

Suriname

Securing Indigenous Peoples' Rights in Conservation in Suriname: A review



October 2009



VIDS

Vereniging van Inheemse
Dorpshoofden in Suriname
(Association of Indigenous
Village Leaders in Suriname)

FPP series on Forest Peoples and Protected Areas

**Securing Indigenous Peoples' Rights in Conservation in Suriname:
A review**

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(Association of Indigenous Village Leaders in Suriname)



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Cover photograph:

A couple in a boat on the creek returning from their farming plot in the Kaboeri Kreek (a proposed protected area) with agricultural products such as bananas.

Photo credit:

The indigenous communities of Apoera, Section and Washabo.

Contents

Acronyms	i	
1 Introduction.....	1	
Preface	1	
Background: a new paradigm for protected areas.....	1	
Background and goal of this review	3	
2 Background Suriname and its protected areas	10	
Suriname: background, geographical location, climate, and natural environment.....	10	
3 Implementation of international standards and guidelines in Suriname.....	14	
Legal recognition of land rights	14	
Review of conservation laws and policies.....	19	
Involvement in national conservation policy-making and planning	24	
Establishment and expansion of protected areas.....	26	
Protected areas management and decision-making.....	35	
Cost and benefit sharing	48	
4 The new paradigm, a reality in Suriname?	51	
Conclusions and recommendations.....	51	
Bibliography.....	53	
 Boxes		
Box 1	World Parks Congress on redressing past injustices and restitution..... 7	
Box 2	Protected areas in Suriname	12
Box 3	Legal recognition of land rights	14
Box 4	Review of conservation laws and policies.....	19
Box 5	Establishment and expansion of protected areas: consent and participation of indigenous peoples	26
Box 6	FPIC: free, prior and informed consent.....	29
Box 7	Participation in protected areas management (co-management) and decision-making.....	35
Box 8	Incorporation and promotion of traditional knowledge and customary sustainable practices	40
Box 9	Community conserved areas (CCAs) and indigenous protected areas.....	44
Box 10	Benefit sharing and poverty alleviation	48

Acronyms

ACT	Amazon Conservation Team	NB	Nature Conservation Division (of the RGB)
AIPP	Asia Indigenous Peoples' Pact	NBC	Nature Conservation Commission (<i>Natuur Beschermings Commissie</i>)
ATM	Ministry of Labour, Technological Development and Environment	NBS	National Biodiversity Strategy
BCNR	Boven Coesewijne Nature Reserve	NBSAP	National Biodiversity Strategy and Action Plan
CBD	Convention on Biological Diversity	NGO	Non-governmental organisation
CCA	Community Conserved Area	NIMOS	National Institute for Environment and Development in Suriname
CERD	(UN) Committee on the Elimination of Racial Discrimination	NMR	National Council for the Environment
CESCR	(UN) Committee on Economic, Social and Cultural Rights	NR	Nature reserve
CI	Conservation International (CI-S = CI Suriname)	OSIP	Organisation of Collaborating Indigenous Villages in Para
CLIM	Lower Marowijne Land Rights Committee	POW-PA	Programme of Work on Protected Areas
COP	Conference of Parties	REDD	Reduced Emissions from Deforestation and Degradation of forests
CSNR	Central Suriname Nature Reserve	RGB	Ministry of Physical Planning, Land and Forest Management
DC	District Commissioner	RO	Ministry of Regional Development
ESIA	Environmental and/or social impact assessment	ROB	Council for the Development of the Interior
FCPF	Forest Carbon Partnership Facility (of the World Bank)	R-PIN	Readiness Plan Idea Note
FPCI	Fundación para la Promoción de Conocimiento Indígena	SCF	Suriname Conservation Foundation
FPIC	free, prior and informed consent	SNR	Sipaliwini Nature Reserve
FPP	Forest Peoples Programme	SSDI	Support for Sustainable Development of the Interior
GEF	Global Environment Facility	STINASU	Foundation for Nature Conservation in Suriname
IACHR	Inter-American Court of Human Rights	UN	United Nations
IADB/IDB	Inter-American Development Bank	UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
ICBG	International Cooperative Biodiversity Groups	VIDS	Association of Village Leaders in Suriname (<i>Vereniging van Inheemse Dorpschoufden in Suriname</i>)
ICCPR	International Covenant on Civil and Political Rights	VSG	Association of Saramaka Authorities (<i>Vereniging van Saramaccaanse Gezagsdraggers</i>)
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	WCC	World Conservation Congress
ILO	International Labour Organisation	WPC	World Parks Congress
IUCN	International Union for Conservation of Nature	WWF	World Wide Fund for Nature
LBB	Forest Service (of the RGB)		
MOP	Multi-annual Development Plan (<i>Meerjaren Ontwikkelings Plan</i>)		
MoU	Memorandum of understanding		
MUMA	Multiple-use management area		

1 Introduction

Preface

This report reflects the findings of the Association of Indigenous Village Leaders in Suriname (VIDS – *Vereniging van Inheemse Dorpshoofden in Suriname*) resulting from a study that was carried out between August 2008 and May 2009. In this study we have focused on the question *to what extent Suriname is making progress in terms of respecting and promoting indigenous peoples' rights in relation to conservation policies and practices, particularly in protected areas.*

This is one of the case studies in a collaborative review project carried out by the Indigenous Peoples' Committee on Conservation, with the Fundación para la Promoción de Conocimiento Indígena (FPCI) and Asia Indigenous Peoples' Pact (AIPP), facilitated by Forest Peoples Programme (FPP). The background and goal of this project are described in detail below.

A first draft of this report was presented in Paramaribo on 21 May 2009 to key agencies, organisations, government departments, and other persons involved in conservation in Suriname. The draft report had been sent to participants beforehand, and comments were gathered both orally, during the workshop that followed the presentation, and in writing, in the week following the workshop (also see methodology). Many of the responses, comments and suggestions have been incorporated into this final report.

We hope that this initiative has contributed to the much-needed reflection on the extent to which Suriname is making progress in respecting and promoting indigenous peoples' rights in relation to conservation policies and practices. We also hope that this report will serve as guidance and as a basis for future dialogue and discussion on this important matter.

We would like to take this opportunity to thank everyone who contributed to this review for their time, cooperation and provision of information. A special thanks to Cylene France, who carried out all the interviews and collected all the additional information.

Background: a new paradigm for protected areas

The old paradigm

Around 12% of the terrestrial surface of the planet has been designated 'protected areas' for conservation purposes. Most of these areas overlap or are within the traditional territories of indigenous peoples. Most have been established without the consent of the peoples concerned, and have imposed visions of landscape use and management systems which exclude indigenous peoples' priorities and views – the 'colonial' model of conservation. This has led to a number of well-documented problems and violations of rights, including forced resettlement, restricted livelihoods, impoverishment and hardship, but also environmental mismanagement, failed conservation, and undermined conservation objectives.

The 'new paradigm'

Since 2003, when the World Parks Congress (WPC) was held in Durban (South Africa), and the Durban Accord and Durban Action Plan were adopted, as well as a set of WPC recommendations, a 'new paradigm on conservation' has come into being. This new paradigm expresses international acceptance at the legal and policy levels that the 'colonial' model of conservation is unsustainable and should be reformed. *The new paradigm promises not only to respect indigenous peoples' rights in all future conservation initiatives, but also to redress past grievances.* The Durban Accord, adopted

by some 5,000 assembled conservationists, including numerous government representatives, celebrates the conservation successes of indigenous peoples. It also expresses concern at the lack of recognition, protection and respect given to these efforts. It notes that the costs of protected areas are often borne by local communities. It urges a commitment to involve indigenous peoples in establishing and managing protected areas and in decision-making on a fair and equitable basis, in full respect of their rights.¹

Apart from the Durban Action Plan and Accord, and the WPC recommendations, several other processes also demonstrate the new conservation approach. For instance, many resolutions and recommendations adopted by the **World Conservation Congress** of the IUCN since 2003 relate to indigenous peoples' rights in relation to conservation.² The **Conference of Parties (COP) of the Convention on Biological Diversity (CBD)** endorsed the Durban Accord and Durban Action Plan, and in 2004 adopted a Programme of Work on Protected Areas, which includes measures to promote respect for indigenous peoples' rights (Decision VII/28, annex).³ COP Decision VII/28, on protected areas, also

Recalls the obligations of the Parties towards indigenous and local communities in accordance with article 8(j) and related provisions, and *notes* that the establishment, management and planning of protected areas should take place with the full and effective participation of, and **full respect for the rights of**, indigenous and local communities consistent with national law and applicable international obligations

(paragraph 22, emphasis added).⁴

The UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. This recognises, among other things, the right of indigenous peoples to their land and resources, and to participate in decision-making in matters which might affect their rights. UNDRIP also recognises indigenous peoples' right to redress for the lands, territories and resources that have been 'confiscated, taken, occupied, used or damaged without their free, prior and informed consent'. The Declaration also stipulates that

[s]tates shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands, territories or other resources.⁵

Moreover, national and international conservation NGOs are increasingly adopting conservation policies and projects that require respect, and the promoting of respect, for indigenous peoples' rights.

¹ The Durban Accord and Action Plan can be found at <http://cmsdata.iucn.org/downloads/durbanaccorden.pdf> and <http://cmsdata.iucn.org/downloads/durbanactionen.pdf>. The Fifth IUCN WPC recommendations can be found at <http://cmsdata.iucn.org/downloads/recommendationen.pdf>

² See the resolutions and recommendations of the World Conservation Congress, Bangkok, Thailand, 17–24 November 2004 (IUCN 2005), http://cmsdata.iucn.org/downloads/wcc_res_rec_eng.pdf; and Barcelona, Spain, 5–14 October 2008 (IUCN 2009), <http://data.iucn.org/dbtw-wpd/edocs/WCC-4th-005.pdf>

³ See <http://www.cbd.int/protected/pow.shtml>, in particular element 2.

⁴ See <http://www.cbd.int/decision/cop/?id=7765>

⁵ See http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf. For more information, see also <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

The new paradigm in a nutshell

The new paradigm outlines, in particular that:

- indigenous peoples should meaningfully participate in the designation and establishment of protected areas, and that their free, prior and informed consent should be obtained before any activities take place in their territories;
- indigenous peoples should meaningfully participate in the management of and decision-making about the protected areas, with a central role for their traditional authorities and institutions;
- benefits derived from protected areas should be equally distributed;
- traditional knowledge and customary laws and resource management practices should be respected, promoted and integrated;
- forcible resettlement of communities in connection with protected areas should be eliminated;
- historical injustices caused through the establishment of protected areas should be addressed through compensation and/or restitution;
- laws and policies should be enacted that recognise and guarantee indigenous peoples' rights over their ancestral lands and waters;
- conservation laws adversely affecting indigenous peoples should be reviewed;
- the contribution that community-conserved areas, formally co-managed areas, and indigenous-owned protected areas can make to the development of the protected areas system should be recognised.

Background and goal of this review

Globally: taking stock of the process towards the new paradigm

In October 2008, five years after the World Parks Congress set out the new paradigm, the World Conservation Congress, the highest body of the IUCN, met in Barcelona to review its work. Indigenous peoples and organisations in eight countries (Suriname, Panama, Cameroon, Central African Republic, Uganda, Thailand, Malaysia and the Philippines) took this opportunity to carry out their own review to assess whether, and what, progress has been made to secure their rights in protected areas. As part of this project, they are assessing what has and what has not (yet) been done by governments and conservation organisations in their own countries to comply with the commitments to 'a new paradigm on protected areas'.

With this information, the participating indigenous organisations hope to start a dialogue with the government and conservation organisations, among others, and try and push for national level reform in policy and practice where necessary. On the international level, the outcomes will be used to advocate giving more practical effect to past resolutions and agreements.

Nationally: assessing progress in Suriname

Given the diverse experiences of our communities in relation to conservation practices, VIDS has taken on the initiative of leading this important assessment process in Suriname. In our research we looked at the extent to which the new paradigm is being implemented in policy and practice in our country. By giving our views on successes and obstacles, and by presenting recommendations for

improvement, we hope that this report will stimulate further dialogue and collaboration with the conservation community in Suriname about an effective rights-based approach to conservation.

The Association of Indigenous Village Leaders in Suriname (VIDS)

VIDS' mandate and structure

VIDS is the national pan-indigenous organisation, consisting of the traditional authorities of every indigenous village in Suriname. All indigenous peoples in Suriname are represented in VIDS by virtue of their traditional authorities' membership.

VIDS was founded in 1992 by indigenous village leaders. One of the original objectives was to rebuild traditional indigenous governance structures after the Interior War, during which many indigenous villages suffered damage, and traditional governance was negatively affected. Since its inception, VIDS has taken a leading role in advancing the rights of indigenous peoples, sustainable development and environmental protection in Suriname. The organisation meets every four to five years to elect new board members based on regional representation, and to develop plans and strategies for the next four to five years. In 2001, VIDS established Bureau VIDS as its technical secretariat in Paramaribo, in the form of a foundation (*stichting*) with legal personality under Surinamese law. As such, Bureau VIDS is also the legal working arm of the Association. Several staff members coordinate and execute the organisation's activities, under the overall policy guidance of the VIDS Board.

