

8 Towards Compliance with the CBD: reflections and recommendations

In their relations with national policy makers today, the indigenous peoples of the Upper Caura face a ‘Catch 22’ situation. On the one hand, national conservation agencies question the capacity of the indigenous peoples to manage the area sustainably and point to changes in their economic strategies and practices which, they claim, may jeopardise certain species or ecosystems. On the other hand, national development agencies question the appropriateness of conceding collective ownership to the indigenous peoples on the grounds that it is too much land for so few people. In short, they are either damned for not using the area enough or for using it too much!

It is the conclusion of this study that the current and projected uses of the Upper Caura by the indigenous inhabitants, which are based substantially on customary use and regulated by traditional practices are compatible both with ‘sustainable use requirements’ and with ‘conservation’. The indigenous peoples’ pressure on natural resources is slight and they have declared themselves keen to collaborate in the management of the protected areas that have been established in their territories by decree.

It is clear, moreover, that the communities have made a precedent-setting effort to ensure sound natural resource management in the area – defending the area against outside threats, building up their own management capacity and adopting new measures to moderate the slight pressures that their own economies exert on local ecosystems. As such the Venezuelan State has an obligation to protect and encourage these uses and traditional practices in compliance with Article 10c of the Convention on Biological Diversity. Moreover, the new Constitution, the law on the demarcation of indigenous habitats and the law incorporating ILO Convention 169 into national law, already provide the legal basis for achieving this within the national legal framework.

The following practical steps are therefore required to give effect to these laws.

- ❑ The National Commission on Indigenous Habitat and Land Demarcations should announce that it has approved the Upper Caura land claim and formally pass this endorsement to the Ministry of the Environment for confirmation.
- ❑ The Ministry of Environment should in turn approve this land claim and pass it to the Procuraduría General de la República for issuance of collective title.
- ❑ This title should be issued in the name of the *Öyaamö*, the basinwide assembly of Ye’kwana and Sanema village leaders from the Upper Caura, to hold the land in trust for all the indigenous communities of the Upper Caura.
- ❑ In accordance with the law, this land title should be inalienable, unmortgageable and not subject to distraint.
- ❑ The title so issued should be registered in the national land cadaster.
- ❑ Steps should be taken to jointly develop co-management plans for the three protected areas in the Upper Caura, namely the Parque Nacional Jaua-Sarisariñama and the Monumentos Naturales Serranía de Migualida and Cerro Ichún-Guanacoco.

- ❑ The Decrees establishing the Reserva Forestal 'El Caura' and the Zona Protectora del Sur de Estado Bolívar should be modified to exclude the Upper Caura from their jurisdictions.
- ❑ The Ministry of the Environment and INPARQUES should give full support to Kuyujani and the communities of the Upper Caura to build up their capacity to manage the Upper Caura basin in accordance with customary uses and traditional practices.



Protecting and Encouraging Customary Use of Biological Resources: The Upper Caura, Venezuela

Case study of the customary use of biological resources
in accordance with traditional cultural practices
and their compatibility with conservation and sustainable use
requirements by the Ye'kwana and Sanema
of the Upper Caura River, Venezuela

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