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8 Chapel Row
Chadlington
OX7 3NA
England

Tel: 060 876 691
Fax: 060 876 743
Email: GEO2:WRM

WORLD RAINFOREST MOVEMENT

CEDI - P.I.B.
DATA 18 02 1994
COD YAD 00 306

Memorandum

From : Marcus Colchester, Director, Forest Peoples Programme.
To : Dr. Pablo A Pulido Musche
Ministro de Sanidad y Asistencia Social
Re : Situacion de los Yanomami
Date : 14 Septemebr 1993

As agreed at our meeting on Tuesday, here is a memorandum summarising my information and concerns.

Presence of Miners:

The mining presence in the Upper Orinoco where the Yanomami massacre occurred is not an isolated case. On the contrary, since the late 1980s there has been a fluctuating but continuous presence of Brazilian miners in Edo. Amazonas. The same can be said of the Yanomami area in Edo. Bolivar since the 1960s.

Illegal cross-border mining is presently known to be going on in: the Upper Caroni, the Upper and Middle Paragua, the Upper Caura-Merevari, the headwaters of the Matakuni (Shimadawoche), the Parima, the headwaters of the Orinoco (Massif Delgado Chalbaud), and the Upper Siapa. An occasional mining presence has been noted by INPARQUES in the Parque Nacional Pico La Neblina. INPARQUES also reports some 2,000 miners - including Brazilians, Colombians, Venezuelan criollos and Indians - in the Parque Nacional La Yapacana at the confluence of the Ventuari and Orinoco rivers. The Governor of Amazonas State has publicly stated that he supports the mining presence in the PN Yapacana even though this is contrary to both national parks regulations and a government decree prohibiting mining in Edo. Amazonas. It is common knowledge in Puerto Ayacucho that the miners in Yapacana (Cano Maraia) pay protection money to the Guardia Nacional.

Since 1989 there has been an increased military presence in the Upper Orinoco. The military have camps in La Esmeralda, the Parima and in Delgado Chalbaud. However, since the more decisive actions of late 1989, when miners were temporarily expelled from the Upper Orinoco-Delgado Chalbaud area, the military garrisons have increasingly confined their activities to their 'fortines' and immediate surrounds. Local anthropologists note that the small garrisons are poorly trained for jungle patrols, poorly supplied and receive no instruction to carry out border patrols.

Speaking generally, the Yanomami accept the need for military protection, but urge that the military intervene more effectively on the ground to confront the miners. The Yanomami themselves suggest that they carry out joint patrols with the armed forces so that they can act as guides through the jungle.

(see map)

INTERNATIONAL SECRETARIAT: 87, Cantonment Road, 10250 Penang, Malaysia.

THE WORLD RAINFOREST MOVEMENT is a grouping of organisations and individuals concerned about the destruction of the rainforests worldwide and involved in activities attempting to reverse this process. The World Rainforest Movement is based in the Third World Network (TWN) and Asia Pacific Peoples Environment Network (APPEN) in Penang.

Health Implications:

Careful surveys in Brazil show that up to 1,500 Yanomami (out of a total of 9,000 to 10,000 Indians on the Brazilian side) have died from epidemics of diseases introduced by the miners in the past five years. Massive epidemics are now also commonplace in Venezuela, especially in the mining zones and nearby communities.

Similar decimations of indigenous populations in Venezuela, as a result of mining, occurred in the Paragua in the 1960s and 1970s and in the Caura in the 1970s and 1980s. Epidemics due to missionary contact and tourism have been recorded in the Upper Orinoco since the mid-1970s.

The most serious diseases are: malaria (*Plasmodium falciparum*), tuberculosis, bronchopneumonias and other viral infections ('gripes'). Sporadic outbreaks of measles and whooping cough also claim many lives, especially those of children, in the headwater settlements. Venereal diseases have also been introduced by miners and it is thought that gonorrhoea is a cause of declining fertility among Yanomami women (see also published report 'The Health and Survival of the Venezuelan Yanoama' and the recent findings of CAICET).

Dr. Toro (MSAS) who is the doctor presently resident in Ocamo in the Upper Orinoco estimates that at present rates of population loss, the Yanomami will survive only another 20 years.

Recommendations

1. Improved vigilance:

There should be improved vigilance by the military. Ground patrols should be increased after suitable training in jungle warfare and the option of using Indians as forest guides should be explored. This should be developed in detailed consultation with the Indians.

2. Improved medical assistance:

Increased resources are required to provide effective primary and preventive health care to the Yanomami communities. Many of the enfermerias and clinicos lack basic medical supplies and have minimal resources with which to visit remote communities.

