



# **VIO**LATIONS OF THE **HUMAN** RIGHTS OF **INDIGENOUS** PEOPLES AND ENVIRONMENTAL **DEVASTATION OF** THE **VENEZUELAN** **AMAZON**

COALICIÓN POR LOS DERECHOS DE LA AMAZONIA

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# EXECUTIVE SUMMARY

The Venezuelan legal framework established as of 1999 the express recognition of the specificity of the rights of indigenous peoples, as well as the ratification of Convention 169 of the International Labor Organization and legislative processes that developed the constitutional and conventional precepts together with the constitutional status in general of human rights treaties, placing Venezuela at the forefront of the protection of the human rights of indigenous peoples. Likewise, it collected a series of guarantees and rights for the protection of the environment, to which should be added the prior subscription of a series of treaties that establish obligations regarding the protection of the environment and the biodiversity.

However, on February 24th, 2016, the Executive Branch issued Decree No. 2,248 that establishes the " Zone of Strategic Development of the Orinoco Mining Arc for the sectoral stimulation of activities associated with mineral resources" In an enormous area of 111,843.70 km<sup>2</sup>., (12.2% of the national territory), which is an integral part of the Venezuelan Amazon, in which numerous indigenous peoples live, there is 80% of the country's fresh water, predominantly humid tropical forests of great development and complexity; it has an immense and invaluable biodiversity and concentrates most of the tepuis of the Guiana Shield. The establishment of this project constitutes the starting point of a situation of excessive legalized and illegal mining extraction causing great violence, corruption, loss of sovereignty and widespread environmental degradation, which generally affects the rights of its inhabitants and especially the rights of native population. In addition, the Venezuelan Amazon, which represents 6% of the total of the great Amazon Forest, currently concentrates more than a third (> 30%) of the damages caused by illegal mining in the region, with the presence of numerous clandestine airstrips, also being the Amazon country with the largest number of indigenous territories and protected areas

affected by said extractive activity. Due to extractive activity, together with other pressures, the Venezuelan Amazon is currently considered one of the global deforestation hot spots.

The state's negligence and historical institutional abandonment towards the rural and indigenous communities of the Amazon, added to the destructuring and practically non-existence of the rule of law in Venezuela, at least since 2017, and the illegal and unconstitutional execution of the "Arco Minero del Orinoco" project, they have been key factors for the accelerated and anarchic growth of mining, throughout the territory south of the Orinoco River, resulting in an unprecedented serious socio-environmental and multidimensional crisis; Chaotic and uncontrolled mining activity, which today extends beyond the polygonal "Arco Minero del Orinoco".

The right to uncontaminated water, and to enjoy a clean and healthy environment, is another of the violations that have worsened since the promulgation of Decree 2,248. Currently, many natural areas protected by law are being impacted by mining activity with the acquiescence and/or complicity of State authorities and security forces, with the Imataca Forest Reserve and national parks such as Canaima (World Heritage Site) being among the most worrying cases, Yapacana and Caura, which show worrying signs of environmental degradation, mercury contamination and high rates of deforestation. Even though the use, possession, storage and transport of mercury for the processing of gold and other metals is prohibited in the country, its use to separate gold from other minerals continues to be widespread in legalized mining and in the numerous sources of illegal mining that have proliferated in the territory south of the Orinoco, affecting watercourses, soils, biodiversity and humans alike.

The displacement of the population to the mining regions

<sup>1</sup> Decree No. 2,248 by which the Orinoco Mining Arc National Strategic Development Zone is created . Official Gazette No. 40855. February 24th, 2016. (Only available in spanish)

and the increase in pollution of rivers and deforestation of unique forests on the planet has directly affected the spread of diseases and the aggravation of the national health crisis that the country is going through. According to information documented by the Independent International Mission, only in the state of Bolívar, overall maternal mortality increased by more than 60% in 2019 in comparison with 2015, and for the same 2019 the cases of malaria present in Venezuela accounted for 73% of malaria deaths in the Americas according to the WHO.

In the described context, indigenous communities represent the most vulnerable and shocked. It is important to note that between Amazonas, Bolívar and Delta Amacuro states (which include the territory of the Amazon Venezuelan) concentrates the greatest sociocultural and ethnic diversity of the country with more than 1,500 communities of 30 indigenous peoples, which in 2011 represented the 10.3% of the population in said regional entities. Towns with their own systems of social and political organization, economy, cultures, uses and customs, languages, religions and justice systems, as well as their own identities ethnic.

Venezuela is part of a series of inter-American treaties that recognize indigenous populations their right to territory, the protection of their identity culture and the right to be consulted in advance, freely and informed of according to their ancestral uses in projects that may affect them; rights that are recognized and expanded in the national constitution and organic laws of the Republic. In addition, United Nations instances recognize the right of native communities to oppose and actively express their opposition to the extractive projects promoted by the State. However, there is evidence of systematic policy by sectors of the State with little protection and response to the fundamental rights of indigenous populations and their lawsuits, in the worst case, to criminalize and harass, and other facts where the death of indigenous leaders who defend their territories and oppose extractive mining policies, legally or illegally executed, as has been documented in reports from the Office of the High Commissioner for United Nations for Human Rights and the International Mission for Determination of the Facts.

Added to this situation is the invasion of indigenous territories by parastatal criminal groups that have resulted in forms of violence and dramatic exploitation such as: murders, prostitution, trafficking in women for mines, semi-slave labor, forced migration, femicides, increasing violence, teenage pregnancy, among others publicly denounced by various indigenous organizations in the region. Between the years 2018 and 2022, they met and publicly denounced at least 8 massacres against native populations south of the Orinoco, and between 2013 and 2021, 32 defenders or indigenous leaders were killed by hitmen, armed groups or members

of the Bolivarian National Armed Forces (FANB for its acronym in Spanish), the majority being residents of the Venezuelan Amazon. For his relevant work in defense of the territory and tour historically, that of Virgilio Trujillo Arana is one of the most regrettable murders recently occurred (2022). The lack of independence of the judicial system, which is expressed in the disrespect for due process and the absence of judicial guarantees, has resulted in high levels of impunity and lack of protection for the inhabitants and defenders of the Amazon.

It is important to consider that the expansion and imposition of mining activity has promoted and spread gender violence and sexual violence in the region, being even more serious in the case of indigenous girls and women since they belong to groups in more vulnerable situation. In fact, they are the perfect victims since many do not have an identification card or speak Spanish.

Everything described up to now has been occurring in a context of paralysis of the demarcation/titling processes of indigenous lands and territories, and without carrying out previous environmental and sociocultural impact studies, which are essential, among other aspects, to carry out due processes of consultation with the communities.

The Arco Minero project, and its imbrication in legal and illegal plots of a mining business transversalized by criminal dynamics and violation of human rights with extreme suffering is destroying the guarantees of integrity and viability of the entire nation. Therefore, it is urgent to take measures such as the express request for the repeal of decree 2,248 and that the United Nations authorities demand that the Venezuelan State respect the area south of the Orinoco as a megadiverse biological and cultural zone and a freshwater reserve<sup>2</sup>; and the demand for a comprehensive territorial planning plan, contemplating with absolute transparency the rights and obligations over the land and resources of its right holders, the creation and implementation of an instrument for the care of victims and their families through expeditious cooperation mechanisms and the demand for ratification and/or signing of international conventions and agreements such as the Minamata Convention and the Escazú Agreement; to mention just some of the priority actions.

<sup>2</sup>Organic Law of the Freshwater and Biodiversity Megareserve of the Southern Orinoco and the Venezuelan Amazon (2018).

# 1. INTRODUCTION



This report aims to highlight the adverse effects that mining activity in the south of the Orinoco has on the indigenous peoples of this region, along with the negative impacts on the environment and biodiversity in the Venezuelan Amazon. The general objective of this document is to provide information to the international community to advocate for the rights of indigenous peoples and the protection of the Venezuelan Amazon.

Even though the impacts of this situation have been recognized internationally,<sup>3</sup> international monitoring has been essentially focused on the effects on the right to life, integrity, liberty, due process and security<sup>4</sup> leaving aside an in-depth analysis of the situation of economic, social, cultural and environmental rights as well as other

specific civil and political rights. While other reports from international mechanisms<sup>6</sup> have analyzed part of the situation in this region, we consider it necessary to carry out an updated approach to the impact that this initiative has on the human rights of the indigenous population in the area.

However, the importance of these documentation efforts has been limited by the lack of resources, time<sup>7</sup> and the obstacles imposed by the Venezuelan authorities, which range from the refusal or lack of access to information to the refusal to allow direct entry of the monitoring mechanisms and special procedures of the Human Rights Council, despite repeated calls for the international community.<sup>8</sup>

<sup>3</sup>United Nations. Human Rights Council, A/HRC/RES/51/29 October 13th, 2022. Res. 51/29. Situation of human rights in the Bolivarian Republic of Venezuela.

<sup>4</sup>United Nations. Human Rights Council, A/HRC/51/CRP.2 September 20th, 2022, Detailed conclusions of the Independent International Fact-finding Mission on the Bolivarian Republic of Venezuela: the situation of human rights in the Orinoco Mining Arc and other areas of the State of Bolívar.

<sup>5</sup>United Nations. Human Rights Council, A/HRC/44/54, September 29th, 2020

“Independence of the judicial system and access to justice in the Bolivarian Republic of Venezuela, also regarding violations of economic and social rights, and the situation of human rights in the Orinoco Mining Arc region. Report of the United Nations High Commissioner for Human Rights”

<sup>6</sup>Organization of American States. Inter-American Commission on

Human Rights. Annual reports Chapter IV 2017, 2018, 2019, 2020, 2021 and 2022.

<sup>7</sup>United Nations. Human Rights Council, A/HRC/51/CRP.2 Paragraph 34 et seq., likewise A/HRC/45/CRP.11 September 15th, 2020, paragraph 16. Likewise, Press Release "IACHR regrets that his entry into Venezuela and announces that he will meet the victims and organizations at the border with Colombia" dated February 4th, 2020, and "IACHR presents its observations and preliminary recommendations after the historic on-site visit to Venezuela to monitor the human rights situation" May 8th, 2020.

<sup>8</sup>United Nations. Human Rights Council, A/HRC/50/8 April 11th, 2022, Report of the Working Group on the Universal Periodic Review. Bolivarian Republic of Venezuela. Likewise, in A/HRC/RES/51/29 October 13th, 2022. Res. 51/29. Situation of human rights in the Bolivarian Republic of Venezuela.

## 2. METHODOLOGY

For the realization of this document, documents were reviewed and analyzed, Venezuelan legislation and official regulations applicable to the " Zone of Strategic Development of the Orinoco Mining Arc" (hereinafter Mining Arc), reports and analysis of non-governmental organizations located in the country, as well as of mechanisms for the international protection of human rights.

Likewise, information revealed from interviews with the inhabitants of the area and information from the media that were confronted with the opinion of experts in light of the applicable international standards were also analyzed.

This document reviews some background information and recent events related to the effects on the human rights of indigenous peoples in the southern region of Venezuela, especially those violations resulting from the large-scale mining project promoted by the Venezuelan government, the consequent expansion of illegal mining and how this has aggravated the situation of the rights of indigenous peoples. In this context, some transversal and historical phenomena are studied, such as the situation of structural poverty and discrimination suffered by the indigenous population in Venezuela, aggravated by environmental degradation and unsanitary conditions, which violates their rights to water, territory, resources on which they depend, disrupting their ways of life and social and cultural integrity. Likewise, it describes the

militarization in the areas where indigenous people live and the absence of the rule of law that facilitates the actions of armed actors in the area and the undue limitations on the work of civil society.

This document has been structured into six sections. This first introductory section also describes the methodology used. A second section where a general review is made of Venezuela's international obligations in terms of human rights of indigenous peoples and the environment, as well as its general obligations in terms of human rights. The third section reviews the context of the mining situation in Venezuela and its impact on the rights of indigenous peoples and the environment, especially from the perspective of international developments and reports on the matter.

The fourth section presents updated information on the situation and effects related to mining and its negative impacts on the rights of indigenous peoples, with special emphasis on issues of health and personal safety, including the specific situation of indigenous women, as well as the right to a healthy environment. Finally, conclusions and recommendations are presented to address threats to human rights in the region south of the Orinoco in Venezuela.



