

# Submission by Society for Threatened Peoples

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## Indigenous Peoples in the Bolivarian Republic of Venezuela

### Land demarcation

Land demarcation and respect for traditional indigenous land use management are crucial for the survival of indigenous peoples as distinct peoples in Venezuela. In 2001 the *Law on Demarcation and Guarantee of Habitat* came into force. But the process of demarcation has failed to meet the needs of the indigenous peoples. The National Demarcation Commission issues titles to communities without recognising the entire territories of peoples, recognises the rights of third party landowners over ancestral indigenous rights and thereby restricts indigenous rights. On 23 October 2009 according to the International Work Group on Indigenous Affairs Chief Kariña José Luis León of the Palital community submitted a document to the courts complaining irregularities: the areas approved by the community assembly and agreed upon with the Regional Demarcation Commission were not respected; within the demarcated zones the rights of third parties were recognised; Sergio Rodríguez, Vice-Minister for Territorial Ordering within the Ministry for the Environment was directly responsible for these irregularities. Around 300 settlers invaded lands of the Pemón in Santa Elena de Uairén with provisional occupation permits issued by the local authorities. This led to a clash between the Pemón and the invaders in October 2009.

On the occasion of a meeting of indigenous representatives and representatives of government institutions on 30 November and 1 December 2009 a document was issued, demanding a.o.

- effective implementation on indigenous peoples' rights to participate in the demarcation process and allocation of the necessary resources to do so;
- respect for the right to be informed about the process in their own languages;
- corrections of the errors made in the demarcations and the issuing of titles;
- approval of self-demarcations undertaken by the indigenous peoples themselves;
- issuing of a title for each indigenous people covering all communities without dividing them;
- respect for the boundaries indicated in the self-demarcation;
- refraining from recognising third-party rights and resource exploration and exploitation concessions;
- issuing of titles only following prior approval of the final text by the indigenous people at an assembly conducted by legitimate authorities and using indigenous languages.

## Indigenous leaders are criminalized

Sabino Romero Izzara, Chief of the Yukpa of the Chaktapa community, was imprisoned in October 2009 following a conflict which has its origins in the land demarcation process. The Yukpa lost their traditional territory during the 1930s and had to move to the mountains along the border to Columbia, because cattle ranchers invaded their land. Since the 1970s they began to return and reoccupy the ranches. This is leading to conflicts with the ranchers, who are trying to remove the Yukpa from the land they are recovering. On 23 April 2008, an illegal armed group tried to murder Sabino Romero Izzara. The group led by the owner of the Kusare estate, Alejandro Chávez Vargas, returned three times to threaten and attack the community. On 5 August 2008, members of the Chaktapa community occupied the Kusare estate in an attempt to speed up the demarcation process for their land. By October 2008 at least eight estates had been occupied by the Yukpa. As a consequence the government adopted a plan of assistance to the Yukpa and Bari indigenous peoples in the Sierra de Perijá. The demarcation of the Yukpa territory began in November 2008, but the Regional Demarcation Commission for Zulia State excluded the indigenous peoples from the process, refused them access to information and ignored the self-demarcation they submitted in 2004.

According to the London-based *Latin America Mining Monitoring Programme (LAMMP)* in the last decade the area has acquired considerable geopolitical importance. Relations between Colombia and Venezuela are strained. In addition the Venezuelan government has plans to expand “Carbons de Guasare” and to mine uranium and coltan. In order to achieve these plans the government has secured financial backing from Russia and Iran. Given the strategic importance of the above plan in March 2010 the government announced that at least five military bases would be established in order to protect these investments. Chief Romero is against the ever-increasing militarization of the area and the imposition of new social structures such as “Community Councils”, “socialist councils” and new market structures “social enterprises for production” which erode their autonomous indigenous organisation. As the person in charge of the land demarcation for his community, Chief Romero is a well-respected leader and government representatives who want him to endorse official land policies have unsuccessfully courted him.

