

Suriname

Nature Reserves within the Indigenous Territory of the Kaliña and Lokono Peoples of Lower Marowijne



A review of Suriname's implementation of the CBD Programme of Work on Protected Areas

January 2008

CLIM
Lower Marowijne
Indigenous Land Rights
Commission



VIDS
Association of
Indigenous Village
Leaders in
Suriname


Forest Peoples
Programme

FPP series on Forest Peoples and Protected Areas

Introduction

In 2004, the 7th Conference of Parties ("COP") to the Convention on Biological Diversity ("CBD"), adopted a Programme of Work on Protected Areas (PoW-PA).¹ This report analyses the extent to which this Programme of Work has been implemented by Suriname, which ratified the CBD in 1996. While the vast majority of protected areas in Suriname affect indigenous and tribal peoples and their rights, this report focuses on the nature reserves situated within our traditional territory on the Lower Marowijne River. This report was prepared by the Forest Peoples Programme (FPP) and the Lower Marowijne Indigenous Land Rights Commission (CLIM) for the second meeting of the Ad Hoc Open-ended Working Group on Protected Areas (WG PA 2), to be held in Rome from 11-15 February 2008, where it will be presented and disseminated. With this paper, we hope to inform a large audience about the situation in Suriname in terms of protected areas; to provide the CBS secretariat with a useful case study document, and to alert the government of Suriname on aspects of the PoW that have not (yet) been implemented, and we offer some recommendations to improve the implementation process.

In this paper, after introducing the Lower Marowijne area and its nature reserves, we first discuss the establishment and management of existing and planned protected areas in Suriname and the way indigenous peoples were and are involved in these processes. We then turn to the issue of property, access and user rights, and discuss conflicts with regards to the protected areas – called 'nature reserves' in Suriname. We also look at recent initiatives in Suriname, most importantly the National Biodiversity Strategy that was submitted to the CBD Secretariat in 2006. Finally, we make a comparison between the activities that were attached to the PoWs targets and goals and the situation in Suriname in practice, and try to signal obstacles and propose recommendations.

The review focuses on **Goals 2.1 and 2.2** of the PoW- PA:

| Goal | Target |
|--|--|
| Goal 2.2: 'To enhance and secure <u>involvement</u> of indigenous and local communities and relevant stakeholders'. | "Full and effective <u>participation</u> by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the <u>management of existing, and the establishment and management of new, protected areas</u> ". |
| Goal 2.1. 'To promote equity and benefit sharing.' | "Establish mechanisms for the <u>equitable sharing</u> of both <u>costs and benefits</u> arising from the establishment and management of protected areas". |

¹ COP 7 Decision VII/28, Annex, Programme of Work on Protected Areas, available at www.cbd.int

Lower Marowijne: background

The Lower Marowijne area is situated in the North-eastern tip of Suriname on the border with French Guiana. The Marowijne River to the East and the Atlantic Ocean to the North form its natural boundaries. For as long as we can remember, we, the Kaliña (Carib) and Lokono (Arawak) indigenous peoples of Lower Marowijne, have occupied and used this area. Today there are eight indigenous communities in this region: Christiaankondre, Langamankondre, Erowarte, Tapuku, Pierrekondre, Marijkedorp, Alfonsdorp and Bigi Ston. The total population is approximately 2,000. The area where we live is noted for its high biological and cultural diversity and encompasses three nature reserves: the Galibi Nature Reserve, the Wane Kreek Nature Reserve and the Wiawia Nature Reserve.



The Marowijne River

Early 2007 we have filed a petition with the Inter-American Commission on Human Rights to seek recognition of our land rights.² The imposition of the nature reserves is explicitly addressed in this petition and it directly seeks the restitution of indigenous lands incorporated therein.³ That we felt compelled to file a complaint with the Commission is a strong indication of a lack of progress in reconciling respect for indigenous peoples' rights with effective biodiversity conservation in Suriname. The Inter-American Commission has declared the Case admissible on 15 October 2007 and is now proceeding to examine the merits. The admissibility decision specifically states that, if proven, the following "tend to establish violations of rights guaranteed under the American Convention [on Human Rights]:" a) the establishment of "three nature reserves within the territory of the Lower Marowijne Peoples without the knowledge or consent of the alleged victims; [and b)] ... the laws that govern the reserves do not recognize the indigenous rights of the Lower Marowijne Peoples, and expressly prohibit subsistence activities like hunting and fishing."⁴

² *Petition Submitted to the Inter-American Commission of Human Rights Organization of American States by Eight Indigenous Village Leaders on behalf of the Kalina and Lokono Indigenous Peoples of the Lower Marowijne River and the Members thereof, by The Lower Marowijne Indigenous Land Rights Commission and by The Association of Indigenous Village Leaders in Suriname against The Republic of Suriname* (February 2007).

³ F. MacKay, "Indigenous Peoples and the Right to Restitution: Implications of Inter-American Human Rights Jurisprudence for Conservation Practice", 15 *IUCN Journal of Conservation Matters* (2007), 209-22, 216. Available at: <http://www.iucn.org/themes/ceesp/Publications/newsletter/PM15.pdf>.

⁴ *Report 76/07, Admissibility, Kaliña and Lokono Peoples, Case 12.639 (Suriname), 15 Oct 2007, para. 66-7.*

In the case study that we recently carried out in Lower Marowijne in relation to article 10(c) of the CBD, the issues of ownership, stewardship, management and use of the nature reserves were identified by our people as one of the threats to our customary and sustainable use of our traditional territory.⁵ In our recommendations to the government we also asked for restitution of the nature reserves: “we already consider the entire Lower Marowijne area as a protected area and we will continue to manage and protect this area for future generations”.⁶

The Galibi Nature Reserve (20 km²) was established in 1969 to protect nesting giant sea turtles. It is one of the few areas in the world where four species of endangered giant sea turtles come to nest, and it attracts hundreds of tourists each year.