## 3. INTERNATIONAL STANDARDS

### GENERAL HUMAN RIGHTS OBLIGATIONS

In accordance with the Venezuelan legal and constitutional framework, the various standards derived from formal treaties, as well as other standards or interpretations, are applicable domestically. Venezuela is party to various universal treaties that protect human rights and are directly applicable under the Venezuelan constitution, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

In addition, Venezuela is part of a series of inter-American treaties that reaffirm the obligations established by universal instruments such as the American Convention on Human Rights, its Additional Protocol on Economic, Social and Cultural Rights (“San Salvador Protocol”) that expressly recognizes the right to a healthy environment. Similarly, in the Inter-American Conventions to prevent and punish torture and forced disappearance of persons, which oblige the State to prevent and punish these acts

both when they are perpetrated by its authorities and when they are the result of the actions of private groups that may act with the acquiescence or tolerance of the authorities.

Pursuant to all these treaties, Venezuela has not only the obligation to respect and guarantee the rights to life, personal integrity, personal liberty and security, due process, work, education, food, drinking water and sanitation, prohibition of slavery and servitude, non-discrimination and equal protection before the law, political participation, freedom of expression and access to information, but also the obligation to combat impunity for violations of these rights. These obligations are reinforced by specific standards for the protection of certain populations such as indigenous peoples, women, boys and girls, as well as another series of instruments that regulate specific rights such as a healthy environment or protection against human trafficking and modern slavery.

## SPECIFIC INTERNATIONAL OBLIGATIONS ON INDIGENOUS PEOPLES

Venezuela is also a party to specific treaties such as the Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of Discrimination against Women, the Convention against Torture, the Convention on the Rights of the Child and specifically on the recognition of the rights of indigenous peoples, such as Convention 169 of the International Labor Organization that recognizes their right to territory, the protection of their cultural identity and the right to be consulted in a prior, free and informed manner according to their ancestral uses in projects that may affect them. Likewise, Venezuela is part of the Inter-American Convention to prevent, punish and eradicate violence against women ("Belén do Pará Convention"), which expressly recognizes and obliges States to take measures considering the special situation of vulnerability derived from the situation of intersectionality of women by reason of their sex, gender and ethnic group.

The Inter-American Court of Human Rights has understood intersectionality as an aggravated form of discrimination, since "vulnerability factors or sources of discrimination would have converged in an intersectional manner, increasing the comparative disadvantages of the alleged victim and causing a specific form of discrimination on account from the confluence of all these factors".<sup>9</sup>

Likewise, the Court has determined that when a State is aware of activities that affect the rights of indigenous peoples and that the different actions adopted by the State have not been effective to stop the harmful activities, State responsibility arises. At the same time, even when the harmful activities are illegal or clandestine and this may make it impossible to be certain to what extent they continue to occur, "the lack of effectiveness of state actions is also part of a situation in which the state does not has guaranteed indigenous communities the possibility of determining, freely or through adequate consultations, the activities on their territory",<sup>10</sup> which translates into a violation of the rights to participate in cultural life, with regard to cultural identity, a healthy environment, adequate food and water.<sup>11</sup>

## INTERNATIONAL OBLIGATIONS REGARDING THE RIGHT TO A HEALTHY ENVIRONMENT

The United Nations General Assembly has recognized the "human right to a clean, healthy and sustainable environment", where it affirmed "the importance of a clean, healthy and sustainable environment for the enjoyment of all human rights"<sup>12</sup> and also recalled that the promotion of this human right "requires the full application of multilateral agreements relating to the environment in accordance with the principles of international environmental law"<sup>13</sup> that reinforce the obligation derived from the Protocol of San Salvador (Article 11). In this sense, Venezuela is a party to universal treaties on the protection of the environment and biodiversity such as the Convention on Climate Change, the Ramsar Convention, the Basel Convention on the Control of Transboundary Movements of Hazardous Waste, the Stockholm on Persistent Organic Pollutants, the Vienna Convention on the protection of the ozone layer, among others.

The Office of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes has pointed out the negative implications that toxic and dangerous substances have on the enjoyment of the human rights of indigenous peoples, specifically those associated with mining, highlighting the effects of contamination on people, their land, water, food, wild fauna and flora, and plants. The Rapporteur has concluded that: "Indigenous peoples are suffering serious effects on their fundamental human rights due to exposure to toxic and dangerous substances. Yet all too often, the voices of indigenous peoples are silenced in decision-making processes on chemicals and waste".<sup>14</sup>

In this sense, the rapporteur has highlighted the conduct of states to "ignore the health and well-being of indigenous peoples by authorizing activities that release dangerous substances in their territories", as well as the "elimination of waste on indigenous peoples land or near them have affected interconnected waterways and food sources". All this in connection with a "denial of free, prior and informed consent, which opens the lands, territories and resources of indigenous peoples to activities that cause the loss of food, water, life and a clean and healthy

<sup>9</sup>IHR Court. Case of Manuela et al. v. El Salvador. Preliminary exceptions, Merits, Reparations and Costs. Judgment of November 2nd, 2021. Paragraph 253.

<sup>10</sup>IHR Court. Case of Indigenous Communities Members of the Lhaka Honhat Association (Our Land) v. Argentina. Merits, Reparations and Costs. Judgment of February 6th, 2020, Paragraph 287.

<sup>11</sup>Idem, paragraph 289.

<sup>12</sup>United Nations. General Assembly. Resolution A/76/L.75 July 26th, 2022.

<sup>13</sup>Idem.

<sup>14</sup>United Nations. General Assembly. A/77/183 July 28th, 2022 "The impact of toxic substances on the human rights of indigenous peoples" Paragraph 116.

environment". Emissions of hazardous substances have numerous and devastating consequences for human health and biodiversity, as these substances travel great distances on wind and water, accumulate in living organisms, or persist in the environment. Lack of access to information limits the ability of indigenous peoples to understand and participate in decision-making processes related to activities that may have harmful toxic effects".<sup>15</sup>

The rapporteur has also pointed out the special situation of vulnerability of indigenous peoples in situations of isolation, and of women, children, the elderly and people with disabilities, where the effects and difficulties are even more serious, as well as aggravate environmental violence against women, including limiting the transmission and cultivation of traditional knowledge.<sup>16</sup>

In the specific case of gold mining and the use of mercury, the Rapporteurship has concluded that "Indigenous peoples, especially in the Amazon, see how their rights are violated, their environments destroyed and their cultures fragmented by the hordes of miners outlaws who invade their protected lands and bring with them toxic mercury, violence, disease, drugs, alcohol and the exploitation of women. This reality is tacitly allowed by the high-level political and economic vested interests that occupy the dark space of illicit gold. The lucrative business of smuggling gold and mercury has attracted the attention of underpaid and corrupt military, police and customs officers and unscrupulous agents of organized crime, paramilitary groups and criminal gangs, who harass miners with violence, economic demands in exchange for protection and extortion".<sup>17</sup>

The Rapporteurship has also pointed out how the mercury used in mining is "carried away by waste that flows through the soil to rivers and oceans, contaminates everything in its path, amplifies in the food chain, accumulates in fish and marine mammals and poisons those who consume these animals. Downstream of gold mines and dredgers, the mercury body burden of indigenous peoples of the Amazon, whose protein intake is based on fish, is skyrocketing".<sup>18</sup>

On the other hand, the Rapporteurship on the rights of indigenous peoples has established that "as a general rule, it is mandatory to obtain the free, prior and informed consent of indigenous peoples to carry out extractive activities within indigenous territories. Consent may also be required where extractive activities otherwise affect indigenous peoples, depending on the nature of the activities and their potential impact on the exercise of indigenous peoples' rights".<sup>19</sup> Thus, informed consent constitutes "a safeguard of the internationally recognized rights of indigenous peoples who are often affected by extractive activities carried out in their territories".<sup>20</sup>

In addition, the Rapporteurship has established that "States must hold consultations in good faith with indigenous peoples on extractive activities that affect them and strive to reach an agreement or obtain their consent. In any case, the State is obliged to respect and protect the rights of indigenous peoples and must ensure that all other relevant safeguards are also respected, in particular that measures are adopted to reduce or compensate for the limitation of rights through assessments of impact, mitigation measures, compensation and benefit sharing". Correlatively, "indigenous peoples have the right to oppose and actively express their opposition to extractive projects promoted by the State",<sup>21</sup> this right must be guaranteed "without any type of reprisals or acts of violence, or undue pressure to accept or initiate consultations on extractive projects".<sup>22</sup>

15]dem, Paragraph 119

16]dem, Paragraph 120

17]United Nations. Human Rights Council A/HRC/51/35 July 8th, 2022 "Mercury, small-scale gold mining and human rights" Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of substances and hazardous waste. Paragraph 118.

18]dem, Paragraph 121.

19]United Nations. Human Rights Council A/HRC/24/41 July 1st, 2013 "Extractive industries and indigenous peoples" Report of the Special Rapporteur on the rights of indigenous peoples. Paragraph 84.

20]dem. Paragraph 85

21]dem. Paragraph 83

22]dem.

# 4. CONTEXT. THE IMPACT ON THE RIGHTS OF INDIGENOUS PEOPLES AND THE ENVIRONMENT SOUTH OF THE ORINOCO RIVER.

Venezuela is defined in the 1999 Constitution as a "multiethnic and multicultural" country.<sup>23</sup> Historically, an important percentage of the population is indigenous, distributed throughout the country. Being the southern region of the Orinoco the one with the greatest presence of communities.

Between the states of Amazonas, Bolívar and Delta Amacuro, the greatest sociocultural and ethnic diversity of the country is concentrated, in a multiplicity of Creole and Afro-descendant populations and in more than 1,500 communities of 30 indigenous peoples: Akawayo, Arawak, Arutani, Baniva, Baré, E'ñepa, Inga, Jivi, Jotí, Kari'ña, Kubeo, Kurripako, Mako, Makushi, Mapoyo, Pemón, Piapoko, Piaroa, Puinave, Sáliva, Sanema, Sapé, Shiriana, Wapishana, Warao, Warekena, Yanomami, Yavarana, Ye'kwana, Yeral. Each of these peoples have their own systems of social and political organization, economy, cultures, traditions and customs, languages, religions and justice systems, as well as their own ethnic identities. According to the last official census of 2011, there were a total of 172,543 indigenous people in Amazonas, Bolívar and Delta Amacuro, which represents 10.3% of the total population of the three states and 24% of the national indigenous population,<sup>24</sup> being located as the largest number of communities in the state of Amazonas.<sup>25</sup> This region shares a land border with Colombia, Brazil and Guyana.

In Venezuela there are three indigenous peoples that have groups of their population in conditions of initial

contact or voluntary isolation (PIACI, for its acronym in Spanish), such as the Jotí, Yanomami and Wõtjũjã (piaroa) peoples who live south of the Orinoco, in the Bolívar and Amazonas states respectively. In the case of the Jotí people, there is a total of approximately one thousand (1,000) people, of which four hundred (400) would be in a situation of initial contact or relative isolation. The Yanomami people, with a total of approximately fifteen thousand (15,000) people, of whom there would be four thousand (4,000) indigenous people in conditions of initial contact (relative isolation) and the Wõtjũjã people, with a total of approximately nineteen thousand (19,000) people, with a group in voluntary isolation of approximately one hundred fifty (150) to two hundred (200) people.<sup>26</sup>

To date, there is no formal recognition by the Venezuelan State of indigenous peoples in conditions of initial contact or voluntary isolation, even though they have been recognized by regional instances for the protection of human rights, such as the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS).<sup>27</sup> Consequently, there is an absence of public policies to protect these people by the Venezuelan State.

Indigenous peoples suffer from a situation of discrimination, lack of protection and historical vulnerability. Although from 1999 the Venezuelan Constitution recognized a series of specific rights and ordered the start of a process of demarcation and

<sup>23</sup> Constitution of the Bolivarian Republic of Venezuela, 1999.

<sup>24</sup> National Statistics Institute (INE for its acronym in Spanish). National Population and Housing Census 2011. Registration of the indigenous population. Caracas, 2015.

<sup>25</sup> Istituto Internazionale Maria Ausiliatrice. The rights of indigenous peoples in the Bolivarian Republic of Venezuela. 2011. (only available in Spanish) (non-official translation)

<sup>26</sup> Land is Life. 2019. Indigenous Peoples in Isolation in the Amazon and Gran Chaco. Informe Regional: Territorios y desarrollo - IR. Ecuador, Abyayala. (only available in Spanish) (non-official translation)

<sup>27</sup> Inter-American Commission on Human Rights. 2013. Indigenous peoples in voluntary isolation and initial contact in the Americas: recommendations for the full respect of their human rights

delivery of their territories, as well as the establishment of a Ministry for Indigenous Affairs in 2007,<sup>28</sup> these advances were not completed satisfactorily, and the legislation enacted to comply with these obligations has been breached.<sup>29</sup>

In general terms, the indigenous peoples of Venezuela have been victims of a historical exclusion in all orders, which is especially evident in situations of violation of their rights, forced displacements or repressive policies that are usually implemented in border areas, violation of their survival rights, especially health, nutrition and lack of intercultural education<sup>30</sup>. Some indigenous populations also suffer from the extreme poverty in which they live and from structural problems that determine deficient living conditions.<sup>31</sup>

In 2011, the president at the time, Hugo Chávez, nationalized the gold industry,<sup>32</sup> reserving in favor of the Venezuelan State all operations related to gold and other strategic minerals. On that occasion, and in the context of the reform of the mining legislation, President Chávez announced the idea of creating a “Guayana Mining Arc” or “Orinoco Mining Arc”.<sup>33</sup>

The nationalization annulled all existing mining concessions up to now and declared all equipment, goods and works related to gold mining to be of public utility, leaving activities related to exploitation reserved for state or mixed companies where the State would have 55% of the property.

