



**Forest Peoples
Programme**

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



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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.

2 The Caura

The Caura river basin is one of the last major virtually pristine tropical river systems in the Guiana Highlands.⁴ Located in Estado Bolívar, in South Venezuela, the Caura is a major affluent of the middle Orinoco. It has its sources on the Brazilian border at 3° 37' N and runs north for some 800 kilometres to join the Orinoco at 7° 47' N. The river basin covers an area of about 45,336 km². The basin forms part of the Guiana Shield and is underlain by very ancient volcanic, plutonic and metamorphic formations, on which later, but still very old, sedimentary rocks lie unconformably.

The soils and alluvia that have formed on these rocks are very old, highly weathered formations and are notably acidic and nutrient poor. The Upper Caura area receives between 3 and 4 metres of rainfall a year, with a drier season discernible between November and April in most of the basin, though in some areas precipitation rarely falls below 100 mm per month. The rivers are likewise notably poor in nutrients and have been classified as blackwaters by limnologists.

Most of the Upper Caura basin, above the spectacular Para Falls, is characterised by gently rolling terrain rising from 150 metres at the top of the falls to about 1000m–1500m on the main watersheds. Within this area, dramatic sandstone mesas (*tepui*), notably those of Guanacoco in the east and Jawa-Sarisariñama in the south, rise above the forested lower lands to 1500 and 2350 metres respectively. To the south and west, higher more steeply rolling hills also rise up out of the forests to heights of 1800 and even 2400 metres.

The great majority of the Upper Caura is covered in a great diversity of tropical rainforests. Riverine forests of various kinds clothe the margins of the main rivers far into the highlands. To the east above the Para Falls, some of these lower-lying riverine forests are subject to seasonal inundation, but the majority of the riverine forests are on tierra firme. Inland from the main rivers, the lower areas are mainly covered by evergreen humid forests, which transition to humid premontane forests on the higher ground. Higher still the area is clothed in evergreen montane forests which give way to cloud and elfin forests with dwarf trees and heavy loads of epiphytes on the mountain tops. The summits of the *tepuis* and the Serranía de Maigualida are covered with unique vegetation types consisting of dense meadows of broadleaved herbs and low shrubs, containing many endemic species.

The Caura basin as a whole is home to some 450 species of fish, 120 species of snake, 257 bird species, 204 mammals and about 15,000 human beings, about 3,500 of whom are indigenous people. About 3000 of these live above mouth of the Nichare and the Para falls. Travelling southwards upstream along the Caura, the lower river is permanently navigable to canoes and small boats, although the course is interrupted in places by sections of white-water rapids that have to be negotiated with care. The Para Falls, actually a complex of a major waterfall and then a canyon of further rapids and falls, interrupts the river and is bypassed by a well trodden hour long portage around the eastern side of the falls. Above the falls the river is again navigable far into the headwaters, although numerous rapids, some unnavigable especially in the dry season, interrupt the river in places. Where long stretches of the river are unnavigable portages and narrow footpaths provide access to the uppermost villages which are also inter-connected by a complex web of footpaths and hunting trails, which run over the watershed in numerous places and link to communities in neighbouring river basins. To the east, the Chanaro creek winds across low, seasonally inundated forests to a low portage across which canoes can be readily dragged to reach the leftbank affluents of the Paragua river thereby providing a trading link with the Pemon and other peoples to the east.

⁴ The technical information in this section is drawn primarily from Judith Rosales and Otto Huber (eds), 1996, *Ecología de la Cuenca del Río Caura, Venezuela*. Special Edition of *Scientia Guianae* 6.

3 Indigenous Peoples of the Upper Caura: Ye'kwana and Sanema

The Upper Caura has been inhabited by indigenous peoples since the earliest historical records for this region which date back only to the mid 18th century. At that time the river was being used extensively by the Kariña and the upper reaches were also inhabited by Maco and Guinau peoples. After the *Real Expedición de Límites* (1756-1761) first physically asserted Spanish territorial claims in the Upper Orinoco and Upper Rio Negro, a line of forts linked by canoes and portages was established from Angostura on the Lower Orinoco up the Caura over the watershed, across the Upper Ventuari and down the Padamo to La Esmeralda in the Orinoco headwaters. The trail crossed a number of indigenous territories and the burden on the local communities of maintaining and supplying these forts was evidently unpopular.⁵

Ye'kwana

One of the most vigorous peoples in this region is the Ye'kwana, a Carib-speaking people (also referred to as Soto, Makiritare and Maiongong) who were at this time mainly living in the Upper Orinoco, along the Casiquiare, Kunukunuma and Padamo rivers. In 1776, the Ye'kwana coordinated an effective uprising against the Spaniards and these forts were destroyed, so causing the withdrawal of a permanent Spanish presence from the region except for the maintenance of a small settlement in La Esmeralda.

Subsequent to this conflict with the Spanish, the Ye'kwana, who have long been famous for their very wide-ranging expeditions, began to extend their trading contacts with the Dutch (and later British) in Guyana to the east. Extensive trading expeditions down the Rio Negro and Rio Branco also brought the Ye'kwana into contact with Portuguese as far south as the Amazon and Manaus. From the early 19th century they gradually began to establish settlements in the Upper Caura and Upper Uraricoera. At the same time the Kariña, Maco and Guinau settlements on the Upper Caura began to withdraw north and east or were absorbed through inter-marriage by the dominant Ye'kwana. Over the following decades, Ye'kwana settlements were established further down these rivers and down the Ventuari to take advantage of a growing trade with *criollo* society but these settlements withdrew again to the highlands at the time of violence that accompanied the collapse of the rubber trade at the beginning of the 20th century. Since the 1930s, Ye'kwana settlements have once again begun to move downstream and eastwards. Two settlements were established in the Paragua river in the 1960s and other Ye'kwana have since moved below the Para falls on the Caura to have more ready access to markets.

The Sanema

The other main ethnic group of the Caura is the Sanema (northern Yanomami, also known as Shiriana, Guaharibo and Guaica), who at the time of the slave wars of the early 18th century lived in the southern Parima Highlands between the headwaters of the Orinoco and Upper Ocamo. From what we can reconstruct of their history, it appears that they began extensive trade with the Ye'kwana at least by the early 19th century and began raiding to acquire metal goods from neighbouring communities around that time. Pushed by other warring groups to the south and drawn north by trading and raiding opportunities in the Ocamo, Matakuni, Kuntinamo, Padamo, Parime and Auaris, the Sanema began to expand into the Ye'kwana's territories at first causing the Ye'kwana to withdraw. By the 1930s, the

⁵ For more details of this historical reconstruction see Marcus Colchester, 1982, *The Economy, Ecology and Ethnobiology of the Sanema Indians of South Venezuela*. Doctoral Dissertation, University of Oxford and R. Brian Ferguson, 1995, *Yanomami Warfare: a political history*. School of American Research Press, Santa Fe.

Sanema, moving north from the Parima, were beginning to establish settlements in the Upper Ventuari and Merevari, reaching the Upper Erebató by the 1940s and settling at Kanadakuni in the 1950s. Since then their migration has not halted and they have continued to expand both in numbers and in terms of the area they occupy. Sanema settlements now extend into the Paragua to the east, northwards down the whole of the Caura to near Maripa and westwards down the Ventuari as far as Tencua. In the south they retain territorial control of the headwaters of the Ocamo, the Upper Matakuni, parts of the Padamo and Kuntinamo and the Auaris in Brazil.

The Ye'kwana did not give way to this process passively. After a period of retreat and dispersal,⁶ the Ye'kwana rallied. Under the leadership of an unusually persuasive 'Kajiichana' (chief), Kalomera, they intensified trade with the Pemon for shotguns and ammunition and gathered their forces to attack the Sanema. Both the Sanema and Ye'kwana recall a series of bloody encounters during the 1930s in the Kuntinamo, Upper Ventuari and Auaris in which large numbers of Sanema and some Ye'kwana lost their lives. Their bows and arrows outclassed by the Ye'kwana's guns, the Sanema were forced to adopt a subservient relationship in their future dealings with the Ye'kwana, a relationship which has only recently begun to change.⁷

It is the land use system of these two peoples, Ye'kwana and Sanema, which this report examines. Further downstream there has been a great deal of social movement and mixing and a much greater degree of interaction with the national society. As a result, the lower reaches of the river are now populated by diverse communities, principally *criollos*, Venezuelan nationals of mixed descent, but also including other ethnic groups such as Kariña, Pemon, Hiwi, Sanema, Ye'kwana and Maroons.⁸

The Hoti

In recent decades, a third indigenous people has also begun making very limited use of the natural resources in the Upper Caura. These are the Hoti, a hunting and gathering people with incipient agriculture, some 800 of whom live west of the Caura basin in the southernmost affluents of the Cuchivero River in Distrito Cedeño of Bolívar State and in the northern affluents of the middle Ventuari in Amazonas State. Since the mid-1980s, the Hoti, referred to as 'wadu wadu' by the Ye'kwana, who have had a long history of contact with these people in Amazonas, began to establish temporary hunting camps, and later small settlements and gardens, on the eastern side of the Serranía de Maigualida in the Upper Caura.

Contacts commenced in the late 1980s when small family groups of Hoti, crossing the watershed from the upper reaches of Caño Asita, began to make occasional visits to the Sanema settlements in the headwaters of the Majagua – at Majaguaña and Wasaiña. Sanema hunters made a number of reciprocal visits to the Hoti's hunting camps. On all these occasions limited barter and exchange of goods occurred. Communications were

⁶ Nelly Arvelo, 1983, *The Dynamics of the Ye'cuana Political System: stability and crisis*. Document 12, International Work Group for Indigenous Affairs, Copenhagen.