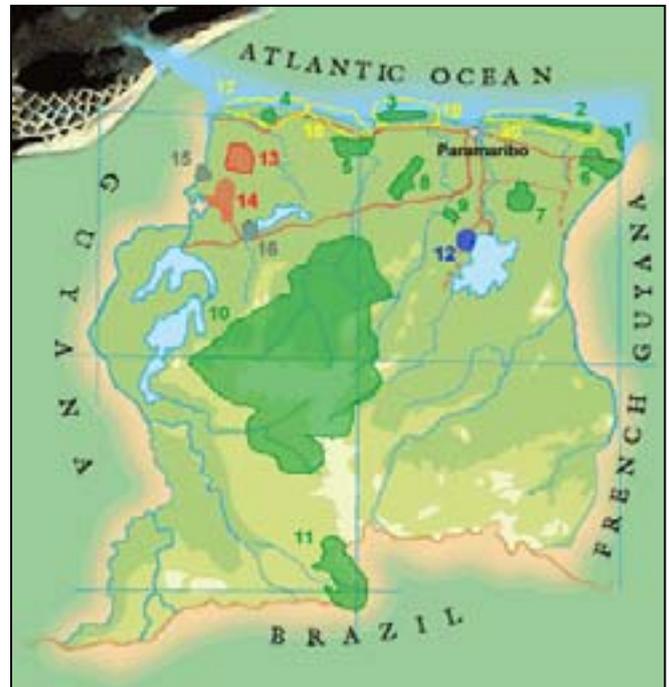
The Wanekreek Nature Reserve (450 km² - some 50 percent of the our traditional territory) is a wetland area and was established in 1986 because it includes the only wet, white sand savannahs of the ‘Watamaleo-type’ in Suriname. It is extremely high in biodiversity, an important nesting ground for birds especially parrots and home to several types of caymans and giant river otters. The area has not been permanently occupied since the 1950s, but is an integral part of the ancestral lands of the Lokono communities of Marijkedorp and Alfonsdorp, who continue to maintain their multifaceted relationships with this area, for instance, through a variety of traditional activities, such as hunting, fishing, and the performance of sacred rituals.

First we will have a look at the way indigenous peoples have been involved in the establishment and management of the nature reserves.

Nature Reserves in Suriname: policies and practices

Participation in the establishment and management of nature reserves

The nature reserves in the Lower Marowijne were established long before Suriname became a party to the CDB. In the case of the Wane Kreek Nature Reserve, the indigenous peoples were unaware that it had been established for over eleven years until they complained about bauxite mining operations in that area in 1997. These reserves all contain sacred sites (including burial sites) and other areas of high cultural value and are vitally important areas for harvesting subsistence resources, both terrestrial and marine.



Nature Reserves Lower Marowijne: 1-Galibi Nature Reserve; 2 - Wia-Wia Nature Reserve; 6 - Wanekreek Nature Reserve (Source: Stinasu)

⁵ Marauny Na’na Emandobo Lokono Shikwabana (“Marowijne – Our Territory”), Traditional Use and Management of the Lower-Marowijne Area by the Kalina and Lokono, CLIM/VIDS/FPP report (December 2006), 107.

⁶ “Marowijne – Our Territory”, 115.



Wane Kreek Nature Reserve

At a workshop on 'Indigenous Peoples and Protected Areas in Guyana' in April 2001, Ricardo Pané, village leader of Christiaankondre, made the following statement regarding the establishment of the Galibi Nature Reserve: "*... a government delegation came to Gailibi for a few hours. They cheated and tricked the village leaders of the time, by saying that they intended only to do some research in the area. When they returned three months later, the area had already been declared a protected area by government. The Indigenous peoples had to relocate immediately and stop all activities in the area...One quick meeting by government officials with the people to announce that a protected area has been established does not count as real participation in decision-making. We have traditions and structures that must be respected by government.*"⁷

The nature reserves were all created pursuant to Suriname's 1954 Nature Protection Act. Article 1 of the Act provides that "For the protection and conservation of the natural resources present in Suriname, after hearing the Council of State, the President may designate lands and waters belonging to the State Domain as a nature reserve." As indigenous peoples' territories are legally classified as state lands (state domain) and Suriname law does not recognize that indigenous peoples have any legal rights to their lands, this provision permits the state to unilaterally declare any indigenous territory or part thereof to be a nature reserve by decree.⁸

That the reserves were established without our participation and consent is acknowledged in the Galibi Nature Reserve Management Plan 1992-96. This plan states that, "Although the government discussed the establishment of the Galibi Nature Reserve with the local population, the villagers were not involved in the decision-making process. They were confronted with the reserve as a *fait accompli* (...)." ⁹

With regard to the Galibi Nature Reserve, and due to our own sustained efforts, particularly the villages of Christiaankondre and Langamankondre, to reach agreement with the State in relation to the Galibi Nature Reserve, today we have some limited involvement in decision making. Specifically, a "Consultation Commission" was established to discuss sustainable management of the reserve and tourism in 1997. While the commission includes two representatives from the

⁷ Quoted in Viviane Weitzner, *Determining our Future, Asserting our Rights: Indigenous Peoples and Mining in West Suriname* (Ottawa 2007), 67. Available at: www.nsi-ins.ca

⁸ *Petition Submitted to the Inter-American Commission*, para. 84 (page 21) and Fergus Mackay, "Indigenous peoples, Protected Areas and the Right to Restitution", 216.

