

Destruction of the Rain Forest-

Imataca Reserve: Venezuela

On the 14th of May, 1997, the Venezuelan government approved presidential decree 1850 which contains plans for the use of the Imataca Rain Forest Reserve. The reserve will be shared out to mining companies and timber merchants, in an effort to achieve total industrialization of the region.

An elaborate infrastructure is planned for the complete exploitation, processing and commercialization of the natural resources of the reserve. The area, the equivalent of the size of Holland, contains three and a half million hectares of rain forests. Imataca is an abundantly biodiverse region, rich in genetic resources, water and energy. Gold, diamonds, iron ore, bauxite (the principal ore of aluminum), magnesium, and numerous other valuable mineral reserves are found throughout the territory. The ancient forests are home to four Indigenous peoples: the Warao, the Kariña, the Akawaio and the Pemón. It has long been recognized that the protection and preservation of this biologically affluent environment should be a national priority.

The 'Plan de Ordenamiento' and regulation of use of the Imataca reserve will undoubtedly have serious negative effects on the rain forest itself, the Indigenous peoples who live there, as well as the fragile ecosystem of the region as a whole.

The Indigenous peoples will effectively be prisoners in their own territory, as a result of the widespread exploitation activities which will severely impede the continuance (and expansion) of their subsistence activities. The Plan de Ordenamiento does not recognize or acknowledge the territory belonging to the Indigenous peoples, who have lived

in this region in harmony with these diverse ecosystems for centuries. With the complete breach of their fundamental territorial and human rights, the treatment of the native peoples is shamefully poor. The proposed plans make it clear that these communities are considered valuable only as tourist attractions or manual labor sources for the future development projects.

If all three million hectares are used for commercial activities as planned, the effects on the Imataca Forest Reserve will be devastating and many of the repercussions will mirror those that occurred in the North of Orinoco after exploitation there. Consequences included a shortage of water, an irretrievable loss of much of the region's biological heritage, an increase in the frequency of droughts and flooding, and the destruction of a permanent forest. This will also happen with the Imataca Rain forest reserve. Because of contracts with timber merchants, large parts of the reserve will be deforested, encouraging erosion. The areas' rivers will be contaminated and a significant amount of flora and fauna will be destroyed due to the influx of industries.

Since its inception, Decree 1850 has violated a number of laws and treaties. The failure of the promised public consultation period points up the true nature of the document as one displaying the manipulation of interests and exploitation of the natural wealth of the forest for the benefits of a minority. On May 7th, the government held a meeting to present the plan to the public. Unfortunately, the majority of those present at the meeting had only received the document the previous day. It was decided that the attendees had until the 30th of May to present their opinions. However, the Council of Ministers approved the plan on the 14th, shattering any faith in a true public consultation period and showing this gesture

Continue on page 31



Continued from page 11

to be a parody of real democratic proceedings. Ironically, in a press release earlier in the year, Vice Minister of the Environment Luis Castro had proudly announced that "for the first time the minister of the environment is opening the process of public consultation so that persons and organizations interested in the ecological ramifications can listen to the presentation of the instrument, share their opinions and plan their responses/ observations." Aside from being considered "grave" and "deplorable", the process of public consultation carried out by the government violated five articles of the Organic Law on the Ordering of Territory, which afford the public the right to be informed and consulted about matters pertaining to this natural area.

Presidential decree 1850 also violates two different national laws mandating congress' approval for any project that affects national territory, specifically the forest reserves. The plan establishes a fundamental change in the use of the Imataca reserve and the granting of large mineral concessions without the authorization of the National Congress. According to the Law of Forests, Grounds and Water, forest reserves are never allowed to be colonized or transferred without the approval and authorization of the national congress. The decree also violates a number of international laws and conventions, signed by Venezuela and ratified by the National Congress, including the 1941 Washington Convention on the protection of flora, fauna, and natural beauty of the Americas; the Convention on Biodiversity; the Convention on Climate Change; Agenda 21, the global action plan endorsed by Venezuela at the 1992 World Summit on the Environment in Rio de Janeiro, as well as ILO Convention 107 on the protection of Indigenous people. It also ignores domestic law concerned with the territorial and other fundamental rights of Indigenous peoples.

Besides these irregularities and violations, the plan is causing controversy within the professional sector of the nation. The government claims that the plan was created with the help of the faculty of the Forestry and Environmental Science Department at the University of the Andes. The government surveys of the Imataca Reserve were done on a

scale of 1:250,000. This myopic investigation cannot provide adequate information about the majority of the ecosystems in the region. The University denies involvement and says that the plan is based on a misinterpretation of their research. Many find it ironic that an eminent administrative organization would contradict the opinions of technical and scientific specialists, who are demanding the abolishment of the decree. On the 14th of June the faculty approved a pronouncement soliciting the President of the Republic to revoke Decree 1850. This was followed by numerous other formal denunciations of the plan by politicians, academics, and over twenty Venezuelan environmental groups.

Decree 1850 continues to cause a wave of protest in the country. The church, questioning the environmental policy of the government, believes that the plan for Imataca will amount to environmental degradation and fails to take into account the rights of Indigenous people. Some members of the Venezuelan National Parliament refer to the decree as a means of legalizing the destruction of this reserve. According to a ex-governor of the state of Bolivar, which comprises much of the Imataca reserve, Decree 1850 contains technical, legal and political failures. The social Christian party of Venezuela, COPEI, urged the government to revise Decree 1850 claiming it disregarded the opinion of major sectors of the population and reminding that the Council of Ministers does not have the right to decide about the use of national territory. They requested that the government study the true riches of the forest, the fragile ecology, the Indigenous communities and the biodiversity. Scientists are asking the government to abolish decree 1850, to create mining limits, and to conduct a new investigation to get a realistic idea about the effects of the plan.

In response to the public outcry, President Caldera has said that the opening of Imataca to mining and wood exploitation represents the desire of the population. One minister even went so far as to say that the plan is a continuation of the Venezuelan government's policy of "rescuing the Imataca reserve" because the ecosystem is already being destroyed by wildcat mining workers. ♡

alternative lands in all possible cases. All of these qualifications leave a lot room for interpretation.

Convention 169 is a great improvement on the previous convention dealing with Indigenous peoples, but it has not totally succeeded in abolishing the integrationist approach of Convention 107. Articles 8 and 9, dealing with Indigenous customs and customary law, are good examples of this. Article 8 guarantees Indigenous peoples the right to retain their own customs and institutions, where these are not incompatible where Customs and customary law shall be recognized as long as they are not conflicting with national laws and regulations. This means that recognition will only follow if these customs are compatible with the national law, for this to happen a lot of customs and customary rules will have to be adapted.

Convention 169 does not reflect the wishes of Indigenous peoples regarding their recognition as peoples, the issue of territories, nor does it include the concepts of consent and control. So in this sense one might conclude that Convention 169 is not a great step forward in the recognition of the rights of Indigenous peoples. On the other hand, it was necessary to provide for a lot of diverse situations worldwide and agreement could not be always be reached on many of these issues. It was obvious that the governments were not going to ratify the Convention if it was so strong that it would require them to change their legal systems; and without ratifications there are no obligations or standards at all.

It is important to remember that ILO Conventions are minimum standards and that no governments can ever create new legislation based on Convention 169, and thereby disregard national regulations that grant more extensive rights. Convention 169 is one of the instruments which stands along side the national regulations and legal framework. The ILO has proven to have built up quite an expertise on Indigenous issues, starting with the adoption of Convention 107 in 1957. This knowledge, together with the supervisory procedure, has the capacity to contribute to an improving human rights situation for the world's Indigenous peoples. ♡