⁷ Marcus Colchester, 1982, *The Economy, Ecology and Ethnobiology of the Sanema Indians of South Venezuela*. Doctoral Dissertation, University of Oxford; Marcus Colchester, 1997, La Ecología Social de los Indígenas Sanema. *Scientia Guianae* 7: 111-140.

⁸ Jose Marcial Ramos Guedez, (2001, *Contribución a la historia de las historias negras en Venezuela colonial*. Caracas p.30) citing Humboldt notes that these Maroons are descendants of slaves escaped from the Dutch plantations on the Essequibo who established a settlement named San Luis de Guaraguaraico by 1800. They currently form the main population of Aripao.

restricted as the Hoti are monolingual. Somewhat later, the same or other Hoti families began to establish hunting camps in the headwaters of the Yudi, descending the river for short visits to the Sanema villages of Yudiña and Ayawaiña. Over the following decades these same Hoti, thought to number about 20-60 persons, began making regular visits to the Ye'kwana community of Saishodunña, where they exchanged their labour for trade goods. In the last ten years, these Hoti have been permitted by the local Ye'kwana to settle in the mid-Kakada river, from where they continue to make wide-ranging hunting, gathering and trading trips. Their presence in the Ye'kwana and Sanema territory is fully accepted by the local communities and their pressure on the environment is considered insignificant. Indeed, independent studies of Hoti resource use systems show that their customary systems of resource use enhance, rather than deplete, biological diversity.⁹

Conceptions of territory and biological resources

In common with many indigenous peoples of the Americas, both the Ye'kwana and Sanema peoples have rich mythologies which constitute the founding charters of their societies.¹⁰ These bodies of myth and legend establish the identity, the sacredness of language, cultural norms and values of these societies and celebrate the very close spiritual ties that exist between people and their environment.¹¹

One of the founding charters of the Ye'kwana, relates the story of the culture hero Kuyujani, who travelled the length and breadth of the Ye'kwana's territory naming and giving spiritual power and significance to key locations and features. According to the Ye'kwana of the Caura, Kuyujani travelled to all the watersheds and mountain tops of the Upper Caura as well as traversing the rivers and trails. He named these features with the names that they still have today, and prominent elements in this landscape, such as waterfalls, cliffs and rocks, are still considered powerful, even frightening, places which should not be interfered with or looked at by the uninitiated, as they continue to house spirits that may cause harm or disease if not treated with respect.

The tales of Kuyujani and many other myths and legends thus legitimate the Ye'kwana's strong sense of having proprietary rights in their territory, which was created and named by their ancestors and which has been entrusted to them to care for, cherish and maintain. It is the shamans and ritual specialists of Ye'kwana society who are considered to be the ones who retain and pass on this millennial knowledge of the connections between daily life and the spiritual powers which underpin it, although some parts of this detailed lore is held in common by nearly all adult members of the society. The Ye'kwana also gain ready access to these spiritual powers through their use of plants as cures, poisons, charms and remedies. A large number of these plants are cultivated in small gardens near to their houses but several hundreds of other wild plants are also known about and used on a regular basis.

Sanema myths and cosmology are also profoundly entwined with their knowledge of the environment. Yet, where the Ye'kwana appear to give special importance to plants in their lore, the Sanema give greater prominence to animals – insects, fish, amphibians, reptiles, birds, mammals – and their shamans recruit the powers on these animals, manifest in their

⁹ Eglee L. Zent y Stanford Zent, 2002, Impactos Ambientales Generadores de Biodiversidad: Conducta Ecológicas de los Hoti de la Sierra Maigualida, Amazonas Venezolano. *Interciencia* 27(1):9-20.

¹⁰ Marc de Civrieux, 1992, *Watunna: un ciclo de creacion en el Orinoco*. Monte Avila Editores, Caracas; Marcus Colchester, 1991, Myths and Legends of the Sanema. *Antropológica* 56:25-126.

¹¹ Jonathan D. Hill and Fernando Santos-Granero (eds.), 2002, *Comparative Arawakan Histories: Rethinking language, Family and Culture Area in Amazonia*. University of Illinois Press, Urbana.

songs and chants, to cure disease, regulate natural forces, counter enemies and restore social harmony.¹²

Sanema tales of origin also explain the qualities of human life and existential problems of existence in terms of natural forces. For example, human frailty and weakness results from humans having been created by the mythical trickster from softwood trees. Most diseases result from attacks by vengeful spirits of animals that have been killed and eaten by Sanema. The main task of the very numerous shamans in Sanema is to interpret these diseases, caution people for infringing the numerous food prohibitions which are meant to regulate and define their place in society and recruit the assistance of spirit allies to restore balance between society and nature .

¹² Marcus Colchester, 1992, The Cosmivision of the Venezuelan Sanema. *Antropológica* 58:97-174.

4 Customary Use of Biological Resources

In common with most other peoples of the Amazon and Orinoco basins, the Ye'kwana and Sanema of the Upper Caura, practise mixed economies based on hunting, gathering, shifting cultivation and the use of forest products for construction, medicines and other material purposes. Yet despite these broad similarities, profound differences in these peoples' overall strategies of resource use are readily discernible.

The Ye'kwana live in large, substantial and elaborately built houses surrounded by extensive gardens cut from the forest. Villages sizes average between 100 and 200 persons. Customarily, they remain in these locations for periods of up to several decades and they extend the range of their use of natural resources over very long distances through long-range hunting expeditions based on establishing hunting camps supplied from their villages by canoe. They are renowned for the superior construction of their large monoxyle canoes and for the very far-ranging trading expeditions which they have made over hundreds of years to gain access to the industrial goods on which their economies have long relied.

By contrast the Sanema customarily live in small, flimsily built, temporary houses near to small and relatively ill-tended gardens which contain a relatively small number of crops. Villages have small, fluctuating numbers of residents averaging about 30-50 persons. They move house frequently, sometimes several times a year, and supplement the farming and hunting that they carry out directly from their settlements, with long ranging hunting and gathering treks into the surrounding forests, which may be continued over several weeks and even months. In contrast to the Ye'kwana they have a relatively simple material culture suited to mobility and easy replaceability. Only relatively recently have they incorporated cassava, canoes, fish-poisons, tessellate weave basketry and metal tools into their daily lives, in the past living far more isolated from riverine economies and trade than the Ye'kwana.

Thus whereas Ye'kwana houses are customarily roofed with palm leaves (*Geonoma* spp.) that are carefully woven to form a permanent roof that can last as long as 20 years, Sanema huts are typically roofed by simply laying on larger palm leaf fronds (eg. *Euterpe* spp) or even large leaves such as those of the herb, *Calathea altissima*, which rarely provide waterproofing for longer than a few months.

Shifting Cultivation

Shifting cultivation provides the staples in the diets of both the Sanema and Ye'kwana, making up around 90% of their calorie intake. Ever since the Sanema stopped using stone tools (between about 1880 and 1910),¹³ they have been intensifying their agricultural system and increasing their dependence on farming for their subsistence. They have also begun adopting a wider range of crops, so that today their farming system is much more similar to that of the Ye'kwana. Yet the differences remain notable. Whereas among the Ye'kwana, cassava (*Manihot esculenta*), of which they name and cultivate over sixty varieties, provides the main source of starch in the diet, in upland Sanema communities bananas and plantains (*Musa* spp.), of which they name and cultivate some eight varieties, remain the main staple. Yet, whereas among the Ye'kwana gardens, 30% of their gardens may be given over to other crops apart from *Manihot* and *Musa* spp, in Sanema gardens supplementary

¹³ Some explorers in the Upper Caura report seeing Sanema still carrying stone tools in the 1930s and 1950s but it seems likely these were retained only as curiosity pieces.

crops barely cover 10% of the cultivated area.¹⁴ The other marked difference between the two groups in their cultivation techniques is in the much lesser amount of time spent by the Sanema weeding. Also whereas among the Ye'kwana, after the felling of plots, agriculture becomes almost exclusively the task of women, among the Sanema men play a central role in planting and harvesting crops.

Gardens, once cleared, remain in cultivation for between 2 and 8 years and gradually revert to their natural state, although they may retain fruit trees and cultivated palms for decades after the last attempt to weed them. Sanema tend not to cultivate old garden sites for as long as 50 or 60 years, but Ye'kwana commonly reuse forest fallows after as little as 15 to 25 years.

Although gardens and forests in various successional stages may cover a substantial proportion of the immediate area around long-established villages, the actual proportion of land under the shifting cultivation cycle is minimal and detailed calculations suggest that the overall area used for the full agricultural cycle (ie including forest fallows) occupies considerably less than 5% of the cultivable land area in the basin. Given the low population density, less than one person per 8 km², the intensity of shifting cultivation in the Upper Caura is way below the ecosystems' carrying capacity and poses no long term threat to ecosystems even though it may cause local depletion (and see chapter 7).

The main factor limiting the contribution that agriculture makes to diet comes from the nutrient poverty of the soils and underlying parent rock. The lack of nitrogen in the soils, means that undemanding crops are selected as staples for their calorific yield and not their overall nutritional value. To achieve a balanced diet, the indigenous peoples rely on hunting, fishing and gathering for protein, vitamins, essential fatty acids and essential minerals.