Since 2003, VIDS has increasingly adopted a decentralised approach. Two regional arms of VIDS have so far been established: the CLIM (Lower Marowijne Land Rights Committee) in Lower Marowijne and the OSIP (Organisation of Collaborating Indigenous Villages in Para) in the Para region. They have taken over regional coordination from the VIDS office in the capital, and all village councils are represented in these organisations. It is the intention of VIDS that all regions will eventually have their own organisations as regional working arms that support VIDS. In this light, existing and future nature reserves within indigenous territories are approached as *collective* community issues, affecting a whole indigenous region rather than one village.

Review methodology

Review of conservation actors' actions, using the new paradigm as yardstick

For this review, we used the most important provisions of the new paradigm (see the bullet points above), as a yardstick and indicators to measure the actual progress on the ground in Suriname. We selected the relevant text from the Durban Action Plan and Accord, the World Parks Congress' recommendations, and Decision VII/28 on protected areas of the Convention on Biological Diversity ('what does the new paradigm say?'), and compared them with the real situation in the national context ('what is being done?'). In this way we assessed which 'themes' Suriname is making progress on, and which themes it is not, compared with the consensus and developments on the international level. In this report, the relevant texts from the Durban Action Plan, Fifth WPC Recommendations, and Decision VII/28 (including the Programme of Work on Protected Areas [POW-PA]) are highlighted at the relevant places (where the themes dealt with in those texts are addressed).

Interviews and data gathering

To find out what is being done in Suriname, we conducted interviews with key players in the Surinamese conservation field: governmental, quasi-governmental, conservation NGOs and independent consultants. Most interviews were oral, but some informants preferred to fill in a written questionnaire. We also conducted interviews with indigenous representatives from villages affected by protected areas, and had many additional conversations with them. Staff from the VIDS Bureau and from other indigenous organisations in Suriname were also involved in the review process. Apart from these primary sources, we collected a considerable amount of additional

information and (background) material on protected areas in Suriname, such as management plans, presentations, etc.

Verification and incorporation of comments

We presented our draft findings during a national workshop in Paramaribo on 21 May 2009. In addition to more than 20 indigenous representatives from villages affected by protected areas, there were over 50 participants involved in conservation and/or working in Suriname's interior. The draft report was sent beforehand, and, at the request of the workshop participants, additional comments to the draft report could also be made in writing after the workshop. We received many comments, which constitute the start of a dialogue, and we appreciate such willingness to discuss these issues. Many of the comments and suggestions have been incorporated in this final report.

Obligation versus intention

One of the questions raised during previous discussions with the parties involved was to what extent the countries in this review – Suriname in this case – are *obliged* to work with the new paradigm. One argument brought forward by participants in this review was that although the CBD is a binding instrument for signatory countries (Suriname signed the CBD in 1996), some of the formulations guide rather than prescribe. Terms such as 'as far as possible', or 'as appropriate', or 'suggested activities of the Parties' always leave room for interpretation. Neither is this binding for non-state actors, who cannot be parties to the Convention. The Durban Action Plan and other WCC and WPC (IUCN) resolutions, which do address non-state actors, such as conservation organisations, are not intergovernmental documents, and speak of recommended actions that amount to aspirations rather than obligations.

For this review, the 'binding or non-binding' question is not so relevant, in our view. The primary point here is not whether the obligations are legally binding, but whether Suriname has adopted the most effective, internationally agreed and recommended conservation policies possible. The guidelines represent consensus among the international conservation community, developed and adopted by consensus at the World Parks Congress, the premier forum on protected areas, which is intended to set global policy for a decade at a time. This research is intended to see where Suriname currently stands in this context. We would expect anyone who is serious about effective conservation to want to work with the international 'best practice' established at the WPC. We would not assume that Suriname would prefer second-best practices, or worse.

If other parties would really like to have a technical/legal discussion about this, is it probably better to do that outside this report, and of course VIDS is willing to provide more information. For now, suffice it to say that CBD COP Decisions are legally binding – no matter what amount of latitude the state may be granted by 'careful' language – and Suriname is legally obliged to give effect to CBD COP decisions in its domestic law. Moreover, it is not only the CBD that addresses this issue. A large percentage of the issues concerning protected areas are also dealt with by human rights instruments, which certainly are legally binding, and contain much clearer rules. It would be a mistake to see the CBD in a vacuum, separate from the totality of Suriname's international obligations; indeed, the CBD COP decision states that protected areas should be established and managed with '*full respect for the rights of indigenous and local communities consistent with national law and applicable international obligations*' (paragraph 22, emphasis added),⁶ which clearly indicates that the COP intends other international obligations to be read in conjunction with its decision on protected areas. The American Convention on Human Rights and other instruments are equally applicable, and the recent judgement by the Inter-American Court in the *Saramaka People v. Suriname* case (2007, 2008) provides a series of legal norms and rules that are directly applicable in this context as well.

⁶ See <http://www.cbd.int/decision/cop/?id=7765>

All non-state actors operating in Suriname, with the exception of ACT (the Amazon Conservation Team), have their own formal policy statements intended to govern their activities in relation to indigenous peoples. These statements largely endorse respect for indigenous peoples' rights, and all endorse the decisions adopted at the WPC and IUCN Conservation Congresses. We would like to stress that irrespective of whether non-state actors such as conservation organisations have legal obligations themselves, the state is obliged to regulate non-state actors to protect its citizens, including indigenous peoples, against violative and other inappropriate or disrespectful behaviour. Despite the fact that these organisations do not necessarily have direct international obligations, they are still required to avoid human rights violations in their conduct, and the state is obliged to punish them where they fail to do so, and to provide effective and prompt legal remedies so that indigenous peoples can assert and defend their rights in the courts where necessary.

Limitations to the scope of the review

We have limited our review to Durban Action Plan outcome number 5 and corresponding targets, and used only WPC recommendation V. 24, and specific parts of the CBD POW-PA, in our review, though there are of course other desired outcomes in these documents. This is a logical delineation to us, as outcome 5 specifically focuses on indigenous peoples ('The rights of indigenous peoples, including mobile indigenous peoples, and local communities are secured in relation to natural resources and biodiversity conservation') as does WPC recommendation V. 24 ('Indigenous peoples and protected areas'), and this issue relates to our specific expertise and interest. We would welcome reports on the progress in Suriname on other items, including their interrelations with outcome 5, which would demonstrate how conservation actors have fully considered the outcomes pertaining to indigenous peoples in their own work and analyses.

Retrospectively applying criteria?

During our presentation of preliminary findings, comments were voiced on our methodology. Some participants reasoned that criteria in use since 2003 cannot be applied retrospectively on activities and events related to protected areas before 2003, and that we should confine ourselves to reviewing protected areas established after 2003. We disagree with this argument. The exciting thing about the new paradigm is that it gives us guidance on addressing and redressing past injustices (see Box 1). Arguing that criteria cannot be applied retrospectively is too simple and would imply that unjust situations brought about less recently should remain as they are. Our position is that both proposed and existing protected areas should be reviewed in relation to contemporary standards. We describe situations that pre-date 2003, therefore, and if injustices have occurred, we assess whether these have been addressed and, if not, how they should be.

Furthermore, the principles and obligations captured in the 2003 consensus are not new; they have already been used by indigenous peoples for many decades, including in Suriname. In other words, unjust practices were known to be unjust, and there should be no hiding behind the date of formal agreements.

Moreover, many of the issues and human rights violations associated with protected areas established before 2003 are ongoing, and therefore there are valid grounds for including these protected areas in our study. This position is endorsed by the Inter-American Commission on Human Rights, which declared Case 12.639, *Kaliña and Lokono Peoples*, admissible in October 2007, in part to determine whether there are violations of indigenous peoples' rights in relation to the Galibi and Wai Wai (both 1966) and the Wane Kreek Nature Reserve in 1986.⁷ In so doing, the Commission specifically rejected the government's argument that these reserves should not be reviewed because their establishment predated Suriname's accession to the American Convention on Human Rights in

⁷ Report No. 76/07, Admissibility, The Kaliña and Lokono Peoples (Suriname), 15 October 2007.

1987. It did so because the ongoing nature of the alleged violations had been established.⁸ Additionally, by declaring that restitution of indigenous lands incorporated into protected areas without consent is one of the key targets to be achieved by 2013, the WPC agrees that all protected areas should be reviewed rather than only those established after 2003.

Tasks, initiatives and duties of the indigenous communities and organisations

In response to this review, several persons from the Surinamese conservation community asked: 'what about the indigenous communities and the VIDS itself? What are they doing or what have they been doing themselves in this context?' People also asked: 'do the Durban Accord and Action Plan call on indigenous peoples to take action?'; and: 'this report refers to indigenous peoples' rights, but how about their obligations connected to their rights, how are indigenous peoples implementing their obligations?'

Box 1 World Parks Congress on redressing past injustices and restitution

Durban Action Plan Main Target 10

Participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented by the time of the next IUCN World Parks Congress (p 249).

IUCN Vth World Parks Congress Recommendation V. 24

- h. ESTABLISH and implement mechanisms to address any historical injustices caused through the establishment of protected areas, with special attention given to land and water tenure rights and historical/traditional rights to access natural resources and sacred sites within protected areas;
- i. ESTABLISH participatory mechanisms for the restitution of indigenous peoples' lands, territories and resources that have been taken over by protected areas without their free, prior informed consent, and for providing prompt and fair compensation, agreed upon in a fully transparent and culturally appropriate manner;
- j. ESTABLISH a high-level, independent Commission on Truth and Reconciliation on Indigenous Peoples and Protected Areas.

To start with the last question: given the long history of injustice, discrimination and marginalisation of indigenous peoples, the referenced documents focus only on *protection* of indigenous peoples' rights and their participation in protected area policy and practice. They focus thus because sensible conservation agencies and governments have accepted that not doing so is counterproductive for conservation itself. There was clearly no need to talk about obligations in the referenced international agreements, and it would be interesting to hear if this need is felt now, and if so, why? What would be the source and nature of such 'obligations', given that all rights are limited by the obligation not to harm the rights of others, which includes environmental harm. In other words, this no-harm obligation is part of all of the rights discussed herein already. If other parties are proposing that

⁸ Ibid, paragraphs 44–8 (stating in paragraph 48: 'Based on the record before it, the Commission considers that, while the establishment of the nature reserves ... occurred prior to the State's accession to the Convention, the Petitioners have *prima facie* demonstrated that the alleged violations were not consummated prior to the State's accession to the American Convention, but have continued after Suriname's accession to the American Convention (and American Declaration). Accordingly, the Commission finds that insofar as these events may be of a continuing nature, it has the competence, *ratione temporis*, to examine the alleged violations of the American Convention').

indigenous peoples should have additional obligations beyond those held by all people, we would like to hear and discuss these views. Talking about environmental obligations, we would similarly ask those raising this issue what they are doing to ensure that Suriname enacts a framework environmental law and develops and implements an effective and legally required environmental and social impact assessment regime? A framework law was drafted with funds from the IDB in the late 1990s, yet this law has remained in draft since then.

In terms of being 'environmentally friendly', indigenous peoples and organisations worldwide, including VIDS, have done a lot of work to demonstrate the effectiveness of traditional (indigenous) practices and knowledge related to biodiversity conservation and sustainable use, including customary rules and laws that prohibit unsustainable use of resources. These studies show that, although there are certainly some problems, indigenous peoples' practices and relations to the ecosystems in which they live are not only sustainable, but provide models that others would do well to emulate. VIDS has, for example, carried out several community-based studies to document this kind of information. We will provide information about these initiatives and its outcomes in more detail later in this report. We can also say that many indigenous peoples and organisations, including VIDS, are actively addressing issues of sustainable use and even conservation, to keep destructive industries out of our territories and biologically rich areas, because this touches on our survival and livelihoods.

However, the comment that VIDS must (also) contribute to improvement of the situation is well taken, although self-evident. It must be said in this context, however, that Surinamese law denies indigenous peoples their rights to own and effectively control and manage their territories, and that this is a major constraint on the implementation of our own environmental management systems as well as a violation of our rights in international law. In this report, we will indicate as far as possible what VIDS has already done on certain issues; we will clearly state VIDS' views and positions; and we will provide concrete suggestions for improvement, including the role VIDS can play in this process.

Limitations and constraints

Several institutions and organisations were not interviewed during the research phase of this project; representatives of these organisations expressed disappointment about this during the national workshop in May. Among those not interviewed are the University of Suriname, Tropenbos Suriname, and the Council for the Development of the Interior (ROB). We agree that these parties' visions are relevant and important. We have invited all such parties to provide us with their input in writing, and have received responses from most of them, which is reflected in the final report.

A recognised constraint during this review is that our very limited budget prevented field research in the south of Suriname. This is problematic, as two important nature reserves – the Sipaliwini Reserve and the Central Suriname Nature Reserve – are located in the south. Organisations with greater resources, such as Conservation International and the Amazon Conservation Team, have become more heavily involved in the communities there. It is difficult to monitor and track activities in this region as well as to support the communities with information from a rights-based perspective. This situation is an obstacle to our work generally, but presents a particular obstacle to this research project.