⁹ Fergus Mackay, "Indigenous peoples, Protected Areas and the Right to Restitution", 216.

villages of Christiaankondre and Langamakondre (together also named 'Galibi'), the majority of representatives are from government, including the Chair. In effect, the government retains complete decision-making power, while local representatives are 'allowed' to engage in short-term projects. In a recent report (January 2007), senior researcher Dr. Viviane Weitzner of the Canadian North-South Institute commented: "The consultation commission is a very weak form of collaboration, considering the spectrum of possible co-management models".¹⁰

In the process of discussing plans for a Nature Reserve in the Kaboerikreek Area in West Suriname which is part of the traditional territory of the indigenous communities of West Suriname, the government officials have often pointed to the Galibi Nature Reserve and its Consultation Commission as a potential model for Kaboerikreek. But Dr. Weitzner says: 'the Galibi model is a very weak model of consultation with local populations, rather than strong co-management models that include at least 50 per cent Indigenous Peoples and 50 per cent government officials on decision-making boards, and where Traditional Ecological Knowledge and traditional models of conservation are incorporated into management planning, decision-making and monitoring'.¹¹ It should also be noted that the Kaliña and Lokono of the Lower Marowijne are not seeking to establish a co-management system, but, rather, restitution of and control over our traditional territory.

In the following section we will describe the way that ownership, access and user rights were addressed during the establishment of nature reserves in Suriname. We will address both the older nature reserves such as the Galibi Nature Reserve, and the more recent nature reserves. Also included are the plans for proposed nature reserves.

Property- access- and user rights

In our complaint to the Inter-American Commission, it is stressed that there has been *no progress* with regard to addressing our property rights concerning the Galibi Nature Reserve. This is our main concern and objective and has been since the reserve was first established in 1969.¹² The Nature Protection Act makes no provision for the protection of indigenous peoples' rights. There is no requirement that indigenous peoples' property rights will be respected when reserves are established and there is no requirement that traditional access rights and use of resources within the reserves be respected or protected. Rather, under the Act, nature reserves are property of the state and hunting, fishing or any damage to the soil or the flora and fauna within the reserves are strictly prohibited and punishable as criminal offences.¹³

Some government officials have noted that there has been progress with regard to respecting traditional rights within protected areas, for example, through the 1986 Nature Preservation Resolution, which established among others the Wane Kreek Nature Reserve.¹⁴ This resolution indeed contains a provision that purports to protect the customary rights of indigenous communities, but only those communities that are located in the reserve and there are none in the reserve. Moreover, it does not describe or define the term 'customary rights', and the only legal definition of this term is in a 1982 Decree which explains that these rights are not legal rights, and the Resolution merely requires that customary rights 'are taken into account as far as possible'.

¹⁰ Viviane Weitzner, *Determining our Future, Asserting our Right*, 67.

¹¹ *Idem*, 66.

¹² *Petition Submitted to the Inter-American Commission of Human Rights*, para. 90.

¹³ Cited in F. Mackay, "Indigenous peoples, Protected areas and the Right to Restitution", 216.

¹⁴ *Idem*.

The 1986 Resolution thus is both inapplicable, provides no meaningful protection and is so vague that it is unenforceable.¹⁵ Also, this Resolution does not apply to the Galibi and Wia Wia reserves, which remain subject to laws that criminalise the exercise of indigenous peoples' basic rights.

Nature Reserves that were established more recently than the ones in Lower-Marowijne, do not represent an improved situation. For example, the Central Suriname Nature Reserve was established in 1998. It involved expropriating approximately one-third of the territory of the Kwinti Maroon people who exercised ownership and other rights there since the 18th Century. To date they have not been compensated and no other form of reparation has even been discussed. In terms very similar to the 1986 Nature Preservation Resolution that established the Wane Kreek Nature Reserve, the 1998 Resolution provides that "the villages and settlements of bushland inhabitants living in tribes, will be respected as long as it is (a) not contrary to the general interest or the national goal of the established nature reserve and if (b) it is not provided otherwise" (article 2). As with the 1986 Resolution, this provision does not offer any effective protection for indigenous peoples' rights.¹⁶

In Decision VII/28 and the PoW-PA, the CBD COP decided that "the establishment, management and monitoring of protected areas should take place with the full and effective participation, and the full respect for the rights of, indigenous and local communities consistent with domestic law and applicable international obligations."¹⁷ Suriname's applicable international obligations include the American Convention on Human Rights as interpreted in the jurisprudence of the Inter-American Court of Human Rights. In the 2007 case of the *Saramaka People v. Suriname*, the Court held that indigenous and tribal peoples' property rights arise from their own customary laws and tenure systems and Suriname is obligated to regularise those rights through delimitation, demarcation and titling of indigenous peoples' traditionally-owned territories.¹⁸ It also reaffirmed its prior jurisprudence holding that indigenous peoples have a right to restitution of lands that have been taken without their consent provided that they maintain some degree of spiritual and material connection with such lands.¹⁹ Evidence of the requisite connection may be found in "traditional spiritual or ceremonial use or presence; settlement or sporadic cultivation; seasonal or nomadic hunting, fishing or harvesting; use of natural resources in accordance with customary practices; or any other factor characteristic of the culture of the group."²⁰ In this light, Suriname is clearly not respecting indigenous peoples' rights in accordance with its applicable international obligations, and it can be expected that the Inter-American Commission will so hold in its examination of the merits in the our case.