Hunting

The Ye'kwana have three main techniques of hunting. The first takes place when men singly or in pairs range into the forests along well-known trails and use shot-guns to bring down game – mainly larger birds (favoured game include *Crax alector*, *Mitu tormentosa* and *Pipile pipile*) – from the trees. The second main technique among the Ye'kwana is the organised hunt whereby several men, often accompanied by their families, make longer ranging expeditions to favoured hunting areas and then range the forests in coordinated groups using dogs, spears and shotguns to get their prey. A favoured technique is to position a canoe with one or two men in it in a pre-chosen creek and for the other men with dogs to then close in on this spot from several outlying points thus driving game down to the hidden hunters. The main target species of such expeditions are forest brockets (*Mazama americana* and *M. gouazoubira*) and tapir (*Tapirus terrestris*). In addition, as a riverine people, the Ye'kwana also carry out night-hunting today using flashlights, with the main objective of securing brocket, paca (*Agouti paca*) and alligators (*Caiman sclerops*, *C. crocodiles*, *Palaeosuchus palpebrosus*, *P. trigonatus*). During long-ranging hunting expeditions, game is smoked over wooden barbecues so that it can be brought back to the villages for general distribution.

¹⁴ H. Fuchs, 1964, El sistema de cultivo de los makiritare (Deu-Kwhuana) del Alto Ventuari, TF Amazonas, Venezuela. *America Indígena* XXIV(2):171-195; Marcus Colchester, 1997, La Ecología Social de los Indígenas Sanema. *Scientia Guianae* 7: 111-140.

Sanema hunting techniques are both more varied and eclectic. Crepuscular hunting is carried out by solitary hunters stalking along prepared slots through the thickets surrounding villages and hunting camps with the main aim of surprising wood quail (*Odontophorus guianensis*), tinamou (*Tinamus major*, *T. tao*, *Crypturellus variegatus* and *C. undulatus*) and Spix's guan (*Penelope jacquacu*) during their dawn chorus. Day hunting typically carried out in pairs, takes hunters out from their communities within a radius of about 5 kilometres. Unlike the Ye'kwana, for whom such prey are prohibited, the Sanema will hunt most of the animals they encounter on such expeditions even giant anteater (*Myrmecophaga tridactyla*), various species of monkeys (*Ateles belzebuth*, *Saimiri sciureus*, *Cebus albifrons*, *C. nigrivittatus*, *Alouata seniculus*, *Chiropetes satanas*, *Callicebus toquatus*) and even snakes. Sanema will also hunt armadillos (*Dasybus novemcinctus*, *D. kappleri* and *D. sabanicola*), usually by digging them out of their burrows. A technique for hunting agouti (*Dasyprocta* spp.) by erecting low platforms next to trees around which there is much fallen fruit is also used. The Sanema have also adopted the skill of hunting with dogs from the Ye'kwana and use this technique to chase down collared peccary (*Dicotyles tajacu*).

One of the most favoured game species is the white-lipped peccary (*Tayassu pecari*) which ranges over very wide areas in large herds of between a dozen up to a hundred individuals. When hunters encounter the spoor of such animals, they usually return to their village and recruit other men to form a major hunting party, which then sallies forth carrying hammocks to stalk the herd. Following these herds may take the hunters very far from the settlements sometimes as far as ten or fifteen kilometres and hunters may overnight in the forests rather than abandon the chase. Their aim is to come up on the herd unawares, surround it, drive it downwind towards waiting hunters and then to kill a large number of animals as they mill in panic once they realise they have been targeted. During the 1980s and early 1990s, white-lipped peccary became notably scarce in the Upper Caura but in recent years their numbers have recovered.¹⁵

A study of Sanema hunting carried out in 1979-1981, showed that tapir and peccary made up over the half the meat provided by hunting, followed in importance by brocket. However, these larger prey species were nevertheless quite rare kills and the most common prey were guans, curassows, monkeys and agoutis.¹⁶ The success of the chase, however, is far from assured and most hunters will turn aside from the chase on their return home to forage for other foods so they do not return empty handed.

Foraging

The Sanema complement their diet with a large number of wild fruits, palm nuts, palm hearts and a great variety other small animals such as frogs, caterpillars, grubs, honey, termites, flying ants and crabs. By contrast the more riverine Ye'kwana, who do eat all the main forest fruits, eschew most of these small animals but eat large quantities of earthworms dug from the river banks. For both peoples foraging is an important means of diversifying diets and cushioning communities against poor returns from hunting.

¹⁵ This population crash in peccary numbers has been widely reported in Amazonia and some zoologists speculate that the main cause was some kind of swine fever.

¹⁶ Marcus Colchester, 1982, *The Economy, Ecology and Ethnobiology of the Sanema Indians of South Venezuela*. Doctoral Dissertation, University of Oxford (2 vols.)

The more forest-orientated Sanema also periodically carry out far-ranging hunting and foraging treks (*wāshimo*), often over periods of several weeks as a way of diversifying the diet, getting access to distant streams and forests and to escape from the daily round in the villages. Treks are a time of exploration and recreation, and carry the radius of forest use out to a distance of some 20 kilometres from the community. In addition the Sanema carry out intensive hunting expeditions (*hinimo*) to distant forests, when game has to be collected for funerary feasts.

Fishing

The Ye'kwana are extremely skilled fishermen and women. Hook and line fishing often using baited hooks and rods made of the strong flexible wood of the small understory trees (*Cymbopetalum brasiliense*) is one of the most common techniques for providing protein supplements to the daily diet of cassava and chilli peppers. This technique has also been adopted in recent years by the Sanema but their own customary fishing technique is to use bows and barbed arrows to shoot the larger fish species. Both peoples also make use of the vine (*Lonchocarpus*) to poison streams and then harvest the stunned fish downstream using woven nets. Judiciously applied, creek poisoning can result in very substantial yields.

The Ye'kwana also use fish weirs and traps to harvest fish in seasonally inundated forest streams, a technique that has been little studied to date.

5 Traditional Cultural Practices

This chapter of this study seeks to identify the main 'traditional cultural practices' applied by the Ye'kwana and Sanema to ensure that the customary uses they make of natural resources, summarised briefly in Chapter 4, are 'compatible with conservation or sustainable use requirements'. It needs to be appreciated that this is a challenging task. This is not just because their customary uses of natural resources are themselves so varied but also because the almost the whole of the Sanema and Ye'kwana lifeways are intimately woven into their conceptions of themselves as peoples, both as they relate to their environment and amongst themselves. The systems of customary law that regulate resource use are not discrete from the general norms of society. On the contrary, the norms relating to resource use are also those: by which the Sanema and Ye'kwana define themselves as individuals with different genders, reproductive states and at different life stages; by which they determine how individuals should relate to each other; by which they make general political decisions and allocate power; by which they relate to the spiritual forces that are believed to underlie all physical existence; and by which health and disease, curing and necromancy are ascertained, controlled and applied. Faced with this complexity, this chapter can only hope to elucidate some of the more obvious connections between society and nature.

Gender roles, labour and exchange

Ye'kwana and Sanema men and women have differentiated roles in society. It is the men who hunt, do most of the fishing, fell trees, clear gardens, construct houses and canoes, weave tessalate and hexagonal basketry and make hammocks. It is the women who take primary responsibility for childcare, collect wild fruits, weave corded basketry, spin cotton, prepare meals and do most of the harvesting from gardens.

However, among the Sanema, the division of labour is not strict and hunting may be the only activity which females never engage in. The contribution of labour of Sanema men and women to the subsistence economy is about equal.

Among the Ye'kwana, the division of labour is somewhat stricter. Ye'kwana men play a very limited role weeding and harvesting food from gardens, which is considered a woman's domain. Whereas it is common for Sanema married couples to share the work load in the gardens, Ye'kwana women tend to work in their gardens in large all female groups and their self-esteem and value in society are expressed through their productiveness in providing cassava bread, starchy gruels and fermented drinks (*yarake*). Seasonal rituals, from which men are excluded, are held by Ye'kwana women to celebrate the planting of new gardens.

The subsistence economies of both the Ye'kwana and the Sanema are for the most part the discrete affairs of individual households or hearth groups but labour exchanges between family units are based on generalised reciprocity. Collective activities such as fish poisoning and larger hunts are shared endeavours. Other onerous tasks such as clearing gardens and, among the Ye'kwana, house construction are also carried out communally but in the Ye'kwana case those working for the house-owner or the communal dwelling are rewarded with regular beverages for their efforts. Only when goods, such as canoes, are produced for sale or barter are labour exchanges more carefully reckoned and paid for through direct or delayed reciprocity.

Norms of sharing: wealth and redistribution

The autonomy of households in terms of production is however complemented by a major social emphasis on the sharing of food. Indeed the norm of food-sharing can be considered one of the fundamental values of both Sanema and Ye'kwana societies.

Among the Ye'kwana, most adult males eat together two or three times a day in the communal roundhouse (*öttö*), the food being brought from individual households into the *öttö* for general consumption. Among the Sanema, the norm is that all game, fish and collected animals is shared out equally among all the households of a village, ensuring that men, women, children, the aged and the infirm all get a share of the produce from the food-quest. The refusal of individuals and families to share their food with others signals a breakdown in the society and usually results in the fission of the community.

One result of this food-sharing norm is that scarcity of food especially game is quickly felt almost equally by all members of the community at once. Livelihood strategies are thus reassessed communally by the whole community when making collective decisions about whether to organise hunting or gathering expeditions, to go off on trek, or relocate the village.

Notions of property: gardens, hunting zones and territories

The strongly collective emphasis of community life does not imply an absence of notions of private property. Tools and utensils, canoes and houses are considered private property. Gardens are considered to belong to the male head of households by the Sanema, to the senior female of a household among the Ye'kwana. Moreover, the norm is for families have their own gardening areas, which ideally provide room for expansion of their cultivations without impinging on the areas owned by other families. Where large communities are close together, boundaries are agreed about where one community's farmlands begin and the other's end.