We have tried to collect information on reserves in the south by using those sources that are available to us, and by talking to people more involved there. We find it important to check or verify statements and accounts of actions and situations given by organisations or government officials with other parties, trying to highlight different angles and views on activities. Where we have not been able to do so, we will include a party's account, but indicate that we have not been able to verify it sufficiently.

Outline of this report

After this introduction, we will provide a short introduction to Suriname and its protected areas. The third part contains the actual review, where we take a closer look at the implementation of international standards and guidelines concerning the new paradigm in Suriname. This review is structured according to various themes which the new paradigm addresses. At the beginning of each paragraph that discusses a certain theme, the guidelines and agreements that were used to measure progress on this issue are provided. Every paragraph pays attention to positive developments, shortcomings or obstacles, and we try to present recommendations where possible. We conclude the report with a final analysis.

2 Background

Suriname and its protected areas

Suriname: background, geographical location, climate, and natural environment

Suriname is a former Dutch colony, the only Dutch-speaking country in South America. It is situated in the north-east of the continent, bordered by French Guiana, Guyana and Brazil. The capital city is Paramaribo. Because of the country's history, culture, size and political system, Suriname relates more to the Caribbean than to the rest of the South American mainland, although this has changed in recent years.⁹ The climate is typical of tropical rainforest, with two rainy seasons and two dry seasons, although, under the influence of climate change, seasons are becoming less predictable. The ecological and forest diversity in Suriname are categorised in five ecological zones: the marine zone, young coastal plain, old coastal plain, savannah belt and interior. The interior covers approximately 80% of the land surface, and is predominantly tropical rainforest. It is part of the Precambrian Guiana Shield, a geological formation that includes Guyana, Suriname, French Guiana, and adjacent parts of Venezuela and Brazil.¹⁰

Population

The total population of Suriname is approximately half a million. Like other Caribbean states, colonial politics have resulted in a highly varied ethnic population. The largest ethnic groups are the Creoles (mixed descendants of slaves from West Africa), the Hindustanis (descendants from East Indians who were recruited to work on the plantations after slavery was abolished in 1863), and the Javanese, originally brought in from Java, Indonesia, as indentured labourers. Other ethnic groups in Suriname include Chinese, Lebanese, Burus (descendants of Dutch farmers from the 19th century) and, increasingly, Brazilians. To some extent each ethnic group has maintained its own cultural roots.¹¹

The indigenous peoples of the country – Amerindians – are the descendants of those who inhabited Suriname when the first Europeans arrived in the 16th century. Suriname is also home to Maroons (tribal peoples) who are descendants of African slaves who fought themselves free of slavery, and established distinct autonomous communities in the interior. This report focuses only on indigenous peoples' communities, but the rights referred to in this review similarly apply to tribal peoples in Suriname. According to the census of 2005, the indigenous peoples of Suriname number 18,037, and the Maroons 72,553.¹² The indigenous peoples can be distinguished as four distinct groups: Kaliaña (Carib), Lokono (Arawak), Tareno (Trio and associated peoples, i.e. Wai Wai, Akurios and others) and Wayana. They are spread over 50 communities in the interior and the coastal area.

Suriname's existing and planned Protected Areas

Compared to other countries in the region, Suriname has a long history of nature conservation. In 1948 a Nature Conservation Commission ('*Natuur Beschermings Commissie*' – NBC) was established to advise the government regarding nature conservation. In 1954 the 'Nature Protection Act' was enacted to regulate the establishment of Nature Reserves (NR), as protected areas in Suriname are generally called. These could from that time be established by resolution (*Staatsbesluit*) if they met certain criteria, such as the occurrence of unique flora, fauna, cultural and geological objects or

⁹ Ellen-Rose Kambel, 2002, p 21.

¹⁰ Stan A. J. Malone, 2007, p 1.

¹¹ Ellen-Rose Kambel, 2002, pp 21–2.

¹² ABS census, 2005.

because of their typical nature and landscapes. Some that were established on the basis of these criteria are the Coppename NR, the Wia-Wia NR, and the Galibi NR.¹³

In the 1970s the government decided that more research was needed on the ecosystems in Suriname. This was done through an inventory and mapping of all ecosystems in the young and old coastal plains and savannah belt (1974–77). Based on the results of this project, ten lowland areas in northern Suriname were recommended to become protected areas, including six NRs – Wane Kreek, Copi, Boven-Coesewijne, Peruvia, Kaboeri, Nanni – and four Multiple Use Management Areas (MUMAs) – Bigi-Pan, Noord Coronie, Noord Saramacca and Noord Commewijne-Marowijne.¹⁴ These were selected from a total of 67 mapped ecosystems to represent each Surinamese ecosystem in the national protected areas system. In 1986, four out of the six proposed NRs were established (Kaboeri and Nanni NRs were postponed).¹⁵

Apart from nature reserves, other types of natural area can be proclaimed as well. The Brownsberg is partly situated on long-term leased land (*erfpachterreïn*) that has been given to the Foundation for Nature Conservation in Suriname (STINASU), which manages it as a Naturel Park. The government decided to work with MUMAs (*bijzondere beheersgebieden*) in the estuarine zone of the country, where, because of the changing shoreline, the sandy beaches where giant sea turtles lay their eggs are moving. The four MUMAs mentioned above were accordingly established.¹⁶

All the existing and proposed protected areas are indicated on the map in Box 2.¹⁷ At present there are 11 NRs, 1 nature park and 4 MUMAs in Suriname, which cover 13% of the total land area. Two new NRs are proposed (Kaburi and Nanni) and two forest reserves (Mac Clemen and Snake Creek).

Planned expansion of the protected areas system

Apart from plans to realise the proposed nature reserves listed in Box 2, Suriname is planning to create more protected areas in the (near) future and possibly expand the current ones.

Suriname's Multi-annual Development Plan 2006–2010 (*Meerjaren Ontwikkelings Plan – MOP*), for example, announces the 'expansion of protected areas and development of new ones, in which all types of ecosystems in Suriname are represented'. This is one of the measures under sub-goal 3 ('conservation, sustainable use and equitable sharing of benefits of the use of biodiversity'). The protected areas (system) should be expanded by 2009 under the auspices of the RGB and ATM ministries (see below).¹⁸

This intention is also expressed in Goal 1 of Suriname's National Biodiversity Strategy, which 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. One strategic direction includes: 'Expand existing protected areas and develop new ones to establish full representation of all ecosystem types found in Suriname'.¹⁹

¹³ *Report of a meeting in Nickerie on 22 November 2004*. See also http://www.stinasu.com/protected_areas.html

¹⁴ Pieter Teunissen et al., 1979.

¹⁵ Report of a meeting between the LBB, the NCC, and the village councils of Apoera, Section and Washabo (2004). See also http://www.stinasu.com/protected_areas.html

¹⁶ *Ibid.*

¹⁷ Source: http://www.stinasu.com/nature_reserves.html

¹⁸ *Meerjaren Ontwikkelings Plan 2006–2011*, Activiteitenmatrix voor milieumanagement.

¹⁹ *National Biodiversity Strategy* (March 2006). See goal 1, 'Conserve Biodiversity'.

Box 2 Protected areas in Suriname

 (Map source: www.stinasu.com)


Nature Reserves		Established	Area (ha)	District
1	Galibi	1969	4,000	Marowijne
2	Wia-Wia	1966	36,000	Marowijne
3	Coppenamemonding	1966	12,000	Saramacca
4	Hertenrits	1972	100	Nickerie
5	Peruvia	1986	31,000	Coronie
6	Wane Kreek	1986	45,000	Marowijne
7	Copi	1986	28,000	Para
8	Boven Coesewijne	1986	27,000	Saramacca, Para
9	Brinckheuvel	1966	6,000	Brokopondo
10	Centraal Suriname	1998	1,600,000	Sipaliwini
11	Sipaliwini	1972	100,000	Sipaliwini
Nature Park				
12	Brownsberg	1970	12,200	Brokopondo
Proposed nature reserves				
13	Nanni			
14	Kaburi			
Proposed forest reserves				
15	Mac Clemen			
16	Snake Creek			
Multiple-use management areas (MUMAs)				
17	Bigi Pan	1987	67,900	Nickerie, Coronie
18	Noord Coronie	2001	27,200	Coronie
19	Noord Saramacca	2001	88,400	Saramacca
20	Noord Commewijne/ Marowijne	2002	61,500	Commewijne, Marowijne

Some key players in nature conservation in Suriname

Local communities have played the foremost role in environmental management over many centuries. The following are the main governmental players in the field of nature conservation in Suriname:

- The Ministry of Physical Planning, Land and Forest Management (RGB) is responsible for the management of all forested areas in Suriname. Within this ministry, the Forest Service (LBB) is responsible for the establishment and general management of the national nature reserves; daily management is entrusted to the Nature Conservation Division (NB). Advice is provided by a Nature Conservation Commission. Since 1969, STINASU has assisted the NB. This quasi-governmental organisation focuses on developing educational and tourism aspects of protected areas, and conducts research. Funding is drawn from eco-tourism and research activities in the nature reserves.
- The Ministry of Labour, Technological Development and Environment (ATM) is in charge of Suriname's environmental and biodiversity issues. This ministry is Suriname's focal point for the Convention on Biological Diversity, and coordinates activities related to the implementation of the Convention.
- The 'Development of the Interior' department of the Ministry of Regional Development (RO) is responsible for the development of places where the majority of protected areas and indigenous and tribal communities are situated.
- The Suriname Conservation Foundation (SCF) is a quasi-governmental foundation tasked with managing the national environmental fund, which was created in 2000 by the Surinamese government with multilateral funding from the Global Environment Facility (GEF) and private donations through Conservation International. It promotes the conservation of biodiversity in Suriname, with a special emphasis on national protected areas such as Sipaliwini NR and Central Suriname NR.
- The National Institute for Environment and Development in Suriname (NIMOS) is the executive and research arm of the National Council for the Environment (NMR), which is in turn a policy and advisory body within the Office of the President of Suriname. NIMOS's objectives are to advise the government of Suriname on the implementation of environmental policies, to implement national environmental legislation, to prepare and implement regulations regarding environmental protection, and to coordinate and monitor compliance with those rules and regulations.
- There are several international conservation organisations that have a local office or affiliation in Suriname, most notably Conservation International (CI) and the World Wide Fund for Nature (WWF). Their primary role is to provide funding and technical assistance for nature conservation initiatives.
- The Amazon Conservation Team (ACT) is a Surinamese NGO, operating in a network of organisations that are active in the Amazon and the USA, which works on conservation projects in the south of Suriname.
- There are many independent consultants, both Surinamese and foreign, who are frequently hired by the government and environment and development agencies to carry out studies, conduct research and provide advice related to biodiversity conservation in Suriname.

3 Implementation of international standards and guidelines in Suriname

Legal recognition of land rights

Box 3 Legal recognition of land rights

Durban Action Plan [International action related to outcome 5, p 249]

Approve the UN Draft Declaration on the Rights of Indigenous Peoples as adopted in 1994 by the UN Sub-Commission on the Promotion and Protection of Human Rights, and ratify and effectively implement ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, where the relevant people so wish

IUCN Vth World Parks Congress Recommendation V. 24

g. ENACT laws and policies that recognise and guarantee indigenous peoples' rights over their ancestral lands and waters

The situation and progress in Suriname

Land and resource rights implies that indigenous peoples have the right to own, control and manage the land, territories and natural resources that they have traditionally owned or otherwise occupied and used.²⁰ In Suriname, legal provisions recognising and protecting indigenous peoples' right to own and control their traditional territories and resources are absent. Indigenous peoples' territories in Suriname are legally classified as state lands.²¹

The land rights situation in Suriname is directly relevant to this research, as the conservation laws and policies (see next paragraph) are derived from the Constitution and other legislation that does not recognise collective land rights, and thus contains the same flaws. The failure to address indigenous peoples' collective property rights is the primary reason why the communities of West Suriname have rejected current proposals for the establishment of a Kaboeri Kreek Nature Reserve. At present, the establishment of a nature reserve would mean that the 68,000 ha of traditional indigenous lands would be additionally titled to the state rather than to them.²² For the communities in West Suriname, recognition of their collective land rights is a precondition for dialogue about a protected area. 'We said: first you have to recognise our land rights, then we can start talking about the establishment of a nature reserve'.²³

According to the government, there is no lack of commitment at government level, but establishing legislative protection for indigenous and tribal peoples' rights is a 'very sensitive, complicated, delicate and time-consuming process'.²⁴ There is no explanation, however, as to why the situation in Suriname is any more complicated, delicate or sensitive than in any other country. In our recent (February 2009) shadow report to Suriname's report to the UN Committee on the Elimination of Racial Discrimination (CERD), we, together with the Association of Saramaka Authorities (VSG) and the Forest Peoples Programme, point out that this is difficult to understand, particularly in the light of the progress made throughout the Americas and elsewhere in establishing legislative, and in many cases constitutional, guarantees for indigenous and tribal rights. We also point out that the Inter-

²⁰ See, for example, the ICCPR, ICERD, the American Convention on Human Rights, and several ILO Conventions.

