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International Outlook for Privately Protected Areas

Country Profile: VENEZUELA

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Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.^{1,2} Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential* opportunities for the creation of PPAs.

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the <u>International Outlook for Privately Protected Areas summary report</u>.

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at landconservation@lincolninst.edu.

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¹ Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

² Dudley, N. (ed.) (2008). Guidelines for Applying Protected Area Management Categories. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

VENEZUELA (República Bolivariana de Venezuela)

Outlook for Privately Protected Areas

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I. Country Overview

Land Area

Venezuela's total land area is approximately 91,205,000 hectares (ha).³ Of this, 21,600,000 ha were classified as agricultural⁴ and 46,683,000 ha were classified as forest cover as of 2014.⁵ However, due to government expropriation of private lands over the last decade, these statistics are likely out of date (more on this below).

Venezuela is considered as one of the world's megadiverse countries and the sixth most biodiverse in the Americas. ⁶ Its neotropical climate is home to 10 bioregions with 27 climatic zones. However, Venezuela's natural areas are threatened by fragmentation and degradation.

Land Ownership and Tenure

Although private individuals maintain legal ownership of their land, landholding is very unstable in Venezuela. Article 115 of the *Constitution* states,

"The right of property ownership is guaranteed. All people have the right to use, enjoyment, and disposal of their property. Property will be subject to the contributions, restrictions, and obligations that the law establishes with the goal of public utility or general interest. Only by reason of public utility or social interest, by means of a final judgment and timely payment of just compensation, may the expropriation of any kind of property be declared."

(Note: Agricultural land refers to the share of land area that is arable, under permanent crops, and under permanent pastures.)

³ The World Bank, DataBank. 2018. "World Development Indicators." Accessed November 2018. http://databank.worldbank.org/data/reports.aspx?source=2&series=AG.SRF.TOTL.K2.

⁴ Trading Economics. 2014. "Venezuela - Agricultural land (sq. km)." Accessed November 2018. https://tradingeconomics.com/venezuela/agricultural-land-sq-km-wb-data.html.

⁵ Trading Economics. 2015. "Venezuela - Forest area (sq. km)." Accessed November 2018. https://tradingeconomics.com/venezuela/forest-area-sq-km-wb-data.html.

⁶ República Bolivariana de Venezuela, Ministerio del Ambiente y de los Recursos Naturales, Oficina Nacional de Diversidad Biológica. 2001. Estrategia Nacional sobre Diversidad Biológica y su Plan de Acción. P. 44. https://www.cbd.int/doc/world/ve/ve-nbsap-01-es.pdf.

⁷ La Asamblea Nacional Constituyente de la República Bolivariana de Venezuela. 1999. Constitución de la República Bolivariana de Venezuela (Gaceta Oficial Extraordinaria N° 36.860 de fecha 30 de diciembre de 1.999). Artículo 115. https://www.oas.org/dil/esp/constitucion_venezuela.pdf. Author's translation.

Within this clause, the uncertainty of expropriation of property exists for property owners within the nation.

In 2001, President Hugo Chavez signed the *Law of Lands*, which reformed land use with the purpose of redistributing land for agricultural development and social benefit. Article 2 of the law establishes that both public and privately managed lands will fall under the authority of the National Land Institute (INTI; *Instituto Nacional de Tierras*) and will be subject to potential parceling for a number of agricultural services. This policy was strengthened with the enactment of the *Land and Agrarian Development Law* (*Ley de Tierras y Desarrollo Agrario*) of 2010. Article 2, section 5, reads "Private lands: Are subject to compliance with the social function of the agrifood security of the Nation. In this sense, they must submit their activity to the needs of production of food items in accordance with the agro-food security plans established by the National Executive."

Through the Constitution and these, as well as other,¹⁰ laws, the Venezuelan government has the ability to expropriate private lands at any time to advance collective ownership or to provide a social function. In the last decade, there has been a noticeable trend in expropriation, which is discussed more in relation to privately protected areas below.