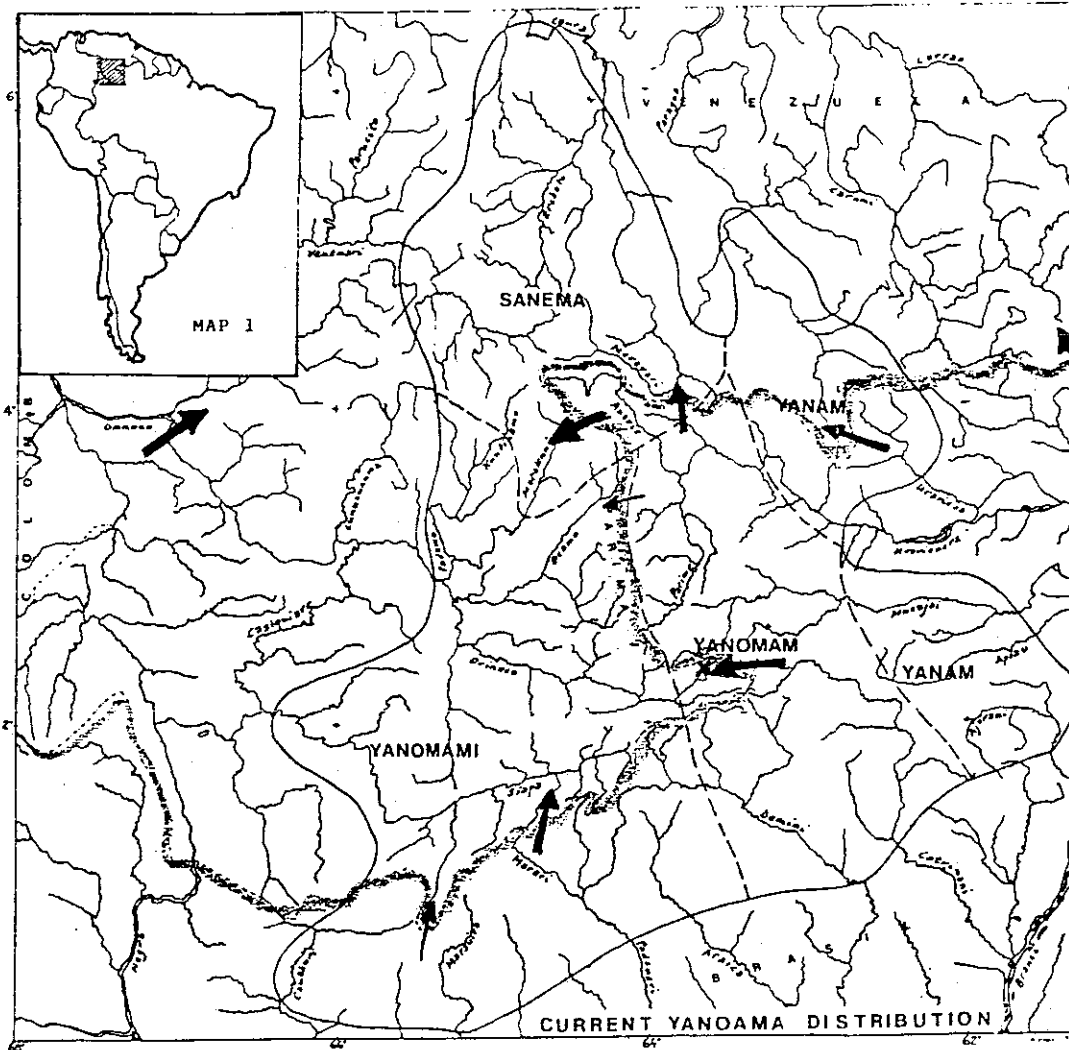
Given the remoteness of the Yanomami communities and the desirability of their retaining their dispersed settlement pattern, the MSAS should investigate the development of Mobile Health Units which could regularly reach remote Yanomami communities to provide preventive health care and prophylaxis as well as direct medical assistance.

Medical personnel need to be trained to understand the social reality of the Indians and find ways of intergrating medical practice with indigenous curing systems.

International funding for well planned medical assistance programmes among the Yanomami should be relatively easy to get. The MSAS should also ensure that its medical interventions are coordinated with those of the MARNR/SADA-AMAZONAS project to develop a management plan for the Alto Orinoco Biosphere Reserve, which is being funded by the European Community with a five year budget of US\$ 8 million. This project is due to get underway in January 1994 and includes a medical assistance component.

→ Presencia
minera
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3. Frontier policy: development and environment policy

The MSAS should make clear to the military, local government, environment and development agencies, the real health problems that can result from contact and the introduction of new diseases. **FURTHER AVOIDABLE DEATHS**, from introduced viral infections, malaria, tuberculosis and venereal infections (including the risk of AIDS transmission), **WILL OCCUR** if measures are not taken to curtail entry into the area. Deaths from introduced diseases are, in the medium term, a far greater problem than homicides and massacres.

For this reason the MSAS should make it quite clear that policies that include the development of roads, mines, tourism, large military garrisons or colonies of settlers ('politica de fronteras vivas') **FAR FROM SOLVING THE YANOMAMI'S PROBLEMS WILL CAUSE FURTHER YANOMAMI DEATHS.**

Yours sincerely



Marcus Colchester
Director
Forest Peoples Programme

WORLD RAINFOREST MOVEMENT

Trip Report: Venezuelan Amazonas, 1993.

Marcus Colchester visited Venezuela between 4 and 15 September 1993 to participate in the First Congress of the Indigenous Peoples of the Venezuelan Amazon and to collect information on the protected areas policies in the State, especially with respect to the Yanomami Indians. The trip was especially topical as reports emerged while I was present in the country that the recent massacre of Yanomami Indians at the hands of Brazilian miners actually took place in Venezuelan territory.

Apart from making contact with the indigenous representatives at the Congress and local NGO representatives, formal and informal meetings were held with representatives of the following institutions: SADA-AMAZONAS, IUCN, MARNR, IAN, Fundación La Salle, ORSTOM, UNDP, CNRS, GTZ, Canadian Embassy, INPARQUES and the Salesian Mission. Personal meetings were held with the Minister of Health and Social Security and a member of the national congress, to discuss the Yanomami case.

The notes that follow derive substantially from reports presented to the Indian Congress as well as the interviews and discussions held with these individuals. They are supplemented by my own insights, as I worked in Venezuela from 1975 until 1983, have visited the country again in 1986 and 1990 and have maintained close communications with Indian organisations and other contacts in the intervening years.

Indigenous Situation in Estado Amazonas.

The national indigenous census of 1992 has estimated that there are some 314,772 Indians in Venezuela, of who some 43,000 live in the State of Amazonas.

There are some 17 self-recognised ethnic groups in Estado Amazonas, some 15 of which have been recognised by the national census. The Sanema and Macu, which have previously been treated as separate groups, are now subsumed by the census into the Yanomami and Wotuha (Piaroa) respectively.

The figures from the latest census suggest that the Indians' numbers are increasing slightly and they continue to constitute the majority of the rural population of the State. The urban centres and small townships are dominated by 'criollo'.

