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Preliminary Report:
Invasion of University Dependencies
Violation of University Autonomy, Right to Education,
and Access to Justice in Environmental Matters

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Violation of University Autonomy, Right to Education, and Access to Justice in Environmental Matters

Between 2004 and 2018, at least fourteen (14) university dependencies of five Venezuelan autonomous universities, in six different States of the country, have been invaded with the consent of the State. These dependencies are *experimental stations*¹, academic units in natural spaces where research, teaching, and university extension activities are carried out.

The intruders, organized in 'cooperatives' or 'communes' so-called 'revolutionary socialists', build huts, destroy the university infrastructure, indiscriminately deforest, hunt protected fauna, and kill animals destined for breeding or scientific research².

In effect, in November 2001, enabled by an Authorizing Act that empowers the Executive to legislate by decree, the former president Hugo Chávez decreed the Law of Lands and Agrarian Development, so that

the lands considered 'idle' could be given to farmers and agriculturists³.

In 2004, the Caparo Experimental Station of the Faculty of Forest and Environmental Sciences of the University of Los Andes (ULA) were invaded. University work on forest protection and native fauna, plantations, agroforestry and silvopastoral activities were also affected. The invasion continued until the end of 2018, despite the existence of a judicial decision ordering the invaders to withdraw from those lands. The Dean of the Faculty of Forest and Environmental Sciences, Professor Darío Garay, indicated that, in a recent visit to Caparo Station, they found that the invaders had deforested between 80 and 100 hectares of forests⁴.

In January 2005, former president Hugo Chávez issued the *Decree for the Reorganization of Tenure and Use of Land with Agricultural Vocation*⁵ in order to establish a commission (formed by ministers and military) which would be responsible for designing and executing the assignment of those lands declared idle,

¹ According to Professor José Rafael Lozada, of the Faculty of Forest and Environmental Sciences of the University of Los Andes, an experimental station is an area where academic, teaching, research and university extension tasks are carried out, separated from the main building of the Faculty to which is ascribed. In the forestry field, the experimental stations are forests and plantations where long-term research projects are developed. Research activities related to undergraduate, postgraduate and doctorate studies are carried out in those forests.

² It should be noted that these activities constitute violations of the National Forest Law and the Environmental Penal Law, currently in force in Venezuela; however, to date, no criminal, civil or administrative responsibilities have been determined. The invasion is also a crime enshrined in article 471-A of the Venezuelan Criminal Code. <https://elcooperante.com/ultimo-bosque-protégido-de-barinas-peligra-tras-invasión-de-un-centenar-de-personas/>

³ "The lands owned by the State or, after expropriation, the lands which are owned by individuals and are unproductive, may be granted in adjudication to those subjects engaged in rural, agricultural activity who demonstrate aptitude to transform them into productive farms. The awarding of these lands will grant the beneficiaries the right to work them and receive their fruits. Likewise, the right granted through the allocation is transferable to the successors of the beneficiary".

⁴ See ODH-ULA report: <http://www.uladdhh.org.ve/index.php/2018/08/09/comunicado-ante-la-grave-destrucción-ambiental-de-la-estacion-experimental-caparo-de-la-universidad-de-los-andes-eec-ula>
http://www.el-nacional.com/noticias/sociedad/invadieron-unico-bosque-los-llanos-occidentales_217804

⁵ Decree N° 3.408 (dated January 10, 2005), with the title Reorganization, Tenure and Use of lands.

with the objective of guaranteeing ‘security and food sovereignty’⁶.

Between 2005 and 2017, four experimental stations belonging to the Experimental University of Táchira (UNET)⁷ were invaded. On August 8th, 2018, the Rector, Professor Raúl Casanova, stated that despite having made the respective denunciations; the UNET had not received any official answer⁸. It notes that in some cases, even the invaders have been granted titles of land tenure⁹. In other cases, the Ministry of the Environment has allowed the invasion of lands ecologically protected. The invasions have affected the development of bachelor programs in animal production, agronomy and agro-industry¹⁰.

In 2006, the **San Nicolás Experimental Station of the Faculty of Agronomy of the Central University of Venezuela (UCV)**¹¹ was invaded, affecting 700 hectares out of a total of 1,440, and damaging university agricultural research programs.

In the year 2010, the Law of Lands and Agrarian Development of 2001 was amended. It was established that lands with a vocation for agricultural use were of public utility or social interest; therefore, any citizen could denounce the existence of

idle lands before any regional office, and so request its adjudication¹².

