juan Antonio Tack from 1972 to 1976 and then by Romulo Escobar Bethancourt, head of negotiating team since February 1977 and also composed as co-negotiator since March Aristides Royo that year, Minister of Education. In this table running parallel to the other also participated Edwin Fabrega since 1974, often Carlos Lopez Guevara and Diogenes de la Rosa, and occasionally other ministers. There he argued with Ellsworth Bunker and Sol Linowitz and his deputies, eminently political issues such as the treaty of neutrality, shape and length of the Canal treaty and themes rather legal, and licensing in the areas of operation of the Canal, employee housing scheme Canal, system of public services and nature of Panama Canal Commission. endorsing this commission agreed at the other tables.

10 Augusts 1977 the negotiators announce that they had successfully reached the end of negotiations and

> that treaties be signed at headquarters of the Organization of American States in Washington on Sept. 7. They participated in the same Head of State and Government of all Latin American countries of the Caribbean, as well as leading political figures and intellectuals from European countries.

> The campaign to ratify the treaties began immediately in Panama, General Torrijos announced that it would hold a plebiscite in Panama on October 21 for the ratification of the treaties. General Omar Torrijos subsequently made several trips abroad, where he met with important political leaders in Europe, Middle East and Latin America, in or-



Cooper, undersecretary of State for Economic Affairs. der to inform the scope of the newly signed treaties.





By the United States it was difficult and time consuming because its constitution requires a treaty approved by the Senate by a vote of two-thirds for ratification.

In Panama on October 21, 1977 was submitted for approval of the Panamanian people through a plebiscite, in the same great vote was given, preceded by a great national debate, as manifested our 1972 Constitution under which stated that with respect to Canal treaties should be done by popular referendum.

After this tireless fight as a nation was achieved that United States Senate to ratify the treaty where took care jealously of our statehood and sovereign territorial, stating that the Republic of Panama, in its capacity as territorial sovereign granted to States States, temporarily, the rights necessary to maintain, manage, operate and defend the Canal.

On October 1, 1979 came into force the Torrijos-Carter treaties, and the Panamanian people for the first time massively attended the Canal Zone. In a sign that the withdrawal was seriously Torrijos decided not to attend the ceremonies or celebrations, and retired to Coclesito.

#### Bibliography:

The fight for the Canal, author Oyden Ortega Duran. Omar Images, author Tom Zimberoff.

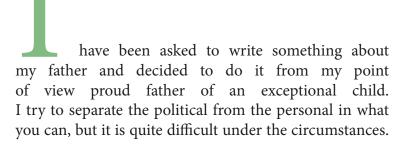
Protagonists of the Panamanian twentieth century Omar Torrijos, author Carlos Alberto Mendoza and Maricarmen Sarsanedas.  $\pounds \& \mathcal{E}$ 





# PROFILES OF MY FATHER OMAR TORRIJOS HERRERA

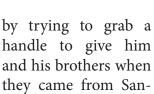
Licenciada. Raquel Torrijos rbcweb@rbc.com.pa



My father was born in Santiago de Veraguas, in 1929 and as he said, it was a decent home and teaching as my grandparents were teachers and decent people. This "teaching" to which he referred marked his entire life and ours, as we always insisted that we take advantage of study opportunities because all that would leave us was our education .For him, both in his personal life and in his public life, education occupied a very important place as it was a firm believer that just educating yourself, people would come forward.

My father was a naughty child distracted and restless, always seeking justice, always questioning things that did not seem right, a quality that made him look rebellious to their teachers. This concern brought many problems since according to their teachers behaved "badly" as it is written in his school bulletin Domain Canada when he was there at Fourth Grade D in 1940.

Being a child of about 7 years, something happened that marked him forever. As he told me once that my grandmother Joaquina (Mama Quina) stop a policeman from the Canal Zone



tiago on one occasion, marked definitely.

As I put it, he felt a lot of pain and indignation at humiliation she went through her mother and didn't understand why, if this was our country, a policeman in a foreign nation and to make matters worse, in a language they didn't understand, did that. The rest is history. The main objective of his life as the leader of this country, was the welfare of the people of Panama and the recovery of our sovereignty.

As father was a relaxed, strict but fondly person, he never hits us because it had no need for it. Only with staring eyes and look us everything he was settled and calm. He didn't need to talk because that look said it all. He was always a father present, no matter where or who you were, everyone knew that when one of his sons called or came, had to pass our calls or greet us.