This failure to address indigenous peoples' property rights with respect to nature reserves is the primary reason why the communities of West Suriname have rejected current proposals for the establishment of a Kaboeri Nature Reserve. Right now, the establishment of a nature reserve would

¹⁵ "Marowijne – Our Territory", 107.

¹⁶ Viviane Weitzner, *Determining our Future, Asserting our Rights*, 65.

¹⁷ Decision VII/28 Protected Areas, at para. 22. See, also, Decision VII/28, Annex, Programme of Work on Protected Areas, Goal 2.2. In: *Decisions Adopted by the Conference of Parties to the Convention on Biological Diversity at its Seventh Meeting*. UNEP/BDP/COP/7/21, pps. 343-64.

¹⁸ Inter-Am. Court of Human Rights, *Saramaka People v. Suriname*. Judgment of 28 November 2007. Series C No. 172, para. 194 (affirming also at para. 93, that the right to self-determination is held by indigenous and tribal peoples and that interpretations of the right to property recognised in the American Convention cannot restrict the exercise of that right). Available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf.

¹⁹ *Sawhoyamaya Indigenous Community v. Paraguay*. Judgment of 29 March 2006. Series C No. 146, at para. 128, 131. See, also, *Yakye Axa Indigenous Community v. Paraguay*. Judgment of 17 June 2005. Series C No. 125; and *Moiwana Village v. Suriname*. Judgment of 15 June 2005. Series C No. 124.

²⁰ *Idem*.

mean that the 68,000 ha of traditional indigenous lands would be titled to the state rather than to them. First, they say, the government should delimit, demarcate and grant a collective title over their territory.²¹

The next section will describe some of the conflicts that have arisen between us and the government concerning the protected areas. Whereas the government is strictly applying their rules concerning the reserves, they tolerate or consent to activities by others that damage the nature reserves.

Conflicts

Galibi

In addition to failing to address our property rights with respect to nature reserves, Suriname is actively enforcing the provisions of the 1954 Nature Protection Act that criminalise the exercise of indigenous peoples' rights. In 2005, it established a guard post staffed by armed forest guards between the Galibi Nature Reserve and the two closest indigenous villages in order to protect the Galibi Reserve. Armed guards have prohibited and continue to prohibit the entry of village members to the reserve for subsistence purposes and our people continue to suffer harassment on a regular basis.²² The main conflict has been characterized as concerns about the collection of sea turtle eggs. Although we have traditionally harvested turtle eggs for subsistence purposes, this has always been done in accordance with traditional sustainable use principles and it is taboo for us to kill turtles or to eat turtle meat, because we believe that the father or protective spirit of the turtle will take revenge if you do so.²³ In 2006 government forest guards shot at boats of our women heading to the market, though no eggs were found.

The primary threat to the turtle population in this area, however, comes from commercial shrimp fishing boats (none of which belong to us) or pirate fishers from neighbouring countries that drown the turtles in their nets. Rather than address the activities of these trawlers, the State continues to focus its efforts on preventing us from accessing the reserve.²⁴ We also know of government-hired guards allowing illegal hunting (mostly by city tourists) in exchange for bribes.



Giant sea turtle, Galibi

Wane Kreek

Wanekreek Nature Reserve is a very important hunting and fishing area for us. There are also many sites here that are sacred to us or otherwise important, because our ancestors lived here. As we said before, the Nature Protection Act prohibits hunting, fishing or any damage to the soil, flora and fauna within the reserve. This prohibition remains in force for us, but at the same time the state has authorized large-scale bauxite mining in the Wane Kreek Reserve. A joint venture between two multinational companies has been mining bauxite in the Wane Kreek Nature Reserve since 1997. The companies received a permit from the State. We were never consulted about the

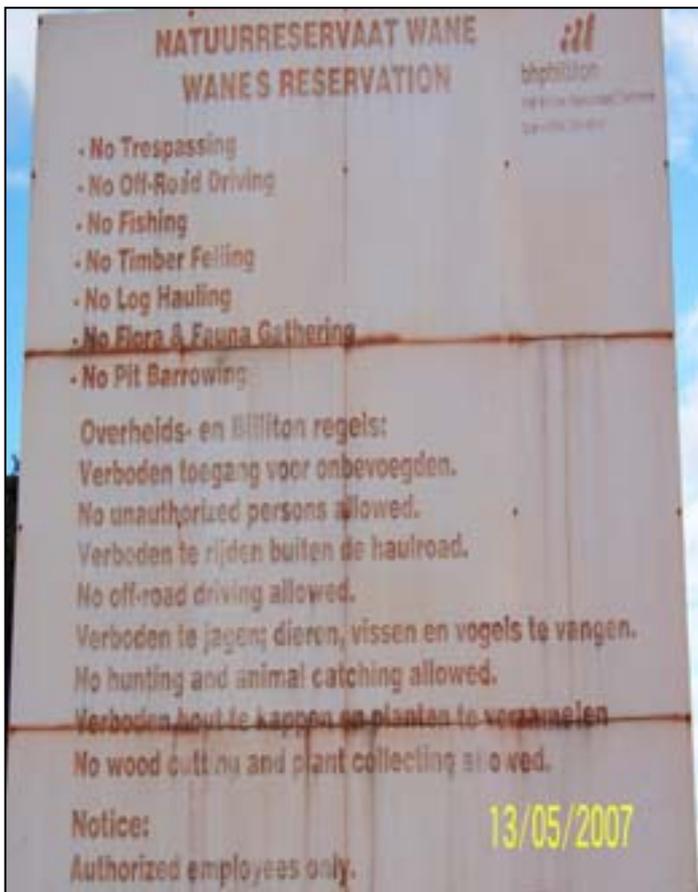
²¹ Viviane Weitzner, *Determining our Future, Asserting our Rights*, 65.