In 2010, the National Land Institute legitimated the invasion of San Nicolás Experimental Station under the so-called ‘Guarantee of Agrarian Socialist Permanence’, awarding the lands of the aforementioned station, to its 51 invaders¹³. The judicial representative of the UCV requested the nullity of this measure; however, it was ratified by decision of the Third Agrarian Superior Court, which declared valid, and with all its juridical effects, the administrative acts dictated by the Directory of the National Land Institute¹⁴.

In April 2018, in a Nucleus of Deans held in the ULA, the Dean of the Faculty of Agronomy of the UCV noted that the University had shown that the lands belonging to the experimental station were not idle lands, and the Supreme Court of Justice had ruled that the invaded lands were property of the UCV; therefore, those lands had to be returned. Nevertheless, this sentence had not yet been executed¹⁵.

⁶ See: http://www.derechos.org/pw/wp-content/uploads/decreto_reorganizacion_tierra.pdf

⁷ Santa Rosa, La Morusca, Tuquerena and La Primavera.

⁸ www.el-nacional.com/noticias/sucesos/irregulares-asaltaron-fincas-universidad-nacional-del-tachira_247111

⁹ This is the case of the Santa Rosa Experimental Station.

¹⁰ Interview with Professor Raúl Casanova, Rector of the Experimental University of Táchira (UNET).

¹¹ See: <https://www.analitica.com/economia/patrimonio-universitario-en-la-mira/>

¹² See articles 35 and 68 of the law above mentioned (Spanish version) in:

<https://www.civilisac.org/civilis/wp-content/uploads/gaceta-ley-tribunal-supremo-de-justicia-1.pdf>

¹³ See: <http://ciberprotesta.over-blog.com/article-terrenos-expropiados-de-la-ucv-seran-declarados-permanencia-agraria-socialista-55203210.html>

¹⁴ See: <https://vlexvenezuela.com/vid/universidad-central-venezuela-inti-300788398>

¹⁵ See: <http://prensa.ula.ve/2018/04/24/invasiones-tema-principal-en-núcleo-de-decanos-de-las-ciencias-del-agro-y-del-mar>

From 2010 to 2017, at least five ¹⁶ Experimental Stations, and other spaces at the Centro Universitario Lisandro Alvarado (UCLA)¹⁷ have been invaded, affecting – among others– infrastructures of postgraduate studies and biotech, as well as research work in viticulture and tropical enology, genetic research of bovine breeds and biodel for vaccines production. In addition, these invasions have led to the environmental destruction of ecologically protected areas.

In a press conference in 2017, the Rector of the UCLA, Professor Nelly Velázquez, expressed her rejection of this type of facts, and pointed out that a crime is being committed by illegally occupying land granted on a loan for decades, and that in 2012, the National Land Institute renewed to UCLA for 30 years¹⁸.

In 2011, a judgment of the Constitutional Chamber of the TSJ established the non-application of the articles of the Venezuelan Criminal Code which sanction the crimes of invasion of private property, because the invader possessed a "guarantee of socialist agrarian permanence" granted by the National Institute of Land.¹⁹

In 2016 the Ministry of Housing and

¹⁶ <http://www2.ucla.edu.ve/blog/prensa/2017/10/24/ucla-continua-perdiendo-espacios-a-causa-de-invasiones-2/>

<https://www.laprensalar.com.ve/2017/10/cinco-invasiones-en-sedes-de-la-ucla/>

¹⁷ Experimental Stations Tarabana and Tocuyo, belonging to the Grape Institute. Dr. Manuel Salvador Yépez El Torrellero Experimental Station; and the Sarare Experimental Station.

¹⁸ See:

<http://www.elimpulso.com/2017/10/21/ucla-continua-siendo-acechada-invasores/>

¹⁹ See:

www.tsj.gob.ve/decisiones/scon/diciembre/1881-81211-2011-0829.HTML

Habitat issued several resolutions ordering the occupation of certain lands across the national territory; thus promoting the invasion of lands.²⁰

Since 2016 and until this date, the Judiciary Experimental Station of the ULA Nucleus Alberto Adriani has been invaded, affecting 240 hectares out of a total of 250. Investigations of bovine genetics, agroforestry: cocoa, bamboo, and forest species have been destroyed, and the students have been unable to perform their field practices.

