

# Venezuela:

## Amazonian Indians Request Support

Venezuela has passed legislation that threatens to undermine Indigenous peoples' control of their lands and destinies by dividing the state of Amazonas into electoral municipalities. Indigenous peoples claim this law is unconstitutional and are challenging it in the courts. However, while the courts have delayed hearing the case, the local government has gone ahead with the dismemberment of the area. The Indigenous peoples are calling for international support to urge the courts to consider the case.

The 19 Indigenous peoples of the Venezuelan Amazon are represented by ORPIA (Organización Regional de Pueblos Indígenas de Amazonas). They have received the support of the Human Rights Office of the Catholic Church in Puerto Ayacucho. They have been demanding since February 1995 that the law creating the political divisions of the Amazon State in Venezuela be declared invalid by the Supreme Court.

For eight months the Supreme Court of Justice took no action over the case. It was only after concerted pressure from the Indians that the court finally declared in November 1995 that the case required an urgent hearing. Despite the initial sense of urgency, the court still has not declared its judgment.

Until recently the Venezuelan Amazon was administered as a Federal Territory and run by Governors appointed from Caracas. More recently, as part of a nation-wide program of decentralization, the Territory has been declared a State and opened to local electoral politics. As a part of this process, steps have been undertaken to divide the State up into new administrative units.

However, the local Government

pushed through the 'Ley de División Politico-Territorial del Estado Amazonas' without consulting with the Indigenous peoples. Under the law, the new State of Amazonas has been divided into 'municipios,' each with elected 'alcaldes' (mayors), and each in turn divided into a number of 'paroquias' with their respective elected heads. These areas and institutions do not correspond with traditional Indigenous political systems. Moreover, they overlap with Indigenous territories for which titles have yet to be gained according to Venezuelan law.

Despite Indigenous objections and the filing of a case contesting the legality of the law, the local government has gone ahead with applying the new structure and forced through elections. Already the imposed system is causing problems. New internal divisions have been created because the boundaries of the new 'municipios' and 'paroquias' do not conform to Indigenous ethnic boundaries. Party politics has been introduced into the communities. New clientelistic relations have been established throughout the territory. Dominant communities and ethnic groups have strengthened their authority over smaller and politically marginal ones. Most serious, the new 'municipios' have begun a process of expropriating untitled Indigenous lands for municipal use.

Indigenous peoples have argued that the law dividing the State is unconstitutional, pointing out that Article 77 of the constitution allows for exceptional administrative regimes in Indigenous areas to accommodate their cultural differences. They also note that the law is contrary to established procedures, as the towns about which the new 'municipios' are being created are far too small to qualify.

The Indians demand that instead their land rights be properly recognized and that subsequently consultations take place to devise an administrative regime that suits their cultures and coincides with their customary systems of decision-making.

The challenge to the 'Ley de División Política...' is the second court case that ORPIA has filed contesting Government initiatives in the State of Amazonas. Earlier this year, ORPIA successfully challenged the local Government's attempts to build a road from the State capital Puerto Ayacucho south to San Fernando de Atabapo. 🐦

*Adapted from a report by the World Rainforest Movement.*

*Please send faxes or letters:*

- *Expressing concern for the situation in the Venezuelan State of Amazonas as a result of the imposed territorial division*

- *Asking the Supreme Court of Justice to declare null and void the Ley de División Politico Territorial del Estado Amazonas as requested by the Indigenous peoples on 2 February 1995.*

*Dra. Cecilia Sosa, Presidenta de la Corte Suprema de Justicia, Av. Baralt, San Jose de Avila, Caracas, Venezuela*

*Dr. Alfredo Ducharme, Magistrado Ponente, Corte Suprema de Justicia, Caracas, Venezuela*

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