Protected Areas in Venezuela

All of the formally recognized categories of Venezuela's protected areas system are under central government authority. The institution that regulates most of the protected areas is the National Institute of Parks (INPARQUES, *Instituto Nacional de Parques*), under the auspices of the *Ministerio del Poder Popular para Ecosocialismo y Aguas* (Minea). Established through Law in 1973, INPARQUES manages 43 national parks and 36 natural monuments, making up 21.76 per cent of the Venezuelan territory.¹¹

Venezuela has declared nearly 50 per cent of the national territory some sort of protected area.¹² In addition to national parks and monuments mentioned above, additional management categories for protected areas include wildlife sanctuaries, refuges, and reserves. (Note: The World Database on Protected Areas (WDPA) shows 49,670,100 ha of land – over 54 per cent of the country – protected.¹³ Far more categories are included in the WDPA. Differences between statistics may be due to differences in methodologies or out of date reporting).

⁸ Chavez, Hugo Frias. 2001. Decreto N° 1.546 de 9 de noviembre de 2001, Decreto con fuerza de ley de tierras y desarrollo agrario (Gaceta Oficial No. 37.323 de fecha 13 de noviembre de 2001). Artículo 2. faolex.fao.org/docs/texts/ven28661.doc.

⁹ La Asamblea Nacional de la República Bolivariana de Venezuela. 2010. *Ley de Tierras y Desarrollo Agrario* (Gaceta Oficial № 5.991 Extraordinario del 29 de julio de 2010). Artículo 2.

http://www.igvsb.gob.ve/documentos/consultoria juridica/LEYES ESPECIALES/LEY DE TIERRAS Y DESARROLLO AGRARIO.pdf. Author's translation

¹⁰ Such as the *Ley Especial de Regularización Integral de la Tenencia de la Tierra de los Asentamientos Urbanos Populares* (Gaceta Oficial № 38.480 del 17 de julio de 2006). http://www.igvsb.gob.ve/documentos/L R tierra.pdf.

¹¹ Instituto Nacional de Parques. 2017. "Parques Nacionales Y Monumentos Naturales de Venezuela." Accessed November 2018. https://www.inparques.gob.ve/parques-nacionales/.

¹² República Bolivariana de Venezuela, Ministerio del Poder Popular para el Ecosocialismo y Aguas, Dirección General de Diversidad Biológica. 2015. Quinto Informe Nacional de Diversidad Biológica de la República Bolivariana de Venezuela. P. 70. https://www.cbd.int/doc/world/ve/venr-05-es.pdf.

¹³ UNEP-WCMC. 2018. "Protected Area Profile for Venezuela (Bolivarian Republic of) from the World Database of Protected Areas" Accessed November 2018. https://www.protectedplanet.net/country/VEN.

II. Law and Policy for Private Land Conservation

Policies for Establishing Privately Protected Areas

Although Venezuela does not explicitly establish privately-owned protected areas through law, there does exist language that denotes the priority of environmental protection, including that of privately-owned lands. Article 4 of the *Organic Environmental Law of 2006 (Ley Orgánica del Ambiente*) identifies that it is "the duty of the state, the society, and the people to conserve a healthy, safe and ecologically balanced environment." In addition, Article 49 states, "the utilization of natural resources and biodiversity in different watersheds, ecosystems and natural protected areas, private conservation areas, and other special areas, will be subject to the formulation and implementation of respective action plans." Despite these provisions, there is no formal definition for nor legal way to establish a privately protected area. More on this below.

Informal Privately Protected Areas (PPAs)

In many countries throughout Latin America during the 1990s, including Venezuela, there was a growing trend for private land-owning individuals to classify their own properties under categories for sustainable use. ¹⁶ While private lands conservation has had notable successful cases in Venezuela, there does not exist a legal definition or guiding legislation to outline the formal creation of private protected areas (PPAs) in the Country. Despite this, some private landowners have chosen to manage their properties for conservation, thus creating informal PPAs.

