

MERCURY AND HUMAN RIGHTS

Situation of Indigenous Peoples in the Venezuelan Amazon

Information Sheet 3
2024

General context

Mercury pollution in the mining areas of southern Venezuela is one of the main threats to public health, the environment and the country's economic development, generating negative impacts with long-term effects. This situation represents a serious violation of the human rights of the population, particularly indigenous communities.

Venezuelan indigenous peoples have been victims of processes of dispossession, violence and marginalization that have seriously affected and continue to affect their human rights. Currently, a serious form of violence against indigenous communities comes from the contamination of their territories with mercury used in gold mining.

Although this situation dates back to colonial times, it has worsened in recent times with the 2016 creation of the National Strategic Development Zone of the Orinoco Mining Arc (OMA), the accelerated expansion of uncontrolled illegal mining, and the presence of armed groups that control the mining areas in the south of the country. At the same time, some indigenous communities have begun to participate in illegal mining activities driven by the country's economic crisis and the abandonment of social programs for the protection of indigenous peoples by the State.

As a result, mercury contamination spread across the indigenous territories of the south of the country, including communities distant from mining sites, where mining was not practiced.

Situation of Indigenous peoples with respect to mercury pollution in Venezuela

Although mercury pollution has been a public health issue in Venezuela for at least forty years, few studies have been conducted on the impact of mercury exposure on indigenous communities and people.

A 2009 study found very high levels of mercury concentrations in Piaroa (Uwottüja) populations settled in the riparian communities of Samariapo, Ratón Island (Orinoco River) and



Indigenous working in a river in La Gran Sabana. Photograph of: María de los Ángeles Ramírez. Taken from Prodavinci.

Raudal Danto in Amazonas state, in quantities that exceeded by a factor of three those of people living in Caracas.

A sample taken in 2011 among Indigenous women residents of communities along the lower and upper course of the Caura River (Sucre municipality, Bolívar state) found that 92% of them showed mercury exposure levels well above the threshold recommended by the World Health Organization (WHO), and 36.8% were at risk of giving birth to children with neurological disorders.

On the other hand, unpublished studies carried out in communities of the Gran Sabana region in Bolívar state found high levels of mercury associated with the consumption of contaminated fish among the residents of all the areas under study.

Government action

- No action is known to have been taken by the Venezuelan State to assist the indigenous populations affected by mercury pollution or to prevent this form of pollution in mining areas.
- The policies implemented so far to protect indigenous territories from mining activity have been ineffective and have only led to militarization and serious violations of the human rights of the affected communities.
- In 2016, the National Executive Branch issued a Decree prohibiting the use, possession, storage and transportation of mercury for the treatment of gold in all stages of mining activity. There is no

evidence that this Decree is being complied with in any gold mining area in the country.

- The Venezuelan State has not ratified the Minamata Convention.

Challenges

- Ensuring protection for victims of mercury pollution, including the restoration of people's health in the affected indigenous populations and reparation for victims.
- Educating Indigenous populations in risk areas in adopting habits that avoid or mitigate mercury exposure.
- Securing effective control of the trade and use of mercury in the Venezuelan Amazon, including indigenous communities.
- Establishing sanitation and environmental restoration measures in all areas affected by the use of mercury.
- Generating effective mechanisms for the control and eradication of illegal mining in the Venezuelan Amazon, including the control of armed groups that operate in the Venezuelan Amazon and violate the rights of indigenous peoples.

Human rights framework

The ILO Indigenous and Tribal Peoples Convention (1989) establishes the rights of Indigenous peoples and the obligations of States to safeguard the persons, institutions, property, labor, cultures and environment of Indigenous peoples. It also calls for prioritizing the improvement of living, health and education conditions in any project carried out in their territories.

The United Nations Declaration on the Rights of Indigenous Peoples (2007) reaffirms their rights to life, physical and mental integrity, liberty and security, and to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. It also calls upon States to take gradual measures to render these rights effective.

Additionally, a 2014 report by the United Nations Committee on the Rights of the Child expressed concern about reports of the participation of Indigenous children in illegal gold mining in the Upper Orinoco and the Casiquiare and Guainía-Río Negro basins, under slavery-like conditions.

In Venezuela, the Organic Law on Indigenous

Peoples and Communities (2005) includes elements related to the environmental protection of Indigenous territories, including the prohibition of activities in the habitat of Indigenous peoples and communities that may affect their cultural, social, economic, or environmental integrity; the obligation of the State to guarantee the conservation and integrity of Indigenous habitats and lands; the responsibility of the State and companies to remedy any environmental liability that may affect indigenous territories; the right of indigenous people to receive compensation for damages caused by resource exploitation activities carried out in their territories; and the prohibition of subjecting indigenous people to working conditions that are dangerous to their health, such as exposure to toxic or hazardous substances.

Recommendations

- Declare a national emergency due to mercury pollution in the Venezuelan Amazon to allow the mobilization of financial and human resources and international support aimed at solving the problem.
- Implement effective and gradual actions to eradicate mining extractivism as a means of State financing.
- Ratify the Minamata Convention and establish a National Action Plan for the effective control of mercury imports and the regulation of the small-scale mining sector to advance toward the eradication of its use in alluvial mining.
- Establish a mercury pollution assessment program that includes indigenous communities, to identify at-risk populations, associated health effects, actions to reduce exposure to this form of pollution, and to provide care for the affected.
- Strengthen institutional capacities for the investigation and treatment of mercury poisoning in mining areas in the south of the country.
- Implement a training program directed at all indigenous peoples in mining areas.
- Investigate, prosecute and punish the material and intellectual perpetrators of mercury smuggling, and establish effective control mechanisms to prevent the trade and use of mercury in mining areas.

Source: *Clima21 (2024) A slow crime: Situation of vulnerable groups in the face of mercury pollution in the Venezuelan Amazon.* <https://clima21.net/noticias/a-slow-crime-situation-of-vulnerable-groups-in-the-face-of-mercury-pollution-in-the-venezuelan-amazon/>