This decree additionally declared the mining regions as “security zones” of national interest, establishing the maintenance of security and order in the region as the responsibilities of the Bolivarian National Armed Forces,<sup>34</sup> same that has been reinforced in subsequent decrees,<sup>35</sup> contributing to the growing militarization and overlapping of authorities in the area. Furthermore, the Ministry of Defense has specific economic interests in the Arco Minero region through a series of military

companies attached to the Ministry, which have been given both legal and allegedly irregular participation in the mining business.<sup>36</sup>

In 2014, a new decree<sup>37</sup> provided for the possibility of participation in mining exploitation, additionally through “strategic alliances” that allow private entities “to share productive processes, necessary to carry out primary and related activities for the exploitation of gold” that in practice has allowed both miners organized (mining brigades) as private companies to intervene in the exploitation of gold and other minerals.

In the context of changes and “adjustments” in the legislation regarding the use of mining resources, it is worth highlighting the progressive dismantling of the institutional framework for environmental protection in the country, especially starting in 2014, with the momentary elimination of the Ministry of the Environment and Renewable Natural Resources originally created in 1976, by converting it into a vice-ministry, “weakening its hierarchy by subordinating it to the recently created Ministry of Housing, Habitat and Ecosocialism”<sup>38</sup> to reestablish it as the Ministry of Popular Power for Ecosocialism and Waters<sup>39</sup> and subsequently separating the care function of the waters.<sup>40</sup>

Starting in 2015, faced with the drop in oil revenues, “[the] establishment of the Mining Arc represented a national-level policy to renew the country’s mining sector as a source of public income.”<sup>41</sup>

In 2016, the Government formalized the creation of the “Zone of Strategic Development of the Orinoco Mining Arc”<sup>42</sup> arranged for activities of exploitation of metallic and non-metallic mineral resources, establishing a special administrative regime and defining 23 mining zones located within the Bolívar state. Subsequently, the Ministry of Popular Power for Ecological Mining Development was created<sup>43</sup> as the governing body of the mining policies of the Venezuelan State. In addition,

<sup>28</sup>Decree No. 5,908, Official Gazette No. 38,638 of August 2nd, 2007.

<sup>29</sup>United Nations. Human Rights Council, A/HRC/53/54, July 4th, 2023. “Situation of human rights in the Bolivarian Republic of Venezuela”. Report of the United Nations High Commissioner for Human Rights. Paragraph 26.

<sup>30</sup>Idem.

<sup>31</sup> Kapé Kapé. Report on Human Rights Violations in Indigenous Communities. September 2022 (only available in Spanish) (non-official translation)

<sup>32</sup>Decree No. 8,413, Official Gazette No. 39,759 dated October 11th, 2011.

<sup>33</sup> Chávez, Hugo, statements available at “President Chávez announces that he will nationalize gold mining”, YouTube video, August 17th, 2011 (only available in Spanish)

<sup>34</sup> Ibid.

<sup>35</sup> Decree No. 1.395 (2014) and Decree Law no. 2165 (2015).

<sup>36</sup>United Nations. Human Rights Council. Supra note 4, Paragraph 115 et seq.

<sup>37</sup>Decree No. 1395, Official Gazette (Extraordinary) No. 6,150 of No-

ember 18th, 2014

<sup>38</sup>Decree No. 1,227, which orders the suppression of the Ministry of Popular Power for the Environment and the Ministry of Popular Power for Housing and Habitat and creates the Ministry of Popular Power for Housing, Habitat and Ecosocialism, with jurisdiction over the scope of the public policies of the National Executive regarding Housing, Human Habitat, Conservation and Environmental Administration and Ecosocialism Official Gazette No.: 40,489 dated September 3, 2014; Department of Environmental Studies of the Metropolitan University: “Before the elimination of the Ministry of Environment” (only available in Spanish) (non-official translation)

<sup>39</sup>Decree No. 1,701, Official Gazette No. 40,634 dated April 7th, 2015.

<sup>40</sup>Decree No. 3,466 Official Gazette No. 6,382 Extraordinary dated June 15th, 2018.

<sup>41</sup>United Nations. Human Rights Council. Supra note 4, Paragraph 76

<sup>42</sup>Decree No. 3,188, Official Gazette No. 41,294 dated December 5th, 2017.

<sup>43</sup>Decree no. 2350, Official Gazette No. 40,929 dated June 9th, 2016.

starting that year the Government expanded a system of strategic alliances by affiliating small miners to centralize and expand their gold extraction and processing capacities. However, in parallel, the presence of “irregular armed actors and the continued prevalence” increased of irregular small-scale mining”.<sup>44</sup>

The area delimited as Arco Minero is a vast extension of Venezuelan territory that is part of the Amazon and Venezuelan Guyana and contains an invaluable ecological and biodiversity, scenic, geo-historical, sociocultural and water heritage located south of the Orinoco River. Additionally, the polygonal established in Decree 2,248 overlaps a series of protected areas such as the northern strip of the Caura National Park (PN for its acronym in Spanish); the Imataca, Dorado-Tumeremo and El Frío Forest Reserves; the forested or forestry areas of El Chocó, San Francisco de la Paragua, Chivapure-Cuchivero and the protective zones of the Guri, Caruachi and Tocoma reservoirs, among others.

Although the illegal mining phenomenon is not a novelty in Venezuela, it has been expanding since the last decade of the 20th century.<sup>45</sup> However, after the establishment of the Mining Arc, the region experienced an accelerated and uncontrolled intensification of illegal mining, inside and outside the Mining Arc polygonal, even affecting many protected areas that are also ancestral and traditional territories, as well as spaces of life of the indigenous peoples who live south of the Orinoco River. As of 2019, due to the international sanctions imposed on the Venezuelan government, the strategy of mixed companies was displaced by “strategic alliances” as a public-private association structure for the development of mining activities, which lack transparency.<sup>46</sup>

On September 27th, 2019, the United Nations Human Rights Council established an independent international Fact-Finding Mission on the Bolivarian Republic of Venezuela. Among the elements of concern considered by the Council, it observed “the violation of various individual and collective rights of indigenous peoples, particularly in the region of the Orinoco Mining Arc, with methods that include the excessive use of force, extrajudicial executions mistreatment, forced displacement and violations of their rights to maintain their customs, their traditional ways of life and a spiritual relationship with their land”.<sup>47</sup>

In 2020, the Council considered its “deep concern about the situation of the human rights and the environment in the region of the Orinoco Mining Arc, where there is

labor exploitation of miners, as well as child labor and trafficking of people, and expresses special concern for the violations and transgressions of the rights of the indigenous peoples of the region”.<sup>48</sup>

In the context of illegal mining activity, the OHCHR reported on “complaints of sexual violence against indigenous women and girls, particularly in mining areas”<sup>49</sup> where there was the presence of various non-state actors (armed and criminal organizations, drug trafficking and illegal mining) which would include trafficking of indigenous women and girls for sexual exploitation. Likewise, complaints have been documented about threats and intimidation against communities, leaders and defenders of indigenous rights by these groups, resulting in the forced displacement of two defenders.<sup>50</sup> In this context, on June 30th, 2022, Virgilio Trujillo, an activist for the rights of indigenous peoples and coordinator of the Uwottüja indigenous territorial guardians was murdered in Puerto Ayacucho, capital of Amazonas state. This incident and other similar ones continue in impunity.

The International Mission has documented the presence of criminal groups in the mining area of Bolívar state and the struggles for control of mining territories, including those within indigenous territories, between non-state armed groups and the Venezuelan military forces.<sup>51</sup> In this sense, the State’s response to regain control of the territory has been militarization. The Mission has concluded that in the Arco Minero region there is evidence of extrajudicial executions, forced disappearances, arbitrary detentions, torture and other forms of cruel, inhuman or degrading treatment, as well as sexual and gender violence, against which the state has systematically breached its obligation to impartially and independently investigate cases, including some where the Venezuelan Armed Forces could be involved.<sup>52</sup>

In addition, mining has significantly affected indigenous territories, having as consequences contamination of waters and soils, deforestation of forests, loss of fauna and flora; as well as has generated changes in the indigenous community life, because part of its members have decided to join mining activity, or have been forced to dedicate themselves to it for economic reasons.<sup>53</sup>

The International Mission documented how for the processing of gold in Venezuela, mining methods are used with negative impacts on the health of the population and the environment that include the use of water pumps and explosives, river dredging, as well as

<sup>44</sup>United Nations. Human Rights Council. Supra note 4, paragraph 91.

<sup>45</sup>Organization of American States. Inter-American Commission on Human Rights. Report No. 32/12 Petition 11,706 Friendly Settlement Yanomami Indigenous People of Haximú, Venezuela dated March 20th, 2012.

<sup>46</sup> United Nations. Human Rights Council. Supra note 4, Paragraph 95 et seq.

<sup>47</sup> United Nations. Human Rights Council, A/HRC/RES/42/25 October 8th, 2019. Res. 42/25. Situation of human rights in the Bolivarian Republic of Venezuela.

<sup>48</sup> United Nations. Human Rights Council. supra note 4.

<sup>49</sup> United Nations. Human Rights Council. Supra note 29, Paragraph 27.

<sup>50</sup>Idem. Paragraph 29.

<sup>51</sup>United Nations. Human Rights Council. Supra note 4 Paragraph 146 et seq.

<sup>52</sup>United Nations. Human Rights Council. Supra note 4 Paragraph 729.

<sup>53</sup>Idem.

gold processing through the use of mercury or through cyanidation plants.<sup>54</sup> The health impacts of population of the region derived from mining (small/medium scale and uncontrolled) affecting both those who work directly in the mines, as well as in surrounding communities, include increases in cases of intestine parasitism, hepatitis and diarrhea as well as complications in maternal health and children due to mercury contamination in the water. Besides, the mobility of miners in the area has led to the spread of malaria and other infectious diseases.<sup>55</sup> According to the World Health Organization (WHO), in 2019, the cases of malaria present in Venezuela represented 73% of deaths from malaria in the Americas.<sup>56</sup>

In addition, the chemicals used in illegal mining and mercury contamination have serious consequences for women's health, especially for the pregnant ones. According to information documented by the International Mission Independently, only in the state of Bolívar, overall maternal mortality increased more than 60% in 2019 compared to 2015.<sup>57</sup> Even though the use of Mercury in gold mining has been formally banned,<sup>58</sup> since the mid-2016, in practice it continues to be used by illegal mining in an illicit trafficking and contraband context, whose "negative effects on environmental health and human nature" have been documented by the Office of the High Commissioner for United Nations for Human Rights "even with indications that point to serious water pollution".<sup>59</sup>

These health impacts have been aggravated by the weakness in the health system in the region, the lack of access to food and medicines derived from the humanitarian emergency that the country has been going through since 2016, which is more accentuated in mining areas as these, which are very isolated throughout rural areas. The situation worsened during the COVID-19 pandemic in which "(...) an already fragile health system was aggravated. The lack of medicines, supplies and sufficient qualified personnel in the health system continued to be reported, affecting the access of women and children to adequate medical care, including specialized treatment for children with chronic diseases and vaccination against preventable diseases, and the sexual and reproductive health of women and adolescents. Health centers have reportedly been affected by regular blackouts, which has impacted the provision of services to patients".<sup>60</sup>

The pandemic exacerbated situations such as malnutrition among the indigenous peoples and access to health services in the area, which were especially distant in the states of Delta Amacuro, Bolívar and Amazonas, in contexts where mobility had been affected by the scarcity of fuel. In this context, situations were reported that affected the rights to sexual and reproductive health, such as early pregnancy, complications during pregnancy and childbirth.<sup>61</sup>

In addition, the situation of general lack of access to food, medicines and adequate income in general has led to massive, forced migration estimated for the moment in more than 7.2 million<sup>62</sup> people. This situation has also had an impact on indigenous peoples, where "a significant migration of indigenous people to urban and mining areas, as well as abroad" which contributes "to the progressive and long-term loss of their institutions and forms of self-organization, and seriously interfering in their right to self-determination".<sup>63</sup>

Likewise, the OHCHR has documented that "the extraction of gold is linked to allegations of murder, mutilation, sexual violence, contemporary forms of slavery, including sex trafficking and child labor, enforced disappearances by suspected armed groups and non-state criminals, threats and intimidation against indigenous people and forced displacement of entire indigenous communities fearing violence and fleeing from critical living conditions".<sup>64</sup>

54 United Nations. Human Rights Council. Supra note 4 Paragraph 146 et seq.

55 United Nations. Human Rights Council. Supra note 4 Paragraph 153 and SS

56 World Health Organization. (2020, December 6th). World Malaria Report 2020

57 United Nations. Human Rights Council. Supra note 4 Paragraph 155

58 Decree No. 2,412 of August 2016 Official Gazette No. 40,960 dated August 5th, 2016

59 United Nations. Human Rights Council. Supra note 29, Paragraph 23.

60 United Nations. Human Rights Council, A/HRC/50/59 June 2022. "Situation of human rights in the Bolivarian Republic of Venezuela". Report of the United Nations High Commissioner for Human Rights. Paragraph 5.