Corresponding to their distinctive livelihood strategies, the Ye'kwana and Sanema have somewhat different proprietary notions regarding hunting and gathering areas. The more sedentary Ye'kwana communities have an explicit sense of having their own, albeit quite distant, hunting areas and they have an explicit system for zoning their hunting grounds and rotating them between areas that are actively exploited and those that are allowed to 'rest' (*somajö*). According to this system, quite large areas, usually river or creek basins, are set aside for a matter of a year or two so game can replenish itself.¹⁷ The Ye'kwana also have complex norms that are designed to regulate where, how and how often fish-poisons should be used, explicitly aimed to ensure that fish stocks are not damaged.

Among the traditionally more mobile Sanema, there are no comparable notions of community 'owned' hunting zones and the pressure on resources is spread out not by zoning and rotation but instead by relocating communities (see below). However, within any one community, individual Sanema hunters do establish their own hunting trails which are considered to 'belong' to them and they have loosely exercised prior rights to valuable resources encountered along such trails such as honey, palm grubs and trees useful for making canoes.

¹⁷ cf Raymond Hames, 1980, Game Depletion and Hunting Zone Rotation among the Yekuana and Yanomamo of Amazonas, Venezuela. In: Raymond Hames (ed.) Studies in Hunting and Fishing in the Neotropics. *Working Papers on South American Indians* 2:31-66.

Polities and jurisdictions

Ye'kwana society is profoundly egalitarian, although leadership roles are recognised and the authority of the village 'headman' (*Kajiichana*) respected, his power is strictly limited. A Ye'kwana headman consolidates his power through the kinship network, recruiting support by influencing marriages so that his village will be strengthened and stabilised by gaining young sons-in-law who will move into the village to be with their wives. Central to Ye'kwana perceptions of social life is the concept of the village as an enduring, undivided and unitary entity that is substantially independent of other communities.¹⁸

The headman of the community gives it leadership and has the duty of mediating all transactions and trade with outsiders. He is expected to appoint a deputy. Formal meetings of the council of elders (*Inchonkomo*) are preceded by conferences between the headman and his deputy and then community decisions are achieved by consensus. By this means a strong sense of common purpose and community solidarity is, ideally, achieved.¹⁹ Formally, however, the headman has few powers to enforce his will on community members who choose not to follow collective decisions, and the main sanctions on misbehaviour come through peer disapproval, publicly voiced criticism, ostracism and, in some regions, the withdrawal of food-sharing.

However, the day to day authority of the headman, and the council of elders he is able to recruit about himself, is complemented uneasily by the role of the shaman (*jü'wai*) whose spiritual authority and power is feared and respected. Ye'kwana shamans play a very influential role in the making of strategic decisions about resource use, notably in advising on when villages should relocate, which sacred areas should be avoided and which areas are favourable for new settlements.²⁰

In addition to the village level authorities, the Ye'kwana also have a higher level body known as the *Öyaamö*, which brings together the headmen of several villages. Customarily active only when villages in defined areas feel the need to jointly confront serious problems, such as illness and warfare, the *Öyaamö* has recently re-emerged as a critical institution for dealing with the national society (see below).

Sanema social norms vest even less power in their headmen (*kaikana*). Indeed the very word for a village headman has only recently been adopted from the Ye'kwana. Villages recruit members agnatically and headmen are considered to represent particular descent groups rather than communities. When communities meet for feasts and funerals, political relations are established bilaterally between many different men of the different villages through ritual dialogues (*wasamo*) in which the men pair up and competitively engage in word exchanges using a special language only used for this purpose. A headman has no authority to punish another person for misbehaviour instead can only challenge miscreants to formalised duels in which antagonists exchange an even number of blows. Strict equality between the headman and other members of the community is thus maintained. Although decisions are often reached by conferences of all concerned elders (*pata töpö*), consensus is

¹⁸ Nelly Arvelo-Jimenez, 1971, *Political Relations in a Tribal Society: a study of the Yecuana Indians of Venezuela*. Latin America Studies Programme, Document 31, Cornell University.

¹⁹ *Ibid.*

²⁰ David Guss, 1986, Keeping it Oral: a Yekuana Ethnology. *American Ethnologist* 13: 413-429. 'In Amazonian indigenous societies, where shamans are also political leaders, their power is of an economic nature insofar as their ritual knowledge is considered indispensable to ensure the success of productive and reproductive activities.' (266).

not insisted on, and the right of individuals to hold their own opinion is widely respected.²¹ Likewise the authority of shamans is also more limited since the norm among the Sanema is that as many as eight in ten men are active shamans, meaning that power is widely diffused and not vested in the figure of single prominent individuals.²²

Settlement patterns

The most important way that community pressure on resources is regulated and controlled is during the process of selecting sites for new settlements. As noted, village sites are often chosen by shamans who gain knowledge about the spirits through dreaming and conversing with their spirit allies. They take into account factors such as soil quality, access to good drinking water from creeks, vicinity of neighbouring settlements and the availability of game.²³

New villages are only established after extensive consultations and often involve neighbouring settlements in very long drawn out discussions and negotiations which may take place over several months or even years. During these processes, full scope is given to examining the relations between the communities, establishing whether other communities have proprietary rights in the proposed areas and assessing the suitability of the area for livelihoods. Particularly for the Ye'kwana, for whom the investment in establishing a new village is very significant, such decisions are not undertaken lightly as the ideal is that a new village will endure for a very long time.

The consequence of this thoughtful and highly consultative process of decision-making is that Ye'kwana villages are very widely spread out across the whole river basin, thereby ensuring that pressure on natural resources is kept to a minimum.

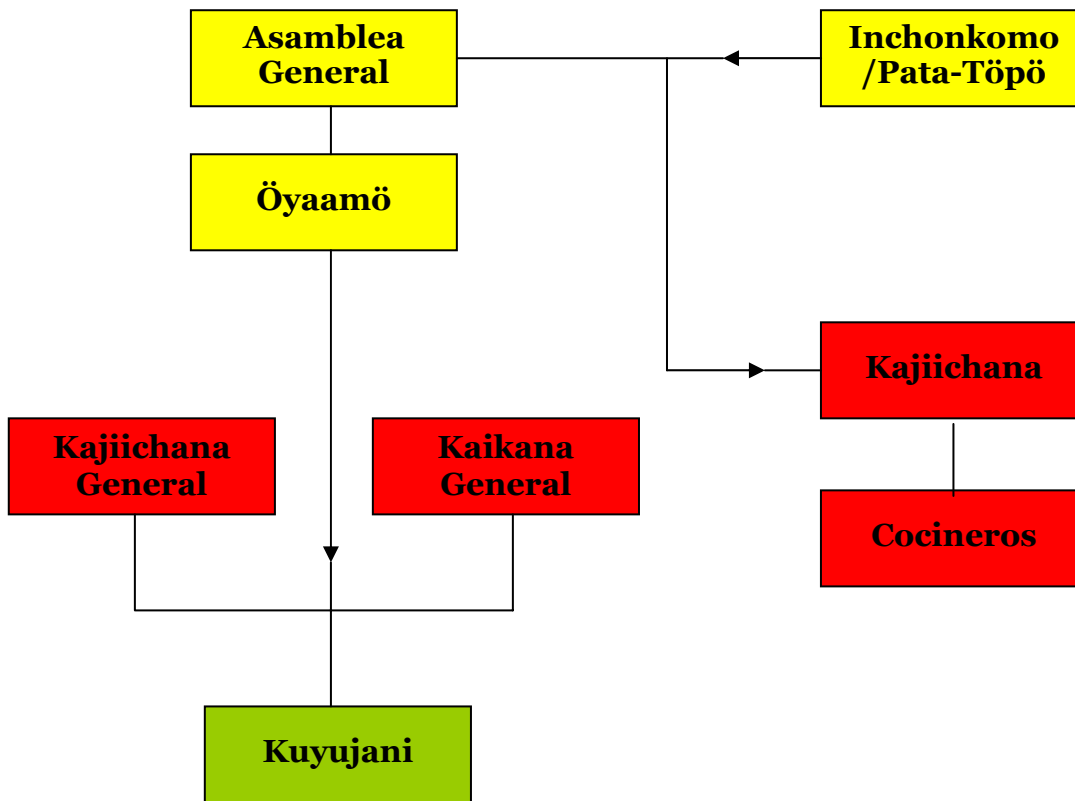
Customarily the Sanema move their more simply constructed villages with much greater frequency than the Ye'kwana. Rather than carrying out hunting expeditions in distant hunting zones using canoes to reach them, the Sanema rely on the resources in the immediate vicinity of their villages. As resources become locally depleted, food-sharing norms ensure that the whole community quickly and simultaneously sense the diminution. Dissatisfaction with the locale grows and the community becomes increasingly disposed to suggestions of relocation. By frequently moving their villages, their load on the environment is attenuated.

²¹ Cf. Marcus Colchester, 1995, Sustentabilidad y Toma de Decisiones en el Amazonas Venezolano: Los Yanomamis en la Reserva de la Biosfera del Alto Orinoco-Casiquiare. In: Antonio Carrillo, and Miguel Perera (eds.) *Amazonas: Modernidad en Tradicion*, SADA-Amazonas- CAIAH, Ministerio del Ambiente y los Recursos Natural Renovables and Deutsche Gesellschaft für Technische Zusammenarbeit, Caracas: 141-174.

²² Marcus Colchester, 1982, The Cosmvision of the Venezuelan Sanema. *Antropologica* 58:97-174.

²³ Cf. Marcus Colchester, 1997, Conservation Politics: the Upper Orinoco-Casiquiare Biosphere Reserve. In: Andrew Gray, Alejandro Parellada and Helen Newing (eds.), *From Principles to Practice: Indigenous Peoples and Biodiversity Conservation in Latin America*, Forest Peoples Programme and International Work Group for Indigenous Affairs, Copenhagen: 131-154.

