

SPECIAL MEETING OF THE WORKING GROUP  
TO PREPARE THE DRAFT AMERICAN DECLARATION ON  
THE RIGHTS OF INDIGENOUS PEOPLES

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COMMENTS BY THE DELEGATION  
OF THE BOLIVARIAN REPUBLIC OF VENEZUELA

(Presented on March 27, 2002)



## Permanent Mission of the Bolivarian Republic of Venezuela

### Venezuela's Position

**The delegation of Venezuela's position on the term "self-determination" appears below. The delegation has also presented proposals for articles to be included in the report "Proposals by States and by Representatives of the Indigenous Peoples on the Articles Considered from March 12 to 14, 2002" (GT/DADIN/doc.71/02).**

- **The term "self-determination"**

During the drafting of the Venezuelan constitution, in 1999, Venezuelan society as a whole spent six months deliberating about a new constitution. One of the most intense discussions had to do with recognition of the rights of Venezuela's indigenous peoples. A decisive factor in that debate was the full, responsible, and prominent participation of the indigenous drafters, who had been elected by the indigenous communities to participate in deliberations for the reshaping of the Republic.

The drafter, by recognizing at the outset inclusion in a nation and society that views itself as multiethnic and multicultural, calls upon the state to recognize the existence of indigenous people and communities. Moreover, the effective exercise of recognized rights is ensured, reclaiming as one of the most important among them the right to collective land ownership.

The preamble of the Constitution reads as follows: "With the supreme goal of reshaping the Republic to establish a democratic, participatory, and prominent society, which is both *multiethnic and multicultural*, in a federal and decentralized state of justice, which consolidates the values of freedom, independence, peace...."

It is noteworthy that the constituent deliberations proposed that the Venezuelan people, in the supreme exercise of their sovereignty, establish new parameters for the development of harmonious national relations.

Along these lines, in addition to recognition of the existence of the indigenous peoples and communities as cultures steeped in ancestral roots and making up the Venezuelan state as a unique, sovereign, and indivisible body, and to the establishment of a legal system with collective indigenous land ownership, a number of articles have been included to enhance the prominent participation of the indigenous peoples, their freedom, and the exercise of their collective rights in all aspects of indigenous culture.

Interestingly, the drafter in favor of recognition of the rights of the Venezuelan indigenous peoples did not propose *the term self-determination, but rather guaranteed the exercise of said rights by suggesting the following wording:*

Article 119. "The State shall acknowledge the existence of indigenous peoples and communities, their social, political, and economic organizations, their cultures, practices, and

customs, languages and creeds, as well as their habitat and their native rights to the lands that they occupied ancestrally and traditionally and that are necessary to develop and guarantee their ways of live. It shall be incumbent on the National Executive, with the participation of the indigenous peoples, to demarcate and guarantee the right to the collective ownership of their lands, which shall be inalienable, indefeasible, unseizable, and nontransferable, as established in the Constitution and under law”.

Article 119 contains all components or aspects pertaining to the exercise of the collective rights of the Venezuelan indigenous peoples, their social, political, and economic institutions, etc.

Moreover, other articles of the Constitution recognize such rights as:

- Right to political participation by indigenous peoples;
  - Right to utilization of the resources of indigenous habitats, arising from the indigenous right to collective property, in accordance with legal provisions;
  - Right to the collective intellectual property of their skills and to maintenance of their own economic practices;
  - Right to vocational training;
  - Right to protection under labor legislation;
  - Right to recognition of indigenous languages as official languages of the indigenous peoples, in addition to Spanish;
  - Right to comprehensive health care, in accordance with their practices and cultures;
  - Right to indigenous justice;
  - Right to effective court protection by the Ombudsman, an institution that monitors the rights of all Venezuelan citizens, including the rights of indigenous peoples.
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- **Political participation by indigenous peoples**

Proposal for inclusion in Article XV, paragraph 2:

“Indigenous peoples are entitled to political participation, and the states should guarantee, under their domestic law, that said peoples are represented in national deliberative organs and in all federal and local administrative entities with indigenous populations.”

- **National incorporation of indigenous legal systems and organization**

Proposal for inclusion in Article XVII, paragraph 2:

“The states shall promote recognition by the official historical and cultural heritage institution of each state of the contribution made by indigenous heroes to the history and the development of the multiethnic and multicultural entity of their respective societies and, to that end, shall elevate them to the national pantheon of their heroes, with the due consent of the respective indigenous peoples.”