61 United Nations. Human Rights Council. Supra note 29, Paragraph 26.

62 R4V - Coordination Platform for Refugees and Migrants from Venezuela, Venezuelan refugees and migrants in Latin America and the Caribbean - September 2022, October 2022 (only available in Spanish) (non-official translation)

63 United Nations. Human Rights Council. Supra note 29, Paragraph 26.

64 Idem. Paragraph 23.



# 5. MAIN CONCERNS ABOUT THE IMPACTS OF MINING AND OTHER THREATS TO THE HUMAN RIGHTS OF INDIGENOUS PEOPLES SOUTH OF THE ORINOCO RIVER

## THE ENVIRONMENTAL IMPACTS OF MINING SOUTH OF THE ORINOCO RIVER

The Amazon basin generates between 16% and 20% of the planet's fresh water, contains 25% of terrestrial biodiversity, more species of fish than any other river system, 6,000 species of animals and at least 40,000 species of plants.<sup>65</sup> According to the Wildlife Fund (WWF), a new species is discovered there every three days. Although the Amazon only covers 1% of the planet's surface, it is home to 10% of all the wildlife we know of.<sup>66</sup> In addition, the great Amazon Forest is fundamental in regulating the planet's climate and the water cycle of the South American region.

The Venezuelan Amazon is a key part of the rest of the Amazon core that still functions as a critical carbon sink, making it an important piece for long-term conservation strategies. Although that much of the Venezuelan Amazon is legally protected for its conservation and sustainable management, under the figures of Areas Under Regime of Special Administration (ABRAE, for its acronym in Spanish), in the last decade, it has been observed a series of flagrant violations of said regulation that corresponds to a dismantling of environmental institutions from the State itself<sup>67</sup>. The declaration of the Orinoco Mining Arc has been made possible by this process, where in addition, it is observed that its polygonal overlaps in the north of the PN Caura, the Imataca, Dorado-Tumeremo and El Frío forest reserves and the El Chocó, San Francisco de la Paragua and Chivapure-Cuchivero. In addition, they are affected the protective zones of the lower basins of the main rivers of the Bolívar state (Cuchivero, Caura, Aro, Caroní, Paragua, Yuruari and Cuyuní), which are protected by

the Water Law<sup>68</sup>, whose fundamental objective is to protect sensitive areas on which the permanence and quality of the resource and the associated flora and fauna.

On the other hand, 60% of the surface of the RF Imataca was included within the territory that includes the Orinoco Mining Arc, a situation that contravenes the international principle of non-environmental regression, since this reserve created in 1963 with an extension of 3.7 million ha, for sustainable forest use purposes, it also concentrates one of the most important biodiversities on the continent, associated with the presence of the Sierra de Imataca (Pleistocene refuge) and the variety of ecosystems settled on very old (Precambrian) formations of the Guiana Shield. In addition, it is the seat of the Pemón, Kari'ña, Warao, Arawak and Akawaio indigenous communities.<sup>69</sup>

The Imataca RF is also home to important mineral reserves (mainly gold, copper, iron and diamonds). So, there are great logging and mining pressures on the integrity of such extraordinary and unique biological and cultural assets. In 2004, during his first term, President Hugo Chávez promulgated Decree 3,110 where he established that 12% of the Reserve would be dedicated to mixed mining and forestry activities and an additional 60% to logging. In other words, a total of 72% of the reserve's surface can be subject to logging. Conflicts of use were deeply aggravated from the creation of the Mining Arc, which - de facto - established that 59.2% of the surface of Imataca will be used for mining exploitation.<sup>70</sup>

<sup>65</sup> CAF Development Bank of Latin America and the Caribbean (2019). The natural wealth of the Amazon as the basis of regional sustainable development. (only available in Spanish) (non-official translation)

<sup>66</sup>Idem

<sup>67</sup> Platform Against the Orinoco Mining Arc and Working Group on Indigenous Affairs (GTAI, for its acronym in Spanish), Universidad de los Andes, Venezuela. 2023, February. "Contribution to the UN Special Rapporteur on the issue of human rights obligations related to the enjoyment of a risk-free, clean, healthy and sustainable environment, in relation to the situation of current and future socio-environmental devastation of the Guyana and the Venezuelan Amazon

as a consequence of the approval of Executive Decree No. 2,248, with which the project " Zone of Strategic Development of the Orinoco Mining Arc " was made official, and the accelerated and uncontrolled expansion of illegal mining related to said project. Document delivered.

<sup>68</sup> Venezuela, Water Law Official Gazette, No. 38595, dated January 2nd, 2007. (only available in Spanish)

<sup>69</sup> Platform Against the Orinoco Mining Arc and Working Group on Indigenous Affairs (GTAI), Universidad de los Andes, Venezuela. February 2023. Op. Cit.

<sup>70</sup>Idem.

In April 2020, through Resolution 0010, the government extended the authorization of gold mining within the Orinoco Mining Arc area, in river spaces of 6 large rivers in the region (tributaries of the Orinoco). The OHCHR Report explicitly recommended that the national government "revoke Resolution 0010 on mining in rivers".<sup>71</sup> Although resolution 0010 was repealed by the government on October 9th, 2020, its consequences persist in the Caura river basin, due to the fact that it led to an abrupt increase in illegal mining, with the participation of corrupt military and civilian actors, positioning of the guerrillas and great conflict around the extraction and business of gold where local and indigenous people have been involved.

### THE UNPRECEDENTED ESCALATION OF ILLEGAL MINING

The establishment of the Orinoco Mining Arc, coupled with the socioeconomic and institutional crisis that the country has been going through for almost a decade, resulted in the territory south of the Orinoco experiencing an accelerated increase in illegal mining inside and outside the area of the Orinoco Mining Arc. To help measure this tragedy, it is worth noting that according to the RAISG report (2020),<sup>72</sup> 32% of the sources of illegal mining that take place in the entire Amazon Forest occur in the Venezuelan Amazon (1,423 sources of extraction), which constitutes only 5.6% of this large forest mass. A more recent report that allows us to approach the speed of this dynamic is the research report titled "Stealing Corridor" (2022) that shows a satellite "x-ray" of the states of Amazonas and Bolívar, which allowed the identification of 3,718 sources of illegal mining activity to which a network of airstrips for small planes is associated.<sup>73</sup>

In the 7 national parks (PN) of this bioregion, in 6 units of the Tepuyes Natural Monument, as well as in the Cadena de Tepuyes Orientales Natural Monument, there is illegal mining activity. In Bolívar state, the protected areas that are in the vicinity of the Mining Arc are visibly more affected, as is the case of the Canaima and PN Caura, the South Protected Zone of Bolívar State, La Paragua RF, among others. In Amazonas, the situation is serious in the PN Yacapana, the Cuao-Sipapo Massif Natural Monument, Cerro Moriche and Autana. However, areas as remote as the PN Parima-Tapirapecó, Sierra de La Neblina and various sectors of the Alto Orinoco-Casiquiare Biosphere Reserve, especially the headwaters of the Orinoco, have not been spared from the mining extractive maelstrom.

According to the RAISG (2020), accumulated deforestation in the Amazon reached 513,016 km<sup>2</sup> between 2000 and 2018. The advance of anthropic activities indicates that the Amazon is much more threatened than 8-10 years ago, with a 7% of the territory that is under very high pressure and 26% is high. In Venezuela, during the same period, at least 4,000 km<sup>2</sup> of Amazonian forests were lost due to agricultural expansion, which together with mining, mainly illegal and disorderly growth, have generated important changes in the region over the last two decades.<sup>74</sup>

According to the report of the MAAP Project #155, in the Venezuelan Amazon, there is a clear trend of increasing deforestation and loss of primary forests since 2015, including a recent peak in 2019. In the last four years (2017-2020), more than 1,400 km<sup>2</sup> have been lost. The main hotspots for deforestation and loss of primary forests are within the Orinoco Mining Arc, as well as within

<sup>71</sup>United Nations. Human Rights Council. Supra note 5, Paragraph 71

<sup>72</sup>Amazon Network of Georeferenced Socio-environmental Information (RAISG). 2020. Amazonia Under Pressure is a consortium of civil society organizations from Amazonian countries focused on the socio-environmental sustainability of the Amazon, with the support of international cooperation. The RAISG generates and disseminates knowledge, statistical data and geospatial socio-environmental information on the Amazon, prepared with common protocols for all the countries of the region. (Only reference available in Spanish)

<sup>73</sup>Poliszuk, J., Segovia, M. A. & M. Ramírez. (2022, January 30th). Corredor Furtivo. Oro y Pistas Clandestinas: Así se destruye la selva venezolana. (only available in spanish) (non-official translation)

<sup>74</sup> RAISG. (2020). MapBiomias.

and around the extensive network of protected areas. The most impacted areas in recent years are the Caura, Canaima and Yapacana National Parks (more than 220 km<sup>2</sup> combined). The main causes of deforestation identified are mining, fires and agriculture (including cattle pasture). There can be complex interactions between these factors, such as mining centers causing fires and agricultural expansion to support the new mining population.<sup>75</sup>

An additional impact has to do with the living conditions of numerous indigenous communities in the southern area of the Orinoco, who during the economic crisis have resorted to mining activity and have questioned the efforts to protect the territories, claiming their participation in mining.

In the State of Amazonas, all types of mining are totally prohibited by decree.<sup>76</sup> However, in the PN Yapacana in the last 10 to 12 years, deforestation of more than 2,300 hectares has accumulated, with the presence of thousands of miners and control of the territory by

armed actors of the National Liberation Army (ELN, for its acronym in Spanish)<sup>77</sup> and dissident groups of the Revolutionary Armed Forces of Colombia (FARC, for its acronym in Spanish). Additionally, accumulated deforestation in the southwest part of the park surrounding the tepui is estimated at 1,537 hectares, and more than 750 hectares of deforestation occurred between 2021 and 2022.<sup>78</sup> Of the total accumulated deforestation, 17 hectares have occurred on the sacred tepui. More than a third (35%) have occurred in 2021-22.<sup>79</sup> According to a report by the MAAP Project, "Yapacana National Park may currently be the most impacted site in the entire Amazon (...), based on the density of mining-related activity".<sup>80</sup> The FANB is currently developing the so-called "Operation Autana", with the objective of combating illegal mining in the PN Yapacana. According to figures provided by General in Chief Domingo Hernández Lárez, Commander of the Operation, since July 1st they have evicted more than 10,500 people engaged in illegal mining in Yapacana.<sup>81</sup>

75MAAP #155: Deforestation Hotspots in the Venezuelan Amazon. 2022, June 14th.

76Decree No. 269. Official Gazette No. 4,106. Caracas, June 9th, 1989. dated June 7th, 1989, by which mining exploitation is prohibited within the Amazonas Federal Territory (today Amazonas state) and the immediate suspension of any mining activity in progress is ordered.

77SOS Orinoco. 2019. Gold mining in the Yapacana National Park, Venezuelan Amazon. A case of extreme environmental and geopolitical, national and international urgency SOS Orinoco. 2020 Gold mining in the Yapacana National Park, Venezuelan Amazon. A case of extreme environmental and geopolitical, national and international urgency – 2020 update (only available in spanish) (non-official translation)

78MAAP #173: Rapid increase of mining deforestation in yapacana national park (venezuelan amazon). January 9th, 2023.

79MAAP #169: Mining on top of yapacana tepui (yapacana national park, Venezuela). July 20th, 2022.

80MAAP #156: Intense mining activity in yapacana national park (venezuelan amazon) June 8th, 2022.