The Venezuelan Network of Private Areas for the Conservation of Nature, APRINATURA, was created to bring together private land conservation projects in order to institutionalize private conservation, encourage the creation of a formal legal framework, and build a community of practice around private land conservation. ¹⁷ In 2008, 36 properties were a part of APRINATURA, preserving 443,000 hectares. ¹⁸ However, shortly thereafter, the network was dismantled due to the prevalence of government expropriation of large areas of private land, including those being managed for conservation. ¹⁹

The policies of the INTI are sometimes contrary to those of the Ministry of the Environment, and they take precedence in actions regarding private lands. Therefore, some of Venezuela's largest and most well-known private conservation projects have been expropriated by the INTI in the last decade, including *Hato Piñero*, *Hato El Frío*, and *Hato El Cedral*, which together covered more than 150,000 hectares and

¹⁴ La Asamblea Nacional de la República Bolivariana de Venezuela. 2006. *Ley Orgánica del Ambiente de 2006* (Gaceta Oficial № 5.833 Extraordinario del 22 de diciembre de 2006). Artículo 4. www.mp.gob.ve/c/document library/get file?uuid=8e849b6f-807e-456b-aace-02f6da5782e1&groupId=10136. Author's translation.

¹⁵ Ibid. Artículo 49. Author's translation.

¹⁶ Chacon, Carlos M. 2008. Voluntad de Conservar: Experiencias selecionadas de conservación por la sociedad civil en iberoamérica. The Nature Conservancy. http://copa.acguanacaste.ac.cr:8080/handle/11606/360.

¹⁷ Escobar, Pía and Clara Solano. 2009. "Venezuela." In *Conservación privada y comunitaria en los países amazónicos*, edited by Bruno Monteferri and Diego Coll, 287-302. Lima: Sociedad Peruana de Derecho Ambiental. P. 294. https://spda.org.pe/?wpfb dl=47.

¹⁸ Chacon, 2008. P. 5.

¹⁹ Escobar and Solano, 2009.

dedicated more than half of that area to conservation.^{20,21,22} These sites were all located in areas devoid of national parks and, thus, were important for species research and were ecotourism destinations.²³ *Piñero*²⁴ and *Cedral* ²⁵ have continued some conservation and ecotourism activities, despite now being under current government management.

Losing these conservation areas through expropriation has led to a deceleration of private land conservation; however, some notable projects remain active and strong – see case studies below.

Other Legal Mechanisms for Private Lands Protection

In addition to managing private land as reserves, other mechanisms could be potentially used to protect private lands in Venezuela. These mechanisms include: concessions, lending agreements, estates set aside for conservation as stated in one's will and testament, and usufruct rights to enjoy land established for a period of time for the means of conservation. ²⁶ While these mechanisms are not exclusively designed for conservation purposes, they could theoretically be adapted for those means. However, to date there are no evidence of such mechanisms being applied in Venezuela. ²⁷

National Biodiversity Strategy and Action Plan (NBSAP)

Venezuela's most recent NBSAP (2012) does not reference private land conservation as a strategy for achieving biodiversity goals.²⁸

III. Financial Incentives for Private Land Conservation

Article 56 of the Law of Management of Biological Diversity of 2008 (Ley de Gestión de la Diversidad Biológica) establishes incentives for conservation activities, including those undertaken by private individuals or corporations. The article reads, "Individuals or legal entities, indigenous peoples and communities and organized communities that formulate, execute or participate with initiatives, plans, programs, projects or activities aimed at the conservation of biological diversity and its components, its sustainable use and in particular their recovery, they may access economic, fiscal, financial, technological,

²⁰ Escobar and Solano, 2009.