Ye'kwana and Sanema Systems of Self-Governance



- Executive functions
- Legislative functions
- Administrative functions

The Sanema have adopted the institution of the *kaikana* (chief) – from the Ye'kwana term *Kajiichana* – in most of their larger settlements. The institution of the ‘*cocinero*’, who is charged with the coordination of labour for collective activities, including meals in the men’s house, has been adopted by fewer Sanema communities.

6 State Interventions and Legal Status

State penetration of the region was very slight until the 1960s and remains tenuous even today. The only permanent presence of government agencies in the Upper Caura consists of two hydrology stations at Entre Rios and Guaña, currently manned by Ye'kwana employees, small dispensaries in most of the larger settlements run by Ye'kwana and Sanema paramedics, and primary schools which are also staffed by indigenous teachers. Catholic organisations established mission stations among the Ye'kwana in the Upper Caura from 1955. The first established at Kanadakuni was later abandoned but the mission at Sta. Maria maintained by Les Petits Frères Foucauld remains. Evangelical missions have also been established among the Sanema at Shimadaiña and Majaguaña and among the Ye'kwana at Chajuraña, most of which are served part time by non-indigenous pastors. The Catholic missions, Les Petits Frères Foucauld and Fé y Alegría, have also provided some assistance to establish simple schools among the Sanema of Ayawaiña, Yudiña and Minchöña where there is an absence of suitably qualified Sanema teachers who can gain State recognition and support.

Medical services to the region are slight and the low population density is substantially due to the fact that the whole region experienced massive epidemics in the 18th, 19th and 20th centuries. Tuberculosis and malaria remain major problems in the territory, especially among the more isolated and mobile Sanema communities of the Upper Erebató and Merevari.²⁴ During the 1970s, the Ministry of Health established a *medicina simplificada* programme, which led to the training of young Ye'kwana men with primary school education in simple diagnosis and nursing skills. Small clinics and dispensaries were also established and intermittently supplied with drugs and other medical supplies. A similar system of rural dispensaries manned by *enfermeros* (nurses) remains in place to day, but is now supplemented by a mobile health brigade mainly made up young doctors carrying out their probationary year of practise in rural areas after qualification, who visit the main riverine communities of the region once every three months to carry out immunisations and hold one-day clinics. The programme does not reach many of the more isolated Sanema villages and has had limited success in curbing the main killers – malaria and tuberculosis – or the major chronic, endemic diseases such as leishmaniasis and onchocercosis. The health situation of the Sanema in the Upper Caura remains a serious issue of concern.

Frontier Development

Since the early 1970s, elements in government have promoted a forward policy of frontier development in southern Venezuela, centred around colonisation schemes, industrial development and road-building. These efforts have focused mainly on Amazonas State (where they have been markedly unsuccessful) and other parts of Bolívar State, where they have resulted in several large-scale mining, smelting, hydropower and road-building schemes all of doubtful economic viability. To date the Caura has not been affected by these pharaonic dreams although past maps have shown a proposed road linking Sta Elena de Uairen in the east of Estado Bolívar with San Juan de Manapiare in Estado Amazonas, which would have run right across the Upper River, as part of military plan to increase frontier security. However, commencing in 1976, the government carried out detailed feasibility studies for the building of a very large concrete dam across the Para Falls, which

²⁴ For a detailed but dated review of the health situation and disease ecology see Marcus Colchester, 1985, *The Health and Survival of the Venezuelan Yanoama*. Document 53 of the Anthropology Resource Center, Survival International and International Work Group for Indigenous Affairs, Copenhagen.

would have inundated a number of settlements in the Upper Caura and caused major changes to the ecology of the seasonal swamp forests of the Lower Caura.²⁵ After six years of study, the project was abandoned on technical and cost grounds.

In the early 1990s, the government development agency EDELCA developed detailed proposals for the construction of a very large dam across the Upper Caura (Merevari) just above the mouth of the Chanaro creek, with the aim of diverting the waters into the Paragua river and so increasing inflow to the Guri dam on the Caroni. The project, which would have required the construction of a substantial road into the region from La Vergareña, would have had a major social and environmental impact on the river system. EDELCA's preliminary studies showed that the dam would have caused the displacement of some 3,757 Indians from 40 villages. However, the project was also dropped on technical and cost grounds. It did however provoke a strong reaction from the threatened communities (see below).²⁶

Land Use Planning

Venezuela was one of the first countries in Latin America to have a Ministry of the Environment. Legislation providing for the establishment of protected areas (*Areas Bajo Regimen de Administración Especial* – ABRAE) was passed in the 1960s and was seen as a complement to the ambitious development schemes being proposed at the same time. This top-down approach to land use planning – both conservation and development – quickly led to a proliferation of ABRAE in the region but gave little scope for recognition of the value of local livelihood strategies or customary systems of resource use and management. By the mid-1970s some 45% of Estado Bolívar had been designated as ABRAE including almost the whole of the Caura basin.

The following ABRAE currently overlap the Upper Caura:

- Reserva Forestal 'El Caura' established by Decreto 1045 23 January 1968 as a strategic reserve for the sustainable production of timber in accordance with forest management plans.
- Zona Protectora del Sur de Estado Bolívar established by Decreto 942 on 26 May 1975 in order to regulate colonization of the frontier.
- Parque Nacional Cerro Jaua-Sarisariñama established by Decreto 2978 on 12 December 1979 to protect the unique ecosystems of these tepuis.
- Monumento Natural Serranía de Maigualida established by Decreto 1233 on 18 January 1991 to afford strict protection of this highland area.
- Monumento Natural Cerro Ichun-Guanacoco also established by Decreto 1233 on 18 January 1991 for the same purpose.²⁷

²⁵ Marcus Colchester, 1982, Energy Futures and Venezuela's Indians. Hydro-electric development in Venezuela and its effects on the Indians. *Survival International Review* 40:4-17.

²⁶ Marcus Colchester with Fiona Watson, 1995, *Venezuela: Violaciones de Derechos Indígenas*. World Rainforest Movement, Chadlington.

²⁷ Mariapía Bevilacqua and Jose Ochoa, 1996, Areas Bajo Regimen de Administracion Especial. *Scientia Guianae* (6): 106-112

Technically, the establishment of these protected areas makes indigenous occupation and land use in the Upper Caura illegal. The laws, however, are not enforced and no management plans have yet been developed for any of these ABRAE. To date, there are no records of state agencies interfering in indigenous land use although in the early 1990s, officials of the national para-statal agency charged with administering protected areas, INPARQUES, began to enforce restrictions on travel up the Caura to protect the Monumental Natural Serrania de Maigualida. In the late 1990s, INPARQUES also entered into a agreement with the indigenous organisation 'Kuyujani' recognising the authority of members of Kuyujani to act as unpaid forest rangers and regulate access to the two Monumentos Naturales and the Parque Nacional Jaua-Sarisariñama. In recent months this arrangement has lapsed owing to the high turnover of staff in the agency.

Legal Framework

Venezuela claims jurisdiction over its territory based on Spanish territorial claims established under the Treaty of Tordesillas (1498) and subsequent agreements negotiated with the Portuguese (and later Brazilian), British and Colombian authorities which have established the national boundaries.²⁸ Unlike colonial powers in North America and the Southern Cone of South America, in colonial Venezuela no treaties were entered into with the native peoples and the legality of the process by which indigenous lands were annexed by the colonial state has never been clarified or tested in the courts. It is an assumption of Venezuela jurisprudence that within the national territory, all lands are considered public lands where they have not been allocated to private owners by an act of the State. The whole of the Upper Caura is thus treated as *tierra baldia* (unclaimed public land) under Venezuelan law, although in fact encumbered with the unextinguished customary rights of indigenous peoples.

During the colonial era, indigenous peoples' customary rights in land were not afforded legal protection, except for a limited number of communities, such as the Kariña of Estado Anzoategui, who were granted *titulos coloniales* to small areas around their most long standing settlements. Although Simon Bolivar argued at the time of independence that the land rights of indigenous peoples should be recognised, the land-owners who dominated post-independence politics frustrated this goal, and indeed pressure on Indian lands intensified.²⁹ The government thus continued an integrationist policy towards indigenous peoples, and handed over authority to administer indigenous communities to the religious missions. The 1911 Ley de Misiones (still unrepealed) formalised these powers. However, no missions were established in the Caura until the 1950s (see above).

Article 77 Clause 2 of the, now repealed, 1960 Constitution recognised that the 'law establishes a special system as required to protect the Indians and permit their incorporation into the life of the Nation.' This was given partial effect by the, still effective, 1951 Decreto 250, which prohibits access to (undefined) Indian areas, subject to permit, and which is administered by the *Direccion de Asuntos Indigenas* in the Ministry of Education. The *regimen de excepcion* was also encouraged through Decreto 283 of 1983, which requires the provision of bilingual intercultural educational systems in indigenous communities. As a result of this Decree limited funds have been made available to linguists and university professors to develop teaching materials in Ye'kwana, some of which are still in use in the schools.

²⁸ The boundaries with Guyana and Colombia are however disputed by the Venezuelan Government.

²⁹ Filadelfo Morales M., 1994, *Sangre en los Conucos: reconstrucción ethnohistorica de los indigenas de Turmero*. Fondo Editorial Tropykos, Caracas.

As regards land, Article 2 of the Agrarian Reform Law of 1960 explicitly:

Guarantees and acknowledges to the indigenous population that bit may actually keep its communal or extended family condition, without diminishing the rights which belong to them as Venezuelans, in accordance 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.