81Statements by General in Chief Domingo Hernández Lárez. August 31st, 2023. Available on X/before Twitter account <https://twitter.com/dhernandezlarez/status/1697373629309128829> (only available in spanish)

# IMPACTS ON THE RIGHTS OF INDIGENOUS PEOPLES

## HABITAT DEMARCATION AND INDIGENOUS LANDS

The demarcation of habitat and land continues to be the main pending right of the indigenous peoples and communities of Venezuela. The 1999 Constitution recognizes “their original habitat and rights over the lands that they ancestrally and traditionally occupy and that are necessary to develop and guarantee their ways of life. It will correspond to the National Executive, with the participation of the indigenous peoples, to demarcate and guarantee the right to collective ownership of their lands” (article 119). In addition, the twelfth transitory provision established a period of two years from the approval of the Constitution in 1999, for the demarcation of indigenous lands, but after more than 20 years, progress in the demarcation process has been very limited.

Since 2016 the demarcation process has been paralyzed at a national level. The national government delivered 102 collective land titles between 2005 and 2016, for an area of 3,280,298.72 ha, where 101,498 people live, grouped into more than 25,000 families from 683 communities.<sup>82</sup> It is estimated that the delivery of land does not exceed 13% of the total indigenous habitats at national level.<sup>83</sup>

Since then, demarcation as a duty of the Venezuelan State and as a right of indigenous peoples has been paralyzed, without legal frameworks that allow the development of legal initiatives and real indigenous public policies for the materialization of the right to territory as a recognized fundamental right of indigenous villages.

Regarding the Guayana/Amazon region, only 8 titles have been granted that benefit 61 communities of the

Warao, Jotí, Kariña, Pemón and Mapoyo peoples, where 2,157 families and a total of 8,668 people live, with a total area of 1,206,060.91 ha.<sup>84</sup> Which corresponds in area to 36.8% of the total indigenous lands adjudicated at national level. But in terms of the number of titles delivered, it barely represents 8% of the total at the national level, which corresponds to approximately 4% of the total number of indigenous communities present in the south of the country (61/1,500).<sup>85</sup>

The failure of the National Executive in its duty to demarcate and guarantee the right to collective ownership of indigenous habitats and lands keeps indigenous peoples and communities in a situation of lack of legal protection against third parties who invade, settle and exploit the natural resources in indigenous territories.

The latest titles granted (including that of the Jotí indigenous people) follow an “improved” format compared to the first titles granted when the demarcation process began in Venezuela. However, the title simply varies in the territorial boundaries of the community that receives it, together with the owner authorized by the community assembly who, in most cases, is the highest authority of the community.<sup>86</sup>

By virtue of the above, the title as a collective property document is a general format that is the same for all towns and communities in the country. The format of the title continues to be a hybrid of the “agrarian letters” delivered in the past, constituting a kind of “update” of them in the case of those indigenous communities that already had them. These titles also require an additional procedure for their registration before the Public Notary, which does not appear in the demarcation process of the

<sup>82</sup> Ministry of Popular Power for Indigenous Peoples. 2016. Titles delivered 2005-2016. National Commission for the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities. Open Office Calc document, unpublished, June 2016.

<sup>83</sup> Coordinator of Indigenous Organizations of the Venezuelan Amazon. 2014. COIAM statement on the national process of demarcation of indigenous habitats and lands 15 years after the approval of the Constitution of the Bolivarian Republic of Venezuela. November 28th, 2014. <sup>84</sup> Ministry of Popular Power for Indigenous Peoples. 2016. Op cit.

<sup>85</sup> Own estimate.

<sup>86</sup> Platform Against the Mining Arc and Working Group on Indigenous Affairs (GTAI, for its acronym in Spanish) Universidad de Los Andes, Venezuela. 2023, January. “Contribution to the UN Special Rapporteur on the rights of indigenous peoples in relation to the impacts on the human rights of the indigenous peoples who live south of the Orinoco River (Venezuela), following the implementation of the “Zone of Strategic Development of the Orinoco Mining Arc” in 2016”. Document delivered.

Organic Law of Indigenous Peoples and Communities (LOPCI, for its acronym in Spanish) and contravenes its article 30. This has meant an additional obstacle for the indigenous peoples of the country and that also it is generating problems with public officials and private actors, since the state authorities affirm that it lacks legal validity because it is not duly notarized.<sup>87</sup>

Furthermore, titles are granted over community boundaries and not over the habitat of the indigenous people. Consequently, it is a title of community property and not ownership of the habitat of the indigenous people. In other words, it is a title to the indigenous people who solely and exclusively occupy a community territory, but not to the habitat of the indigenous people considered in its entirety, as indicated in Convention 169 of the International Work Office (OLI, for its acronym in

Spanish) and the Declaration of Rights of Indigenous Peoples of the United Nations, simply providing a title to "community lands" and leaving intact the interests of the State over the resources existing in the subsoil, as their owner.<sup>88</sup>

In addition, it does not establish any mechanism for free, prior, informed, good faith consultation and the right to consent as a fundamental right of indigenous peoples, as an expression of the right to self-determination and as a fundamental limit to State activities in the indigenous people's territories when they endanger their right to life, this being the main threat faced by the indigenous peoples of the southern Orinoco in the face of the expansion of the extractivist frontier in ancestral and traditional indigenous territories.<sup>89</sup>

87 Ídem.

88 Ídem.

89 Ídem.

# INVASION, EXPLOITATION AND MILITARIZATION OF INDIGENOUS TERRITORIES

The invasion of ancestral habitats and lands violates the human right to habitat, as well as indigenous territorial rights, given the lack of protection by the State, which has not complied with its obligation to demarcate and award the corresponding collective property titles, and it has not complied with its duty to guarantee "the due protection and security of the habitat and lands of indigenous peoples and communities in border areas, preserving the integrity of the territory, sovereignty, security, defense, national identity, diversity and the environment" (LOPCI,<sup>90</sup> art. 21).

The imposition of extractivist plans and projects in indigenous territories, as in the cases of the Orinoco Mining Arc, the mixed companies constituted under the scheme of the so-called "mining alliances", or the mining concessions granted to CAMIMPEG, the Venezuelan Mining Corporation, MINERVEN, among other companies, represent violations of the right to prior, free and informed consultation of the indigenous peoples and communities that inhabit the area and the violation of the right to self-determination, as a basic principle of the exercise of collective rights.<sup>91</sup> In addition, the aforementioned plans and projects have been approved and executed without complying with the environmental and sociocultural impact studies (LOPCI, art. 55). The extractive mining activities are harming the cultural, social and economic integrity of the indigenous communities, in contravention of the provisions of article 120 of the Constitution, as well as the prohibition of activities in the habitat and indigenous lands "that seriously or irreparably affect the cultural, social, economic, environmental integrity or any other nature of said peoples or communities" (LOPCI, art. 12). Likewise, the right of indigenous people to receive economic and

social benefits from extractive activities carried out by the State or by individuals has been ignored (LOPCI, art. 57).

The presence of irregular armed groups, illegal miners and State security forces have turned the region into a zone of permanent violent and armed conflicts, where massacres, selective assassinations, disappearances, amputations, death threats, harassment and persecution have occurred. This configures a state of serious violations of the human right to life, in addition to the lack of guarantees on the part of government institutions to protect the inhabitants of the region against this set of threats, to the detriment of the peace and security of the communities.<sup>92</sup>

Irregular armed groups such as the ELN, FARC dissidents, mining "unions" or "systems," drug trafficking mafias, among other criminal groups that operate in the Venezuelan Amazon, recruit people in indigenous communities to work with them. Part of the indigenous people recruited by these criminal groups are young people to whom they offer different forms of payment in exchange for their loyalty and services. Given the harsh economic context of the region and the lack of employment, many people are easily convinced to join criminal groups. This situation generates divisions and confrontations in the communities, between those who are for or against criminal groups and their illicit activities.<sup>93</sup>

<sup>90</sup>Venezuela. Organic law of peoples and communities natives. Official Gazette No. 38,344 dated December 27th, 2005 (only available in Spanish).

<sup>91</sup> ULA Indigenous Affairs Working Group (GTAI, for its acronym in Spanish), Venezuelan Human Rights Education-Action Program (Provea), Peace Laboratory, 2016. Situation of the Right to Prior Consultation in Venezuela (only available in Spanish) (non-official translation)

<sup>92</sup>United Nations. Human Rights Council. Supra note 5.

<sup>93</sup>United Nations. Human Rights Council. Supra note 4.

# VIOLATIONS OF THE RIGHTS TO LIFE AND PERSONAL INTEGRITY

The Venezuelan Violence Observatory reported in its 2022 Annual Report on Violence that Venezuela closed the year with a rate of 40 deaths per hundred thousand inhabitants, including disappearances, the highest in Latin America. When observing the situation at the municipal level, eyes are directed to the south of Venezuela, with the Bolívar state having one of the most violent municipalities located in the so-called mining areas. In 2021, the municipalities of Callao, Sifontes, and Roscio presented scandalous rates of violent deaths above the national average, 511, 189 and 125 per hundred thousand inhabitants, respectively.<sup>94</sup> The growth of violence and alleged crimes against humanity are related to the installation of parastatal regimes in mining areas controlled by irregular armed groups called "Unions", and the control of the "business" by guerrilla groups belonging to the ELN and FARC dissidents.

Between 2012 and June 2020, the country was publicly aware of at least thirty-eight (38) massacres perpetrated in mining areas in southern Venezuela; events reflected in multiple journalistic and official reports and news in regional and national media. 65% (25) of these killings occurred between March 2016 and June 2020, leaving a balance of at least 217 people murdered, thus evidencing an exponential jump in the recurrence of this form of violence in recent years.<sup>95</sup> Faced with a complaint of a massacre (2012) that occurred in the Yanomami community of Irothateri, the then head of the Ministry of Popular Power for Indigenous Peoples denied everything that had happened, indicating that it was one more act of the Venezuelan opposition that seeks to destabilize with the pain and suffering of the Yanomami brothers" and that in the area "nothing had happened, here there is harmony, happiness of our people".<sup>96</sup>

Despite the existence of different criminal gangs and guerrillas in the territory, it has been identified

that "the armed actor that is involved in most of the massacres corresponds to the State security forces"<sup>97</sup>; among them especially the Scientific, Criminal and Criminal Investigations Corps (CICPC, for its acronym in Spanish), the Special Armed Forces (FAES, for its acronym in Spanish) and the Bolivarian National Armed Forces (FANB, for its acronym in Spanish).

In November 2022, the discovery of at least 2 mass graves in mining areas of the Sifontes municipality (Bolívar state) by the FANB was made public knowledge, within the framework of the Roraima military operation.<sup>98</sup> The operation was carried out mainly in the Imataca sector since the end of October, and during its development, miners and residents publicly denounced "the eviction of mines, the confiscation and destruction of belongings, including the gold that had been extracted by them and the burning of a Christian church, in addition to several arrests. The soldiers would have acted hooded and without complying with judicial procedure".<sup>99</sup>

Extrajudicial executions have resulted in a short period of time in a form of violence that is bloodier than the massacres themselves. According to reports of armed violence and extrajudicial executions from the NGO Commission for Human Rights and Citizenship (CODEHCU, for its acronym in Spanish), between January 2019 and June 2020, a total of 345 extrajudicial executions or potentially unlawful deaths were recorded in the Bolívar state.<sup>100</sup> 137 of the cases (39% of the total) occurred in the so-called mining territories of said state, where almost half of the victims could not be identified by official organizations due to the "advanced state of decomposition of the bodies, due to multiple wounds of bullets in their faces and for lacking identity documents".<sup>101</sup> Among the most violent municipalities are Sifontes and El Callao.

<sup>94</sup> Venezuelan Violence Observatory (OVV, for its acronym in Spanish), Social Sciences Laboratory (LACSO, for its acronym in Spanish). Annual Report on Violence 2021. December 28th, 2021

<sup>95</sup> CERLAS, Platform against the Mining Arch. Report on the human rights situation in the mining arc and the Venezuelan territory located south of the Orinoco River, December, 2020, Table 1, page 73 - 75. (only available in Spanish) (non-official translation)

<sup>96</sup> Socio-environmental Working Group of the Amazon (Wataniba) and Legal Network for the Defense of the Amazon (RAMA). Mining in the Venezuelan Amazon: Indigenous and Environmental Rights. The case of the Yanomami People, 2015, pag. 56 (only available in Spanish) (non-official translation)

<sup>97</sup> Correo del Caroní. Pollution, displacement, malnutrition and murders at large: the balance of the Orinoco Mining Arc, December 13th, 2020 (only available in Spanish) (non-official translation)

<sup>98</sup> Editorial de Primicias, 2022 <https://primicia.com.ve/sucesos/hallan-nueva-osamenta-humana-en-mina-de-las-3r-fotos/> (only available in Spanish) (non-official translation)

<sup>99</sup> Alerta Venezuela, 2022 <https://alertavenezuela.org/blog/2022/11/10/el-sur-de-bolivar-entre-dos-fuegos/> (only available in Spanish)

<sup>100</sup> CERLAS, Platform against the Mining Arc. 2020. Op. Cit.