²¹ 'IDB policy note on indigenous peoples and Maroons', August 2006, p 13.

²² Viviane Weitzner, 2007, p 65. Available at: www.nsi-ins.ca

²³ Interviews with Loreen Jubitana, Carla Madsian, and village leaders of West Suriname.

²⁴ *Report of the Republic of Suriname*, 19 July 2007. UN Doc. CERD/C/SUR/12, p 31.

American Court has said that 'the argument that recognition of indigenous and tribal land rights is too complex is no excuse for not complying with international obligations'.²⁵

Since 2003, the year of the World Parks Congress in Durban, international attention has repeatedly focused on the land rights situation in Suriname. CERD has adopted three urgent action decisions since 2003, and observes that 'Suriname has yet to adopt a law recognising and guaranteeing indigenous and tribal peoples' right to own and control their traditional lands, territories and resources', and that this right is 'routinely violated with impunity' (see for instance CERD's concluding observations in 2004 and 2009). The Inter-American Court of Human Rights has issued two judgements since 2005, both ordering Suriname to adopt legislative and other measures to recognise and protect indigenous and tribal peoples' rights.²⁶

Suriname has indicated on various occasions that they will take steps to 'solve this problem' and comply with the judgements of the Inter-American Court. The Multi-Annual Development Plan 2006–2010 contains a sub-goal to 'initiate a "workable" resolution model for the land rights problem' with, as a proposed corresponding activity, the establishment of a commission to increase dialogue on land rights.²⁷ In the MOP, the Ministry of Physical Planning, Land and Forestry Management (RGB) also announces measures to 'formulate land rights'. One indicator would be the demarcation of tribal domains.²⁸ At the same time, however, the Minister of RGB holds that community forest permits (*gemeenschapsbossen*) are equivalent to the recognition of collective ownership rights,²⁹ and actively attempts to pressure village leaders to request such permits.³⁰ We firmly reject community forests, because these have nothing to do with the recognition of collective ownership rights.³¹ Community forests are similar to community logging concessions (*houtkapvergunningen* or HKVs); they are government permits that can be issued and withdrawn as the minister wishes, and the area is unilaterally determined by the minister. That community forests are not equivalent to protecting the collective ownership rights of indigenous and tribal peoples in Suriname was confirmed by the Inter-American Court in the Saramaka case.³²

The positive developments are that Suriname supported the United Nations Declaration on the Rights of Indigenous Peoples in September 2007, and that Suriname's 2006 National Biodiversity Strategy (NBS) also aims to 'resolve land tenure conflicts that constrain or prevent the adoption and enforcement of an up-to-date planning law and an up-to-date nature conservation law, policy or mandates'.³³ Also, following the plans in the MOP, the government took steps towards developing a draft framework law on indigenous peoples' rights, and established a Presidential Commission on Land Rights to provide guidance on the 'land rights problem'.³⁴ This commission has now submitted its final report, although it was neither prepared nor discussed with indigenous and Maroon representatives. Granman Gazon of the Aukaners expressed disagreement with the way the consultations were planned, and said that for many years indigenous and tribal peoples have made clear what they want.³⁵

²⁵ *A Report on the Situation of Indigenous and Tribal Peoples in Suriname*, 2009, paragraphs 34–35 ('VIDS/VSG/FPP shadow report').

²⁶ VIDS/VSG/ FPP shadow report, paragraphs 29 and 35.

²⁷ *Meerjaren Ontwikkelings Plan (MOP) Suriname 2006–2010*, Activiteitenmatrix voor de Ontwikkeling van het Binnenland, subdoel 7.

²⁸ *MOP 2006–2010*, Activiteitenmatrix voor Grondbeleid, subdoel 1.

²⁹ 'Regering doet grondenrechten af met gemeenschapsbos', *De Ware Tijd*, 17 March 2009. See also VIDS/VSG/FPP shadow report, paragraphs 72–4.

³⁰ VIDS/VSG/FPP shadow report, paragraph 72, and personal comments by various community leaders.

³¹ See for example 'Inheemsen hekelen verdeel-en-heerspolitiek RGB. Wijzen instellen gemeenschapsbos af', *De Ware Tijd* 10 February 2009; and 'Inheemsenprotest tegen vertrapping rechten', *De Ware Tijd*, 18 May 2009.

³² *Saramaka People v. Suriname*, Judgement of 28 November 2007, series C, no. 172, paragraph 113.

³³ *National Biodiversity Strategy*, March 2006. See Goal 7 (Promote Local and Regional Co-operation and Collaboration in Implementing the CBD and the NBSAP). Available at <http://www.cbd.int>

³⁴ Consideration of reports submitted by states parties under article 9 of the Convention, Advance unedited version, 3 March 2009], paragraphs 8–9.

³⁵ Conversations with VIDS staff, April–May 2009.

To date no actual changes have been made in the laws, nor has there been significant, structured, constructive dialogue with indigenous and tribal peoples related to recognition of indigenous peoples' land and resource rights. In our recent shadow report to CERD, we conclude that five years after CERD's 2004 observations, and despite the two judgements of the Inter-American Court of Human Rights ordering Suriname to adopt and implement the necessary legislation, the situation is still the same.³⁶ CERD shares this view: in its most recent concluding observations (March 2009) the committee stated that it remains 'concerned about the protection of the rights to land, territories and communal resources of the indigenous and tribal peoples living in the interior of the country'. Similarly, it is 'concerned at the non-existence of specific legislative framework to guarantee the realisation of the collective rights of indigenous and tribal peoples'.³⁷ And, while CERD noted with interest the final report by the Presidential Commission on Land Rights, it is still concerned about the lack of an effective natural resources management regime.³⁸ This refers to the lack of an overall system of laws and procedures to recognise and protect indigenous and tribal peoples' land rights.

The government of Suriname has asked the UN Special Rapporteur on the rights and fundamental freedoms of indigenous peoples to help draft a law on indigenous land and resources as part of its implementation of the Inter-American Court of Human Right's judgement in the case of *Saramaka v. Suriname*.³⁹ We would look forward to cooperating with him and the government to ensure that this law is made with our full and effective participation and enacted without undue delay.

Role of (international) conservation organisations

Both CI and WWF have adopted statements and principles on indigenous peoples that express their support for indigenous peoples' land and resource rights. For example, WWF

recognizes that indigenous peoples have the rights to the lands, territories, and resources that they have traditionally owned or otherwise occupied or used, and that those rights must be recognized and effectively protected, as laid out in the ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples.⁴⁰

Conservation International

supports efforts by indigenous groups to gain legal designation and management authority over ancestral lands and their resources, while respecting issues of national sovereignty, and recognises and supports the rights of indigenous peoples to retain their own cultural identity and traditional systems of land, forest, and marine resource tenure within a framework of equity and sustainability.⁴¹

Adopting principles is meaningful only if they are also put in practice. Despite their positive policy statements, the conservation organisations' offices in Suriname appear somewhat reluctant to engage in genuine dialogue with the government about indigenous peoples' land rights. During this review, the conservation organisations said that they are in a difficult position to provide political support to indigenous peoples over this issue. WWF–Guianas is an international organisation, which has signed a memorandum of understanding (MoU) with the government of Suriname. 'As a consequence, we

³⁶ 'CERDs observations remain equally valid ...', VIDS, VSG and FPP shadow report, paragraph 29.

³⁷ CERD/C/SUR/CO/12, paragraph 12.

³⁸ CERD/C/SUR/CO/12, paragraph 13.

³⁹ Statement by Professor James Anaya, Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples, at the eighth session of the Permanent Forum of Indigenous Issues, page 4. See also 'Statement by the Special Rapporteur', Economic and Social Council HR/4984, 20 May 2009, and CERD/C/SUR/CO/12, paragraph 8.

⁴⁰ WWF International 2008, *Indigenous Peoples and Conservation: WWF Statement of Principles*, paragraph 8.

⁴¹ Conservation International (no date), *Indigenous peoples and Conservation International: principles for partnerships*.

have to follow the laws and rules of the country', they said. 'We are guests in Suriname. If we tell the government to recognise the rights of indigenous peoples, they may tell us to leave the country.'

CI likewise indicated that it is not always easy being an 'international organisation' working in Suriname. 'Even though we are a Surinamese Foundation (founded under Surinamese law), people, and also the government, look at us as foreigners. Foreigners are not supposed to interfere with domestic or internal issues'. When CI-Suriname supported the Gran Krutu in Asindohopo in 1995, at a meeting between Maroons and indigenous peoples about their rights, the government requested CI to account for their participation. CI-Suriname has indicated that they have urged the President and Minister of RGB more than once to 'solve the land rights question', as the situation is currently hampering development, although ultimately it is up to the government. CI-Suriname did say that it was willing to provide support and expertise to 'help solve the question'.

We note this willingness with appreciation, but we would appreciate and even expect a more proactive attitude if these conservation organisations are to live up to their stated principles and indeed follow a rights-based approach. Our land rights are much more than 'a question to be solved'; it is about legal recognition and protection of our rights as peoples and as human beings.

More recently we have noted with great concern that the international conservation organisations operating in Suriname are collaborating actively with the government on REDD (Reduced Emissions from Deforestation and forest Degradation) initiatives. These initiatives take place without meaningful consultation with, or the participation of, indigenous peoples, which is in itself a breach of our rights, and also goes against the principles of the conservation organisations. The REDD scheme can potentially have a very negative impact, particularly on our land and resource rights, yet these organisations cooperate actively in establishing the framework for it in Suriname, without proper attention being given to our rights. Another current project, Support for Sustainable Development of the Interior (SSDI), is being implemented by, among others, ACT, again without our proper participation.

We understand that conservation organisations have other primary priorities and objectives for their work in Suriname, but as these organisations indicate that they view indigenous people as their partners in conservation, this could be given practical effect by demonstrating a more proactive partnership in addressing our priorities as well, namely the legal recognition of indigenous peoples' collective ownership rights. Moreover, the perceived lack of support from conservation organisations, and recently also their active participation in what we see as violations of our rights, undermines trust and raises questions about whether a true partnership is possible. It also raises questions about why these organisations have institutional policies if they simply cast them aside because of perceived difficulties in relation to government policies, particularly when doing so may make them complicit in human rights violations. We are willing to clarify our position in more detail to the conservation organisations, and have more in-depth discussions about it and about the kind of support that would really help us.

VIDS initiatives

In 2007, in the absence of meaningful cooperation on the land rights' issue and in spite of numerous letters, petitions and meetings in which we expressed our opinion and proposals related to the recognition of our rights, particularly land rights, we established the Land Rights Commission of the Traditional Authorities of the Indigenous Peoples and Maroons. Its mandate is to undertake further consultations, research and elaboration of suitable proposals to achieve legal recognition of collective land rights. This Commission will use the Framework Law on Indigenous and Tribal Peoples' Rights, elaborated in draft by VIDS, as the basis for the final proposal on the recognition of collective rights of indigenous peoples and Maroons in Suriname.

The argument expressed by several conservation organisations and government officials during the process of this review was that

if indigenous peoples feel that they are the rights holders of a certain territory, the government will ask: 'based on what?'. You need proof. Which territories are we talking about? What activities does the community carry out? What is the significance of this area to the community? What is the significance related to the community's future and livelihood, etc?

In response to these questions we wish to point out that indigenous peoples' customary rights to ownership of their lands, territories and natural resources arise from their *own* laws, values, customs, tenure systems and mores, and not from the domestic laws of the states in which they live, or any type of grant from the state (this was also the position of the Inter-American Court in the recent *Saramaka People v. Suriname* case).⁴² We have made many attempts in the last few years to demonstrate to the government and other parties how we have historically and traditionally owned, occupied and used our lands, territories and natural resources, and the significance and meaning of the territory for us. The communities of eight indigenous villages in Lower-Marowijne produced a map indicating the areas that are ancestral territory (including the protected areas within that territory). Communities from West Suriname and the Wayambo area have more recently also mapped their territories. In the Para region preliminary research has been done. The maps of all of these communities demonstrate that traditional indigenous territories are not limited to the territory of one community or one village. They cover large tracts that were historically and are still used by multiple and related communities for living, farming, collecting, hunting and fishing, and/or have spiritual and cultural value.⁴³ The areas declared or proposed as nature reserves are usually areas that are used by inhabitants of various villages.

Our communities are also doing their homework in terms of collecting other evidence of their historical and traditional occupation and use of the territories concerned. Community-based research has already been carried out in several regions to document the systems of customary use, to analyse the traditional cultural practices, and to assess their contribution to sustainable use and biodiversity conservation. These studies document the sophistication and variety of customary resource use, much of which is invisible to the governmental administration, forestry and environment ministries and conservation agencies. Our communities practise long-established and subtle forms of environmental management and use, which are rooted in our cultures and long associations with particular ecosystems and locales. Contrary to outsiders' perceptions, our customary use areas are not open-access zones; rather they are regulated commons, subject to customary laws and controlled by indigenous institutions with our own locally recognised jurisdictions and authority.⁴⁴

Conservation organisations such as WWF have indicated that they applaud such initiatives and are willing to support the communities with this work, and propose to have more conversations about it. They have offered financial and technical support for indigenous peoples to identify and document the significance of their activities in a certain territory, which can help them to obtain recognition of land rights. This is positive to hear.