It is true that by their occupations often wasn't present physically, but I was always aware of us. He was very creative and resorted to many different ways to be present. Either by telegram, called or written cards with your own handwriting. He liked to send letters or cards expressing ourselves feelings. I remember one of my birthday, decided that celebrated much earlier becau-







ble" problems

se it wasn't going to be with me the day I was.

Despite all his responsibilities, trying to spend time with us. It was not uncommon to see him playing wrestling on the bed with my brothers lying with or listening us our "horrito advising.

Definitely with that answer, he gave me a life lesson. Like all human beings, my father made mistakes, but it was a noble, loving, witty humble and very human. Hedidn'tsaythingsbysayingthemandgainfollowers. Hissayingswerereal and senses. They defined his philosophy of life.

When he died that July 31, 1981, my father was only 52 years old.

I believe that God took him too early. He was to retire to spend more time with family and to live peacefully in Coclesito, but couldn't be. I can't forget during his funeral procession, as they called it, like us, people who were on the street. It was as if they had also killed her father, friend or relative.

It's been almost 35 years and his memory is still alive.

Not a day passes without my life come to mind his jokes, advice or words of encouragement and without that I do not get excited at the memory.

That's good, because it shows us that although God took him very early, stalled much in our lives. And then it comes to mind more than ever that phrase of his: THE GIVING LOVE, LOVE GETS. L&E

As for me, he was my sun and my everything, literally lit up my day when I saw or talked. I knew I could always count on him and could always talk about any topic because it was a different dad and ahead of its time. Our relationship was based on respect, consideration and unconditional love. In an interview with him he said their children loved them dearly and that wasn't only true, but it always showed us.

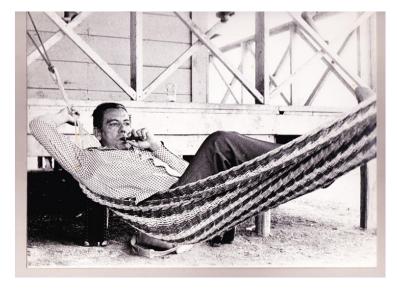
or

We always instilled that we should be humble and we had this whirlwind that life and public attention that we had wasn't normal, it was momentary.

This demonstrated that left him 1 October 1979 that reversed the runway of Albrook. Wouldn't go, he preferred to stay inside watching television.

At that time I couldn't understand. How was it possible that if he had worked so hard to achieve it wouldn't be there?

I called to try to convince my father that day and showed me that that which had to be humble, really applied it to his life. He said he had already done his part and that the protagonist now was the people. He believed that if he was going to act, detracting prominence to the people who had fought hard to gain sovereignty and that was not right.



# SPORTS CAPSULE

# Ly

Albin Rodríguez albin.rodriguez@rbc.com.pa

# PLAZA AMADOR LPF CHAMPION ROARS



Source: La Estrella de Panamá

he emotions of the LPF final kicked off with a rather slow first half for both teams, Algis Dixon demanded free kick Chorrillo goalkeeper Martin Melendez who with his right hand managed to deflect the ceiling to "corner" shot. At 25 minutes played corner kick, Ernesto Sinclair head, puts the goal for the hubbub of the Placina fans wagered in this sector Rommel Fernandez Stadium.

In the last 15 minutes of the half, the yellow barrage went on attack, with Humberto Ward and Justin Arboleda who complicated the defense of Plaza Amador. ThesecondhalfmovedarrivalofbothhavingtheclearestinthosefirstminutesofthesecondhalftheteamsledbyMikeStump.

In the last 15 minutes of the final, goalkeeper Plaza Amador, Erick Hugges put on the cloak of "superman" and saved more than three times his team, showing why he was chosen the best player of the national football. Plaza Amador thus got his title six the title expected by the whole neighborhood.

Now wait for draw for the CONCACHAMPIONS. Where they play the best clubs in Central America and North America, hopefully the team will strengthen placino well so you can leave the country high on their first participation in this contest. L&T

# BLAS PEREZ RECOGNITION

anamanian striker Blas Perez, international with Selection of Panama, continues to reap awards at the individual level with the national team.