²¹ Rial B., Anabel. 2011. "Hatos Privados de los Llanos de Venezuela: de aa Amenaza a la Protección." In *Biodiversidad de la cuenca del Orinoco, Il Áreas prioritarias para la conservación y uso sostenible*, edited by Lasso, C. A., A. Rial, C. Matallana, W. Ramírez, J. Señaris, A. Díaz-Pulido, G. Corzo, A. Machado-Allison, 248-269. Bogotá: Instituto de Investigación de Recursos Biológicos Alexander von Humboldt, Ministerio del Ambiente, Vivienda y Desarrollo Territorial, WWF Colombia, Fundación Omacha, Fundación La Salle de Ciencias Naturales e Instituto de Estudios de la Orinoquia.

https://www.researchgate.net/publication/281840445 HATOS PRIVADOS DE LOS LLANOS DE VENEZUELA DE LA AMENAZA A LA PROTE CCION/.

²² Olivares, Francisco. 2010. "Expediente: Demolición en hato El Frío." *Reportero24*, published on October 22, 2010. http://www.reportero24.com/2010/10/22/expediente-demolicion-en-hato-el-frio/.

²³ Juan Elías García-Pérez, personal communication, September 4, 2018.

²⁴ Proyectos para Construir. 2017. "Hato Piñero: Paraíso ecoturístico en el estado Cojedes." *Proyectos para Construir,* May 14, 2017. https://www.proyectosparaconstruir.com/hato-pinero-ecoturistico-cojedes/.

²⁵ Entorno Empresarial. 2013. "El Hato El Cedral." *Entorno-Empresarial.com*, published April 1, 2013. https://entorno-empresarial.com/el-hato-el-cedral.

²⁶ Escobar and Solano, 2009.

²⁷ Edgard Yerena, personal communication, July 27, 2018.

²⁸ República Bolivariana de Venezuela, Ministerio del Poder Popular para el Ambiente, Oficina Nacional de Diversidad Biológica. 2012. La Estrategia Nacional para la Conservación de la Diversidad Biológica 2010-2020 y su Plan de Acción Nacional. https://www.cbd.int/doc/world/ve/ve-nbsap-v2-es.pdf.

social and educational resources and incentives, in accordance with the provisions of this Law, its Regulations and other regulations that regulate the subject."²⁹

The law goes on to identify incentives related to eligibility for public entity loans, possibly at low interest rates, and partial or full exoneration of taxes and other contributions. However, these incentives are not explicitly related to setting aside private lands for conservation and, to the knowledge of this study, have never been used.³⁰

IV. Organizations Related to Private Land Conservation

Government

- The National Institute of Parks (INPARQUES, *Instituto Nacional de Parques*), which manages Venezuela's national parks, is within the *Ministerio del Poder Popular para Ecosocialismo y Aguas* (Minea). However, they do not play a role in managing private lands for conservation.³¹

Non-governmental organizations

- The Venezuelan Network of Private Areas for the Conservation of Nature (APRINATURA), was a national network dedicated to supporting privately-owned protected areas and their owners. Among their multiple objectives were: promoting the proper management and sustainable use of biological diversity, promoting the importance of private lands conservation, and supporting private land owners with education and research.³² However, the group no longer exists.
- Currently, the Venezuelan Society of Natural Sciences is monitoring the initiatives for in situ conservation in private lands, as well as other effective area-based conservation measures, through a data base, as a contribution to eventually install a communication and cooperation network among them. To date 51 areas have been identified, six of them being identified as PPAs.³³

V. Case Studies

Hato Masaguaral³⁴

Fundo Agropecuario Masaguaral, also known as "Hato Masaguaral," is a 7,500 ha property dedicated to agricultural production with low environmental impact, where natural ecosystems have been modified as little as possible in order to function as a protected area for biodiversity, and especially for wildlife. ³⁵ 18 per cent of the site has been set aside as a reserve, alongside an active, and environmentally sensitive, beef cattle operation. Over the course of 73 years, Masaguaral has aimed for the conservation of nature,

²⁹ La Asamblea Nacional de la República Bolivariana de Venezuela. 2008. *Ley de Gestión de la Diversidad Biológica de 2008*, Artículo 56. http://www.igvsb.gob.ve/documentos/consultoria_juridica/LEYES_ESPECIALES/LEY_DE_LA_GESTION_DE_DIVERSIDAD_BIOLOGICA.pdf.