INDIGENOUS PEOPLES OF AMAZONAS STATE, VENEZUELA

Table 1: 1992 INDIGENOUS CENSUS RESULTS

Ethnic groups	Numbers
Baniwa	1,192
Bare	1,136
Curripaco	2,531
Hiwi	9,401
Hoti	661
E'nyapa	150
Piapoco	1,125
Puinave	665
Pume	39
Warekena	420
Wotuha	9,828
Yabarana	237
Yanomami	13,216
Ye'kwana	2,381
Yeral	775
Total	42,591

Source: Oficina Central Estadística e Informática. Tiempo de Resultados 2(2). (Noviembre de 1992)

Development Policy

In the early 1970s, State policy towards what was then the Amazon Territory consisted of a 'developmentalist' programme that copied the Brazilian military model of road-building and colonization, under a programme rudely titled 'La Conquista del Sur' (CODESUR). The programme was set in place by COPEI President Rafael Caldera and inspired by the dreams of El Dorado of Jose Curiel. Since then, however, Venezuela has radically changed its Amazon policy. The lack of real pressure to develop the interior resulting from the oil boom of the mid-1970s and the growing awareness of the problems caused by the model of development in Brazilian Amazonia, provided room for the emergence of a different policy emphasising environmental concerns and scientific research. The result was that by the mid 1980s the Ministry of the Environment (MARNR) had become the strongest Ministry in the territory (see Colchester 1985a for a detailed discussion).

Strictly speaking, with the demise of CODESUR in the late 1980s, authority for the TFA passed to the Corporación Venezolana de Guayana (CVG) a corrupt parastatal that has promoted a massive state-led industrialization and mining programme in Bolívar State - with

desperate results for the Indians and environment of that region. However, MARNR was able to retain de facto authority in Amazonas in an uneasy power-sharing arrangement with the *appointed* governors.

However, that situation is now changing. The newly *elected* Governor of Amazonas State (see 'municipalization' below), secured by his mainly criollo electorate has called for an aggressive policy of road-building, logging, mining and tourism, with scant regard for the Indians and the environment. At the same time the CVG has been distributing hundreds of thousands of copies of a map that paints a picture of a future Amazonas as overrun by roads, mines, plantations and settlements. This is seen as a patent election ploy to promote the developmentalist model at the forthcoming elections. With Rafael Caldera standing as an independent presidential candidate in search of the people's vote and with the other most likely winner being COPEI, where Jose Curiel still holds sway, there is a real possibility that 1994 may once more see the opening up of Amazonas to exploitation. The authority of MARNR, already dimmed by changes in policy at the national level and weakened by lack of support from the State Governor, now risks being eclipsed by popular cries for unrestricted access to natural resources. It is a critical moment for the State's Indian peoples and tropical forests.

Health

The health situation of the Amazonian Indian groups remains poor. The MSAS notes two general situations. On the one hand there are the urbanised Indians especially those living near Puerto Ayacucho who suffer the typical diseases associated with poor living conditions, poor hygiene, unemployment and poverty: diarrhoea, malnutrition, alcoholism, venereal diseases, including AIDS and hepatitis B, tuberculosis and caries.

In the rural areas, the main problems are malaria, measles, whooping cough, broncho-pneumonias and 'flu'. A chronic lack of medical assistance - personnel and medical supplies - means that the rural groups are receiving minimal State support in dealing with their health problems (cf Marcus Colchester (ed.), 1985, *The Health and Survival of the Venezuelan Yanoama*. IWGIA document 53).

Local doctors note that as well as being few and far between, doctors are poorly trained to deal with the cultural and linguistic differences, are often racist and discriminatory in the application of their skills. They make no attempt to integrate their medical practice into traditional curing systems. Instances of corruption in the use of medical funds for political campaigns have also been denounced by local medical practitioners. In other cases, State medical supplies have been appropriated and sold for private profit.

In general medical policy in Amazonas is considered by local doctors who have worked with the Indian communities to be wrongly prioritised, the emphasis being on curative rather than preventive medicine, while research programmes have been too much oriented to pure science without practical applications of direct benefit to the Indians

There are various independent initiatives underway to improve the health situation in the State. The research programme of CAICET continues to function although the programme appears to have lost its key researchers in recent years. A Venezuelan NGO health programme among the Ye'kuana and Yanomami, 'Parima-Culebra', operates very

sporadically. ORSTOM has been trying to develop a more effective health programme for the Yanomami region with European Commission assistance but has had trouble raising funds. Another EC funded project has recently gained approval (see below) and includes a medical assistance component.

Education

The State's educational programme in Amazonas is very limited and under-resourced. Although the Government adopted an intercultural bilingual education policy in 1983, this policy has since received very little government support owing to a change of government that same year. As a result most of the rural communities are supplied with minimal books and teaching materials and teachers are usually both poorly qualified and poorly trained. Delays in the payment of their low salaries are also the norm. However, one result of this neglect by the State is that traditional processes of training and enculturation remain relatively effective and strong and so ethnic identity and social values are secured.

Educationalists highlight the problems for the Indian communities within and near to the urban centres - a periurban zone they refer to as the 'cordon de fracaso' ('the disaster belt'). Here Indian children learn to devalue their culture and essentially are taught that 'their language is no use'.

Human Rights

Since 1990, the Salesian mission in Amazonas State has maintained a human rights office in Puerto Ayacucho, where individuals and communities with human rights grievances can lodge complaints and seek redress through the Church.

The Human Rights office is very outspoken in its criticism of government in the State, characterising it as corrupt and venal, dominated by patron-client relationships that serve the interests of the Governor and his cronies.

During the past year the Human Rights office has recorded some serious human rights violations of indigenous individuals, including:

- dozens of cases of degrading and inhuman treatment at the hands of the security forces - torture, blows, strangulation, asphyxiation and so on.
- Arbitrary violence in the streets and arbitrary arrests are also common.
- Detentions without charge or trial for up to fifty days are also not rare.
- one killing at the hands of the police in San Fernando de Atabapo.
- repeated instances of the taking of hostages by the police and national guard with menaces of violence.

The Human Rights office does note that where complaints have been lodged with the authorities action has in some cases been taken to punish those violating Indian rights.

Land rights

Indigenous land rights are, legally, less secure in Venezuela than in any other Amazonian country. Under the Venezuelan Constitution (Article 77, clause 2), 'the law establishes a special system as required to protect the Indians and permit their incorporation into the life of the Nation'. The principle has been partly secured by Decree 250 of 1951 which regulates access to Indian areas and Decree 283 of 1983 which provides for a bilingual intercultural educational system for the Indian communities of the country.