And the striker of Vancouver Whitecaps Major League Soccer (MLS) received by Panamanian Soccer Federation (FEPA-FUT) recognized for over 100 clashes with national team. L&T





# PANAMANIAN SOCCER PROMISE

# Total Control of the second of

smael Diaz will be low in the selection of Panama for the Copa America Centenario, said Wednesday the Panamanian Football Federation (FEPAFUT), through its official media. "Ismael Diaz of Panama is low relapse of knee injury had in March in Portugal."

"Today Ismael reported pain in his left knee and was evaluated by Dr. Gerinaldo Martinez, who gave her low sport."

"For low Ismael was taken into account symptoms and resonance report in March 2016 by his club." L&E

# TECHNOLOGY FOR WORLD SOCCER



he system, which operates on cameras, will be installed in the 10 stadiums before the start of tournament on June 3 at the Levi's Stadium in Santa Clara, California, where the opening match will play the national teams of the United States is expected and Colombia in Group A.

The so-called Hawk-Eye was the first company to receive the license FIFA GLT and is considered as the provider of goal line technology more accurate, reliable and experienced the world.

Hawk-Eye (Hawkeye) system was used during FIFA Women's World Cup 2015 played in Canada and is currently used by some of the leagues and major football associations around the world including the English Premier League, the Bundesliga, Eredivisie Netherlands and Italy Serie A.

The Hawk-Eye (Hawkeye) system uses seven cameras in each arc and a program that follows the movement of the ball inside the goal area.

The application of techniques and software to process images generated by the Hawk-Eye (Hawke-ye) allows in less than one second, you can check whether a goal has been scored or not by a vibration and visual signals on the clock each official game.

Whole process takes less than a second from the time the goal was scored until the official team receives the signal on their watches. L&E



# RECORD OF SUPERMAN GILBERTO MENDEZ

he pitcher Gilberto Mendez of Panama Metro, went to the mound in search of a victory against the team of Bocas del Toro, in order to get the pass to the final of the Major Baseball and 100 to secure his victory.

Wednesday night May 25 this year will be recorded in the memory of pitcher Mendez and National Baseball fans. Mendez in a 4-1 Metro victory over Bocas del Toro launched the full path with 9 episodes pitched where faced official 31 batters form, allowed seven hits, one earned run, struck out five opponents, gave one base on balls and one hit.

With this work in this match Mendez came to win 100 in the National Baseball Championships Mayor and to thereby write your name with golden letters.

On March 25,2015 Mendezhad become the pitcher with more wins Major Baseball games to break the record of 87 wins was in the hands of santeño Roberto "Flaco Bala" Hernandez.

Now with the Panama Metro team qualified for the 2016 tournament final Mendez you will have the chance to increase the number of games won. L&T

# PRESIDENT OF THE REPUBLIC CLASSIC VERSION 88

n the presence of President Juan Carlos Varela ran Sunday 88 version Classic President of Republic, which was won by Queen Pearl United States exemplary.

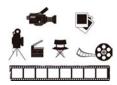
The race was held with full catnip where 14 specimens were looking imposed over a distance of 2.100 meters on a track that appeared in good condition.

Queen Pearl coming back ridden by Jose Batista claimed victory Classic President of the Republic. The secondplace Torniquete and third Salustio who champion was was of previous the edition located. was L&E



# CULTURAL CAPSULE





Mariela de Sanjur mariela.sanjur@rbc.com.pa

#### FILM PREMIERES OF THE MONTH

"Finding Dory":

It is the sequel to Finding Nemo, also will be distributed by Walt Disney Pictures and produced by Pixar and directed by Andrew Stanton.

"Independence Day-Counterattack": Independence Day Sequel (1996), again directed by RolandEmerich.

"Ninja Turtles 2: Out of the Shadows"
Leonardo, Raphael, Michelangelo and Donatello again out of the shadows to protect the streets of New York. Again, the ninja turtles must face the evil Shredder (Brian Tee), after escaping death, he returns with a perverse plan to end the four superheroes.

#### **SPORTS**











"Race-Walk Parish St. John the Apostle Brisas del Golf" Brisas del Golf June 5th 7:00 a.m

"Dancing to Menudo" Zumba Hotel Sortis June 11/3: 00 p.m.