In accordance with this policy of progressive integration, in December 1990, Venezuela formally recognised ILO Convention 107, Article 11 of which explicitly recognised indigenous peoples' collective rights of ownership of the lands they have traditionally occupied.³⁰ In the Caura, however, these legal provisions related to lands were never applied and the indigenous peoples remained without legal protection of their land rights. However, other elements of the Agrarian Reform law were taken advantage of by the Ye'kwana who in the early 1980s established an Empresa Indigena (indigenous cooperative) at Sta. Maria de Erebató, which obtained legal personality in line with the provisions of the Agrarian Reform Law. The cooperative, which received support from the mission, the State government and from the National Agrarian Institute, embarked on a vigorous programme of community development focused on the production for sale in Maripá and Ciudad Bolívar of coffee, cacao and cattle.³¹

New Legal Framework

In March 2000, the renamed Bolivarian Republic of Venezuela adopted a new Constitution which

recognises the existence of indigenous peoples and communities and their social, political and economic organization, their cultures, manners and customs, languages and religions, as well as their habitat and aboriginal rights over the lands which they have ancestrally and traditionally occupied and which are necessary to develop and guarantee their ways of life. The National Executive has the corresponding duty, with the participation of the indigenous peoples concerned, to demarcate and secure their collective ownership rights to their lands, which will be inalienable, unmortgageable, not subject to distraint and untransferable...' (Article 119).³²

The Constitution likewise recognises the right of the indigenous peoples to maintain and develop their identities, cultures, cosmovisions, values, spirituality, sacred sites and languages (Article 121) and to maintain and promote their own economic practices based on reciprocity, solidarity and exchange and their traditional productive activities (Article 123).

In May 2001, Venezuela formally passed a law in the National Assembly adopting the International Labour Organization' Convention # 169 on Tribal and Indigenous Peoples.³³ Among the most important obligations this law places on the State are the following:

³⁰ Marcus Colchester, 1995, *Venezuela: Violations of Indigenous Rights*. World Rainforest Movement, Chadlington.

³¹ Marcus Colchester, 1982, Amerindian Development: the search for a viable means of surplus production in Amazonia. *Survival International Review* 41/42:5-16.

³² *Constitución de la Republica Bolivariana de Venezuela*, 24 de marzo de 2000.

³³ *Ley Aprobatoria del Convenio 169 de la OIT* Published in the Gaceta Oficial No. 37.305, on 17 October 2001. The ILO was officially informed of this ratification in May 2002.

- ❑ Consult indigenous peoples through their representative institutions (Article 6.1a)
- ❑ Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose (Article 6.1c).
- ❑ Respect their right to decide their own priorities (Article 7.1).
- ❑ Take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit (Article 7.4).
- ❑ Apply national laws with due regard to customs or customary laws (Article 8.1).
- ❑ Respect their right to retain their own customs and institutions (Article 8.2).
- ❑ Respect customary systems for dealing with offences to the extent these are compatible with internationally recognised human rights (Article 9.1).
- ❑ Respect the special importance of these peoples' relationship with their lands or territories for their cultures and spiritual values and for the collective aspects of this relationship (Article 13.1).
- ❑ Recognise their rights of ownership and possession of the peoples concerned of the lands which they traditionally occupy (Article 14.1).
- ❑ Take special measures to identify these areas and guarantee effective protection of their rights of ownership and possession (Article 14.2).
- ❑ Establish adequate procedures to resolve land claims (Article 14.3).
- ❑ Safeguard their rights, including their rights of use, management and conservation, to the natural resources in their lands and territories (Article 15.1).
- ❑ Respect customary procedures for the transmission of land rights among members of these peoples (Article 17.1).
- ❑ Establish adequate penalties for unauthorised intrusion upon their lands (Article 18).

In accordance with the new Constitution and in partial compliance with the State's obligations³⁴ with respect to land under ILO Convention 169, in December 2000, the Venezuelan Congress also adopted a law regarding the demarcation and securing of indigenous peoples' lands and 'habitats'.³⁵ The law has the aim of demarcating and securing indigenous peoples' rights to the collective ownership of their lands as enshrined in the Constitution (Article 1). These lands are defined as physical and geographical spaces ancestrally and traditionally occupied and used in a shared manner by one or more indigenous communities and one or more indigenous peoples (Article 2). The authority to oversee this process is entrusted to the Ministry of the Environment (Article 3). The law also establishes a National Commission for the Demarcation of the Territories and Lands of Indigenous Peoples and Communities made up of 8 indigenous persons and 8 representatives of State bodies to review land demarcations and recommend the granting of titles. Taking into account prior community-based land use mapping and demarcation exercises, such as the precedent setting project in the Caura (see below), the law also provides for consideration of advanced projects of self-demarcation in applications for titles (Article 9). Demarcations must take into account the boundaries of ancestral and traditional occupation and use of habitats and lands (Article 11). Once approved by the Ministry, land claims are to be submitted to the Procuraduría General de la República for

³⁴ In further fulfilment of Venezuela's obligations under ILO 169, the National Assembly is also in the process of a second reading of a new Organic Law on Indigenous Peoples and Communities. A bill on Indigenous Education and Use of their Languages is also under consideration.

³⁵ *Ley de Demarcacion y Garantia del Habitat y Tierras de los Pueblos Indigenas*. The term 'habitats' was chosen to refer to indigenous peoples' territories as the term 'territories' is already used in Venezuela as an administrative designation applied to areas under the direct jurisdiction of the Federal Government rather than the authority of States, which enjoy a greater degree of self-governance.

the issuance of collective title which is then to be registered in the national land cadaster (Article 12).

In May 2002, the indigenous organisation Kuyujani formally submitted its application for the recognition of its 'habitat' in the Upper Caura in full conformity with the law to the national commission on demarcations. The full submission included the map of the area, a legal analysis justifying the land claim and a summary of the current and historical occupation and use of the territory based on historical sources, indigenous knowledge and anthropological studies. The land claim was the first to be submitted to the Commission and is presently under consideration. On 14th October 2003, the President of the Republic announced that current land claims were to be settled by December 2003. However, this has yet to be achieved.

Venezuela ratified the Convention on Biological Diversity by adopting a Special Law drafted by the executive and agreed by Congress on 12th September 1994.³⁶ In partial compliance with the Convention, Venezuela adopted a National Biodiversity Strategy and Action Plan in April 2001. One of 15 approaches for strategic intervention set out in the Plan is to incorporate indigenous and local communities into biodiversity management, by promoting their engagement in monitoring, control and co-management in their ancestral territories and systematising and disseminating their traditional knowledge of biodiversity.³⁷

In sum the legal and policy framework certainly now exists for Venezuela to fulfil its main obligations under Article 10c of the Convention on Biological Diversity. It only remains for the State to follow through on these laws.

³⁶ *Gaceta Oficial* 4,780 Ext.

³⁷ UNDP, 2002, GEF: Concept Proposal for Pipeline Entry, 'Integrated Management and Conservation of the Caura River Basin'.

7 Territorial Integrity, Conservation and Sustainable Use

As summarised above, the near four million hectares of the Upper Caura have been under effective indigenous administration, use, management and control since time immemorial. This long history of land occupation, management and use has ensured that the natural resources of the region have remained in the well conserved state in which they are found today.

Customary laws and traditional practices underpin this successful history of land use, but the indigenous peoples have responded to their changing circumstances in a number of important ways, adapting their customary use systems and traditional practices to deal with the new threats and opportunities that confront them.

At least since the late 1960s, the Ye'kwana have had a conscious policy of defending their territory against outside intrusion. They have achieved this by a number of means. First, they have established communities at riverine access points to discourage entry by colonists and miners into their territory. In this way they have asserted their proprietary rights to their territory and sought to regulate access by non-indigenous persons. In the early 1970s, the Ye'kwana of the Upper Ventuari mobilised to expel miners trying to enter their lands by air³⁸ and in the 1990s, in the Upper Caura, the Ye'kwana decided to close their own placer mines so wildcat miners would not be tempted to invade their territory.

Commencing in 1983, with funding from international non-governmental organizations, the Ye'kwana have also begun to install two-way radios in all their main villages to facilitate the establishment of a basin-wide communications network. Since the late 1990s, more of these radios have begun to be made available to the larger and more established Sanema villages also. Most of these radios are now equipped with high antennas, solar panels, batteries and chargers. They allow the communities to exchange information amongst themselves, organize their interactions with government bureaux and private sector agencies and call for emergency medical assistance from Ciudad Bolivar. They are also used to coordinate inter-community meetings, trading voyages and, increasingly, to plan the management of their territory.

Basinwide, Multi-ethnic Association

In the mid-1990s, in response to Government plans to construct a major dam that would divert the waters of the Upper Caura into the Paragua, the Ye'kwana decided they needed to establish a multi-ethnic basin wide association to defend their territory against incursions. The resulting organization, 'Kuyujani', was named after the culture hero of myth who had first defined the boundaries of the territory (see above). The express aims of Kuyujani are to secure the indigenous peoples' rights to their territory, prevent destructive developments in the region and promote effective management of the territory.

The organisation is subject to the authority of an annual General Assembly which brings together members of all the communities of the region. The Assembly elects the members of Kuyujani for a two-year term during which period they seek to act in the collective interest of the communities and represent them in negotiations with outside interests.

³⁸ Walter Coppens, 1972, *The Anatomy of a Land Invasion Scheme in Yekuana Territory – Venezuela*. International Work Group for Indigenous Affairs, Document 9, Copenhagen.

During its two year term, Kuyujani is comprised of a Council made up of 10 regional representatives from the various parts of the river basin, 14 spokespersons on key issues such as health, education, human rights, environment, development, sport and culture and 4 elected chiefs, two of whom are Ye'kwana and two Sanema. Day to day functions are carried out by a small bureau which includes a Coordinator, his Deputy, a Secretary General, an Executive Secretary and an Administrator. An accountant is also contracted to handle the organisations finances.