<sup>101</sup> Clisánchez, L. (2020, July 16th). 137 people have died in mining municipalities south of Bolívar between 2019 and 2020 [Blog]. Correo del Caroní. (only available in Spanish) (non-official translation)

# THREATS AND ASSASSINATIONS OF INDIGENOUS LEADERS AND ENVIRONMENTAL DEFENDERS

The indigenous peoples and communities that have decided to defend their lands have become an obstacle for miners, criminal mafias and state security forces, who seek to control mining areas or strategic places for the development of criminal activities. This context has led to an escalation of violence against indigenous communities by the armed actors (informal and formal). Between 2018 and 2022, at least 8 massacres against indigenous populations in the states of Bolívar and Amazonas have been known and publicly denounced.<sup>102</sup>

In 2020, in the month of February, 174 Venezuelan human rights and civil society organizations publicly stated that "environmental and indigenous defenders have been victims of harassment and reprisals for denouncing the abuses and damages resulting from the exploitation of natural resources in the Orinoco Mining Arc and other areas of the country".<sup>103</sup>

In December 2021, the Observatory for the Defense of Life (Odevida for its acronym in Spanish) published the report "Ecocide and violence: panorama of extractivism in Venezuela", in which it was denounced that between 2013 and 2021 a total of 32 indigenous and environmental leaders were murdered, 21 of them by hitmen or members of Colombian guerrilla organizations, and another 11 by members of the FANB.<sup>104</sup> According to the organization Clima21, "During the last year, violence seems to increase mainly in indigenous territories in the south of Venezuela. In this period, pressures and threats on communities and relatives of the murdered people have also increased to avoid complaints. In none of the registered cases is there evidence that there is any type of progress in the investigations to determine those responsible and apply sanctions".<sup>105</sup> Some cases of defenders or indigenous leaders from the Venezuelan Amazon who have been assassinated are the following:

■ On May 12th, 2017, Freddy Menare was assassinated by hit men who shot him in the back on Orinoco Avenue

in Puerto Ayacucho. He was a founder and was part of the Board of Directors of the Piaroas Unidos del Sipapo Indigenous Organization (OIPUS for its acronym in Spanish); he fought for the demarcation of lands and the defense of the rights of the Uwottüja people of Autana. He opposed the Orinoco Mining Arc and the irregular armed groups that operate in the area in collusion with the military.

■ Oscar Meya, Pemón indigenous from San Luis de Morichal, Sifontes municipality in Bolívar state. He was kidnapped, tortured and murdered on March 13th, 2018, by the "union" that operates in the area.

■ In June 2018, Juvencio Gómez, a Pemón indigenous leader from the Gran Sabana municipality, reported the murder of five other indigenous people in the San Luis de Morichal community. Américo De Grazia, deputy to the National Assembly for Bolívar state, reported that the murders had been carried out by the ELN.

■ On September 26th, 2018, the Pemón leader José Vásquez, who was the commander of the Pemón Territorial Guard, was assassinated. Vásquez had received death threats and was being watched and followed by various security forces (DGCIM, REDI and ZODI). The murder of Vásquez occurred in the Guaicaipuro Command, in the Turasen community, presumably at the hands of a non-indigenous, former FANB soldier, who was acting as an escort.

■ Virgilio Trujillo Arana, an indigenous Uwottuja (Piaroa) from the Autana municipality, Amazonas state, was assassinated on June

<sup>102</sup>Centro para la Reflexión y la Acción Social (CERLAS) & Plataforma contra el Arco Minero. (2020). Op. Cit. Masacres ocurridas en 2022: Parima B, municipio Alto Orinoco (20 de marzo, 2022). Ver Comisión Interamericana de Derechos Humanos. CIDH condena la muerte de cuatro personas indígenas Yanomami en Venezuela. 8 abril de 2022. y Efecto Cocuyo "Asesinan Indígenas Jivi en el Estado Bolívar" Parroquia Guarataro, municipio Sucre (20 de julio de 2022).

<sup>103</sup>Cubas, Raúl. 2022. El Arco Minero del Orinoco en la lupa de la ONU. Observatorio para la Defensa de la Vida (ODEVIDA), Capítulo Venezuela. 12 de octubre de 2022.

<sup>104</sup>Observatorio para la Defensa de la Vida - Odevida. 2021. El aire huele a mal: situación de personas defensoras del ambiente en Colombia y Venezuela.

<sup>105</sup>Clima21. 2023. Resumen de la situación de los derechos humanos ambientales en Venezuela 2022 Febrero de 2023.



# FORCED MIGRATION AND DISPLACEMENT

The violation of territorial rights, the context of violent conflicts and the complex humanitarian emergency have caused the forced displacement of thousands of inhabitants of the region, including numerous indigenous communities, to neighboring countries. At least 5,000 indigenous Venezuelans, mostly Warao, but also E'ñepá, Kariña and Pemón, have arrived in Brazil since 2016 as part of the massive movement of Venezuelan refugees and migrants.<sup>111</sup> The Warao have also migrated to

Trinidad and Guyana, neighboring countries where they have had a traditional historical presence, but on the other hand the presence of Warao populations that have migrated to distant areas of Brazil such as Manaus, Santarém, Belén and in cities as far south as Sao Paulo.<sup>112</sup> Likewise, there has been an important flow of migration and displacement of indigenous populations of the Venezuelan Amazon towards Colombia.<sup>113</sup>

## HEALTH

For decades, attention has been drawn to the serious problems of health in indigenous communities south of the Orinoco, where difficult access, poor communication and a lack of specialized personnel make the process to materialize the right to health in many communities very complex. Highlights the lacking infrastructure, lack of professional personnel and supplies and medications prevalent in the region. For example, in the Autana municipality of Amazonas state, barely three care centers are fully operational primary health care (ambulatory), of the twelve that exist in the area. In its municipality of Alto Orinoco, also in the state of Amazonas, the situation is even worse since none of the 21 health facilities are operational.<sup>114</sup>

Indigenous peoples have historically been excluded from health services and sanitation, and even today they continue to be the population with the least access to health care and other health services, generating precarious life conditions. The collapse of the public health system, the increase in levels of poverty and malnutrition, and the complex humanitarian emergency have further aggravated the shortcomings of indigenous peoples.

In general terms, the indigenous people of Venezuela have a life expectancy at birth which can be up to 40 years younger than the national average. The indigenous people are more likely to die from diseases such as diarrhea, respiratory infections, vaccine-preventable diseases, malnutrition, intestinal parasitosis, anemia, childbirth complications, viral hepatitis, tuberculosis and malaria. Most of these ailments are highly preventable if they are attended to on time. Indigenous peoples are at greater risk of contracting diphtheria, measles and other

preventable diseases, due to low vaccination coverage in their territories.<sup>115</sup>

At the same time, living conditions in mining areas are characterized by the lack of access to drinking water, sanitation, electricity or health care. The mining populations live in makeshift camps from where malaria and other diseases have spread to the rest of the country, as well as to the nation's neighbors. Furthermore, accidents are extremely frequent and are usually fatal. All of which represents a set of serious violations of human rights to health and life.

Working conditions in the mines are totally informal and can be considered forms of modern slavery, with days of 12 or more hours, exposed to accidents and collapses without any protection. The miners must hand over much of the gold they extract to the various actors who control the mines, and must pay high prices for food, water and other goods, for which their final profits are very small. The proliferation of mining and the lack of health care services are the causes of the disproportionate increase in morbidity and mortality in indigenous populations south of the Orinoco due to diseases such as malaria, measles, diphtheria, tuberculosis, syphilis, HIV/AIDS, intestinal parasites, among others. However, under-registration and lack of epidemiological information make this situation invisible.

The malaria epidemic is mainly associated with contagion in mining operations areas in the states of Bolívar and Amazonas, but since 2015 it has expanded throughout all of Venezuela due to the displacement of people dedicated to mining in the south of the country, who returned infected to their areas of origin. Equally,

<sup>111</sup> OIM. IOM and Brazil launch national survey on indigenous people in Venezuela March 2nd, 2021.

<sup>112</sup> ACNUR The Warao in Brazil. Contributions of anthropology to the protection of indigenous refugees and migrants. (only available in spanish) (non-official translation)

<sup>113</sup> Amazon Research Group GRIAM. Migration and Displacement of Indigenous Populations from the Venezuelan Amazon to Colombia. April 2021. (only available in spanish) (non-official translation)

<sup>114</sup> SOS Orinoco. Upper Orinoco-Casiquiare Biosphere Reserve: Garimpeiro Invasion from Brazil Intensifies with Support from the Venezuelan Government Update report from August 2020 to May 2022. June 10th, 2022.

<sup>115</sup> Tillett, A. Making visible the health situation of the indigenous peoples of Venezuela. Observatory of Political Ecology of Venezuela. March 6th, 2018. (only available in spanish) (non-official translation)



# FOOD AND EDUCATION

The impacts on ecosystems and the adoption of mining as the main economic activity of indigenous communities, abandoning production of food, have reduced the availability of food in terms of quality, variety and quantity, generating nutritional problems and violating the human right to food. The indigenous population has high rates of malnutrition and deaths due to malnutrition,<sup>121</sup> and a situation of food insecurity largely associated with mining.

The insufficiency of educational institutions, and the migration of teaching staff to mining activity, affect the

lack of access of boys, girls and adolescents to the education.<sup>122</sup> Teachers and students have been forced to go into the gold mines to survive. Mining also favors work and child exploitation, prostitution, sexual exploitation and trafficking in women, boys, girls and adolescents. There is also an increase in femicides and gender-based violence, which is directly associated with the advancement of illegal mining. All of which represents serious violations of fundamental human rights, such as the right to education, the prohibition of slavery and the human rights of women and girls.

# DIFFERENTIAL IMPACT ON INDIGENOUS WOMEN

The idea of human rights presupposes that the State must respect and guarantee the rights of every person without discrimination. This is based on the idea of equality before the Law. Every person has the right to enjoy and exercise their rights without distinction of any kind, for any reason, such as race, sex, gender, religion, political ideology, among others.<sup>123</sup> However, many women and girls in the world continue to suffer discrimination due to their sex and gender, which is the cause of problems that affect them disproportionately, coupled with the fundamental role that the intersectionality of indigenous women plays.

On the other hand, the IACHR has identified how indigenous women tend to be victims of violence in specific contexts, such as (i) armed conflicts; (ii) during the execution of development, investment and extraction projects; (iii) related to the militarization of their territories; (iv) in the context of deprivation of freedom; (v) domestic violence; (vi) against human rights defenders; (viii) in urban areas, (viii) and in the context of migration and displacement. Additionally, due to the role of indigenous women within their cultures, the violence perpetrated in these contexts harms them at a social, physical, cultural and spiritual level.<sup>124</sup>

Sexual violence is a serious and widespread problem for indigenous women, which increases even more every time they belong to groups in a situation of greater

vulnerability.<sup>125</sup> Historically, the indigenous women face multiple forms of oppression and discrimination due to their subordinate position within society, their lack of access to resources and basic services and the discrimination they face due to their gender, ethnicity and social class.<sup>126</sup>

The legal and illegal mining activity in Venezuela brings together several of the characteristics identified by the IACHR in a way that has promoted gender and sexual violence, specifically in the regions south of the Orinoco. According to several organizations, indigenous women are mistreated, raped and exploited at work and sexually.<sup>127</sup> In many cases their virginity is auctioned in exchange for payments in grams of gold.<sup>128</sup> The presence of irregular groups in extractive and related activities has determined the increase in this type of violations. In the Amazona state's gold mines, human trafficking, especially girls and adolescents' indigenous people, as well as indigenous women in semi-slavery work, is evident.<sup>129</sup> Likewise, the siege by armed groups and poverty has influenced indigenous women along with their families to leave their territories. This phenomenon of forced displacement implies a risk that they may be victims of different types of violence, including being the object of sexual trafficking.<sup>130</sup>

In the State of Bolívar, in indigenous communities near

<sup>121</sup> Kapé-Kapé, Civil Association. Living Conditions in Indigenous Communities Report 2022. Venezuela, May, 2023. (only available in spanish) (non-official translation)

<sup>122</sup> Idem.