²² *Petition Submitted to the Inter-American Commission of Human Rights*, para. 91 and; F. Mackay, "Indigenous peoples, Protected areas and the Right to Restitution", 216..

²³ See about the meaning of the sea turtle in our culture: "Marowijne – Our territory", 97.

²⁴ *Petition Submitted to the Inter-American Commission of Human Rights*, para. 89 and 91.

mining activities, nor were the Cottica N'djuka people who use the eastern areas of the reserve. No social impact assessment was undertaken before the mining operations started and there have been no consultations with us to develop mitigation measures.²⁵ The companies use dynamite and other explosives and noisy heavy equipment to extract the bauxite. The operations also continue during the night and then big lights are used. All these things have seriously decreased the number of game animals that we rely on for a significant part of our dietary protein needs. Many animals have left the area because of the noise and light pollution. Our hunters also report that they have been denied access to the area by company employees and that these same employees are causing severe declines in fish stocks due to their indiscriminate use of poison in the creeks²⁶.



Since the mining operations, rules concerning the reserve are even more strictly applied. This sign (photographed by a community member of one of the indigenous villages near the entrance of the reserve) shows the government and the company's rules and states: no access, no hunting, no fishing, no wood cutting or plant collecting. The Government does not monitor illegal sports hunting and fishing. Mining access roads have opened up the area and are increasingly being used for illegal logging. We fear that such activities will eventually spread to the rest of the Reserve, including our territories. We have also noted that company employees are indiscriminately using a plant-based poison (*neku*) to fish in the creeks within the reserve, thereby causing severe declines in fish stocks. Use of this poison is highly regulated by our traditional laws, as overuse can destroy all the fish stocks in creeks.²⁷

We have pressured the mining companies to enter into a dialogue about the impacts of the mining. During a presentation at the office of the mining company, we presented the evidence that we collected ourselves, which clearly show the destructive results and the effects of the mining activities on the Wane Kreek Nature Reserve. On this map (see below), a part of the Wane Kreek Reserve where the mining activities take place is shown. It shows large deforested areas. On the left, the sign near the entrance is indicated along the road into the reserve. The pictures below were taken in the area indicated on the right. We have demanded an independent assessment of the damage to their territory, including the rehabilitation activities and for reparations of all damages and compensation, and participation in the rehabilitation and closure of the mine.²⁸

²⁵ Idem, para. 140, page 36.

²⁶ *Petition Submitted to the Inter-American Commission of Human Rights*, para. 142.

²⁷ *Petition Submitted to the Inter-American Commission of Human Rights*, para. 79. See about the use of 'neku' and our rules about the use "Marowijne – Our territory", box 9.2, page 95.

²⁸ Presentation of the CLIM / VIDS, Moengo 21 June 2007.



Recent initiatives

Now we turn to a recent initiative of the Suriname government: the National Biodiversity Strategy (NBS). Suriname finished this NBS in March 2006, as a means of fulfilling one of its commitments under the CBD.²⁹ It outlines Suriname's plans in terms of the protection, conservation and sustainable use of biodiversity in the future, including protected area management. We will highlight the most relevant goals and strategic directions.

Suriname's National Biodiversity Strategy

The foreword of the National Biodiversity Strategy states that it shall [...] serve as the basis for Suriname's Sustainable Development. The document will be integrated in the policy and sector plans.³⁰ The NSB contains seven Goals with corresponding Strategic Directions. The Strategic Directions will guide the design and implementation of Suriname's NBS- Action Plan.³¹ What strikes

²⁹ Republic of Suriname, Ministry of Labour, Technological Development and Environment, *National Biodiversity Strategy* (March 2006). Available at <http://www.cbd.int>

³⁰ *National Biodiversity Strategy Suriname*, 3.

³¹ *National Biodiversity Strategy Suriname*, 20.

us, is that the NBS hardly says anything about indigenous or local communities as related to protected areas.

Goal 1 of the NBS is labelled 'Conserve Biodiversity' and explains: "Suriname has already begun the establishment and management of a diverse network of nationally protected areas as parks, reserves and related classifications. This elaborated system of protected areas will be strengthened and expanded nationally and locally as is deemed appropriate within national economic and social development strategies [...]. To 'strengthen and advance the establishment of protected areas', several strategic directions are proposed. Two strategic directions pertain to protected area management but do not address indigenous peoples:

- Introduce specific guidelines for efficient and effective management in the existing protected areas in Suriname through operational management plans
- Expand existing protected areas and develop new ones to establish full representation of all ecosystem types found in Suriname

One of the strategic directions to "Strengthen Policies and Legal Mandates to Protect Species and Habitats" indicates that Suriname aims to

- Ensure the collaborative involvement of local communities in all aspects of biodiversity conservation planning, management, administration, enforcement, and particularly through increased employment opportunities in conservation related activities, and also
- Create the active involvement and collaboration with stakeholders with regard to policy measures and planning.

Although this does point towards more involvement, these directions do not refer to protected areas as such (although it does say 'all aspects'), nor do they mention potential forms of conservation such as co-managed protected areas or indigenous peoples and local community conserved areas. Nor do they address the issue of property, or access and user rights. Indeed, it could be argued that the point concerning the expansion of the protected areas system actually poses a threat to indigenous peoples if this expansion fails to account for Suriname's applicable international obligations with respect to indigenous peoples' rights.