Land use mapping based on traditional knowledge

In 1996, with technical assistance from the Universidad Nacional Experimental de Guayana, and the Forest Peoples Programme, and with financial support from the IUCN-Netherlands and the Rainforest Foundation UK, Kuyujani embarked on a major project to map their customary system of land use and the extent of their territory based on their traditional knowledge. The project entailed training 12 Ye'kwana and Sanema individuals in basic mapping techniques so they could then themselves survey their territory and map it.

An intensive five week training workshop was held at the Para Falls to initiate this exercise. Trainees were taught about the points of the compass, how to read a compass, taking a bearing, plotting a bearing and triangulation. They were taught the meaning of grids, latitude and longitude, coordinates, plotting coordinates, scale, legends and symbols, reading contours, identifying river sources and watersheds, keeping map inventories and recording boundaries. They were also taught the use of geomatic devices (GPS – Global Positioning Systems) including taking a position, recording coordinates, using the devices' mapping and tracking function and taking bearings. Instruction continued in the means of recording indigenous knowledge through interviews, making sketches of land use, rivers and trails, working with guides and relating this knowledge to geo-referenced locations. Finally methods were taught for entering this information onto the base maps. Boundaries, information on land use and toponymy were all entered onto the government's base maps.

A legend and set of symbols was developed for recording land-use information and standard orthographies were elaborated to try to ensure consistent spelling of features. A format for carrying out a census in each community was also developed. Standard travel logs to record named features and corresponding GPS-derived coordinates were also prepared.

After this training, the indigenous field teams then spent the following nine months traversing the entire territory, spending an average of three weeks in each community and trekking and canoeing about the village lands to record as much as possible of the local knowledge of the landscape.

The draft map once assembled from all this information was then printed up and sent back to the communities to be checked for accuracy. Once approved by the General Assembly, the finalised map was printed up and presented to the government in 1998.

Registration of Intellectual Property

In 2001, Kuyujani with the assistance of an Dr. Vladimir Aguilar, an expert in indigenous peoples intellectual property rights,³⁹ registered the map and the corresponding data base with the national copyright institution the Sistema Autónomo de Propiedad Intelectual (SAPI). Thanks to very collaborative approach of SAPI, this registration was undertaken swiftly. The properties were registered as collective intellectual properties thereby establishing a new precedent for Venezuela and opening the possibility for the country to effectively protect indigenous peoples cultural heritage in line with Article 8j of the Convention.

Application for Legal Title

Kuyujani submitted its map and a request for title to the Procuraduría Nacional de la Republica in 1998, but, despite several meetings then ensuing between the Procuraduría and Kuyujani, no official response to this demand was made. In 1999, members of Kuyujani along with many other indigenous representatives participated in the process of revision of the Constitution and in the drafting of the Ley de Demarcación del Hábitat y Tierras de los Pueblos Indígenas. Kuyujani's precedent-setting experience in mapping indigenous land use and demarcating the boundaries of an indigenous territory was an important reference point for this process, which, as noted above, resulted in a legal framework which not only allows the legal titling of indigenous lands but also accepts processes of self-demarcation, such as that carried out by Kuyujani, as the basis for land claims.

The official Commission on Indigenous Land Demarcations was not established until December 2001 and Kuyujani submitted a formal land claim to the Commission in May 2002. This included the updated map showing the territorial demarcation, a legal justification for the claim and an ethno-historical summary of the Upper Caura prepared by UNEG. The land claim was the first to be filed with the Commission, but, although members of the Commission and the Ministry of the Environment have confirmed orally that the claim has been filed in full compliance with the law, a final, formal determination on the merits of the claim has yet to be made.

Review of Customary Institutions

While awaiting the decision of the Commission on its land claim, Kuyujani has moved ahead actively to consolidate its own capacity to administer and manage the area. In September 2001, a week long workshop was held in the community of Tadakwanña, attended by representatives from the majority of the settlements of the Caura, with the aim of reviewing the Ye'kwana and Sanema customary systems of regulation and management of natural resources and community activities. Some of the main findings from this review have already been presented above.

The 2001 workshop was then followed up with a series of six further community level workshops in different parts of the river basin where more detailed discussions were again held to explore the Ye'kwana and Sanema's institutions. Building on these deliberations a further basin wide meeting was then held, again in Tadakwanña, to review these structures

³⁹ Vladimir Anibal Aguilar Castro (ed.), 2002, *Los Conocimientos Indígenas Amenazados*. Bioguayana, Puerto Ordaz.

and to decide which should be the appropriate polity to represent the communities in law and in negotiation with the Government. This meeting decided that the traditional Ye'kwana institution of the *Öyaamö* (council of chiefs), traditionally composed of the headmen (*Kajiichana*) of a number of neighbouring communities, should be used as the basis for creating a basin-wide, multi-ethnic body which should act by consensus to administer the territory and hold land in trust for present and future generations. While wider in scope than its traditional functions, the new role given to the *Öyaamö* constitutes a logical extension of its original purpose suited to the new context in which the indigenous peoples find themselves.

Training of 'para-biologists'

The indigenous peoples of the Upper Caura face three major challenges in managing their environment effectively. Of these the most serious is dealing with the external threats to the region posed by dams, mines, road-building schemes, colonisation and tourism. The second challenge comes from the fact that, as noted, the whole river basin has already been classified as ABRAE, which have been set up for a variety of purposes which may be more or less compatible with indigenous priorities and aspirations. The third challenge results from the fact that indigenous systems of land use are themselves undergoing change and, where exerting undue pressure on local habitats or species, may require new measures to address them.

To deal with these challenges in a more informed manner, in 2001 Kuyujani decided to initiate a process of training eight Sanema and Ye'kwana youths as 'para-biologists'. This was another precedent-setting exercise by which a course in simplified biology and conservation management was provided by Bioguayana and the Universidad Experimental de Guayana with funding from IUCN-Netherlands, Rainforest Foundation-UK, Nouvelle Planete and Fundacite. The course took place over a period of ten months and included teaching and training exercises in: tourism; forest management; environmental management; conservation; diversity, classification and taxonomy; sustainability; institutional legal, economic and political frameworks; forest ecosystems; hidro-ecology; cultural diversity; biological diversity; simple mathematics; basic statistics; computers; ecology and environment; biology; and chemistry. Language training in reading and writing Spanish was also provided.

Since their training, the 'para-biologists' have assisted at a series of community meetings to contribute to discussions about natural resource management in the Upper Caura. Kuyujani's long term goal is that future natural resource management planning in the region will be based on a complementary use of both traditional and western scientific knowledge of the environment, to ensure compatibility with local livelihoods and cultures and prudent resource use.

Elaboration of a Management Plan

Through a series of community level discussions and workshops and basin-wide meetings, Kuyujani has also been developing its own 'management plan' for the Upper Caura. This has involved, first of all, taking stock of customary systems of resource use and management, the main findings of which have been presented above. A second step has been the identification of external threats to the region and third the identification of community pressures on resources. Through these exercises the indigenous communities have prioritised their needs and developed proposals for zoning, dealing with existing

protected areas, deciding on the location of settlements, and for regulating and monitoring resource use.

The major objectives of the management plan are to:

- ❑ Guarantee land security
- ❑ Promote sustainable resource use
- ❑ Defend the communities' cultural values
- ❑ Improve livelihoods and economic conditions in the communities
- ❑ Promote education and use of both indigenous and scientific knowledge
- ❑ Improve the health situation

The plan takes stock of the communities' existing human resources and communications capacities and seeks to develop a land use plan that both accommodates customary livelihood strategies, builds on traditional management practices and protects sacred sites. Anti-pollution measures have also been incorporated as well as steps to control large-scale development projects, colonization and eco-tourism.

A draft management plan was consolidated in mid-2003 and subjected to independent review by technicians from national governmental agencies, academic institutions and NGOs. Further iterations in the development of the management plan for presentation to government and intergovernmental agencies are now contemplated but the communities have decided that the overall conception and prioritised lines of action already provide a working basis for improving their management of the basin. They have thus decided that the best way forward is to gradually build up their planning capacity by putting into practice their current ideas and evaluating their effectiveness as they go along.

Implementing the Plan

The priority for the communities is to gain security and control of the Upper Caura so that their other natural resource management and community development objectives can be realized. The legal means to achieve this is through the recognition of their collective title to the whole 'habitat', for which they have long applied to government. Further progress on this aspect depends on the decisions of the National Commission on Demarcations of Indigenous Habitats and Lands and of the Ministry of the Environment.

Co-Management of Protected Areas

The community meetings have successively evaluated the purposes and implications of the existing protected areas and other *Areas Bajo Regimen de Administracion Especial*, which overlap the Upper Caura. During these meetings it was noted that customary conceptions of the sacred mountains of Sarisariñama, Guanacoco and Jaua already provide greater protection of these areas than the protected area legislation affords. Indigenous concepts treat these sacred areas as inviolable and access to these areas is thus strictly prohibited, with the single exception of ritually circumscribed expeditions to harvest small quantities of the grass (*Arundinaria schomburkii*) which they use for blowpipes. By contrast, the regulations relating to National Parks and Natural Monuments do allow limited access to the mountains, including the use of helicopters, and over the past years permits have frequently been granted to outsiders to visit these mountain tops to carry out scientific collections, make films and even for tourism.

The communities concluded that, on balance, these nationally declared protected areas effectively complement their customary management system and beliefs, so they have

decided not to ask for the revocation of the two Monumentos Naturales of Ichún-Guanacoco and the Serranía de Maigualida nor of the Parque Nacional Jaua-Sarisariñama. Instead they have proposed to the Ministry of the Environment and INPARQUES that, since these areas still lack management plans, the areas should be developed as co-managed areas, with indigenous personnel not only assuming primary responsibility for vigilance and control of access to the mountains, as park rangers, but also sharing overall authority for the protected areas on management boards established to look after them.