As regards land, Article 2 of the Agrarian Reform Law of 1960 explicitly 'guarantees and acknowledges to the indigenous population that it may actually keep its communal or extended family condition, without diminishing the rights which belong to it as Venezuelans, in accord with the above sections, the right to have the benefit of the lands, woods and waters that they occupy or which belong to them in those places where they habitually dwell, without prejudice to their incorporation into the national life as conforms with this and other laws.'

Moreover, in December 1990, Venezuela formally recognised Convention 107 of the International Labour Organisation article 11 of which states that: 'The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.'

However, these legal assurances have provided little security for the Indians. Decree 250 regulating access to the Indians' areas is now rarely applied to the State of Amazonas, while the land titling programme under the Agrarian Reform Law by the Instituto Agrario Nacional (IAN) has resulted only in provisional titles being granted to the Indians. These titles are also often small in extent and do not correspond to the indigenous hunting, fishing and collecting territories and they impose a system of organisation into 'Empresas Indigenas' (indigenous enterprises) that are not well suited to indigenous economies or social traditions.

To date no single Amazonian Indian community in Venezuela has gained secure title to its lands.

Some 55% of the State has, in any case, been redefined as Areas Bajo Regimen de Administracion Especial (ABRAE - see below 'protected areas' for details). All land within ABRAE are considered to be State lands or 'public utilities'. According to some government authorities, Indians may not acquire title to lands in these areas and are prohibited from use of the resources in the forests without special permits.

The law has thus created an apparent contradiction between one set of laws, which have been ineffectually applied, asserting indigenous rights to the ownership and use of their ancestral lands and resources, and another set of laws asserting the right of the State to own and control resources in ABRAE.

There are no legal cases that have resolved this contradiction to date. However, it should be noted that 19 provisional titles have recently been awarded to Piaroa Indian communities in the Reserva Forestal Sipapo in the Upper Cataniapo, with the agreement of MARNR and under IAN's land titling programme. This is an important precedent which apparently establishes that Indian rights to land are not extinguished by the creation of ABRAE as some

officials prefer to believe.

The Indians are clear that what they demand from the Venezuelan State is a recognition of their ancestral territories. Indian communities have certainly availed themselves of the provisional titles that have been distributed to some 100 communities under IAN's programme, but these do not coincide with either their demands or rights under Venezuelan and international law. As one Indian delegate to the conference noted:

'We are free and we cherish our freedom. We want recognition of our territories not small land titles. Small titles are traps that take away our liberty, just as cages prevent birds from flying' (Freddy Rojas, Piapoco Indian leader).

Roads

To date, road-building efforts in the Amazon State have been of limited extent the exception being the completion of the road connection between the State capital Puerto Ayacucho and the Ciudad Bolívar, which has led to a considerable growth in the population, up by at least 40% in the last 5 years. However plans to build roads into the Manapiare valley and down to San Fernando de Atabapo have never been more than political foibles.

Nevertheless, this does not mean that dreams of road-building have evaporated. On the contrary the present State Governor has personally campaigned for election on a road-building ticket and the CVG has published tens of thousands of copies an 'unofficial' map, showing planned roads all over the State. These roads are designed to facilitate the wholesale exploitation of the natural resources of the Amazon - timber, mines, plantations and non-timber forest products.

These plans have been firmly denounced by the Indian communities and have resulted in an NGO and Indian counter-campaign to build up an alternative communications network based on river transport and radio transceivers.

Mining

It appears that in July 1993, Brazilian miners ('garimpeiros') working gold and perhaps cassiterite mines in the very headwaters of the Orinoco (in Venezuela), had a number of violent encounters with the Yanomami Indians, leading to a large number of Indian deaths and possibly some garimpeiro casualties. Between 20 and 79 Indians are believed to have been killed.

The mining presence in the Upper Orinoco where the Yanomami massacre occurred is not an isolated case. On the contrary, since the late 1980s there has been a fluctuating but continuous presence of Brazilian miners in Edo. Amazonas. The same can be said of the Yanomami area in Edo. Bolívar since the 1960s.

Illegal cross-border mining is presently known to be going on in: the Upper Caroni, the Upper and Middle Paragua, the Upper Caura-Merevari, the headwaters of the Matakuni (Shimadawoche), the Parima, the headwaters of the Orinoco (Massif Delgado Chalbaud), and the Upper Siapa. An occasional mining presence has been noted by INPARQUES in the Parque Nacional Pico La Neblina. INPARQUES also reports some 2,000 miners - including Brazilians, Colombians, Venezuelan criollos and Indians - in the Parque Nacional La

Yapacana at the confluence of the Ventuari and Orinoco rivers. The Governor of Amazonas State has publicly stated that he supports the mining presence in the PN Yapacana even though this is contrary to both national parks regulations and a government decree prohibiting mining in Edo. Amazonas. It is common knowledge in Puerto Ayacucho that the miners in Yapacana (Cano Maraia) pay protection money to the Guardia Nacional.

Since 1989 there has been an increased military presence in the Upper Orinoco. A Decree passed that year made all mining activity in the State illegal. The military established new camps in Ocamo, since moved to La Esmeralda, in the Parima and in the Delgado Chabaud massif. However, since the more decisive actions of late 1989, when miners were temporarily expelled from the Upper Orinoco-Delgado Chabaud area, the military garrisons have increasingly confined their activities to their 'fortines' and immediate surrounds. Local anthropologists note that the small garrisons are poorly trained for jungle patrols, poorly supplied and receive no instruction to carry out border patrols.

Speaking generally, the Yanomami accept the need for military protection, but urge that the military intervene more effectively on the ground to confront the miners. The Yanomami themselves suggest that they carry out joint patrols with the armed forces so that they can act as guides through the jungle.

Logging

Artesanal timber extraction has been a long tradition in Amazonas and was the main force behind the criollo reoccupation of the territory in the 1940s and 1950s, after it was largely vacated with the end of the rubber boom in the mid-1920s.