Moreover, so far these intentions do not seem to have been put into practice yet. Viviane Weitzner writes in her report about West-Suriname: "Current proposals for Kaboriekreek refer far more often to 'local communities' rather than recognizing these are 'local *Indigenous* communities', and make it clear that the government would retain control of decision-making and would seek what appears to be very token advice from adjacent Indigenous communities. The government hired a consultant to draft a management plan for the area, without the communities being informed or participating equally, and therefore, without traditional knowledge being considered equally with Western Science".³²

Indeed, some of the strategic directions in the NBS strongly give the impression that the State wants to educate the indigenous and local communities in conservation issues and sustainable use, rather than the participation process being a two-way interaction where indigenous knowledge and 'western science' are viewed as equal or at the very least where indigenous knowledge is acknowledged as an important part of biodiversity conservation and management. For example,

³² Viviane Weitzner, *Determining our Future, Asserting our Rights*, 66.

one strategic direction related to 'Manage and Maintain Wild Species and Their Habitats' (Goal 1) states:

- Provide public education for local communities in biodiversity conservation, tourism sector and hunters.

Strategic Directions pertaining to Goal 5 (Enhance Resources Management Capacity) and Goal 6 (Public Awareness, Education and Community Empowerment) state:

- Provide incentives to communities to promote biodiversity monitoring, conservation, and sustainable use activities.
- Increase the awareness of risks, threats and opportunities for biodiversity and cultural conservation at the local level in towns, rural areas and villages of the interior through broadbased multi-lingual public awareness campaigns adapted to local language and customs.

The Strategic Directions/Goals also do not reflect full understanding of and respect for indigenous practices. For example, one Strategic Direction pertaining to Goal 2 (Sustainable Use of Biological Resources) states in relation to Agriculture and Land Use Planning:

- Develop and promote outreach services to strengthen the traditional permanent agricultural practices of Maroon and Indigenous communities.

A strategic direction under Goal 2 focussing on 'Sustainable Use and Management of Marine resources' aims to "Implement the integrated coastal zone management plan through relevant agencies, local communities and conservation organizations". This however only refers to local communities implementing government-designed plans, whereas strategic directions under Goal 2 focussing on 'Sustainable Use and Management of Forest Resources' do not mention indigenous knowledge or traditional use at all.

Goal 3 (Facilitate Access to Biological Resources to Promote Equitable Developments in Biotechnology and Safe Handling and Transport of Genetic Materials) does include a strategic direction to

- Develop mechanisms for stakeholder participation in all access and benefit sharing discussions to address concerns, risks and opportunities from the development of biotechnology and biological resources, and establish policies and legislation governing access and marketing of these resources, and to
- Identify existing legal, policy and administrative measures to strengthen the review and assignment of access and benefit-sharing for biological resources and biotechnology, including intellectual property rights regimes to address ownership issues, and assign institutional responsibilities,

However, there is no definition of the term 'stakeholders'. In a recent Inter-American Development Bank policy note on Indigenous Peoples and Maroons in Suriname, Dr. Ellen-Rose Kambel addressed problems relating to consultation processes with indigenous peoples and Maroons in Suriname. She sketched the problem of 'Stakeholders vs Rights-holders': "When issues are discussed which directly affect the territories they traditionally own or otherwise occupy and use, Indigenous Peoples and Maroons are treated in the same way as environmental groups or logging or mining companies. Even though they are in a fundamentally different position – they consider

the term 'rights holders' more appropriate- there is no special significance attached to their views or positions".³³

The strategic directions do not refer to measures to adjust policies to avoid and mitigate negative impacts on indigenous and local communities, and where appropriate compensate costs and equitably share benefits in accordance with the national legislation.

Strategic Directions pertaining to Goal 4 do point towards new legislation options:

- Establish new legislation regarding the protection of traditional knowledge, lifestyles, innovations and practices of indigenous peoples and maroons communities and other local communities.
- Develop a national strategy for fair and equitable sharing of the benefits arising from traditional knowledge use associated to biodiversity.

However, it does not mention any participation or input from indigenous peoples in developing new legislation or strategy. Nor does it guarantee that the new legislation will be in accordance with international laws and agreements on this matter.

Goal 7 (Promote Local and Regional Co-operation and Collaboration in Implementing the CBD and the NBSAP), partly addresses the participation issue:

- Through a series of consultation, establish and implement a legal basis for participation of local population engage in the planning, management and monitoring of localized biodiversity conservation actions,

Although it is not certain that 'land tenure conflicts' will be resolved to the benefit of indigenous communities, it also aims to

- Resolve land tenure conflicts that constrain or prevent the adoption and enforcement of an up to date planning law and the up to date nature conservation law, policy or mandates.

The next section looks at how much and in what way indigenous peoples in Suriname were really consulted and involved in new policies and plans.

Consultation with indigenous peoples in practice

The NBS was prepared during a workshop in 2005. The final document states that it has been prepared after study and significant consultation with stakeholders including government agencies, international and donor institutions, non-governmental organizations (NGOS), community-based organizations (CBOs) and private businesses [...].³⁴ In reality however, few indigenous or tribal persons were involved and the main indigenous and tribal organizations were not accorded a meaningful role in the process. In one of the daily newspapers, organisers and participants of this workshop acknowledged that more people from the interior should have attended the workshop and should be more involved in the process of the NBS and the drafting of a national Biodiversity Action Plan in general. This is seen as necessary because the people from the communities in the interior will be the ones carrying out and monitoring most of the Action Plan.³⁵ Mr. Ferdinand Baal of the Foundation Nature Management of the Ministry of Natural Resources said: "*Because of the*

³³ Ellen-Rose Kambel, *Policy Note on Indigenous Peoples and Maroons in Suriname*, Inter-American Development Economic and Sector Study Series (August 2006), 31.

³⁴ *National Biodiversity Strategy Suriname*, 5.