³⁰ Edgard Yerena, personal communication, July 27, 2018.

³¹ See their website: https://www.inparques.gob.ve/

³² APRINATURA. n.d. "Objeto, Misión, Objetivos Específicos." Accessed July 2017. http://www.guaquira.net/guaquiranuevo/ArchivosAnexos/APRINATURA.pdf.

³³ Yerena, E. García-Rangel, S. Vásquez, F. González, G. González, E. 2015. "Áreas Protegidas y Áreas de Conservación en manos de la sociedad: una necesidad impostergable." XI Congreso Venezolano de Ecología. Margarita. 9-13 noviembre 2015.

³⁴ This case study was provided by Ernesto Boede, scientific advisor to Hato Masaguaral, and Edgard Yerena. Personal communication, July 27, 2018. Author's translation.

³⁵ **Fundo Pecuario Masaguaral. 2012. "**¿Qué es Masaguaral?" Accessed November 2018. https://www.hatomasaguaral.org/news/hatomasaguaral.org/news/hatomasaguaral./.

and its management has applied concepts of conservation and sustainability with the support of Venezuelan and international researchers.

The site is located in the Los Llanos bioregion, on low to very floodplains and dunes, with plant communities of savannas, palm groves, dry forests and riparian forests. There special management programs have been focused on crocodiles and turtles of the Llano (*Crocodylus intermedius, Caiman crocodilus, Chelonoidis carbonaria, Podocnemis expansa*) and the parrotlet *Forpus passerinus*.

The basic guidelines for its management have been built on the following pillars: 1) Coordination of surveillance work with neighboring communities and owners; 2) Opening and maintenance of firebreaks along the boundaries and between paddocks to protect the vegetation from the fires; 3) Construction of a network of internal roads, to facilitate the surveillance, on ridges, which allow a quick mobilization in vehicles through impassable places in floods; 4) Environmental education programs for neighboring communities; 5) Prohibition of hunting of any animal species; 6) Building and maintenance of comfortable and functional shelters for researchers; 7) Training and education to all the Hato personnel in respecting and valuing biodiversity, and in supporting researchers; 8) Support to national and foreign researchers and visitors.

This management model has been the product of the will of its owners, who have advanced the vision of maintaining natural conditions through active research on numerous productive, scientific, and educational projects. In Masagural, more than 400 investigations have been carried out regarding biodiversity, wildlife management, and education for sustainability. It is undoubtedly the oldest and most stable private protected area in Venezuela. This stability and recognition, despite the lack of specific legislation for private protected areas, has been built on the basis of the credibility forged by its trajectory as an altruistically dedicated site for knowledge and management of biodiversity.

Reserva Ecológica Privada Guáquira

The Guáquira Reserve is comprised of 2,000 ha of mountains and foothills covered by tropical moist and cloud forests, home to a diverse array of species within the Coastal Cordillera bioregion. ³⁷ It is one of the few examples of private conservation in mountain ecosystems in Venezuela. The land was purchased by the company *Agropecuaria Moparam* in 1984 with 70 per cent of the land initially set aside for conservation. ³⁸ Known simply as *Hacienda Guáquira*, the area has become a leader in private conservation efforts in the last 20 years, under the advice of ecologist Carlos Rivero-Blanco and ex national park manager Luis Escalona. The portion of the land managed as nature reserve is under the stewardship of *Fundación Guáquira*, which runs its programs and conservation efforts. The hacienda itself maintains a variety of agricultural endeavors, including the production of cocoa, cattle, and other products, which help funding the conservation efforts. ³⁹ In addition, scientific research, eco-tourism and wildlife viewing, are very much encouraged, all within a master plan that outlines the guidelines, zoning and activities that are promoted within its area. Utilizing the support of professionals, academics, local organizations and

http://www.guaquira.net/index.php?option=com_content&view=article&id=39&Itemid=123.