However, ever since 1978, commercial logging has been prohibited in the State by Decree and only recently have there been increased reports of illegal logging in the Cataniapo and Sipapo regions. It is local gossip in Puerto Ayacucho, that, to get around the logging ban, timber is illegally felled and shipped across the Orinoco to Colombia, where it is crudely processed and shipped back to Puerto Ayacucho for sale. The scale of this illegal trade is not thought to be large as yet.

Tourism

Tourism in the whole of the Amazon State should be subject to control through the application of Decree 250 which restricts access to Indian areas without permits obtained from the Ministry of Education's Department of Indian Affairs. However, this decree is increasingly ignored and the State Governor explicitly supports tourism in the State. Thus, although tourism remains a modest enterprise by world standards it has become a significant factor within the State. Tourist ventures operate ecotourism, climbing and rafting tours to a large number of areas and in some of these areas Indians collaborate with the tourist enterprises to offer their services as hosts and guides.

According to local observers, trophy hunting tours are also organised in the Upper Parucito (Upper Manapiare) by rich Caraqueño ranchers. These tours allegedly may include a charge of US\$10,000 for arranging a leopard kill - achieved by luring the leopards to slaughtered cattle.

Ye'kuana Indians are also alleged to collaborate with travel agents to take tourists to visit the Yanomami, though this has diminished recently after the Yanomami took to holding up tourists on river visits at arrow point and sending them back downstream on finding that they lack official permits.

Indian leaders are seriously concerned about the implications of tourism for their communities and are seeking new models of tourism whereby they would have control over the tours.

Government agencies, especially the environmental bodies, are also very keen on promoting eco-tourism as a non-destructive alternative form of generating cash from the region. The German aid agency GTZ, in collaboration with the Canadian embassy have planned a workshop for next year, including Cree Indians experienced in tourism management in Alberta, to discuss tourism possibilities with interested Indian communities and government officials.

Ecotourism is likely to be a major feature of any government plans to develop Amazonia in the next few years and is one of the development themes for the EC project in the Orinoco-Casiquiare Biosphere Reserve (see next section).

Protected Areas

One of the clearest expressions of the authority that MARNR has exercised in the past years of Amazonas is the area of the State directly under its control. No less than 55% of the State is defined by special decrees as 'Areas Bajo Regimen de Administracion Especial' (ABRAE). These include:

- one Forestry Reserve in the Sipapo/Cataniapo area, technically set aside for logging - though as noted this is presently illegal in the State. The area is heavily populated by Piaroa and Guahibo Indians.
- one Zona Protectora Hidraulica in the Upper Cataniapo, which has been established to protect the water supply of the State capital, Pto. Ayacucho. The area is inhabited by Piaroa.
- numerous Monumentos Naturales, established to protect the unique and endemic flora and fauna and scenic beauty of the main 'tepui' of the region. Many of these mountains are sacred to the local Indians and fall within their territories - but they are uninhabited and little used.
- four Parques Nacionales (PN) two of which do significantly overlap indigenous territories and areas of resource use.

The PN La Neblina in the extreme south is unoccupied and only occasionally visited by Brazilian miners.

The PN Yacapana falls either between or within the traditional territories of the Piaroa and Macu, but has been invaded by an estimated 2,000 miners drawn from local Indian communities, Brazil, Colombia and Venezuelan criollo (see 'mining' above).

The PN Duida-Marahuaca is sacred to the Yekuana and is where they traditionally make ritual collections of canés for blowpipes. The original boundaries of the PN were set at 1000 metres but INPARQUES, the institution charged with national parks management wishes to extend the boundaries down to the 300 metre contour. This would overlap the hunting, gathering and cultivation zones of several Yekuana communities. INPARQUES has made serious efforts to incorporate Yekuana demands into its management plan - to the extent of zoning the region into a totally protected area, a biotic zone (unfortunately named a 'zona primitiva') and a zone of traditional use. The plan would recognise the Yekuana's hunting and gathering rights in this zone and would provide the local Yekuana with exclusive rights to control tourist access (see draft management plan). It would prohibit mining and would constitute a legal obstacle to indigenous title. The plan has been rejected by the Yekuana, depending on accounts, either because of the Indians' general mistrust of government agencies or because the Indians felt inadequately consulted and presented with a fait accompli.

The fourth PN, Parima-Tapireco, was created in 1991 as an integral part of the Biosphere Reserve - see below.

- the Reserva de Biosfera Orinoco-Casiquiare is the culmination of a series of previous attempts to create some kind of ABRAE or indigenous reserve in the Upper Orinoco. The discussions started in 1978 with an idea of creating a binational Yanomami Park on the Venezuelan-Brazilian watershed. A biosphere reserve was first proposed in Venezuela in 1979 (Colchester 1980) and in 1982 a revised proposal was circulated for an indigenous reserve, a proposal that was fine-tuned in 1983 and nearly achieved Presidential approval (Colchester and Fuentes 1983), only to be diverted by the emergence of a second biosphere reserve proposal that same year (Arvelo-Jimenez 1983). The idea lapsed until repeated invasions of the Upper Orinoco by Brazilian miners caused a revival of interest in protecting the area in some way in 1989. That year, North American anthropologist Napoleon Chagnon and ex-Minister of youth Charles Brewer-Carias, proposed a national park or anthropological preserve for the Upper Siapa. This triggered a flurry of counter-proposals, as well as an international conference on the 'Culture and Habitat of the Yanomami', and led eventually to the Ministry of the Environment pushing through the Presidential decree of 1991 creating the 83,000 km² Biosphere Reserve and the Parima-Tapirapeco PN within it (see WRM information sheets).

The implications of the Biosphere Reserve and Parima-Tapirapeco National Park for the Yanomami and Yekuana Indians are far from clear. Legally, like most ABRAE the land is considered to be state land and thus not readily available for granting property title. On the other hand, exceptionally, the Decree establishing the reserve makes explicit reference to ILO Convention 107, which in turn recognises the right of indigenous land ownership, thus opening the door to indigenous land titling in the future. At the same time the decrees for both the PN Parima-Tapirapeco and the enclosing Biosphere Reserve recognise the right of the indigenous peoples to continue their economic activities.