Value: \$30.00 adults, \$4.55 children

Golf Tournament "FUNPROI" Coronado Golf Club 8:00 a.m. on June 11 Donation: \$ 115.00

"Basket Centro"
Roberto Duran Arena
19 to 25 June
Information: www.fepaba.com.pa

#### **CONCERTS AND PRESENTATIONS**

"You don't know who I am" Erika De La Vega -Comedy

Teatro La Huaca-ATLAPA

June 4

Ticket value: \$ 25.00

"Yordano, Once More" Concert Theatre Anayansi -ATLAPA June 9 8.00pm

Ticket value: \$ 25.00

"Bolero concert a night to remember" Circulo Theater June, 15 Ticket value \$ 20.00

"Yo sí taba ahí" - Concert Latitude 47 June 18 Ticket value \$ 15.00

"Baptiste Trotignon Minino Garay" World Music Panama 2016 Ateneo City of Knowledge-Clayton June 23 Ticket value \$ 25.00





#### THEATER



"Hidden Lives" three micro-works Moliere House Petit Studio June 2nd Bethania, tel 209-4443

"Showing" Opera Scenes Teatro La Estacion It is presented on June 6 Ticket value: \$ 15.00 Vía España, tel: 203-6662

"The Friday night"
Teatro La Estacion
It is presented to the June 12
Ticket value \$ 20.00
Vía España, tel: 203-6662

"Roberto is with the cattle"
ABA Theatre
June 2 to July 10
Ticket value \$ 15.00
Bethania, tel: 260-6316 / www.teatroaba.com

"The cat with boots"
Bambalinas theater
From 14 May to 19 June
Tel 394-4815

"Charmed" (Escape the world of dreams)

**ABA** Theatre

It is presented to the June 26

Ticket value: \$ 7.00

Bethania, tel: 260-6316 www.teatroaba.com

"Peter Pan and Mr. Hook" Teatro Inida June 17 to July 3

Value: \$ 15.00 Tel : 6519-5171

Email: neverlandpanama@gmail.com

# SEMINARS AND CONFERENCES



"Identification of compounds applied to the chemical ecology"

Dr Joao Paulo Sousa

Earl S. Tupper Auditorium of the Smithsonian Institute.

June 1/6: 00 p.m.

"8th Panama Salsa Congress" Hotel Panama

2 to 5 June

For information: panamasalsacongress@yahoo.

com / tel. 6150-1185

"Female-Edition Couples Workshop" Katty Pulido Agency

June 2/7: 00 p.m.

Value: \$ 15.00 single, \$ 20.00 couple

@workshopfemenino

"Sacred Heart of Jesus" Father Teófilo Rodríguez Mc Gregory Hall Archdiocese of Panama Grathnext to the Church of Lourdes June 11 / 1:00 pm

"Walter Riso: Wonderfully Imperfect, Outrageously Happy" Hotel Sortis June 30th Show-Pro

# Ly

## **CULTURAL CAPSULE**

# FESTIVALS AND FAIRS



"Corpus Christi Festival" In the Villa de Los Santos, Province of Los Santos From May 26 to June 5

"IV International Festival of Panama Arabian Dance"

3. 4 and 5 June

Information: 6150-9117 fidapanama@gmail.comtel

Arosemena Theater and Hotel Riu

Value \$ 20.00

Panama Top Festival 2016 Amador Convention Center-Old Figali On 3 and 4 June

www.panamatopfestival.com / with presentations by Farruko, Maluma, ElBoyC, Rockie and Bayve

Employment EXPO 2016 Hotel Continental 14 and 15 June

Full Moon Drum Sunday June 19

Fair Panama Food Expo Show ATLAPA Convention Center June 30th

For information: www.panamafoodshow.com

## **EVENT OF THE MONTH**

X Festival of Music Alfredo Saint Malo (ASMF) From 2 to 12 June www.asmfestivalpanama.com for reservations: info@asmfestivalpanama.com

Friday June 3, 2016

Festival Tribute to Alfredo De Saint Malo Luis Casal, violin - Henry Rose, piano Contemporary Art Museum 8 p.m.

Saturday 4 June 2016 Youth orchestras Nata de los Caballeros YouthOrchestra YouthOrchestra- Philharmonics network FUNSINCOPA Youth Music School Church of San Jose "Golden Altar" -Helmet Viejo Free admission Suggested Donation: \$ 10.00 / \$ 5.00 3:00 pm.