³⁶ Montemayor de Blohm, C. Blohm, T.F. Boede, E. O. 2017. Hato Masaguaral, Su Historia. *Boletín de la Academia de Ciencias Físicas, Matemáticas y Naturales*, 77 (2-3): 9-15. Caracas, Venezuela.

³⁷ La Reserva Ecológica Guáquira. n.d. "La Reserva Ecológica Privada Guáquira, REPG." Accessed July 2017.

³⁸ Fundación Guáquira. n.d. "Programa Ambiental de la Hacienda Guáquira." Accessed August 2017. http://www.mucubaji.com/guaquira/conservacion.html.

³⁹ La Reserva Ecológica Guáquira, n.d.

regional authorities, Guáquira is an example of combining strengths of different stakeholders at the local and regional level so as to provide stability to its conservation objectives.⁴⁰

Hato Garza⁴¹

El Hato Garza is located in the biogeographic region of Los Llanos in southwestern Venezuela, located within the third most important wetland in South America known as "Floodplains of the Orinoco." It has an area of around 7,000 ha. Its landscape is that of a plain that is almost totally submerged under the waters of the river Apure in the rainy season. Within this landscape there are a variety relatively high areas that rarely flood and depressions that remain partially and totally flooded between the months of May to December. Associated with these diverse ecosystems are a variety of plant communities, from totally herbaceous or graminoid to arboreal or forested. The predominant vegetation is of savannah, riparian forests or of gallery and patches of forests surrounded by savannas called "matas."

Hato Garza has been dedicated to the conservation of biodiversity for several decades and considers itself a wildlife sanctuary. It is home to an estimated 327 species of higher plants, including 250 species of aquatic vascular plants, and more than 320 species of birds have been recorded. Some emblematic species, threatened with extinction and of extraordinary importance for conservation, have habitat, are residents, and breed in Hato Garza, among them: Giant Otter (*Pteronura brasiliensis*), Tonina (*Inea geoffrensis*), Jaguar (*Panthera onca*), Puma (*Puma concolor*), Ocelot (*Leopardus pardalis*), Anaconda (*Eunectes murinus*), Caramerudo Deer (*Odocoileus virginianus*), Palmero (*Myrmecophaga tridactyla*), Peccary (*Tayassu tajacu*), Capybara (*Hydrochaeris hydrochaeris*), Howler Monkey (*Alouatta seniculus*), Capuchin Monkey (*Cebus olivaceus*), Matamata Turtle (*Chelus fimbriatus*) and Orinoco Caiman (*Crocodylus intermedius*).

The main economic activity of Hato Garza is raising livestock, mainly buffaloes, complemented by ecotourism specifically dedicated to the observation of birds and wildlife. 42 Scientific studies and conservation programs have not been important in the management of the site, despite the commitment of the owners to the conservation of wildlife. In Hato Garza, hunting is prohibited and they work to cultivate conservation awareness among employees and local residents. However, there is poaching by people outside the site. Within the site's management plan, it is desired to place more emphasis on research and conservation programs for particular species.

⁴⁰ Edgard Yerena, personal communication, July 27, 2018.

⁴¹ This case study was provided by Alberto Blanco-Davila, advisor to Hato Garza, and Edgard Yerena. Personal communication, July 27, 2018. Author's Translation

⁴² WAO Turismo. 2018. "Hato Garza." Accessed November 2018. http://waoturismo.com/sitios_wao/hato-garza/.