³⁵ *De Ware Tijd*, 26 October 2005, 'More involvement Interior Dwellers in national Biodiversity Strategy'.

lack of time and money, it was not possible for more stakeholders of the interior to attend the meeting, where issues were discussed that would directly affect the continuing conservation of their natural environment and their culturally specific way of life".³⁶

In her policy note prepared for the IDB, , dr. Kambel stated that over the past 5-10 years, it has increasingly become the norm to organise stakeholder meetings with members of civil society to discuss their views on certain proposed policies and programmes, and that increasingly, indigenous and maroon representatives have been included in these meetings. Yet, she says, there are still many obstacles that prevent full and effective participation. Invitations generally arrive late, for example, making it difficult, if not impossible, for persons from the interior to attend. Usually there is no background information to allow participants to prepare, and after the meetings there is little opportunity to comment on the outcome document. Another example of an obstacle is the high costs of the participation of people from the interior; meetings are generally in Paramaribo, while travelling from the interior to the capital, and accommodation in town is expensive and usually not budgeted. Moreover, families in the interior usually depend on traditional activities for their subsistence and people can't always afford to leave their families to attend meetings. Besides, many stakeholder meetings do not consider cultural differences (i.e. in terms of communication) sufficiently.³⁷

With regards to the planned Kaboeri Reserve, Weitzner's study reveals "that the "consultations" so far with government have been unilateral information sharing sessions only. The leadership has objected to the very short notice government officials have given to proposed workshops or talks in the villages. In addition, they were not pleased with the way research regarding Kaboeri Creek was conducted in the villages [...] and are wondering what has happened with that study and the results. [...] It is possible that the results were used to draft that [management] plan, although the communities have not seen the results of the survey and are completely unaware of the draft management plan".³⁸

In the last section before we turn to reviewing the activities attached to the goals and targets of the PoW, we shortly discuss the position and the role of conservation- and funding organizations in environmental issues in Suriname. We are somewhat ambivalent about the sincerity of their support to our concerns.

Role of international (conservation) organizations

Some projects of international organizations working in Suriname or funding projects in Suriname (such as UNDP, WWF and GEF) have included more participation of local people in the project goals. For example, in a regional Guyana's project, WWF refers to local participation and co-management. The government takes part in these projects and it can therefore be assumed that they agree with the approach, although the VIDS (the Association of Indigenous Village Leaders in Suriname and the national indigenous organization that represents all of the communities), does not have concrete information that confirms the actual implementation. The VIDS knows of certain initiatives or plans in terms of 'trying out' co-management models in existing or new protected areas in Suriname, but as yet has no concrete data about these plans.

³⁶ *De Ware Tijd*, 26 October 2005, 'More involvement Interior Dwellers in national Biodiversity Strategy'.

³⁷ Ellen-Rose Kambel, *Policy Note on Indigenous Peoples and Maroons in Suriname*, 30-31.

³⁸ Viviane Weitzner, *Determining our Future, Asserting our Rights*, 66.

The three most important conservation organizations in Suriname are WWF, Conservation International (CI) and Amazon Conservation Team (ACT). They all make progressive statements about indigenous peoples. For example, WWF states: "WWF recognizes that indigenous peoples have the right to determine priorities and strategies for the development or use of their lands, territories, and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting those lands, territories, and resources".³⁹ ACT says: "ACT supports and promotes the 5 fundamental rights of indigenous peoples recognized in ILO Convention 169 (autonomy, identity, territory, participation, and development) and uses them as a premise to establish collaborative agreements in the countries where we are active".⁴⁰ Conservation International says that "... circumstances demand that conservation organizations partner with indigenous peoples to collaborate in countering the growing threats to their lands, resources, and livelihoods ...".⁴¹

Yet, at a VIDS presentation on co-management of protected areas, village leader Ramses Kajoeramari of Langamankondre (Galibi) raised the question to what extent we see these intentions reflected in reality? "Are these organizations really our partners to get legal recognition of our rights? Do environmental organizations really support our right to participate in the management of our own areas, or the right to give our free, prior and informed consent to activities that concern us? In the very situations where we are denied these rights, we would like to see and hear our partners", Kajoeramari said.⁴² Concretely, he mentioned a few points that should be part of a real partnership in management of protected areas. For example; better mutual understanding. "We understand that government and environmental organizations have to follow certain laws. But do they also understand and respect our customary rules?". Another example is the principle of Free, Prior and Informed Consent, that is not often applied yet. "Sometimes people come with one piece of paper to tell us about a million dollar project that supposedly will be submitted on behalf of indigenous peoples and conservation to a big fund, and they expect us to give our consent based on one single piece of paper". "We also hope that people will respect the fact that we have our own decision-making processes. We want to consult our people before we say yes or no". The fact that this 'real partnership' has yet to come gives reason to remain sceptical.