Pen Trio Teatro Anita Villalaz-Casco Viejo 7:30 p.m. Value: \$ 20.00, \$ 10.00, \$ 5.00 Sunday June 5, 2016

Choir and Orchestra of the Autonomous University of Chiriqui Outcry Polyphonic Choir of UNACHI String Orchestra UNACHI Church of San Jose "Golden Altar" - Casco Viejo 3:00 pm. Free admission, \$ 10.00 suggested donation, \$ 5.00

Monday June 6, 2016

Brass and WoodwindEnsembles
IsthmusSax
Brass Quintet BRONCES
Classic wind quintet "TEMPUS"
San Juan Bautista de la Salle and Santa Monica Church
(Stone Church)
8:00 pm.
Free admission, \$ 10.00 suggested donation, \$ 5.00

Tuesday June 7, 2016

Soloists Ensemble Panama and A Tutta Voce Teatro Anita Villalaz- Casco Viejo 8:00 pm.

Value: \$ 20.00, \$ 10.00, \$ 5.00

Wednesday, June 8, 2016



## **CULTURAL CAPSULE**



3 (r) Three by Radio Teatro Anita Villalaz-Casco Viejo 8:00 pm.

Value: \$ 20.00, \$ 10.00, \$ 5.00

Thursday June 9, 2016

Camerata Panama Teatro Anita Villalaz-Casco Viejo 8:00 pm. Value: \$ 20.00, \$ 10.00, \$ 5.00

Friday June 10, 2016

Camerata Alfredo De Saint Malo Boquete Chiriqui-library 7:30 p.m. Value: \$ 15.00

Sunday June 12, 2016

Camerata Alfredo De Saint Malo Teatro Anita Villalaz-Casco Viejo 7:30 p.m.

Value: \$ 20.00, \$ 10.00, \$ 5.00



## **MUSEUMS AND ART**

"Great Auction 2016" Museum of Contemporary Art MAC June 1

"Where the sea takes us another" Fernando Toledo Gallery exhibition Allegro June 25th

"Exposure Tohoku, through the eyes of Japanese photographers."

Museum of Contemporary Art MAC 1 to June 26

#### Activities and festivities:

- June 8 World Oceans Day.
- June 12 World Day Against Child Labor.
- June 13 Day of Radio and TV.
- June 13 San Antonio de Padua.
- April 28

- June 14 Locutor Day.
- June 14 World Blood Donor Day.
- June 16 National Day of Troubadour and poet of Panamanian tenth.
- June 18 World Day to Combat Desertification and Drought.
- June 19 Father's Day.
- June 21 Day of Music.
- June 24 San Juan Bautista.
- 26 and 27 June polleras National Competition.
- June 26 opening of the Panama Canal expansion.
- June 29 Feast of Saints Peter and Paul Apostles.
- 26 de junio inauguración de la ampliación del Canal de Panamá.
- 29 de junio San Pedro y San Pablo Apóstoles.

Ballet:

"Swan Lake" (National Ballet of Russia) Anayansi Theater, ATLAPA 22 and 23 June

Ticket value: from \$ 25.00 to \$ 200.00



#### Alianzas alrededor del Mundo

Mitrani, Caballero, Rosso Alba, Francia, Ojam & Ruiz Moreno-ARGENTINA

Guevara & Gutiérrez S. C. Servicios Legales-BOLIVIA

Machado Associados Advogados e Consultores- BRASIL

DSN Consultants Inc- CANADÁ

Lewin & Wills Abogados- COLOMBIA

Rivera, Bolívar y Castañedas-PANAMÁ

Espinosa & Asociados- CHILE

Lawnetworker S.A. Asesores Legales- ECUADOR

Peter Byrne & Associates- ESTADOS UNIDOS

Machado Associados Advogados e Consultores- ESTADOS UNIDOS

Ortiz, Sosa, Ysusi y Cía., S.C.- MËXICO

Estudio Rubio Leguia Normand & Asociados- PERU

Adsuar Muñiz Goyco Seda & Pérez-Ochoa, P.S.C.- PUERTO RICO

Pellerano & Herrera- REPÚBLICA DOMINICANA

Alvarado & Asociados-NICARAGUA

Torres, Plaz & Araujo- VENEZUELA

Facio & Cañas- COSTA RICA