Of greater short term concern than the issue of land rights are the implications of submitting indigenous initiative to manage the area to the authority of State institutions. Under the Decree for the Biosphere Reserve, Indian influence in decision-making will be attenuated by the fact that they will be but one voice on an Interministerial Management Committee

including the ministries of the Environment, Foreign Affairs, Defence, Health, Agriculture, Education and Transport, as well as representatives of the national research council (CONICIT), INPARQUES, the CVG, the State Governor, the central university, and the Catholic Church.

The Biosphere Reserve has quickly become a favourite project for foreign assistance and thus an attractive domain for competing State institutions vying for control of the region.

Foremost among these institutions is MARNR, which as noted above has been losing some of its authority to new political elements. For MARNR the further extension of ABRAE throughout Amazonas implies a strengthening of its authority and further legal obstacles to the 'desarrollista' camp which threatens its power.

In 1989, the environmental camp in Amazonas was notionally strengthened by the creation, with the agreement of the CVG, of a new Secretariat Autonoma de Desarrollo Ambiental (SADA-AMAZONAS). The body is supposed to set forth new policies for the sustainable management of Amazonas. However, SADA-AMAZONAS has received minimal State backing and has relied to a large extent on external assistance in order to function at all. Its three main staff have been loaned from EDELCA (the hydroelectric development arm of CVG), the Universidad de los Andes and the UNDP.

In its two and half years of existence, SADA-AMAZONAS has not been able to achieve a great deal. It has been criticised for its tardiness in fulfilling its role of preparing a management plan for the new Biosphere Reserve. It has consulted minimally with the team of experts who worked out the legislation of the Reserve and organised only one meeting of the Interministerial Committee established to oversee the management of the Reserve. A Commission of honorary external advisers invited to help promote the reserve in 1991 have not been consulted at all. Moreover, SADA-AMAZONAS has carried out no effective consultation whatsoever with the indigenous peoples of the reserve or the region, until the GTZ-funded congress (see below).

SADA-AMAZONAS main function has been to interact with the technical assistance programme of GTZ which since 1990 has been promoting the establishment of a tropical forest research centre in the Upper Orinoco. The three year programme, funded at about US\$ 0.5 per annum has already established a residential centre and base office in Pto. Ayacucho and has nearly completed its scientific field station in La Esmeralda. Its research programme, mainly limited to pure natural science investigation, has been sidelined by the vigorous efforts of the ex-patriate director to influence the evolution of environment and development policy in the State.

Apart from the building programme, the most concrete result of the GTZ programme has been to help secure EC funding for an ambitious project to develop a management plan for the Biosphere Reserve. With assistance from the IUCN, WWF, AMA-ANDALUCIA and an EC consultant, EC funding of US\$ 8 million has been secured from DGI. The money is to be released early in 1994 but the project first needs to identify an European organisation (or NGO) to head up the programme and three European consultants to develop the project on the ground. The project plans activities relating to remote sensing and mapping, physical boundary demarcation and the establishment of an improved communications network

throughout the reserve. It also plans a detailed assistance programme in the fields of community economic development, tourism, education, health and nutrition and environmental education.

As noted, the EC project has already been developed without any reference to the Interministerial Commission established to oversee the reserves management, though a second meeting of the Commission is now planned for late October.

The main deficiency with the EC project, as it stands on paper, is the minimal attention that it pays to the involvement of local people in decision-making. The proposed management structure of the project does not offer any roles for indigenous involvement in the project as paid staff and with the exception of a token representation on the Interministerial Committee, options for interaction appear to be limited to the local and sub-programme level. Worryingly, the detailed budget sets aside only US\$50,000 for the consultation process, although a further US\$ 200,000 are allocated to support indigenous organisations and NGOs. However, personnel presently involved with promoting the project in Venezuela appear to be aware of the need for greater indigenous participation. Certainly there is time and probably enough flexibility in the project to allow greater participation, if the project personnel themselves see its value.

Another uncertainty regarding the EC project is who will be the national counterpart for the project. It currently seems most that senior personnel from MARNR itself will head up the project direction from the Venezuelan side.

Inter-institutional rivalries are another potential source of problem for the project. Notably, relations between INPARQUES and SADA-AMAZONAS and MARNR have become very difficult, with the result that INPARQUES activities in the Reserve are being planned and carried out without reference to SADA-AMAZONAS and vice versa.

The issue is complicated by the fact that INPARQUES has secured substantial World Bank funding (a US\$45 m IBRD loan) for a nation-wide National Parks Management Project, which includes some US\$3.1 million for Amazonas including the Parima-Tapirapeco national park. This component also includes funds for developing a management plan for the park. There is thus direct and presently uncoordinated overlap between the agencies, which could become a major source of confusion for both projects, not to mention the region's inhabitants.

International funding for environmental programmes in the State, whatever their inherent problems and their planned effects on the ground, does however provide an important counterweight to the alternative 'desarrollista' development camp.

Municipalization

Perhaps the most serious threat to the integrity of the indigenous peoples in Amazonas derives from the fact that the Territory was accorded the status of a State in 1992. This has already introduced the problem of political divisions along party lines within the capital, Pto Ayacucho, although at the first election, last December, the electorate returned the same Governor to office, as had been previously appointed by the Presidency. The threat comes as much from the fact that it is not appreciated as such by the indigenous communities.

Under a draft decree that is due to be passed by December 1993, the State will be divided up into 'municipios', each with elected 'alcaldes', and each in turn divided into a number of 'paroquias' with their respective elected heads. The problems posed by this process are numerous.