The following example based on recent experiences in West Suriname illustrates the doubts expressed by village leader Kajoeramari. WWF Guianas has provided a US\$58,000 grant to the Government of Suriname for establishing the Kaboeriekreek Nature Reserve. The communities of West Suriname rejected current proposals, stating they first want recognition of their land rights. Despite this, the government is trying to rework its original proposal to satisfy indigenous leadership concerns. Weitzner remarks: "*particularly because it wants to ensure it does not lose the funding WWF has provided (this is a one-sided effort so far). In the meantime, government officials have started patrolling Kaboeriekreek with [...]. So far the IUCN/WWF's Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas are not being followed at all, raising questions about whether the WWF Suriname office takes its own guidelines seriously and*

³⁹ WWF Statement of Principles on Indigenous Peoples and Conservation, available at : http://www.panda.org/about_wwf/what_we_do/policy/people_environment/indigenous_people/statement_principles/rights/index.cfm

⁴⁰ ACT Core Values, available at http://www.amazonteam.org/core_values.html

⁴¹ Available at: http://www.celb.org/xp/CIWEB/strategies/humanwelfare/indigenous_people/

⁴² VIDS Presentation during the symposium: Local Communities and Protected Areas: Alternative Approaches in Policy and Practice. Suriname and Guyana Symposia 24-28 April 2007.

has apprised the Government of Suriname of these".⁴³ The indigenous peoples of West Suriname are not against protecting the area – but what they propose is that the area be officially recognized as under their collective ownership, allowing them to continue protecting and managing it in accordance with their own laws; or alternatively, that the area be considered under IUCN's new category of Indigenous-owned park.⁴⁴

We will now turn to our conclusion. First, we will look at the most relevant activities that are listed in the PoW, and assess whether Suriname has done enough to carry them out. After this review, we will list the most important obstacles to full compliance with the PoW, and through some recommendations give our view on what the government ought to do in order to comply.

Conclusion

Review of Suriname's implementation of the PoW-PA

Most of the activities related to the goal and target 2.2 of the CBD Programme of Work on Protected Areas (PoW-PA), adopted by COP7 of the CBD in 2004, were to be carried out before 2006 (COP 8); most of the activities related to goal 2.1 by 2008 (COP 9). Although Suriname has taken some steps in the right direction in their NBS, we feel that too little has been done to comply with the agreed activities in the PoW. Apart from the preparatory workshop to draft the NBS, there has been no national review as such of the status, needs and context-specific mechanisms for involving stakeholders in protected areas policy and management, and certainly not a completely participatory review [Activity 2.2.1].

In our view, to date no mechanisms have been implemented to ensure full and effective participation of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, in the management of existing, and the establishment and management of new, protected areas [Activity 2.2.1. and 2.1.5].

With regards to mechanisms that should have been put in place to identify and recognize community conserved areas [Activity 2.1.2] and actions that should have been taken to promote community conserved areas by legal and/or policy, financial and community mechanisms [Activities 2.1.2 and 2.2.4]; we feel that too little effort has been made to investigate alternative conservation mechanisms such as community conserved areas. No such areas have been integrated into the national protected areas system yet. The biggest barrier or obstacle is still the lack of respect and legal recognition of our land- and collective ownership rights. Nature Reserves are State Domain and the exercise of indigenous peoples' rights is criminalised therein. In our opinion, no meaningful action has yet been taken to identify and remove these barriers that prevent adequate participation [Activity 2.2.2].

With regards to benefit-sharing: the legislative or policy frameworks in place to establish frameworks for the equitable sharing of costs and benefits arising from the establishment and management of protected areas, do not benefit us. On the contrary: being denied access and

⁴³ Viviane Weitzner, *Determining our Future, Asserting our Rights*, 65-67.

⁴⁴ *Idem*, 67-68.

allowing activities like mining in the reserves only causes difficulties for our livelihoods. Social and economic benefits generated by protected areas have not been used for poverty reduction [Activity 2.1.4], in fact they contribute to growing poverty. No assessments have been made of the economic and socio-cultural costs and benefits of protected areas, particularly for indigenous and local communities [Activity 2.1.1] and so far, we are not very satisfied with the very meagre measures that have been announced in the NBS to adjust policies to avoid and mitigate negative impacts on indigenous and local communities, and where appropriate compensate costs and equitably share benefits in accordance with the national legislation [Activity 2.1.1].

Key obstacles and recommendations

The key obstacles to effective implementation of the Programme of Work and some potential measures for overcoming them are summarised in the table below.

| Obstacle | Potential Measures |
|---|--|
| Suriname’s legislation does not recognize that indigenous peoples have any legal rights to their lands and can therefore technically declare any indigenous territory to be a protected area. | Legislation must be amended, in accordance with international obligations. |
| Suriname denies us access and use of the territories that are important for our livelihoods and actively enforces their rules, sometimes violently. | Legislation must be amended, in accordance with international obligations. Until that time, we should be excepted from the rules for the reserves and harassment should stop. |
| Suriname carries out damaging activities in the nature reserves, such as mining activities | Mining concessions should be revoked. |
| Consultations with indigenous peoples are organized in a way that does not allow many indigenous representatives to effectively participate. | More money must be budgeted for these ‘stakeholder meetings’ so that either enough representatives from the interior can travel to the capital to attend meetings and be reimbursed for the time they are away from home; or so that consultation meetings can take place in the indigenous villages. This includes paying attention to cultural and language barriers. |
| Government officials do not acknowledge indigenous knowledge as an important part of biodiversity conservation and management | New attitudes should be promoted at all levels of government to view communities as equal partners in development and conservation, and more training or information should become available to government officials. |
| The government does not seem aware of the various existing options of co-management. | Training and increasing knowledge, by using examples from other countries should be provided. |

For more information or contact:

VIDS

Vereniging van Inheemse Dorpshoofden in Suriname

Verl. Gemeenlandsweg 18d, Paramaribo-Suriname

Tel.: +597-520130–Fax: +597-520131 E-mail: infovids@vids.sr

CLIM

Commissie Landrechten Inheemsen Beneden-Marowijne

Marijkedorp, district Marowijne, Suriname

T: 597-342126, email: clim_marowijne@sr.net

Forest Peoples Programme

1c Fosseway Business Centre

Stratford Road, Moreton-in-Marsh, GL56 9NQ, England

Tel: +44 (0)1608 652893

Fax: +44 (0)1608 652878

Email: info@forestpeoples.org