Suggested ways forward

As soon as possible, national legislation should be amended in order to recognise and protect indigenous peoples' collective ownership rights in accordance with international standards and

⁴² *Inter-American Court of Human Rights, Saramaka Peoples v. Suriname*, 2007, paragraph 194: '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'.

⁴³ These maps can be viewed at the VIDS office.

⁴⁴ See *Marauny Na'na Emandobo Lokono Shikwabana ('Marowijne – our territory')*. ('Marowijne 10(c) report'), VIDS, 2006, and *Lokono Wawrora Jaha Coeritjien. Our Indigenous Territory on the Corantijn*. ('West Suriname 10(c) report'), VIDS report, January 2008. These are also available in Dutch at the VIDS office.

obligations, in particular the UN Declaration on the Rights of Indigenous Peoples, and the recent Inter-American Saramaka judgement. VIDS can provide more information and explanation about these international obligations where needed, and is willing to strengthen capacity and awareness on this matter within government and NGO circles.

Review of conservation laws and policies

Box 4 Review of conservation laws and policies

Durban Action Plan [National and local action related to outcome 5, p 249]

Review all existing conservation laws and policies that impact on indigenous peoples and local communities, including mobile indigenous peoples, ensuring their effective involvement and participation in this review.

IUCN Vth World Parks Congress Recommendation V. 24

m. UNDERTAKE a review of all existing biodiversity conservation laws and policies that impact on indigenous peoples and ensure that all parties work in a coordinated manner to ensure effective involvement and participation of indigenous peoples

Suriname's 1954 Nature Protection Act and developments until the late 1970s

The basis of Suriname's conservation laws is set out in the 1954 Nature Protection Act, which also provides the legal basis for the establishment of protected areas. Article 1 of this Act provides that the President may designate lands and waters belonging to the state domain (state lands) as a nature reserve for the protection and conservation of Suriname's natural resources, after a hearing before the Council of State.⁴⁵ This is problematic, as indigenous peoples' territories in Suriname are legally classified under domestic law as part of the state domain, as was described above, and so this article means that the state can declare any indigenous territory or part thereof to be a Nature Reserve.⁴⁶ The Act also includes regulations governing human activities in the Nature Reserves. Article 5 prohibits causing damage to soils, flora, fauna and natural beauty. Collecting non-timber forest products, hunting, fishing, and so on, are not allowed without written permission of the head of the Suriname Forest Service (LBB).⁴⁷

Between 1974 and 1977, the inventory of the ecosystems in the coastal plains and savannah belt of Suriname, mentioned above (p 11) was carried out by ecologist Pieter Teunissen on behalf of the Nature Conservation Division of the Forest Service (NB). The goal of this study was the identification of the major biologically diverse ecosystems in Suriname, with a view to expanding the protected areas system. It surveyed and mapped all ecosystems in Suriname's lowlands, and selected ten 'representative and special natural areas' (six proposed nature reserves and four forest reserves).⁴⁸ When the first draft report was presented in 1978, an indigenous organisation (KANO, now defunct) expressed its concern about the possible consequences for the people who lived in those areas.⁴⁹ KANO claimed that indigenous peoples had 'traditional' rights and interests in five out of the six proposed nature reserves.⁵⁰

⁴⁵ *Natuurbeschermingswet*, GB 1954, no. 26, article 1.

⁴⁶ *Petition submitted to the Inter-American Commission of Human Rights* ('Lower Marowijne Petition'), 2007, paragraph 84.

⁴⁷ *Natuurbeschermingswet*, GB 1954, no.26, article 5.

⁴⁸ Six new NRs and four forest reserves were proposed, based on various ecosystem types. Mr Baal, the head of the Nature Division of the Forest Service, would decide on a PA model for the recommended areas. Source: interview with Pieter Teunissen, 13 March 2009.

⁴⁹ Interview with Mr B. Drakenstein, head of NB, 27 November 2008.

⁵⁰ *Management Plan Boven Coesewijne Nature Reserve 2006–2010*, pp 50–52.

Several meetings were subsequently held between KANO and the Forest Service about Suriname's conservation policies. These discussions with KANO resulted in a compromise that was described in a chapter (chapter 4) written by R. Artist (advisor to KANO), A. Cirino (chair of KANO), J. Schultz (former head of NB and director of STINASU) and F. Baal (head of NB), which was added to Teunissen's final report in 1979.⁵¹ It was also reflected in the 1986 Resolution (see below), which, while it still limits human activities in reserves, includes purported exceptions for indigenous communities within the nature reserves established by the 1986 Resolution.⁵² KANO and LBB also agreed to pay joint visits to the communities potentially affected to talk about the proposed reserves and, in 1978, KANO, LBB and NB representatives visited communities in the proposed Kaboeri and Boven Coesewijne NRs and the Copi reserve.

The 1986 Nature Preservation Resolution

In 1986, a new Nature Preservation Resolution was adopted pursuant to the 1954 Act.⁵³ It differs significantly from the previous Nature Preservation Resolutions of 1966⁵⁴ and 1969.⁵⁵ The explanatory notes of the 1986 Resolution explain that tribal communities living in established nature reserves will keep their 'traditional' rights and interests inside the NRs.⁵⁶ The resolution does not define or specify the 'traditional rights', but it does refer to the chapter on social aspects written by Artist, Cirino, Schulz and Baal (1979) in Teunissen's final report, which elaborates on these 'traditional rights' and interests. According to Artist, Cirino, Schulz and Baal, it means that communities in the interior to whom these rights apply can freely choose a farming plot, and hunt and fish unhindered. However, the 1986 Resolution recognises traditional rights only for indigenous communities located within the NRs, and in most cases there were none, thus rendering the provision obsolete from the outset. Moreover, the activities ostensibly protected are limited by other national laws, such as the Hunting Law, and the 1986 Resolution contradicts the 1954 Nature Protection Act itself, which unambiguously prohibits human activity in NRs, under threat of criminal sanction. The 1986 Resolution is therefore of dubious legality and most likely unenforceable should indigenous peoples be forced to seek judicial protection.

The 1986 Resolution's explanatory notes add a number of substantial limitations to the ostensible recognition of 'traditional rights,' stating that they will be maintained only

- a) as long as no harm is done to the national objectives of the reserve;
- b) as long as the motives for such 'traditional' rights are still valid;
- c) during the process of consolidation into a unified Surinamese citizenship.⁵⁷

In relation to the question as to when the motives for such traditional rights would remain valid, Artist, Cirino, Schulz and Baal explain in chapter 4 on social aspects that an indigenous person needs to demonstrate an emotional attachment to their territory and that the activity in question is needed for their subsistence.⁵⁸ The traditional rights and interests are also assumed to be dying out – 'the rights and interests are still at the basis of peoples' livelihoods, but this is quickly subsiding'.⁵⁹ The pace of the processes described under b) and c) will be 'dependent on the pace of the development in the interior', and Artist, Cirino, Schulz and Baal end by saying that the sooner the interior develops, the less interior dwellers will have to make use of their traditional rights to make a living, the sooner they will feel like Surinamese citizens, and the weaker the emotional attachment to their traditional

⁵¹ R. Artist, A. Cirino, J. Schulz and F. Baal, 1979 'Sociale Aspecten' [Chapter 4].

⁵² Article 4, *Natuurbeschermingsbesluit* 1986 (SB 1986), no. 52; see also the *Boven Coesewijne Natuur Reservaat Beheersplan 2006–2010*, chapter 3, p 52.

⁵³ SB no. 52, 26 August 1986.

⁵⁴ GB no. 59, 22 April 1966.

⁵⁵ GB no. 47, 23 May 1969.

⁵⁶ *Natuurbeschermingsbesluit* 1986 (SB 1986), no. 52.

⁵⁷ *Ibid.*, explanatory notes. See also R. Artist, A. Cirino, J. Schulz and F. Baal, 1979, 'Sociale Aspecten' [Chapter 4], paragraph 3.

⁵⁸ R. Artist, A. Cirino, J. Schulz and F. Baal, 'Sociale Aspecten' [Chapter 4], paragraph 3 b.

⁵⁹ *Ibid.*, paragraph 2 b.

territory will be.⁶⁰ In other words, assimilation was seen as the solution to addressing indigenous peoples' rights in protected areas and an officially sanctioned objective of the Surinamese state.

It can thus be concluded that within the current legislation, the purported respect for customary rights of indigenous peoples is at best understood as something temporary; indigenous groups should assimilate into mainstream Surinamese society as quickly as possible, and when they do, they would no longer invoke these rights. Moreover, if the government decides that it has an objective for a nature reserve that does not correspond with the views or practices of the indigenous peoples, these rights are automatically subsumed to the will of the state and abrogated without right of appeal or other recourse. Furthermore, the communities' activities remain limited or prohibited by Suriname's general laws and specific laws on hunting, fishing and forest use.

How has the 'old' situation been addressed since 2003?

Revision of the old law?

It is clear that Suriname's 1954 conservation law is outdated and out of step with CBD and IUCN standards. Better and more contemporary legislation is urgently needed. Although the Nature Conservation Division said that it is still 'happy with the colonial-era 1954 Law', they agree that it should be reformed in the light of contemporary standards. We have information that the Minister of RGB has requested the IUCN to assist with drafting a new protected areas law. Although no more information is available currently, it is positive to note that the government has taken a concrete step towards reforming the law. We would like to receive more information about these plans, and we are very interested to contribute to and participate, as is our right, in this drafting process and hope that the new law will be consistent with indigenous peoples' rights in international law. Further, until an adequate legal framework is in place, we recommend that Suriname use policy statements setting out best practice and consensus of the international community (states and conservationists alike), particularly those agreed at the WPC, until a new law is adopted.

Change of views on and understanding of the scope of 'traditional rights?'

One obstacle we have identified is that there seems to be a general lack of understanding in Suriname about the scope of the rights of indigenous peoples, and that there is a tendency to limit these rights in various ways. The most recent Nature Reserve, the Central Suriname Nature Reserve (2004–2008), was established by a 1998 Resolution adopted under the 1954 Act, which 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.⁶¹

This provision still does not offer any effective protection for indigenous peoples' rights, and subsection (b) allows the state simply to declare that such rights will no longer apply. Other limitations include the practice of limiting rights only to 'traditional activities', as described above. We observe that there has not been much progress in this respect since 2003.

Even very recently, the government of Suriname expressed the view that indigenous and tribal peoples' '*sui generis* land rights', including rights to natural resources (both surface and the subsoil), are limited to resources traditionally used for their subsistence and cultural and religious activities'.⁶² CERD has, however, rejected the assertion that indigenous peoples' rights are limited to the pursuit

⁶⁰ *Ibid.*, paragraph 3.

⁶¹ SB No 65, 31 July 1998, article 2. See also *Central Suriname Nature Reserve Plan for Management (2004–2009)*, paragraph 2.3.1.

⁶² VIDS/VSG/FPP shadow report, paragraph 32.

of traditional activities.⁶³ This would conflict with indigenous peoples' right to self-determination, their right freely to determine their economic, social and cultural development through their own institutions. Article 20 (1) of UNDRIP also provides that

Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.⁶⁴

The Human Rights Committee of the United Nations has also provided that 'the right to enjoy one's culture cannot be determined *in abstracto* but has to be placed in context. In particular, Article 27 of the International Covenant on Civil and Political Rights does not only protect traditional means of livelihood of minorities, but allows also for adaptation of those means to the modern way of life and ensuing technology'.⁶⁵ We stress that it is important to include this type of provision in the new environmental and nature protection laws.

Similarly, such limitations and restrictions should be corrected in updated versions of management plans, which should be agreed consensually with indigenous peoples, if the legally binding CBD COP decision on protected areas is to be adhered to. Various management plans are outdated and have not been constructively corrected since they were written. The Galibi Nature Reserve Management Plan 1992–1996 (Reichart 1992) for example, was never updated after 1996, and says:

The establishment of the Galibi Nature Reserve was not intended to deprive the local people of their subsistence, nor to deny them permission to use the natural resources in the reserve. The idea of 'traditional rights', like the Caribs want them, was a good principle stemming from a time when populations were still small and villages were autonomous entities. The dogmatic idea of traditional rights, however, no longer fits a democratic country, in which all citizens have equal rights. In a democratic country citizens also have obligations; obligations that serve the interest of the entire country.⁶⁶

This statement stands in stark contrast to non-discrimination and equal protection norms in human rights law, and contravenes Suriname's international obligations. Moreover, Teunissen today rejects the 'compromise' set out in the 1986 Resolution, stating that: 'it was acceptable back then, given the *Zeitgeist* of those days. Nowadays, we can no longer confine ourselves to respecting "traditional rights". The land rights of the indigenous peoples in Suriname have to be legally recognised, but, unfortunately, various governments are making us wait.'⁶⁷

Conflicts and misunderstanding caused by different interpretations of 'traditional rights'

The government is actively enforcing its limited views on traditional rights, which is causing conflicts with and within communities. Also, the lack of clarity about the meaning and scope of 'traditional rights' – when they are (still) valid, and what they exactly mean – regularly causes misunderstandings.