1. Many of the indigenous people, particularly women and remote groups, lack identity cards and, thereby, are disenfranchised.
2. Party politics will be introduced into the communities causing divisions.
3. Clientelistic relations will be established and reinforced throughout the territory.
4. Urban domination of rural communities will be reinforced.
5. Dominant ethnic groups will secure their authority over smaller and weaker and politically marginal ethnic groups. In particular, 'criollos' will dominate indigenous peoples, while organised groups like the Yekuana are likely to strengthen their authority over other groups like the Hoti and Sanema.
6. Salaries and positions of power for office holders will hasten the emergence of an indigenous elite and accelerate the trend towards individualist profit seeking.
7. The boundaries of the municipios and paroquias will not conform to indigenous polities or ethnic boundaries. This will lead to further divisions notably between the Piaroa in the proposed municipio of Autana and those in the proposed municipio of Manapiare, likewise the Yekuana will be divided between the Manapiare and the Alto Orinoco. Although MARNR has argued strongly for the creation of a single municipio coterminous with the Biosphere Reserve, the community of Rio Negro is seeking to include in its municipio the area between the Siapa and the Brazilian frontier. Ostensibly this is to promote tourism but mining interests are also believed to be behind the proposal.

Indigenous Congress

Between the 6-12 September, there was held the First Congress of the Indian Peoples of Amazonia. This was funded by the Canadian Embassy and GTZ, as well as two other embassies. It was held under the official auspices of SADA-AMAZONAS and MARNR, while the major organisational input was provided by Paul Oldham, an anthropologist from the London School of Economics, GTZ and the national Indian confederation, CONIVE.

The congress was very well-attended, completed a very broad work programme and achieved an effective sharing of indigenous concerns and experiences among all the ethnic groups of the State. The solidarity that was achieved was most concretely expressed in the creation of a new local Indian federation - ORPIA (Organizacion Regional de Pueblos Indigenas de Amazonas).

An important spin-off effect of the Congress was that it alerted the environmental organisations to the need for them to work much more closely with the indigenous peoples if they are to overcome the Indians' volubly expressed concerns and criticisms about ABRAE. It seems likely that further workshops and consultation processes will result from

the congress and this should help both the environmental programmes and the Indians to reconcile their objectives in a mutually beneficial way.

Indigenous Organisations

ORPIA may also have the effect of stimulating the better coordination and organisation of the indigenous groups themselves. To date few of the Indian communities or peoples have created organisations with legal personality, except for the largely fictional 'empresas indigenas' established through IAN's agrarian reform programme (see land rights above).

The oldest Indian organisation in the State is the Union Makiritare del Alto Ventuari, established in 1972, while others have all been established in the 1980s and 1990s, including CEPAI an indigenous community economic development programme set up with the help of ex-Jesuit priests and SUYAO (Shabonos Unidos de los Yanomami del Alto Orinoco) a marketing cooperative of Yanomami communities set up with the help of Salesian missionaries. Most recently the Piaroa of the Cataniapo have also established a community development project, which to date lacks funds or legal personality.

Conclusions

As in 1985, Edo. Amazonas is once more a focus of Venezuelan concern, a result of the massacre of the Yanomami. However, proposed policy changes have more to do with the needs of the organisations or polities promoting them than the Yanomami themselves. Solutions to the perceived weakness of the Venezuelan to defend its frontiers have taken the form of recommendations to create living frontiers of criollo colonists - backed by suitable economic development programmes, a massively increased military presence or detailed anthropological research into the activities of Catholic and Protestant missionaries and the salvaging of ethnographically valuable culture. These 'solutions' would cause far more problems for the Yanomami than they would solve.

In effect, the Indians of Amazonia are caught between two opposing policy approaches - those of the 'desarrollistas' and the 'ambientalistas' - neither of which gives priority to Indian rights.

In the short term it would probably be a serious mistake for the Indians to oppose too openly the 'ambientalista' approach as this will only strengthen the 'desarrollista' camp, which in fact presents an even greater threat to Indian survival. Until a clear alternative indigenous strategy emerges, it would seem wise, therefore, for the WRM, and other NGOs supportive of Indian rights, to use their best efforts to improve the responsiveness of the environmental organisations to the Indians' demands rather than undermine their efforts by too direct criticism.

* * * *

This report has been prepared by Marcus Colchester, Director, Forest Peoples Programme, World Rainforest Movement, 8 Chapel Row, Chadlington, OX7 3NA, England. Tel: 060 876 691 Fax: + 44 60 876 743 email: gn:wrm.



8 Chapel Row
Chadlington
OX7 3NA
England

Tel: 060 876 691
Fax: 060 876 743
Email: GEO2:WRM

WORLD RAINFOREST MOVEMENT

Werner Wilbert
Director
Instituto Caribe de Antropologia y Sociologia
Fundacion La Salle de Ciencias Naturales
Apartado 1930
Caracas 1010-A
Venezuela

28 September 1993

Dear Werner,

As promised when we met last week, I here include some notes setting out my concerns about the Fundacion La Salle's logging concession in the Sierra Imataca Forest Reserve.

Indigenous concerns in Sierra Imataca:

My understanding is that the Fundacion La Salle has acquired a large concession (Lote Boscosa), amounting to nearly 30,000 hectares, in the Sierra Imataca forestry reserve, which it plans to log on a sustainable basis.

This area is well-known for a history of conflicts between miners, loggers and the local indigenous peoples - mainly Akawaio (Kapon) and Pemon. Indigenous claims in the area date back to pre-colonial times and historical records provide detailed documentation of an indigenous presence in the area from the earliest years of Spanish occupation.

According to local Pemon and Akawaio, the Fundacion La Salle concession overlaps their traditional territories. Communities on both sides of the concession continue to make use of the area for hunting, fishing and collection and hold it as a site for potential shifting cultivation. The Indians thus have a very real interest in the area both through historical and cultural association with it and through their economic reliance on it.

Legal considerations:

As you know Venezuelan law is ambiguous about the status of indigenous peoples rights to land in Forest Reserves.

On the one hand, under the Venezuelan Constitution (Article 77, clause 2), 'the law establishes a special system as required to protect the Indians and permit their incorporation into the life of the Nation'. The principle has been partly secured by Decree 250 of 1951 which regulates access to Indian areas and Decree 283 of 1983 which provides for a bilingual intercultural educational system for the Indian communities of the country.