In the view of the indigenous communities, the two other ABRAE which overlap the Upper Caura do however need to be modified. In particular, the indigenous communities do not accept that the Upper Caura should be ever be opened to the extraction of timber by commercial logging companies, which is the ostensible objective of the area's designation as Forestry Reserve. They thus propose that the southern boundary of the Forest Reserve be redrawn to reach only as far south as the Para Falls. Likewise they question the designation of the eastern Caura as part of the Zona Protectora del Sur del Estado Bolívar as corresponding regulations for the management of this area have apparently never been developed and therefore have no real relevance. They thus proposed that the western boundary of the Zona Protectora should thus be redrawn to follow the watershed between the Caura and Paragua.

Zoning

Taking account of the existing protected areas, the communities propose that the whole of the rest of the Upper Caura be designated a multiple use zone to be managed by the indigenous communities and within which other specific areas could be set aside for conservation purposes. The following proposals have already been made at the General Assembly and gained approval from the communities.

- A buffer zone to exclude community resource use would be established around the Parque Nacional Jaua-Sarisariñama to increase the protection of this sacred mountain and the unique forests which clothe its foothills. This would extend protection below the 1000m contour which is the current limit of protection afforded by the National Park's designation.
- The Kakada river from its mouth up to the 500 metre contour will be closed to hunting and considered a 'zone of rest' (*somajö*). A vigilance post will be established at the mouth of the river to control access.
- A second vigilance post will be established at the mouth of the Yuruani river to monitor the degree to which the river is actually being used for hunting and other purposes.
- Kuyujani will establish its main operational centre at Entre Rios, which is already served by an airstrip which supplies the hydrology camp, to be the well placed to monitor all traffic up and down both the Erebató and the Caura-Merevari rivers.

Settlement planning

As noted above, decisions about the location of new settlements has long been a matter for inter-community discussions and consensus building and constitutes one of the main means by which pressure on resources is limited. As part of the communities' heightened awareness about the need for prudent natural resource management, today decisions about the relocation of villages are being made formally at larger inter-community meetings, including representatives from communities all over the river basin.

Since June 2003, such decisions have also been made using the land use map and within the framework of the draft management plan. For example, in December 2003, following direct consultation between the Sanema and the Ye'kwana of Tadakwanña, including the Ye'kwana shaman there, a consensus decision was reached by all the Sanema communities of the Upper Caura that the Sanema community of Minchöña (*Koli saia*) should abandon its present location and the whole community be relocated downstream to Maninña near the Chanaro creek. This decision was subsequently ratified at the river basin wide General Assembly held in January 2004.

Dealing with Local Resource Depletion

Since the 1950s, with the establishment of the first missions, notable changes have been caused to resource use and settlement patterns. To retain access to valued services – schools, clinics, airstrips, radios, generators, farm machinery – villages have grown in size and remained in one location for longer than was customary. In a number of locations this has resulted in resource depletion – areas around the vicinity of communities have become overhunted and the lack of suitable land for shifting cultivation plots has led to plots being cleared in young secondary vegetation meaning reduced soil fertility and shortened rotations.⁴⁰ In some communities the lack of protein in daily diets has become a serious concern. Some communities, such as the Ye'kwana settlements of Sta. Maria de Erebató and Anadakenña, have been able partly to offset these deficiencies by increasing the range of hunting expeditions to more distant forests using outboard engines. However, the more land-locked Sanema settlements on the high ground near Majaguaña do not have this option. Since the late 1980s, they have noted that the normal vegetation successions dominated by *Cecropia* spp, *Guadua* spp. and *Ishnosiphon* spp. are not regrowing in abandoned gardens, which are instead being reclaimed by pteridophytes (see below).

Two responses have been attempted to deal with this problem. First, since the 1980s, the community of Majaguaña has divided its population and established satellite settlements at Majediña, Platanal and Wasaiña with the explicit rationale that this will spread the population's pressure on the environment. Secondly, the community has experimented with the raising of domestic animals – chickens, sheep, pigs and tilapia – to provide alternative sources of protein. In addition, the community is now considering a further division of its numbers with a large part of the village relocating to a new locale further down the Erebató. The General Assembly recently agreed that the community of Majediña should also relocate downstream to Jaasakuni below the mouth of the Yuruani.

⁴⁰ Marcus Colchester, 1981, Ecological Modelling and Indigenous Systems of Resource Use: some examples from the Amazon of South Venezuela. *Antropológica* 55:51-72.

Control of Access to the Region

Kuyujani exists to protect both the environment and the culture of the region. Community leaders now insist, with increasing emphasis, that all visitors to the region, whether indigenous or not, should respect community authorities and customary laws. The Department of Indigenous Affairs of the Ministry of Education fully respects this principle and now only hands out permits to outsiders seeking access to the region subject to the approval of Kuyujani, as the legitimate organisation that represents the communities in their dealing with the national society.

Control of Tourism

Venezuela has long promoted tourism as a means of generating employment and foreign exchange and diversifying the economy and the main selling points of the country have been its magnificent scenery and biological and cultural diversity. The great majority of tourists who visit the interior of the country do so partly in the expectation of encountering the area's indigenous peoples. Organised tours have been visiting the Upper Merevari since the 1980s with mixed results from the indigenous peoples point of view. Community discussions organised by Kuyujani to evaluate tourism and develop a response to the phenomenon have noted the following:

- Tourism is viewed both as a source of revenue and as a serious threat to traditional values and health.
- Among the problems noted are that tourists bring drugs into the villages, sexually abuse Indian women, and are disrespectful of community authorities and customs. Most tourism companies are dominating and mistrusted and seek to monopolise access to the choice sites.
- New stronger and enforceable regulations, established and monitored by Kuyujani, are needed to ensure that tourism is limited and controlled.
- Tourism sites should be restricted to chosen sites such as Salto Para and Kanadakuni which are already favoured locations and general travel by tourists to other settlements should be strictly controlled.
- The Ye'kwana have tried to form their own company, Merevari Tours, to promote tourism subject to the own control, but lack of capital and know-how has hindered this.

Institution building

General Assembly decisions have concurred that to meet all these challenges, all the institutions of the river basin need to be strengthened including the General Assembly, the *Öyaamö*, Kuyujani itself and village leadership. The experience gained by Kuyujani in carrying out 'projects' – mapping, developing the management plan, organising community meetings, supervising the logistics of river travel, establishing an office in Ciudad Bolivar, training personnel in new skills, developing an administrative capacity etc – has resulted in it becoming one of the most respected and highly qualified indigenous organisations in the country. Kuyujani is not complacent about its achievements however.

Two aspects requiring further institution building that have received particular attention to date are the development of novel mechanisms to ensure that indigenous women and the Sanema remain equitably involved in decision-making. It has been noted that at the village level, although women are not given formal leadership roles as shamans and 'chiefs' (*Kajiichana / kaikana*), they nevertheless exert a very strong influence on community affairs through the voicing of their opinions inside and outside meetings and through the respect they are accorded as repositories of traditional knowledge, as mothers, as the preparers of food and as the producers of agricultural produce. This influence and respect is attenuated at the inter-community and river basin level.

A series of community level workshops, complemented by seminars promoted by the Universidad Nacional Experimental de Guayana, are thus currently underway to explore means of highlighting women's concerns and priorities and strengthening their participation in decision-making. It is recognised that marrying these ideas with customary notions of gender roles will require further discussions.

Interethnic relations

One of the most remarkable and challenging achievements of Kuyujani has been to build the organisation as an inter-ethnic association that seeks to represent the interests of both the Ye'kwana and the Sanema communities of the basin. This is made difficult by the fact that:

- The Ye'kwana have had some three centuries of trading contact with non-indigenous groups while the Sanema only began regular trade with *criollo* society in the 1960s.
- The Sanema are relative newcomers to the Upper Caura and their proprietary rights in land are recognised only reluctantly by many of the older Ye'kwana.
- Since the inter-ethnic warfare of 1930s, the Sanema have adopted a subservient relationship with the Ye'kwana, which has been reinforced by an assumption of cultural superiority by some Ye'kwana.
- Cultural and linguistic differences between the groups are an obstacle to good communications. Until ten years ago very few Sanema spoke Spanish. Few Sanema speak Ye'kwana and even fewer Ye'kwana speak Sanema.
- Very few Sanema have completed primary school education. They are thus relatively less well equipped to deal with the national society and economy than many Ye'kwana.

Endorsed by the General Assembly, Kuyujani has taken the position that the historically unequal relations between the two ethnic groups must be ended so that the two peoples can unite in their dealings with the national society. To this end, Sanema are elected to senior positions in Kuyujani and the *Öyaamö*, participate in Kuyujani's Council and join in all the 'projects' that Kuyujani undertakes. Kuyujani has also recognised that more needs to be done to improve the Sanema's participation. A basin wide workshop of Sanema leaders held in Ayawaiña in December 2003 gave detailed consideration to this issue. After long discussions it was concluded by consensus that:

- ❑ Kuyujani should continue to play a key role for the Sanema in the future and more Sanema should participate in the Council and as regional representatives
- ❑ Sanema leaders of the river basin should meet annually to improve their engagement in decision-making
- ❑ More resources should be invested in securing good communications for the Sanema in terms of radio sets and outboard engines
- ❑ A study should be carried out to promote sales of Sanema arts and crafts
- ❑ Measures should be adopted in consultation with the health programme, CENASAI, to improve access to health care in Sanema communities especially those in the headwaters.

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 Maigualida 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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