For example, the consultation process aimed at developing a management plan for the Boven Coesewijne NR in Bigi Poika had to be stopped in 2001 when community members expressed resentment about imposed resource use restrictions. The atmosphere became grim, and the management plan could not be finalised. Instead the consultants wrote a 'final draft management

⁶³ See, *inter alia*, Decision 2 (54) on Australia, 18 March 1999, paragraph 7. UN Doc A/54/18, paragraph 21 (2), stating various provisions of a law discriminating against indigenous title holders, including 'restrictions concerning the right of indigenous title holders to negotiate non-indigenous land uses'.

⁶⁴ *United Nations Declaration on the Rights of Indigenous Peoples*, September 2007.

⁶⁵ *Apirana Mahuika et al. v. New Zealand*, Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, Communication No. 547/1993, UN Doc. CCPR/C/70/D/547/1993, 15 November 2000, paragraph 9.4.

⁶⁶ H.A. Reichart, *Galibi Nature Reserve Management Plan 1992–1996* (1992), p 29, paragraph 2.2.5.

⁶⁷ Interview with Pieter Teunissen, 13 March 2009.

plan', with recommendations and suggested steps towards renewing dialogue with the community. This report reflects the government's disappointment and confusion about the communities' 'sudden' objections – these objections were not in fact sudden, but came about logically as part of the consultation process. At the same time, the report contains a list of examples of (accusations about) the proposals of community members that, in the authors' views, are 'absolutely non-traditional', and recommends that 'the management of the nature reserve *must* remain under control of the Government'.⁶⁸

Recently the village council of Bigi Poika has made note of renewed conflicts between forest guards in the reserve (who work for the National Forest Service) and community members. Community members have had to register their guns – but have not yet received a token of registration – and guards seize game and guns when members are caught. Clashes over commercial vs. traditional subsistence use also seem to occur. Community members feel confined in their hunting and fishing practices, while they are dependent upon game.⁶⁹ Such situations feed communities' resentment and distrust, and hamper renewed collaboration and dialogue. Similarly, it has happened that armed forest guards have prohibited the entry of village members into Wane Kreek and Galibi NRs.⁷⁰

The role of the conservation organisations

The conservation organisations in Suriname have indicated that they also feel that conservation laws in Suriname are outdated and must be changed. CI–Suriname has let us know that in the past few years it has publicly stated several times that the outdated conservation laws are hampering effective protection of the nature reserves, and that CI experiences as a major obstacle the fact that national legislation has not been brought into line with the international treaties and conventions that Suriname has joined. It says that it will continue to call for a revision of the conservation laws. To contribute to the development of a modern nature protection law, CI hired a consultant after 2003 to draft a new nature protection law, based on the outcomes of Durban, which CI planned to use for further discussions. Unfortunately, the consultant unexpectedly moved abroad, and the project stopped. CI further expressed the hope to restart this process soon, and it looks forward to an open discussion and fruitful input from others.

The fact that conservation organisations are also concerned about the outdated laws is a positive thing, but we realise and observe that they clearly do not have the same priorities as the indigenous communities, when it comes to revision of the laws and policies (for example WWF made clear during this review process that everybody works from their own objectives and 'it is VIDS' own responsibility to discuss this with the government, [...] VIDS must chase their goals themselves instead of waiting to be approached by NGOs or the government'). We do not depend or count on them to achieve our goals, but we would welcome more open support from conservation organisations for indigenous peoples' rights.

Again, we should not forget that both CI and WWF have adopted statements and principles on indigenous peoples that acknowledge the need for recognition of indigenous peoples' rights in conservation. WWF, for example, recognises the importance of indigenous resource rights and knowledge for the conservation of many of the earth's most fragile ecosystems, and acknowledges that, without recognition of the rights of indigenous peoples, no constructive agreements can be drawn up between conservation organisations and indigenous peoples and their representative organisations.⁷¹ WWF also states that indigenous peoples have the right to determine priorities and strategies for the development or use of their lands, territories, and other resources.⁷² CI 'recognises

⁶⁸ See *Management Plan Boven Coesewijne Nature Reserve 2006–2010*, pp xvi, xvii, and 51. See also Pieter Teunissen, Dirk Noordam, Karin Boven, Josta Nieuwendam and Kiran Janki, 2004, p 5.

⁶⁹ Personal conversations with the Bigi Poika village council, February 2009.

⁷⁰ *Lower Marowijne Petition*, paragraph 91.

⁷¹ *WWF Statement of Principles*, paragraphs 4 and 6.

⁷² See, for example, *WWF Statement of Principles*, paragraph 12.

the role that indigenous peoples have played in maintaining biodiversity, and that indigenous control over traditional lands and resources is a precondition for the maintenance of biodiversity'.⁷³

Suggested ways forward

VIDS will continue to raise awareness and understanding of contemporary standards on indigenous peoples' rights in conservation and the requirements for compliance with international standards, and are willing to cooperate with government, conservation organisations and others to achieve this. We would especially like to increase understanding of the concept of self-determination, in order to eliminate confining indigenous peoples' rights to 'traditional rights'. We hope that the conservation organisations, perhaps with support from their head offices, will also provide their support for this process, as a way of giving more practical effect to their principles.

We hope that the government will start to look critically at existing conservation laws and policies that affect indigenous and tribal peoples, and start a revision process, asking for input and advice from relevant expert parties, including indigenous experts. VIDS is also very willing to lead or contribute to such initiatives in partnership with the government and others, and share our expertise on indigenous peoples' rights, provided that indigenous and tribal peoples are enabled to participate fully in such a review and revision.

Involvement in national conservation policy-making and planning

Indigenous peoples' participation in conservation policy-making in Suriname

The new paradigm provides that indigenous people should fully and meaningfully participate in the development of any plan or policy that may impact on their lands and territories. There are some positive developments in this regard. For example, Bureau VIDS was invited to participate in the development of Suriname's NBSAP, and have a seat in the National Biodiversity Steering Committee which has the task of assisting the Ministry with the implementation of the CBD.

However, the participation of indigenous peoples in (conservation) initiatives in Suriname is still encountering significant obstacles. Suriname's National Biodiversity Strategy, for example, the development of which was one of Suriname's obligations under the CBD, was discussed during a workshop in 2005. The final document (2006) states that it was prepared after study and significant consultation with stakeholders, including government agencies, international and donor institutions, non-governmental organisations, community-based organisations (CBOs) and private businesses.⁷⁴ In reality, however, few indigenous or tribal persons were involved, and the main indigenous and tribal organisations did not play 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 and should be more involved in the process of the NBS and the drafting of a National Biodiversity Action Plan in general.⁷⁵ Mr Ferdinand Baal, head of the Nature Conservation Division (NB) at that time, said:

Because of the lack of time and money, it was not possible for more stakeholders from 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.⁷⁶

A very recent example of poor consultation concerned the consultations about Suriname's Readiness Plan Idea Note (R-PIN), which was submitted to the World Bank's Forest Carbon Partnership Facility (FCPF) on 15 December 2008. While the Government found time to consult international NGOs (CI, WWF, Tropenbos) who were also involved in drafting the R-PIN, time and resources did not permit

⁷³ *CI principles for partnerships*, paragraph 4.

⁷⁴ *National Biodiversity Strategy Suriname*, 2006, p 5.

⁷⁵ 'Interior dwellers should be more involved in National Biodiversity Strategy', *De Ware Tijd*, 26 October 2005.

⁷⁶ *Ibid.*

such wide consultations with indigenous and Maroon peoples,⁷⁷ even though we will be directly affected by the proposed activities, given that our traditional territories contain a large percentage of the forests within Suriname's borders. We were not even informed about R-PIN until April 2009, some four months after the document had been submitted to the World Bank, and a month after it had been approved by the FCPF.

Instead, the government stated that it aimed at a 'dialogue with wider circles of relevant stakeholders, including representatives of the Maroon and Indigenous peoples in the next phases, such as the development of the R-PIN'. This would apparently take place through a single representative on a working group, in which one person would be responsible for communicating with all indigenous and tribal peoples in the whole interior. We have written a letter to the Ministers involved to express our serious concerns about this approach, and stress once again that we have the right to participate effectively in decision-making in accordance with our own traditions, at the early stages of a development or investment plan, and not only when the need arises to obtain approval from the communities.⁷⁸

This also illustrates another obstacle: when issues are discussed which directly affect the territories we 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: as stakeholders.⁷⁹ We are, however, in a fundamentally different position from other stakeholders: we consider the term 'rights holders' to be more appropriate. The government is legally obliged to allow our effective participation.

An important bottleneck for full and effective participation is that, most of the time, workshops are held in the capital, Paramaribo. Travel from the interior to the capital, and accommodation in town, are expensive and usually not budgeted for, making it impossible for people from the interior to attend. Usually one representative of the Bureau is then invited, and this is recorded as 'indigenous people's participation'. A spokesperson from the Ministry of Environment said that the ministry did intend to involve indigenous peoples and Maroons in their policy developments, but acknowledged that VIDS was involved in the formulation of Suriname NBS and Action Plan as a sole representative. Conservation organisations such as WWF also acknowledge that, most of the time, it is 'impossible' to invite all indigenous or maroon organisations: 'generally we invite the most active or well-known groups'.

Even if community members from the interior are invited, there are still many obstacles to full and effective participation. Dr Ellen-Rose Kambel, a Surinamese indigenous rights specialist, observed that:

invitations generally arrive late, 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. 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 (for example, in communication) sufficiently.⁸⁰

Lastly, government and conservation organisations also claim that it is not clear which indigenous organisation to work with, as there are many indigenous organisations active in Suriname. In the

⁷⁷ *The Forest Carbon Partnership Facility (FCPF) Readiness Plan Idea Note (R-PIN)*, Government of Suriname, 16 February 2009, p 2.

⁷⁸ Letter from VIDS and VSG to the Ministers of RGB, ATM and RO, regarding Suriname's Readiness Plan Idea Note (R-PIN), May 2009.

⁷⁹ IADB policy note on indigenous peoples and Maroons in Suriname, pp 30–31.

⁸⁰ *Ibid.*

introduction, we explained that VIDS is the national representative indigenous peoples' organisation in which all villages are represented through their traditional authorities. This is the legitimacy and weight behind the action and positions of VIDS. Any (remaining) doubt or confusion about indigenous organisations may not be used as an excuse for not involving indigenous peoples.

Suggested ways forward

For indigenous peoples to have constructive and effective participation, the direct and informed participation of people from the interior must take place through representatives freely identified by ourselves, and we recommend that this become standard practice from now on. In the Case of the Saramaka People v. Suriname, the Inter-American Court of Human Rights elaborated on the consultation, participation and consent requirements that apply when an indigenous or tribal peoples' territory may be affected, and these requirements also apply in the case of protected areas or conservation activities more generally. These requirements are reiterated in connection with the CBD COP decision on protected areas as part of Suriname's applicable international obligations. We appreciate that this requires more time and money, but it is the only way to do it properly, and 'lack' of time or money (which is often not a real lack, but under-prioritisation of meaningful participation) should never be used as an excuse to exclude us, not just as stakeholders but particularly as rights holders. We are confident that through re-prioritising (national) budgets this can be achieved. We gladly offer our help to provide guidance and assistance related to future participation of indigenous communities, and to help overcome obstacles such as the ones identified above (for example, we can contribute to increased insights into indigenous peoples' decision-making processes), provided that sufficient time and money are made available to allow adequate preparations.

Establishment and expansion of protected areas

Box 5 Establishment and expansion of protected areas: consent and participation of indigenous peoples

IUCN Vth World Parks Congress Recommendation V. 24

- c. ENSURE the establishment of protected areas is based on the free, prior informed consent of indigenous peoples (...)
- o. ENSURE open and transparent processes for genuine negotiation with indigenous peoples in relation to any plans to establish or expand protected area systems, so that their lands, waters, territories and natural resources are preserved and decisions affecting them are taken in mutually agreed terms

CBD Programme of Work on Protected Areas

Goal 2.2 To enhance and secure involvement of indigenous and local communities and relevant stakeholders

Target: Full and effective participation by 2008 of indigenous and local communities in (...) the establishment of new protected areas

Actions:

- Develop and adopt mechanisms to guarantee the meaningful participation of indigenous peoples and local communities in the designation (...) of protected areas
- Ensure that [indigenous peoples' ... voices are heard and respected in decision-making

The previous section made clear that participation in (general) conservation policy-making by indigenous peoples is not always as meaningful and effective (yet) as it could or should be. In the next

section, we will investigate whether, and how, indigenous communities are involved in decision-making about the establishment of protected areas that affect them. Free, prior and informed consent (FPIC) is a key right in this discussion (see Box 6).

