



**Forest Peoples
Programme**

Protecting and encouraging customary use of biological resources: The Upper Caura, Venezuela



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Executive Summary

Article 10c of the Convention on Biological Diversity (CBD) requires countries that are party to the Convention to 'protect and encourage the customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements'. The CBD secretariat concludes that governments should therefore ensure national laws and policies secure indigenous peoples' customary laws, systems of self-governance and rights over land and other resources. This study examines the requirements for fulfilling these obligations in Venezuela through a participatory review of the customary uses, traditional practices and legal context of the indigenous peoples of the Upper Caura river in Venezuela.

The Caura is a major tributary of the Orinoco. The Caura basin, though underlain by nutrient poor rocks and soils, is home to considerable biodiversity. The two main ethnic groups in the area – the Ye'kwana and Sanema – have a long history of occupation of these forests, on which their livelihoods, cultures and identities depend. Although the two peoples have quite distinct livelihood strategies – the former customarily living in large, long established and widely dispersed villages, the latter being much more mobile and living in scattered hamlets – both make extensive use of the forests through shifting cultivation, hunting, fishing and foraging. These customary uses are regulated through a complex web of customary laws and 'traditional practices' which define gender roles, norms of sharing and exchange, and notions of property and territoriality. The peoples' egalitarian customary institutions ensure social equity, defined roles for women and enforce social norms through peer pressure, shared value systems and defined but non-hierarchical polities. Pressure on resources is slight – the population density is lower than 8 km²/person – and is reduced further by the traditional practices of rotating the use of defined hunting zones to allow the fauna to recover (Ye'kwana) and moving villages frequently (Sanema). Environmental issues are explicitly part of decision-making about settlement siting and resource use.

The Venezuelan State has only a tenuous presence in this isolated upland area, although plans to develop hydropower and log the area have been shelved rather than dropped. The State defines the whole area as falling within a number of 'protected areas' (*Áreas Bajo Régimen de Administración Especial*), which technically make indigenous land use illegal – although these rules are not enforced. Historically the Venezuelan State has pursued an integrationist policy towards indigenous peoples and, although measures to recognise land rights existed, they were not widely applied. The State ratified the CBD in 1998 and since 2000 the Bolivarian Republic of Venezuela has adopted progressive laws and a new Constitution which recognise indigenous peoples' rights and allow for the collective titling of their territories (referred to as '*habitats*'). These new laws have yet to be applied, however.

The indigenous peoples of the Upper Caura have mobilised and organised themselves to assert their rights and protect the biological resources of their area by: creating a radio network; establishing a multi-ethnic, basin-wide indigenous association; mapping their customary land use system; registering their knowledge as their own intellectual property; being the first ethnic group to apply for legal title under the new laws; training community members as 'parabiologists'; carrying out community-level workshops to review their customary institutions; elaborating a draft management plan for the area; calling for the co-management of the existing protected areas; and building up their own institutional capacity, focused on improved interethnic relations and the empowerment of indigenous women.

Given that the customary uses and traditional practices of the indigenous peoples of the Upper Caura are clearly 'compatible with conservation and sustainable use', the Venezuelan State has only to apply its existing laws to bring it into full compliance with Article 10c of the CBD. This would be a globally significant act and deserving of international support.

1 Rationale

The Convention on Biological Diversity is a legally binding international treaty that frames the way in which States that are Parties to the Convention will achieve biodiversity conservation. The Convention adopts an ecosystems approach to conservation and from its inception, and in numerous decisions of the Parties, the CBD has established progressive norms and principles to deal with the conservation of biodiversity in ways that address equity, participation and the rights of indigenous peoples, local communities and other interested parties (Articles 8j and 10c, among others).¹

Key Articles of the Convention on Biological Diversity relevant to this study:

Article 8j

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Article 10c

Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

While special consideration is rightly being given by the Convention to the implementation of Article 8j, relatively little has been done to understand and implement article 10c and few practical examples exist to guide national and international policy makers.²

As used in Article 10c, the terms “customary use” and “traditional cultural practices” refer to, among others, indigenous legal systems for the control, use and management of land and natural resources. Consequently, as the CBD Secretariat has concluded in its paper on *Traditional Knowledge and Biological Diversity*, in order to comply with the obligations set under Article 10c, States must ensure that national legislation and policy account for and recognise, among others, indigenous legal systems, corresponding systems of governance and administration, land and water rights and control over sacred and cultural sites.³

¹ *Sustaining Life on Earth: How the Convention on Biological Diversity promotes nature and human well-being*. <http://www.biodiv.org/doc/publications/guide.asp>

² Surprisingly, the draft Addis Ababa Principles and Guidelines on Sustainable Use under consideration at SBSTTA-9 do not explicitly deal with guidance on the interpretation and implementation of 10c.

³ *Traditional Knowledge and Biological Diversity*. UNEP/CBD/TKBD/1/2 (1997).

In order to elucidate the requirements for the application of Article 10c, since 2002 the Forest Peoples Programme has been carrying out a project entitled “*Linking Forest Peoples’ Rights and Local Knowledge of Biodiversity Conservation and Sustainable Livelihoods to National and International Biodiversity and Forest Policies and Programmes*” which specifically addresses the practical implementation of article 10c of the CBD. This project uses innovative techniques to support indigenous peoples in five countries to conserve, sustainably manage and benefit from their biological resources – contributing to poverty alleviation and food security and securing indigenous peoples’ internationally recognized rights – and to provide practical models for implementation of article 10c of the CBD. The aim of these participatory exercises is that they can contribute to national and international biodiversity- and forest-related processes and instruments.

In Venezuela, the project has been developed in collaboration with the indigenous peoples organisation, Kuyujani and the Centro de Investigaciones Antropologicas de Guayana of the Universidad National Experimental de Guayana, and has focused on Ye’kwana and Sanema communities who inhabit the upper reaches of the Caura River, a major affluent of the Orinoco river.

This case study results from a participatory review of what is known both in the literature and in the traditional knowledge of the Ye’kwana and Sanema of their customary use of natural resources and reviews the traditional practices they apply to ensure these uses are compatible with sustainability. The study then looks at the extent to which the Venezuelan government is in compliance with its obligation under the CBD to protect and encourage such practices and summarises the major effort that the indigenous peoples have undertaken to strengthen their customary systems of management. The study concludes with some simple recommendations of what should be done to ensure full compliance with the Convention.



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