As regards land, Article 2 of the Agrarian Reform Law of 1960 explicitly 'guarantees and acknowledges to the indigenous population that it may actually keep its communal or extended family condition, without diminishing the rights which belong to it as Venezuelans, in accord with the above sections, the right to have the benefit of the lands, woods and waters that they occupy or which belong to them in those places where they habitually dwell, without prejudice to their incorporation into the national life as conforms with this and other laws.'

Moreover, in December 1990, Venezuela formally recognised Convention 107 of the International Labour Organisation article 11 of which states that: 'The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.'

On the other hand, in the Imataca area, these legal assurances have provided little security for the Indians. Decree 250 regulating access to the Indians' areas is never applied to the Imataca region. Moreover, the creation of the Imataca forestry reserve, three years after the Agrarian Reform law guaranteed Indian land ownership, has ignored native rights in the area.

The Reserve was created in January 1963. According to the law regulating forest reserves, the 'Ley Forestal de Suelos y Aguas' of January 1966, forestry reserves are set aside to maintain the national timber industry. As such the reserves are classified as State lands or 'public utilities'. According to some government authorities, Indians may not acquire title to lands in these areas and are prohibited from use of the resources in the forests without special permits. The law has thus created an apparent contradiction between one set of laws asserting indigenous rights of ownership of their ancestral lands and another asserting the right of the State to own and dispose of forests in Forest Reserves.

There are no legal cases that have resolved this contradiction to date. However, it should be noted that 19 provisional titles have recently been awarded to Piaroa Indian communities in the Reserva Forestal Sipapo in the Upper Cataniapo, with the agreement of MARNR and under IAN's land titling programme. This is an important precedent which the Fundacion la Salle's lawyers should take cognisance of. It appears that Indian rights to land are not extinguished by the creation of ABRAE (Areas Bajo Regimen de Administracion Especial) as some officials prefer to believe.

It is thus arguable that the Fundacion la Salle's logging concession violates the Indians' rights to their lands as established under both international and Venezuelan law.

International norms:

It is important, too, to emphasise that international norms relating to forestry and sustainable forest management also insist on the recognition of indigenous rights.

For example, the World Bank's new Forest Policy places great emphasis on the need to respect forest dwellers' rights and detailed norms are established by the World Bank for development projects in indigenous areas. The World Bank's Operational Directive on Indigenous Peoples sets out explicit steps for the involvement of indigenous peoples in project planning and the effective recognition of their land rights. The Fundacion would do well to study these directives.

In the same vein, the International Tropical Timber Organisation, of which Venezuela is a member, has established clear 'Guidelines for the Sustainable Management of Natural Forests'. These also set out specific conditions for involving indigenous peoples in planning and management and specify the need to respect the rights of customary rights holders in accordance with the ILO's conventions and the standards of the World Bank.

Non-Governmental organisations are likewise in the process of developing standards for the acceptable extraction of timber from tropical forests. The Forestry Stewardship Council, for example, which brings together enlightened loggers, timber merchants, certification organisations, environmentalists, conservation groups and some indigenous peoples' organisations, sets a high priority on the need to respect indigenous peoples' customary rights, as one of its salient principles.

If the Fundacion la Salle project is not to lag far behind internationally accepted forestry practice, it needs to ensure that its project in the Siera Imataca recognises indigenous land rights and finds effective and acceptable means of incorporating the local communities into the process of forest management.

Management considerations:

There is a practical aspect to these norms. Recognition of indigenous land rights is not only a moral necessity, a legal obligation and an internationally established forestry norm, but it also makes sound environmental and economic sense.

Experience shows that the forests of the Guayanas require selective cutting of only some 2-8 trees to hectare, with a cycle between cuts of 50 to 75 years. Effective forest recovery, whether through natural regeneration or with the help of silvicultural interventions (like liberation thinning, enrichment planting etc.), requires that logged over areas are secured from other interventions while the forests recover.

Foresters have learned by experience that forests are unlikely to be secure for such long periods if local communities are antagonistic to the forestry operation and feel that their rights have been violated by the logging operation. This is because, by and large, governmental institutions, especially forestry departments, lack both the resources, manpower and continuity to maintain vigilance over the relatively huge areas of forest entrusted to their care. On the other hand, experience also teaches us that where local communities are guaranteed benefits from forestry projects, they may become effective forest guardians securing the forest rotations against outsiders.

Successful forestry works with people not against people and respects their rights rather than overriding them.

Recommendations:

The Fundacion la Salle forest management project risks promoting a seriously flawed and outdated forestry model, which will fail as a technical forestry operation and which may gain the Fundacion la Salle a very bad reputation. This is something which the Fundacion can ill afford and which I personally, as a long term associate of the Fundacion, would be very sad to see.

However, if the correct steps are rapidly taken, the project might be turned into a real model of forest management.

- 1). This will require, in the first instance, that the Fundacion la Salle takes steps immediately to recognise indigenous rights in the concession area and
- 2). enters into direct and open negotiations with the local and regional indigenous organisations to develop a joint programme of forest management, based on the recognition of indigenous rights, indigenous participation in decision-making and shared benefits to all parties.
- 3). makes contact with the environmental, conservationist and indigenous organisations which have already developed innovative involving local communities in long term forest management. (Further information available on request).

I hope these notes will help reorientate the Fundacion la Salle's project in a positive direction. We, the World raiforest Movement, would be happy to provide any further details and advice where requested and I am sending by separate cover the documents cited above which may be of use to you.

I look forward to learning how you plan to deal with this matter.

Yours sincerely



Dr. Marcus Colchester
Director
Forest Peoples Programme

Encs: Convention 107 of the International Labour Organisation
ITTO Guidelines for Sustainable Forest Management
World Bank Operational Directiev on Indigenous Peoples
Forest Stewardship Council: Principles and Criteria (draft)

cc. Dr. Walter Coppens (ex-director of ICAS)
Dr. Roberto Lizarralde (UCV)
Dr. Otto Huber (GTZ)
Jose Luis Gonzalez (FIG)
Jesus Gonzalez (CONIVE)