Consultation processes before 2003

Several decades ago, it was common practice to establish nature reserves without meaningful participation by the affected indigenous peoples' communities. A classic example is the Galibi NR, which was declared in 1969. In Galibi the sudden establishment of the NR, and the way in which the communities were treated in this process, was a traumatic experience. Village leader Ricardo Pané, who was still a boy in those days, said:

One day a government delegation came to Galibi for a few hours. They told the village leaders of the time 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. At that time, many people lived at Baboensanti (a place north of the current villages and one of the places where turtles nest). We had to relocate immediately and stop all activities in the area, while this area meant everything to us: hunting, fishing, planting, gathering. They said the area now belonged to the Forest Service. I saw them yelling and shouting at my people. It was very abrupt and had many negative consequences for us then.⁸¹

The ecologist Pieter Teunissen, who mapped Suriname's ecosystems in the 1970s, from which potential protected areas were selected, now says that 'the way that the Galibi NR has been established has been a great mistake. Without sufficient explanation the reserve was declared'.⁸² Indeed, the establishment of the Galibi reserve was so resented as a violation of indigenous peoples' rights that it was one of the main causes of the 1975 Albina–Paramaribo land rights march, when indigenous people walked 142 km to protest against violations of their rights.

After 1978, when the new protected areas were proposed and the discussion about 'traditional rights' had taken place, greater effort was made to have meetings with the potentially affected communities, before establishing protected areas. But can it be said that FPIC was applied? What became clear during our research, when we were looking at the establishment of the reserves, was the consistent lack of various fundamental components of FPIC.

In 1978, for example, the community of Bigi Poika was consulted in relation to the planned establishment of the Boven Coesewijne NR, located in their traditional territory. This was one of the agreed KANO/LBB/NB visits to communities that would be potentially affected (see p 20). After the visit, the village council was reported to have approved the reserve, on condition that the 'traditional rights' would be respected'.⁸³ Mr Baal, former head of NB, explained to us that the government had received a letter from the District Commissioner (DC) of Saramacca (dated 20 July 1982, No. 1582) in which the DC confirms that a '*krutu*' has been held, during which the participants put forward three demands. Based on this, the DC informed the government that he had no objections to the establishment of the NR. Further information about the nature and realisation of the three demands and the consent of the community is not available, and of course it is not for the DC to give the consent, but indigenous people.

In 1987 KANO and LBB also held a consultation meeting with the Copi community. The title of the record of this meeting was: 'Report of a consultation in Copi between KANO, LBB and inhabitants of Copi, about the future nature reserve in Copi and surroundings'. The term 'future nature reserve' suggests that the plans were already definite. Moreover, the visit of LBB and KANO was not announced, and Copi was represented by five people only. LBB and KANO came to share the plans

⁸¹ Interview with village leader Pané (Christiaankondre), 22 August 2008, and personal comments, February 2009.

⁸² Interview with Pieter Teunissen, 13 March 2009.

⁸³ Pieter Teunissen *et al.*, 1979, p 9.

for the reserve, and explained their 'traditional rights compromise'. On the basis of the explanations of the KANO representative, the village assistant declared at the end of the meeting that he agreed to the proposal as long as traditional rights were respected.⁸⁴ Consent, however, or even mere consultation, cannot be meaningful with only five community members, and this process must be considered invalid even under the most lax consultation standards.

The argument in the management plan (1997), repeated once again during the workshop in May 2009 by Mr Teunissen, was that for various reasons the village had become almost completely abandoned, and the remaining inhabitants (predominantly elderly) were thrilled when they heard that the village might flourish again because of the nature reserve. The government would help to clean the creek, a radio connection with the city would be established, and employment would be created, including for the youth who had moved to the city.⁸⁵ It is not illogical that the community might have thought that a nature reserve was their only way out, and that other possible implications, or negative consequences, were not considered. The government was, after all, promoting the project. In this context we also wish to point out that membership in a community is determined by that community's custom, and not by how many people were present during certain government visits.

Looking at Box 6, it is clear that almost every element of FPIC was absent. Consent was not prior, saying 'no' was not an option, and consent certainly was not well-informed. When this issue was discussed in an internal meeting with 20 representatives from different indigenous areas dealing with protected areas, the point was put that KANO encouraged communities and councils to give consent, or even gave consent on behalf of communities.⁸⁶ The leaders did not have time to consult with their constituencies, and they certainly cannot be assumed to have understood what they were saying 'yes' to, nor what the implications of the limitations to 'traditional rights', as discussed above, might be. As we pointed out before, no participatory environmental, social and cultural impact assessments were required. With the information the communities have now, their opinion might be very different.

This is further confirmed by the case of West Suriname. In 1978 and 1979, the KANO and LBB delegation also paid several visits to Apoera, Section and Washabo, the indigenous villages in West Suriname where one of the six new reserves was proposed (the Kaboeri Kreek Reserve). In 1979 the leaders of that time delivered a letter to the head of LBB giving their consent to the plan, just as some of the other communities were said to have done.⁸⁷ Captain Macintosh, the current village leader of Washabo, says:

I have the documents and minutes from those days. According to the minutes, the community was aware that the village council signed; it would have been discussed at a village meeting. Still, many people from the villages say that they were not aware or that they can't remember anything about this. But the council did sign the papers.⁸⁸

In 1980 the military period started in Suriname. In 1986, the Ministry of Natural Resources decided not to wait any longer, and sent four of the six NRs reserves to the Council of Ministers, the Council of State, and so on. Consequently in 1986 Wane Kreek, Copi, BCNR and Peruvia were established, but the proposed Kaboeri NR and Nanni NR were postponed. The subsequent interior war brought everything to a standstill until 1992, and after that the country was busy with reconstruction. It took until 2001 for the government to re-establish contact about the Kaboeri Kreek NR with the communities in West Suriname. On the basis of new insights and awareness, the communities now rejected the proposal. On 31 March 2004 the village leaders officially responded that they could not

⁸⁴ C. Rodríguez, M.C. van der Hammen and P. Teunissen, 1997, annex 1.

⁸⁵ *Ibid.*, p 25.

⁸⁶ Internal meeting in preparation for national VIDS workshop, VIDS office, 20 May 2009.

⁸⁷ *Report of a meeting in Nickerie on November 22nd 2004*, p 4.

⁸⁸ Interview with village leader Macintosh.

give their consent unless and until the government delimited, demarcated and granted them collective title to their territory.⁸⁹

Box 6 FPIC: free, prior and informed consent

What does FPIC mean precisely?

FPIC means the right of indigenous peoples to participate in decision-making and to grant or withhold their consent to activities affecting their lands, territories and resources. Protected Area establishment or expansion is one example of an activity that requires FPIC.

What is the scope?

In short, the scope of FPIC is the right to say 'yes', 'yes with conditions', or 'no' to the activities in question.

How is it obtained?

- free and prior: consent must be given without coercion, bribery, threat or manipulation, and before any significant planning of an activity has been completed (i.e. not when it is already too late and plans can't be cancelled). This applies to every single (decision-making) step in the planning and implementation of a project.
- informed: consent is given only after the affected indigenous people have been provided with all relevant information, made available in a way that ensures their full understanding (format, language, etc.), including likely and possible consequences of the proposed activities (both positive and negative), and alternatives to the proposed activities.
- When all information is made available in an appropriate way, the consent must be obtained 'according to the customary laws, values and norms of the people concerned': the communities can discuss the issue according to their own traditions, following their own decision-making processes, for as long as they need to.
- FPIC can be obtained only collectively. It is not valid if one person in a community is asked if he/she agrees – individuals do not have the right to authorise or veto any activity that may affect the collective rights of the people concerned.
- For FPIC to function properly, indigenous peoples' property right in and to their traditional territories must be adequately recognised and secured in domestic law.

Is there any legal support for the FPIC concept?

Legal support for FPIC is found, inter alia, in concluding observations and recommendations of CERD and CESCR, jurisprudence of the Inter-American Court of Human Rights (e.g. the Saramaka case of 2007) and the Inter-American Commission of Human Rights.

(Source: Indigenous Peoples Human Rights Guide, prepared for the Human Rights, Indigenous Peoples & Conservation Training Workshop by the Forest Peoples Programme, Barcelona October 2008).

Revision of old situations and processes after 2003?

Although certain situations that have emerged in the past may be understandable, the international conservation community agreed at the World Parks Congress in 2003 that all situations should be reviewed in relation to contemporary standards. If protected areas were established in the past without communities' FPIC, this should be meaningfully addressed. The WPC provided clear guidance on redressing past injustices (see Box 1). This is also consistent with the jurisprudence of the Inter-American Court of Human Rights and therefore also refers to the 'applicable international obligations' identified in the binding CBD COP decision on protected areas.

⁸⁹ Report of a meeting in Nickerie on November 22nd 2004, p 6.

We have no indication that any of the recommendations listed in Box 1 have been taken on board by the Surinamese government. To our knowledge, no mechanisms have been developed or implemented to investigate and address such historical situations and possible injustices, nor to arrange restitution or compensation measures. The government has not investigated how consultations in the past were done, nor asked the communities how they look back on the establishment process. In the case of Galibi, the government has recently acknowledged that the reserve was established without the participation and consent of the indigenous peoples, and recently a government official apologised to the village leader of Christiaankondre about the way the reserve was established,⁹⁰ although not publicly, and no further effect was given to the conclusion that what happened was wrong. Neither restitution nor compensation has taken place anywhere in Suriname to date.

In most cases, the government is still holding to the position that the communities agreed to the reserves and that the establishment of these reserves is therefore valid. The recent management plan for the Boven Coesewijne NR, for example, holds that the reserve was established in 1986 'after consultation with the community in 1978': 'At the time, the community approved the establishment, on condition that "traditional rights" were respected'.⁹¹ The Management Plan (2006–2010) explains that in the decades following, 'traditional rights have frequently been explained to the community'.⁹² Comments and criticisms on this review from various parties suggest that conservation actors in Suriname, including the state, are not ready for the idea of redressing past injustices in the light of contemporary standards. Different parties argued that we were inconsistent; criteria in use after 2003 'cannot be applied retrospectively to activities and events related to protected areas before 2003'. As we said in the introduction, we disagree with this argument, as does the Inter-American Commission on Human Rights, which is now looking at three nature reserves established before 2003 in Suriname. In the Case of the Saramaka People v. Suriname, the Inter-American Court also called for a review of all concessions in Saramaka territory in relation to the norms elaborated by the Court in its 2007 judgement, irrespective of when those concessions had been issued. There is no reason to expect that the Court would not rule similarly if protected areas are at issue. We are especially surprised that conservation organisations such as WWF and CI – who are IUCN members and part of the WPC consensus, and so can be assumed to adhere to WPC principles – reveal such an anachronistic way of thinking about this issue.

The unclear and unjust processes from the past, and different interpretations of earlier 'agreements', have repeatedly caused conflicts, misunderstandings, and mistrust, and in fact still influence relations and situations at present. Reviewing old activities and renewing discussions may be an effective way to address this situation. Village leader Lesley Artist of Redi Doti said during the national workshop: 'We must learn lessons from the past. Our peoples were not informed enough; this cannot be pushed aside'. We recommend that the government and conservation organisations take the time to review past processes openly and genuinely together with the communities. We as VIDS offer our help and support in realising this, and if parties need more information about the WPC and other 'redress guidelines', we are happy to share this.

Consultation processes in recent times: the proposed Kaboeri Kreek Nature Reserve

The Kaboeri Kreek area is very important for the inhabitants of the indigenous villages in West Suriname. People go there to hunt, fish, plant, and collect non-timber forest materials and medicinal plants. Moreover, Kaboeri has a special spiritual significance for the communities.⁹³ As explained above, Kaboeri was in 1978 one of six proposed nature reserves where the communities were said to have 'approved' the plans but where actual establishment was postponed.

⁹⁰ Interview/conversations with village leader Pané.

⁹¹ Pieter Teunissen *et al.*, 1979, p 9.

⁹² *Boven Coesewijne Nature Reserve Management Plan (2006–2010)*, p 54.

⁹³ See West Suriname 10(c) report.