Tensions around the Yukpa land demarcation led to a clash on 13 October 2009, leaving two persons dead and three injured, including Chief Romero. While some sources say, that the incident occurred after three Yukpa communities obtained controversial land titles, others claim it has been an attempted murder of Chief Romero by order of owners of the estates. Three Yukpa were arrested and accused of murder, conspiracy against the Venezuelan State and cattle rustling - Chief Romero being one of them.

Chief Romero’s defending team requested the arresting officers to produce an order signed by a judge ordering his detention. The officers did not have such an order, leading Chief Romero’s solicitors to claim that their client’s detention “was illegal”. Army officers stressed that Sabino was detained because “he needed protection”. Chief Romero’s lawyers have also requested that since Chief Romero is an indigenous Yukpa person, he should be judged within their indigenous system of justice. This request falls within Art 260 of the Venezuelan National Constitution and Art 133.3 of the legislation for People and Indigenous Communities (LOPCI, 2005), which gives indigenous jurisdiction to incidents occurring in indigenous territory and involving indigenous people. The request was rejected. In September 2010 Chief Romero was moved from the military barrack where he was detained in the Zulia state to the National Prison of the Trujillo state.

In October 2010, Padre José María Korta, 81 years of age, and three young Yukpa went on a hunger strike in Trujillo for one week demanding the release of the detained Yukpa and the demarcation of the Yukpa territory. On 19 February 2011, on the occasion of a protest march in Trujillo violence turned as well against Chief Romero's family. They gathered on the Plaza de la Trijillanidad to wait until they could visit him in jail, when they were attacked by members of the Batallón Rivas Dávila, who threw their food into the garbage and took away their identification badges, whose whereabouts are unknown. Chief Romero is under a constant threat to his life inside and outside of the prison.

### **Intellectual Property Rights and Benefit Sharing**

Intellectual property rights of indigenous peoples are violated. On the mesas in the Canaima National Park bordering Guayana and Brazil - territory of the approximately 20,000 Pemón - in particular, fungi (*Stegoderma kukenani*, *Seimatoantlerium tepuiense*) grow on plants. The Pemón use them since time immemorial as medicine. The pharmaceutical industry uses these fungi for the production of Taxol, a chemotherapy drug used to treat breast cancer, ovarian cancer, lung cancer, head and neck cancer, bladder cancer, and AIDS-related Kaposi's sarcoma. The researchers extracted the plant samples without the Pemón's consent, even without informing them. The Pemón do not get any share of the enormous benefit. Society for Threatened Peoples therefore urges the authorities of Venezuela to respect the Indigenous Peoples' human right to free prior and informed consent and to sign, ratify and implement the Nagoya Protocol (Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization), which was adopted on October 29, 2010 in Nagoya/Japan. The protocol is aimed at managing access to the natural genetic resources from plants and animals and the sharing of benefits derived by pharmaceutical and cosmetic companies from the use of such resources with the indigenous communities where they are found.

### **Health**

The Indigenous Health Department of the Ministry of Health and the Yanomami Health Plan which were created in 2005 are suffering from budget cuts. In October 2009, there was an outbreak of swine flu (AH1N1), which led to eight deaths and thousands of infections. Malaria is still the main cause of death, together with infectious diseases of the respiratory system, yellow fever or hepatitis. Infant mortality is high. Yanomami have an average life expectancy of about 50 years. In spring of 2010 the Yanomami Health Plan came to a standstill because of lack of finances. Particularly in the remote settlements far away from hospitals the Yanomami Health system depends on the support of NGOs and Church Groups like the Don Bosco Salesian Mission in Ocamo. Small clinics like the one in Mavaquita, which was built with charitable donations from Germany by the NGO Yanomami-Hilfe, are supported by the government in terms of equipment, medication or nurses and doctors. But then they are often left to themselves and continuity is not guaranteed. In 2009 the clinic in Mavaquita was without a doctor for weeks. These small remote clinics therefore are not able to work sustainably unless the government puts an end to the expenditure cut and fulfils its obligations as they are defined in the framework of the Indigenous Health Department of the Ministry of Health and the Yanomami Health Plan.