<sup>123</sup> See in this report, section 2 "International standards"

<sup>124</sup> IACHR. Indigenous women and their human rights in the Americas. 2017. Cited in DEFIENDE Venezuela "Women's Rights: Focus on Indigenous Women".

<sup>125</sup> Inter-American Court. Case of Fernández Ortega et al. v. Mexico. Preliminary Exception, Merits, Reparations and Costs. Judgment of August 30th, 2010, para. 259. Cited in DEFIENDE Venezuela "Wom-

en's Rights: Focus on Indigenous Women".

<sup>126</sup> IWGIA. Violence against Indigenous women: a global challenge. July 15th, 2022.

<sup>127</sup> DEFIENDE Venezuela "Women's Rights: Focus on Indigenous Women." Page 3

<sup>128</sup> Observatory of Political Ecology of Venezuela. Indigenous women of Venezuela: the other victims of extractivism. September 5th, 2022. Quoted in DEFIENDE Venezuela "Women's Rights: Focus on Indigenous Women". (only available in spanish) (non-official translation)

<sup>129</sup> Idem.

<sup>130</sup> Idem.

the mines, it was identified that there is a presence of indigenous girls and women in the brothels in the mining areas (known as currutelas).<sup>131</sup> In this context of illegal mining, dramatic forms of violence and exploitation occur such as: prostitution, trafficking of women for the mines, semi-slave labor, forced migration, femicides, increasing violence, teenage pregnancy, among others.<sup>132</sup> Although there is no data discriminated by ethnicity regarding gender violence and femicide, it can be inferred that mining contexts are deeply aggressive towards indigenous women whose situation is even more complex given the limited possibility of access to justice, the linguistic gap and the tools to report.<sup>133</sup>

According to research carried out with 36 indigenous women from the Baré, Jivi, Uwottuja, Pemón, Ye'kwana and Warao communities of the states of Amazonas, Bolívar and Delta Amacuro, it was found that 97% of those interviewed had been victims of acts of violence. In the indigenous context, women interviewed also reported having been victims of various types of violence such as institutional, obstetric and sexual violence. 70% of women who participated in the study indicated being subjected to more than one type of violence.<sup>134</sup>

According to a report by the NGO Defiende Venezuela, indigenous women in the context of legal and illegal mining activity in Venezuela “face multiple forms of discrimination and violence, including sexual violence in the context of the dynamics imposed by the extraction of gold and other minerals. The forms of violence of which they are victims are based on gender stereotypes and the intersection of multiple forms of discrimination, including discrimination based on gender, race and ethnic origin. Regarding sexual violence, it disproportionately affects indigenous women, and has a profound and permanent impact on their lives and communities”.<sup>135</sup>

On the other hand, there is a prevalence of pregnancies at an early age, which is very common for young women to become mothers from the age of 14 or 15. There is also an increase in sexually transmitted diseases, which register sustained growth, presumably due to the presence of the numerous groups of illegal miners in the region, with an impact on their sexual and reproductive rights, which can be seen as another tool of oppression and control over them and their communities.

131 CDH-UCAB. Modern Slavery in Indigenous Peoples and Communities in the Bolívar State. 2022 . Quoted in DEFIENDE Venezuela “Women's Rights: Focus on Indigenous Women”. (only available in spanish) (non-official translation)

132 Amnesty International. Venezuela: criminal and state violence against indigenous women living south of the Orinoco. November 26th, 2019. Quoted in DEFIENDE Venezuela “Women's Rights: Focus on Indigenous Women.”

133 dem.

134 ACCSI, Kape-Kape, CONSORVEN, COFAVIC, the Vicarage of Human Rights of the Archdiocese of Caracas, CEJIL and OMCT. Alternative report to the ninth periodic report of the Bolivarian Republic of Venezuela. On compliance with the Convention on the Elimination of All Forms of Discrimination against Women to the Committee on the Elimination of All Forms of Discrimination against Women of the United Nations. April 2023., p. 4. Cited in DEFIENDE Venezuela “Women's Rights: Focus on Indigenous Women” Page 17 (only available in spanish) (non-official translation)

135 DEFIENDE Venezuela “Women's Rights: Focus on Indigenous Women” Page 17.

# IMPACTS ON THE RIGHT TO A HEALTHY ENVIRONMENT

On December 8th, 2016, representatives of the Venezuelan State led by the Executive Secretary of the National Human Rights Council, Larry Devoe, admitted in the hearing of the Orinoco Mining Arc held on the 159th Period of Sessions of the IACHR, that for that date “the environmental impact studies required by the constitution and the law were still planned” and that they had “carried out more than 58 consultation processes with indigenous communities”.<sup>136</sup>

This statement highlighted the lack of Environmental and Sociocultural Impact Studies (EIASC for its acronym in Spanish) prior to the promulgation of the decree, and the commission of “consultation processes” carried out without such studies,<sup>137</sup> which fails to comply with Principle 17 of the Rio Declaration (1992)<sup>138</sup> and the right to information, consultation and citizen participation.<sup>139</sup>

On February 25th, 2018, after two years of significant mining expansion, the president of the Venezuelan Technical Mining Corporation (CVM-TECMIN), José Muñoz Ospino, stated that 50 socio-environmental impact studies in the “Arco” had been realized.<sup>140</sup>

To date, the existence of the aforementioned studies are unknown and after more than seven years, no information has yet been published, detailed or reliable in this regard. During the year 2022, the Venezuelan Corporation of Mining (CVM) offered agreements to owners of farms in the state of Bolívar, near the Aro River, to exploit gold on their lands, without presenting environmental impact studies or carry out consultations with the communities;<sup>141</sup> “The environmental impact studies are provided by the CVM itself, they cost between 15 and 30 thousand dollars through a private consultancy.”<sup>142</sup>

The Orinoco is the third largest river in the world. The

influence of the Orinoco in marine-coastal systems occurs at a local and regional level. At local level, it influences on the coast from the Orinoco delta to the state of Nueva Esparta. At Regional level, it influences countries in the Caribbean basin such as Trinidad and Tobago and in the Lesser Antilles, even reaching Puerto Rico.<sup>143</sup> The extension and dispersion of discharges from the Orinoco River is of great critical oceanography importance in determining the characteristics of the environment where marine organisms live, grow and reproduce. The activities that occur in its basin, and along the bed of the Orinoco River, especially in the case of those as impactful as semi-mechanized alluvial mining, have the potential to affect the ecosystems found in the Orinoco delta and the zone of influence of its sediment plume.<sup>144</sup>

All sediments and chemicals produced by gold mining are flowing into the Atlantic Ocean and the Caribbean Sea, negatively affecting marine-coastal and oceanic ecosystems inside and outside our borders. In this sense, it is worth noting that millions of people in the world depend of the services provided by marine-coastal ecosystems. From the mitigation of natural disasters (for coastal protection), through the food and economic security (fishing resources and tourist activities), to the cultural and spiritual identity, well-being and development of almost 60% of the human population depends on the good state of coastal marine ecosystems.

The entire Cuyuní River basin is within the Orinoco Mining Arc and there are the main plots of current exploitation and is where the more widespread and feverish illegal mining activity are developed. The Cuyuní River pays tribute to the Essequibo River, which is the main river of Guyana. The Cuyuní is born in the eastern part of the State of Bolívar and crosses from west to east, the entire area in dispute between Venezuela and Guyana. This

<sup>136</sup> Provea, GTAI and Peace Laboratory. (November 2016). “Human rights in the context of the “Arco Minero del Orinoco” project” In Venezuela. Hearing before the Inter-American Commission on Human Rights (IACHR) (only available in spanish) (non-official translation)

<sup>137</sup> Inter-American Commission on Human Rights. (2016, December 2nd). Venezuela Hearing: “Orinoco mining arch”. (only available in spanish)

<sup>138</sup> UN. Rio Declaration on Environment and Development. Rio de Janeiro (June 3rd to 14th, 1992).

<sup>139</sup> Principle 10. UN. Rio Declaration. Op. Cit.

<sup>140</sup> La Voz de Falcón. (2018, February 26th). Muñoz Ospino: The Mining Arch was born with the purpose of preserving the Orinoquia and exercising sovereignty. (only available in spanish) (non-official translation)

<sup>141</sup> PROVEA. (2022). What the sands of the southern Orinoco bring. (only available in spanish) (non-official translation)

<sup>142</sup> Idem

<sup>143</sup> Cavada Blanco, F., and Agudo Adriani, E. (2018, April 1st). The Orinoco and the Caribbean. In Explora Magazine: A look at the superb south of the Orinoco, 1, 234.

<sup>144</sup> Idem

situation raises many concerns regarding the principle of not causing transboundary environmental damage and, furthermore, it is geopolitically dangerous the development of the Orinoco Mining Arc in the limits of a territory in claim with Guyana.

Of particular concern regarding the human right to water, it is possible to identify four areas of high mining impact where high mercurial pollution would be affecting indigenous and local communities and the environment. These are: the Cuyuní River basin, lower river basin Caroní, middle basin of the Caura River and middle basin of the Orinoco. Other critical areas would be: The middle and upper basin of the Caroní, including the Canaima National Park; the upper Orinoco basin; the Serranía de Maigualida; the Yanomami territory in the south of the Amazonas state; the confluence of the Ventuari and Orinoco and the southeast of the Orinoco delta. All these areas include biogeographic spaces claimed by indigenous peoples as their ancestral territory, over which they have legal and constitutional rights.<sup>145</sup>

A study published in 2021 by the International Pollutants Elimination Network, in which 163 women from four mining towns of four South American countries (Bolivia, Brazil, Colombia and Venezuela), with samples taken in 2017, found in the mining town of El Callao (Bolívar state, Venezuela), that 37% of the 35 participating women exceeded the threshold of 1 ppm, while 60% of the participants exceeded the level of 0.58 ppm.<sup>146</sup>

In 2020, civil society organizations carried out measurements in a sector of the Canaima National Park and the Gran Sabana, where mining is practiced, in which, hair samples were collected from 49 Pemón indigenous people. 35% of the sample recorded mercury concentrations that exceed the admissible limit of 2 µg/gr in hair established by the WHO. The study did not find a clear pattern of direct link between mercury concentrations in the hair of the Pemón population and the activity and proximity to the mines, which suggests an entry of the toxic element through food and/or consumption of water.<sup>147</sup>

Studies conducted in 2010 to 2011 found high levels of mercury in the populations of the lower and upper Caura, as well as in the fish in the area.<sup>148</sup> Specifically for the Caura River basin (Bolívar State), there are<sup>149</sup> reports about indigenous women who went to health

centers in Ciudad Bolívar between 2017 and 2018, due to body tremors, muscle weakness disabling, blurred vision, tingling sensation in hands, feet and around of the mouth and other symptoms associated with mercury poisoning<sup>150</sup>, whose severity reinforce the urgency of ruling out Minamata disease<sup>151</sup>. In May 2023, one of the women interviewed had similar symptoms, but she argued that she could not attend a medical evaluation due to lack of resources. These women come from indigenous communities located along the Yuruani river in the middle Caura basin, a region where illegal gold and diamond mining is concentrated for more than 20 years<sup>152</sup>. Fits to point out that the Caura basin is part of the great basin of the Orinoco River and is the third most important basin in South America. Until the beginning of the 21st century, it was considered a pristine region due to the high degree of conservation of their forests.

According to doctors from Puerto Ordaz and Ciudad Bolívar<sup>153</sup>, since 2016 to date, the creation of the Orinoco Mining Arc has caused an increase in mining throughout the region, associated with a significant increase in the number of cases of mercury poisoning. Most patients come from the towns of El Callao and Las Claritas, in the municipalities of El Callao and Sifontes of the Bolívar State, as well as the Yapacana area, Atabapo Municipality of the Amazonas State. Most of the time patients request information by telephone, but do not attend the consultation, because they cannot cover laboratory costs. The Venezuelan State does not offer free care services for patients contaminated by mercury. The services that offer exams, consultation and treatment are private.

Finally, we want to point out that the environmental institutionality does not guarantee adequate environmental management and compliance with environmental legislation, which at the same time presents gaps to be completely in line with international standards especially in terms of its scope as a human right, not only with respect to the right to a healthy environment but other related rights such as the human right to water.