On April 15, 2018 the Rector of the ULA, Professor Mario Bonucci Rossini, denounced that the invaders were committing cattle rustling. The Rector said that intruders had demolished the identification sign of the university dependency, placing chains and padlocks, and that they had slaughtered cattle which were part of the dynamics of research projects.²¹

On April 17, 2018 the University Council of the ULA issued a statement requesting the action of the State, arguing that the invaded areas are intended for scientific development and professional agricultural training.²²

Professor Domingo Alarcón, Director of the Nucleus Alberto Adriani, lamented the

²⁰ Extraordinary Official Gazette 6234 July, 01 (2016).

²¹ See:

<http://www.eluniversal.com/venezuela/6306/rector-bonucci-denuncio-invasion-abigeato-finca-experimental>

²² See: <http://prensa.ula.ve/2018/04/30/finca-judibana-ula-podr%C3%ADa-convertirse-en-tierra-arrasada>

way in which the university infrastructure is progressively destroyed by usurpers.²³

Between July and September 2017, the San Pedro Agricultural Experimental Stations and the Ana María Campos Experimental Farm were invaded, both belonging to the University of Zulia (LUZ); thus affecting the production of cattle and milk, as well as the production and genetics of cereals, legumes, vegetables and fruit trees.

The invasion of the experimental stations considerably affects the academic work.

In October 2017, the Deans of the Faculties of Agronomy and Veterinary Sciences of LUZ stated that the academic activities of both Faculties require field practices that are usually carried out in outdoor laboratories, unfortunately located in the invaded areas, and that the invasion puts at risk the university heritage, and the activities that take place there²⁴. Dean of the Faculty of Veterinary Sciences of LUZ, Professor José Manuel Rodríguez, also said: "the threat is towards the academic. No bachelor that has to do with agronomy or veterinary can do their practices in classrooms located in the city. Students need the field experience. We want to give our students a high-quality education (...)"²⁵.

According to Ana Colina de Rubio, professor at the Faculty of Agronomy of

LUZ, the invasions constitute "a policy of the State, due to recurrence and the State consent." The professor pointed out that the Nation was being harmed by the destruction of university campus, and the violation of university autonomy, the academy and the future of the country²⁶.

According to Eduardo Fernández, President of the Federation of University Centers (FCU) of LUZ, the invasion of experimental stations in LUZ has hampered the training of 1,700 veterinary students, and 1,000 agronomy students, which represents 60% of the students in both bachelor degrees²⁷.

Violation of the right to justice in environmental matters

Invasions of the university experimental stations have been reported to the competent authorities. It results worrying that even when the Universities have exercised the respective legal actions, and having the courts pronounced in their favor, the juridical decisions have not been yet executed by the State security bodies.

In Caparo and Judibana Experimental Stations, the Criminal and Agrarian Control Courts, respectively, ordered the expulsion of the invaders, on January 31, 2018 for Caparo, and July 29, 2016 for Judibana.

Thus far, none of these decisions has been

²³Twitter account of the Nucleus Alberto Adriani @NuuaULA

²⁴ See: www.agenciadenoticias.luz.edu.ve

²⁵ See: <https://www.elimpulso.com/2012/09/29/caparo%E2%80%88un-aula-abierta-bajo-amenaza-de-invasi3n/>

²⁶ See: www.el-nacional.com/noticias/educaci3n/invasiones-impiden-formaci3n-2700-estudiantes-luz_216164

²⁷ Ibid.

executed²⁸, and the invasion persists. Nor have the courts declared contempt against the invaders, and the consequences derived from it.²⁹

INVASION OF UNIVERSITY AREAS IN VENEZUELA (2004-2018)

Barinas: (ULA)

- Caparo Experimental Station.

Lara: (UCLA)

- Experimental Station of Tarabana;
El Tocullo; El Torrellero; Sarare;
Natural Research Center for Grapes

Portuguesa: (UCV)

- San Nicolás Experimental Station

Mérida: (ULA)

- Judibana Experimental Station

Táchira: (UNET)

- Santa Rosa Experimental Station.
- La Morusca E. S.
- La Primavera E.S.
- Tuquerena E.S.

Zulia: (LUZ)

- San Pedro Agricultural
Experimental Station.
- Ana María Campos Experimental
Station.

²⁸ See: <http://prensa.ula.ve/2018/05/25/se-incrementa-invasión-en-estación-experimental-de-la-ula-en-caparo-frente-la-mirada>

²⁹ Article 483 of the Criminal Code states that: "Anyone who has refused to comply an order legally issued by the competent authority, or has not observed any measure legally issued by that authority, in the interests of justice, or public safety or health, shall be punished with 35 days of arrest, or a fee between 20-150 tax units".



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