Within the framework of World Environment Day (June 5th, 2023), the minister of the highest environmental governing body (Ministry of Ecosocialism), declared that “Venezuela must legislate to reduce damage from mercury in mining,” “we have to work a lot on the issue

<sup>145</sup> Climate21-Environment and Human Rights and All for the Future. (2021, July 15). Situation of violation of human rights as a consequence of contamination by mercury used in gold exploitation in the southern region of Venezuela. Report presented for the Third Cycle of the Periodic Review of Venezuela. (only available in spanish) (non-official translation)

<sup>146</sup> Bell, L. y Evers, D. (June 2021). Mercury exposure of women in four Latin American gold-producing countries: Elevated levels of mercury found among women in places where mercury is used in gold extraction, contaminating the food chain. International Pollutant Elimination Network (IPEN, for its acronym in Spanish) (only available in spanish) (non-official translation)

<sup>147</sup> Ramírez Cabello, M. (2021, October 28). The toxic footprint of mercury reached the Gran Sabana. Correo del Caroní. (only available in spanish) (non-official translation)

<sup>148</sup> Pérez, L. E.; González, M.; Ravelo, C. U.; Perera, L.; Bertsch, C.; Penna, S. (2012). Evaluation of the risk of exposure to methylmercury in indigenous populations along the Caura River (Bolívar state, Venezuela) (only available in spanish) (non-official translation)

<sup>149</sup> Unpublished interviews (August 2023).

<sup>150</sup> United States Environmental Protection Agency. s.f. Health Effects of Exposures to Mercury

<sup>151</sup> PNUMA. (2014). The Minamata Convention on Mercury and its implementation in the region of Latin America and the Caribbean: Basel Convention Coordinating Center, Stockholm Convention Regional Center for Latin America and the Caribbean.

<sup>152</sup> Unpublished interviews (August 2023).

<sup>153</sup> Unpublished interviews (August 2023).

of legislation (...) nowhere is it "mercury prohibited"<sup>154</sup>, which indicates their ignorance of decree 2,412, dated August 5th, 2016, which prohibits the "use, possession, storage and transportation of mercury (Hg) as a method of obtaining or treating gold...".<sup>155</sup>

In other statements, the Minister of Ecosocialism indicated that the polygonal of the Arco Minero does not affect national parks<sup>156</sup>, although a northern strip of the PN Caura decreed after decree 2,248, is within the Mining Arc and has not been a decree to correct the polygonal of the Mining Arch, so that its boundaries do not overlap this national park. Furthermore, the minister downplays the fact that the Mining Arc is strongly affecting the PN

Canaima, because it is in its area of influence and mining has increased illegal within the park and in a large part of its boundaries, especially in the Caroní River, which constitutes the western margin of the park and along the southern margin, where there is also the Ikabarú Special Block (Mining Arc area). Besides, it also downplays the fact that 60% of the Imataca Forest Reserve does remain within the Mining Arc under a contrary use to the purposes of its creation and which contravenes the Forest Law<sup>157</sup>. Imataca has historically been a protagonist of socio-environmental and indigenous struggles against mining and indiscriminate exploitation forestry, and currently has extensive areas of exploitation legalized, so it seems to have been converted into a "sacrifice zone".<sup>158</sup>

154 Statements of Minister Josué Lorca. Ministry of Ecosocialism (MINEC). (2023, June 05th) 2023. Globovisión. <https://primicia.com.ve/nacion/minec-venezuela-debe-legislar-para-reducir-dano-causado-por-mercurio-en-mineria/> (only available in spanish) (non-official translation)

155 Bolivarian Republic of Venezuela. Decree 2,412, Official Gazette No. 40,960. (2016, August 05).

156 Statements Minister Josué Lorca (MINEC). "Pulse" Program. (2022, November 11). Venezuelan Television. (only available in spanish)

157 Venezuela. Forest Law. Official Gazette No. 40,222, dated August 6th, 2013..

158 Platform Against the Orinoco Mining Arc and Working Group on Indigenous Affairs (GTAI), Universidad de los Andes, Venezuela. February 2023. Op.Cit.

## 6. CONCLUSIONS

In general, mining activity has been affecting a high number of indigenous communities located in the southern area of the Orinoco River in their rights to life, or in the full exercise of their differentiated rights, which include the right to their habitats and land. Mining activities have brought about new and greater health problems, contaminated water, mercury poisoning, conflicts due to invasions by foreign miners and, particularly, for about 7 years, a spiral of violence generated by the presence of non-state armed actors.

On February 24th, 2016, the Bolivarian Government of Venezuela, led by President Nicolás Maduro, created the “Zone of Strategic Development of the Orinoco Mining Arc”. This Orinoco Mining Arc is a case of large-scale transnational metal mining promoted by the Venezuelan State. Regarding the type of mining that is carried out in the area, one cannot speak of extractive industries in the most conventional terms, since currently this activity is governed by deep overlaps between state groups and illegal, criminal actors, who share control, appropriation and dispossession of mineral resources.

The Venezuelan jungle is being devastated at an unprecedented rate and has become the base of operations for cross-border criminal groups. To help measure this tragedy, it is worth highlighting that the mining activity “legalized” by the Mining Arc covers more than 20% of the Venezuelan Amazon, while more than a third of the illegal mining activity that takes place throughout the entire Amazonia, is carried out in Venezuela, whose Amazon territory constitutes 5.6% of the South American total.

Due to its characteristics and dimensions, the mining activity that is being carried out in the territory south of the Orinoco River can be classified as a socio-environmental crime marked by the devastation of entire ecosystems, loss of biodiversity, unsustainable hunting and trafficking of species, mercurial contamination of soils and the country's main water sources, serious social and cultural

impacts and loss of natural resources. Its area of influence transcends the Caribbean, the Atlantic and the Essequibo territory in dispute with Guyana, especially due to mercury pollution in the Orinoco basin.

The Orinoco Mining Arc and related illegal mining is the main threat to the rights of the inhabitants of the southern Orinoco and especially, of the indigenous peoples. If the situation of rampant legal-illegal mining extractivism persists and at the speed at which it develops, the indigenous peoples of the Venezuelan Amazon within 50 years will not be indigenous peoples but miners.

The deepening of extractivism implemented in the Orinoco Mining Arc has been consubstantial with the paralysis and absence of the demarcation and titling of indigenous habitats and lands. The state mining project is carried out without the previous environmental and sociocultural impact studies, which are mandatory and essential, among other aspects, to carry out the due consultation processes with the communities. In this strategy of territorial dispossession, the progressive militarization of the territory has also played a special role, often with the help of parastatal agents. The violation of these territorial rights becomes the greatest expression of ignorance of their rights as differentiated populations.

Within the framework of legal-illegal mining expansion, the invasion, exploitation and militarization of indigenous territories, systematic violence and violation of the rights to life and integrity, protection against gender and sexual violence, human trafficking and modern slavery, territorial fragmentation, forced migration and displacement, progressive poisoning with mercury, the appearance of diseases that had already been eradicated and the spread of sexually transmitted diseases have been encouraged.

Likewise, the cultural heritage and identity of indigenous peoples, their spiritual relationship with nature, their

means and ways of life, the structure of communities and the legitimacy of ancestral and traditional authorities are being severely disrupted.

Indigenous communities, indigenous organizations and leaders who have decided to defend their territories and oppose mining have been victims of harassment and reprisals for reporting abuses and damages resulting from mining extraction in the Orinoco Mining Arc. Likewise, they have been victims of intimidation, threats and murders, both by state actors and criminal and parastatal groups.

The extractivist dynamics that have taken over the southern Orinoco have resulted in loss of sovereignty and significant security threats for our country and the South American subcontinent.

South of the Orinoco, the main human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment by indigenous and local communities, as well as cross-border inhabitants, have been breached. Likewise, the achievement of the Sustainable Development Goals (SDGs) of the 2030 Agenda is hindered, to achieve a better and more sustainable future for all and where human rights are transversal to all the SDGs.

The Venezuelan Amazon is a key part of the rest of the Amazon core that still functions as a critical carbon sink, making it an important piece for long-term conservation strategies. Furthermore, it has an intrinsic value as part of the world's forests that must be preserved under sustainable use, not only because of its great biodiversity, high presence of endemisms and its role in climate regulation, but also because of its uniqueness as it is located on Guyana, to possess the Pantepuy and most of the Orinoquia.

The cultural, social, environmental and economic destruction caused by the implementation of the “Orinoco Mining Arc” by the State is senseless, in a country that has numerous sustainability alternatives to improve its economy and ensure the future and well-being of its inhabitants.

## 7. RECOMMENDATIONS

There is no doubt that demanding the protection of the Venezuelan Amazon is everyone's responsibility. That is why, as civil society organizations, we urge the Venezuelan State to take measures, follow recommendations and design public policies that promote the sustainable development of the region, promote the conservation of biodiversity, the sustainable management of natural resources and especially respect the rights of the indigenous peoples who inhabit it.

Given the seriousness of the events that occur in the territories south of the Orinoco River, it is urgent that the authorities of the Venezuelan State take measures to address the set of human rights violations that occur in the area, based on the obligations to respect, guarantee and protect the human rights without discrimination of all persons under its jurisdiction. In particular it is recommended:

- Repeal the “Zone of Strategic Development of the Orinoco Mining Arc” and declare the south of the Orinoco as a megadiverse biological and cultural zone and freshwater reserve.
- Open a public discussion on the relevance of mining extraction, its socio-environmental costs and sustainable development alternatives for the region and the country.
- Allow the visit of the Special Procedures of the Human Rights Council, as well as the Independent International Mission for the Determination of Facts and the Inter-American Commission on Human Rights.
- Fully restore the capabilities and competencies of

environmental institutions and their human capital, so that environmental regulations are properly applied and adequate environmental management and control is carried out.

- Move towards greater protection of natural areas and not in environmental regression with respect to Protected Areas Under Special Administration Regime (ABRAE, for its acronym in Spanish).
- Make public the environmental and sociocultural impact reports of all mining projects in the Orinoco Mining Arc.
- Comply with the obligation to carry out prior consultations with indigenous peoples in the Amazon in accordance with international standards so that they can express their free, full and informed consent in accordance with their traditional uses and customs, regarding any project that may affect his territory.
- Specify comprehensive respect for the set of collective and individual rights of indigenous peoples, with special emphasis on their most vulnerable members (women, boys, girls and older adults) and the necessary coexistence with environmental rights.
- Call the attention of the Venezuelan state authorities responsible for the design and implementation of policies aimed at indigenous peoples and communities so that they are based on the recognition of their rights.
- Resume the demarcation processes of indigenous territories and deliver the corresponding collective

property titles, respecting the self-demarcation processes that the communities themselves have already carried out.

- Identify socio-economic alternatives for the region and the country, consistent with social and environmental ethics and with the human rights of indigenous peoples and all Venezuelans for the Venezuelan Amazon as one of the most promising regions in the country.

- Recognize the importance of indigenous peoples for the management of territories, their knowledge about the environment and biodiversity and their capacities as fundamental agents in the planning and preservation of a safe, clean, healthy and sustainable environment, especially, in interventions or projects carried out in the Amazon

- Within the framework of operations to eradicate illegal mining carried out in indigenous territories or where indigenous populations are participating, it is necessary to incorporate the visions and options of indigenous communities. Likewise, they must be adjusted to respect the human rights and differentiated rights of indigenous peoples.

- Operations to eradicate illegal mining must be continuous and comprehensive plans where economic incentives are generated for indigenous communities to develop bioeconomy projects, ecotourism and other sustainable alternatives, which allow them to abandon mining activity and recover their traditional ways of life.

- Carry out independent and impartial investigations with due diligence into the case of the serious human rights violations reported (forced disappearances, extrajudicial executions, torture, sexual violence) in the Orinoco Mining Arc and the Venezuelan Amazon.

- Bring those responsible for serious human rights violations and other crimes and offenses to justice, and guarantee fair and comprehensive reparation measures for victims.

- Adopt a comprehensive policy to prevent, investigate, punish and eradicate human trafficking and other

forms of modern slavery, including the comprehensive approach and protection of victims.

- Implement measures to protect the rights of indigenous women with a comprehensive approach that includes measures to address sexual violence and discrimination.
- Adhere to the Escazú Convention and ratify the Minamata Convention.

- Generate a favorable and safe environment for the defense of human rights, especially in the context of extractive projects and the rights of environmental defenders.

- Allow research to be carried out to determine the effects on the environment, fauna and human populations due to mercury contamination, and guarantee the right to health, diagnostic services and accessible treatment for affected people.

- Implement environmental sanitation and restoration plans in areas degraded by mining activities, incorporating local populations and indigenous communities.

- Implement comprehensive health care programs for rural and indigenous populations, strengthening health service networks, taking into consideration their cultural particularities and languages, and the logistics necessary to guarantee care in areas of difficult geographic access.

- Publish periodic and updated health information, with special emphasis on malaria and mercury contamination.

- Strengthen the thematic mandates of the special procedures on the human right to a healthy environment and on toxic substances to comprehensively address problems related to extractivism and human rights.

- Establish appropriate international mechanisms for accountability in the face of serious damage to the environment.