In 2001, the government approached the communities again to reopen the conversation about the Kaboeri and Nanni NRs, and the proposed forest reserves at MacClemen and Snake Creek, all located in West Suriname. In January 2004, WWF–Guianas provided a US\$58,000 grant to the government of Suriname for the establishment and protection of four nature reserves, including Kaboeri Kreek.⁹⁴ In March 2004 the communities officially informed LBB that they would not give their consent for the establishment of the Kaboeri NR as long as there was no legal recognition of their collective land rights. In November 2004, NB/LBB and the Nature Conservation Commission (NBC) invited village leaders from West Suriname to a meeting in response to the communities' letter. The NBC representative concluded the meeting by saying that it was 'hoped that the village councils (would) write a positive letter to NB, in which they will say that they are not against the establishment of a nature reserve'.⁹⁵

A subsequent meeting was organised in 2005 by NB and the NBC, and the donor, WWF, to have further discussions with the communities about the proposed reserve.⁹⁶ In October 2006 the government organised a new 'hearing' to inform the communities of West Suriname about plans to merge the MacClemen, Nanni, Snake Creek and Kaboeri areas into one protected area, as one area would be easier to manage⁹⁷. At those meetings, the communities had the opportunity to gain more information and ask questions. After deliberation, the communities decided to maintain their previous statement that Kaboeri should be left out of the plans.⁹⁸ In 2006 the communities sent letters to the government and to WWF–Guianas (the funder of the project), with approximately 300 signatures, stating that they objected to the establishment of the nature reserve if their land rights were not legally recognised, and the land delimited, demarcated and titled.⁹⁹

Despite the communities' clear 'no' to the proposed plans, the situation around the establishment of the Kaboeri reserve is unclear to us, and we do not know if the plans have been cancelled or, rather, postponed. Advisors to the LBB/NB have pointed out that in 2007 an alternative proposal was developed for the Kaboeri Nature Reserve. This proposes a nature reserve north of, and bordering with, the Kaboeri Kreek¹⁰⁰. This area is not used by the communities of Apoera, Washabo, Section and Sand Landing. Unofficially the village councils of West Suriname have let the government know that they would not object to such an alternative. The indigenous peoples of Cupido and Post Utrecht (living along the Maratakka River, closer to the coast), whose traditional territories are within the proposed alternative area, have expressed their agreement to this new proposal. We are, however, concerned that these communities are not fully informed of their rights and we have heard from people local to the area that the communities were told that their traditional activities would not be obstructed. Moreover, in all conversations held by NB with other parties since then (among others the consultancy firm SRK), Kaboeri is still referred to as an area that is intended to become a nature reserve. In addition, during a recent visit by WWF USA and WWF Suriname to VIDS, these organisations made clear that Kaboeri is, in fact, still on their priority list for nature reserves. According to staff at WWF's Suriname office who were interviewed for this research, the plans for Kaboeri are 'on hold for the time being', as there is still 'no clarity about the status of the areas that are going to be established', and 'we are willing to cooperate with the indigenous people, but the establishment of the reserves is our point of departure/goal'.¹⁰¹ The head of the Nature Division of the Forest Service (Ministry of RGB) said in an interview:

⁹⁴ 'WWF steunt uitbreiding beschermde gebieden in Suriname', in *De Ware Tijd*, 10 February 2004.

⁹⁵ *Report of a meeting in Nickerie on November 22nd 2004*, p 13.

⁹⁶ *Minutes of the meeting in Washabo*, 2005.

⁹⁷ Conversations with Carla Madsian, January 2009; and presentation 'Hearing Beschermde gebieden NWSur 13 oktober 2006', by Ir. F. Baal, adviser to the head of NBB, and project coordinator for the WWF project 'North-west Suriname reserves'.

⁹⁸ Conversations with Carla Madsian, January 2009.

⁹⁹ Conversations with Loreen Jubitana, May 2009.

¹⁰⁰ P.A. Teunissen, 2007.

¹⁰¹ Personal comments from the WWF–G office, 2008.

the communities have indicated that they disagree with certain aspects. So, for the time being, the project has been put on hold while we are incorporating the communities' input ... when this is done we will present it to the concerned communities.¹⁰²

It thus seems that Kaboeri has not been officially removed from the nature reserve plans as yet. It is a very important area which involves a lot of money. The communities in West Suriname presently have minimal contact with the organisations involved in the 'north-west Suriname reserves' project, like WWF and the Foundation for Nature Preservation in Suriname (STINASU).¹⁰³ WWF have invited the village leaders of West Suriname to come to the WWF office when they are in the capital. The village leaders suggest that WWF pay a visit to West Suriname instead. We support the idea of having additional exchanges of information to clarify this issue.

Suggested ways forward

We would be very willing to try to convince WWF–Guianas once again of the need to respect indigenous peoples' rights and to live up to its own principles and guidelines in relation to the establishment of protected areas within indigenous territories. We can similarly discuss other approaches to working together in ways that respect our rights and are in line with contemporary standards.

Consultation processes in recent times: Central Suriname Nature Reserve

In 1998, the Central Suriname Nature Reserve (CSNR) was established. Three older nature reserves were incorporated into it: Raleighvallen, Tafelberg and Eilerts de Haan. It comprises 1.5 million hectares, around 9.7% of Suriname's territory, and is the largest reserve in the country. The reserve partly overlaps the hunting and gathering areas of the Kwinti Maroons and the Trio peoples from Kwamalasamutu. CI–Suriname has played a leading role in the establishment of the reserve. As we indicated in the introduction, it is an obstacle that VIDS is not and has not been in a position to monitor activities with the communities in the south, as VIDS lacks the funds to travel there regularly.

Accounts of the establishment of the CSNR are divided and sometimes conflicting, which causes some confusion. The government and SCF indicate that 'with the establishment of the CSNR all principles of the CBD have been applied, the peoples had a say in the establishment and determination of the borders'. During our review CI told us that they advised the government to involve indigenous and tribal communities in the establishment of the CSNR, as the surrounding communities used the area for livelihood activities, but that the government set this advice aside.

CI itself had the lead in Kwamalasamutu (with the Trio). They have commented that before the CSNR was established, CI had held conversations with the Tareno (Trio) about the southern border of the reserve. According to CI's spokesperson, the original border was planned further south, but after conversations with the Tareno this border was changed, based on their instructions.

The other borders of the CSNR were decided on 'based on the data of the government' and, according to the government, there were no traditional territories situated within the (proposed) reserve, but only people living around the reserve.¹⁰⁴ This would predominantly refer to the Kwinti Maroons of Witagron and Kaaimanston. Those communities had already been incorporated into the Raleighvallen Nature Reserve in 1966, and 'as nothing would change for them, no discussions were held with them'.¹⁰⁵ There is a 19th-century government resolution (1894) demarcating Kwinti territory, at least in outline, that does include part of the CSNR.¹⁰⁶ Mr Rudi Clemens, a Kwinti and representative of the Kwinti Granman, stressed that the CSNR was established 'without the people

¹⁰² Conversations with Mr Drakenstein, head NB–LBB.

¹⁰³ Interview with village leader Macintosh.

¹⁰⁴ CI–Suriname comments.

¹⁰⁵ *Ibid.*

¹⁰⁶ See Ellen-Rose Kambel and Fergus MacKay, 2003, p 44.

knowing about it'.¹⁰⁷ Indeed, representatives of the Kwinti Maroons have explained that they actually learnt that the CSNR had been established from the newspapers in Suriname, which had apparently picked up the story from the *New York Times*, and that the reserve engulfed around one-third of their traditional territory.¹⁰⁸

As far as we know, there had been no previous mapping or assessment of the dimensions of the traditional territories in and around the CSNR; it was carried out only after the CSNR had already been established. We would like to know and see how the government investigated the population and use of the area. The Amazon Conservation Team, who assisted the Trio communities with mapping activities, explained that in 1999, a year after formal establishment, the Sipaliwini NR was mapped, but in that particular period 'no activities were carried out in the CSNR designated area by the Trio'. In 2004, the Trio, who had been drawn into large settlements by missionaries in the 1960s, took a decision to reoccupy their ancestral village sites, which have always remained part of their traditional territories, including to the northern and eastern rivers of the CSNR. After this move, a new map was made in 2006 (finalised in 2007), and this clearly indicates activities within the CSNR.

This procedure brings up some questions. The Trio and other indigenous peoples' ancestral village sites continue to be part of their traditional territories according to Trio customary law, and they maintain their rights to the full extent of their territory as it is defined by their traditional land tenure system and customary laws. Even before 2006, members of the Trio community in Kwamalasamutu said that they did use areas within the CSNR (for hunting, fishing, and collecting) but that they 'were not allowed to indicate those activities in the reserve when mapping was done'.¹⁰⁹ This calls into question the validity of the earlier mapping process and any assumptions made on the basis of the maps that resulted. The fact that this map has now been revised, and that symbols indicating use are placed within the CSNR, is a positive step forward. But more important is whether the new map, which does indicate traditional and internationally protected activities within the CSNR, and/or the new information, led to any changes or revisions, or renewed discussions? The answer appears to be 'no'. What status do these maps have? In what setting did the consultations take place, what information have the communities received? What information did the communities have about their rights, the right to FPIC in particular?

We recommend and request that parties who have been involved in the CSNR process openly share all information and documentation and give an account of their activities. As a large share of activities in the CSNR date back before 2003, we recommend that, conforming to the WPC guidelines, serious efforts be made to review and reassess the situation with the communities. Based on contemporary standards, but also the 2006/7 CI principles, for example, new arrangements may be needed and made. VIDS wishes to be involved in such a process, and resources should be acquired for this purpose.

Our own initiatives and suggested ways forward

During this review process, VIDS has received various requests for a document in which we outline what we consider to be acceptable consultation and participation processes, based on the traditions and culture of indigenous peoples, and FPIC, or instructions what to do when a community needs to be involved. Conservation organisations such as CI have offered to support VIDS with this work. We appreciate that other parties are expressing their interest and intention to know more about, and work within, the internationally agreed guidelines, although we wish to emphasise that working with FPIC is not just a matter of 'ticking boxes'. These procedures must be based on the customs of the community/people involved; a one-size-fits-all, step-by-step procedure cannot be concocted in the

¹⁰⁷ Ellen-Rose Kambel, 2006.

¹⁰⁸ O. Emanuel, 2001, p 3.

¹⁰⁹ E.R. Kambel, personal communication, May–June 2009.

VIDS office, but must be developed in close cooperation with community members. Community leaders of the Para region are currently working on a consultation protocol, which outlines steps to be taken to involve communities that are (possibly) affected by a project, development or other activity. This protocol is being developed in the Para region, but it is intended that the experience here will be used by other indigenous communities in Suriname to develop their own similar protocols for consultation and participation. This is developed by the communities themselves, and (financial) support to expand this work can accelerate this process.

It is even more important, however, that an FPIC procedure be included in the law, together with a monitoring body to assess whether FPIC has been applied, and, if not, impose sanctions. For us, this is currently the biggest obstacle. The current law does not describe how consultations should take place. There are no guidelines on consultation and consent, and FPIC is not mentioned. The Inter-American Court has already ordered Suriname to do this in the Saramaka case, but laws have not yet been adapted. A protocol by indigenous peoples is a good thing, but does not offer communities any legal protection if they are not recognised in and supported by the law. If CI and other organisations want to support this process, we recommend that they also support the VIDS in getting such FPIC procedures legally regulated. We also observe that there is inadequate understanding and awareness of the meaning and implications of FPIC within the conservation community in Suriname. We offer our help to build awareness and capacity in organisations and institutes, for example by providing information or training sessions.

During a symposium in 2007 on local communities and protected areas, village leader Ramses Kajoeramari of Langamankondre (Galibi) said:

A real partnership in management of protected areas starts with better mutual understanding. We understand that government and environmental organisations have to follow certain laws. But do they also understand and respect our customary rules? The right of free, prior and informed consent is not applied and respected 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.¹¹⁰

As part of information-sharing, VIDS can help to improve the understanding of traditional decision-making processes and customary rules, which will hopefully lead, as chief Kajoeramari said, to improved mutual understanding.

Likewise, we recommend that Suriname adopt an environmental law that requires social, economic, cultural and environmental impact assessments, undertaken with the full participation of indigenous peoples, prior to any activity that may affect them. Suriname is one of the few countries in the world that has no such environmental law. The state does not legally require an environmental and/or social impact assessment (ESIA) for anything. Since such an assessment is not obligatory, and it is either not done or not done properly, communities cannot make well-informed decisions, and FPIC can never be obtained.

The World Parks Congress in Durban adopted a recommendation to

'ENSURE [...] prior social, economic, cultural and environmental impact assessment, undertaken with the full participation of indigenous peoples'
(recommendation V 24, paragraph c).

¹¹⁰ VIDS presentation during the symposium 'Local Communities and Protected Areas: Alternative Approaches in Policy and Practice', Suriname and Guyana Symposia, 24–28 April 2007.

The Inter-American Court on Human Rights, in the Saramaka case, also ruled that ESIA's must adhere to relevant international norms and best practice, and must include an assessment of individual as well as cumulative impacts of existing or planned activities, in order to make a proper evaluation of the potential impacts on indigenous and tribal peoples.¹¹¹ The Court also held that the Akwe:Kon guidelines should be considered part of the state's obligations to conduct ESIA in the case of indigenous and tribal peoples.

The Akwe:Kon guidelines¹¹² were developed by member states of the CBD, and provide guidelines for the conduct of cultural, social and environmental impact assessments in the case of development initiatives that might take place or that might have an impact on the lands, resources and sacred places of indigenous peoples and local communities. VIDS would be most willing to support the government and conservation organisations in the application of these guidelines.

Protected areas management and decision-making

Box 7 Participation in protected areas management (co-management) and decision-making

CBD Programme of Work on Protected Areas

Goal 2.2 To enhance and secure involvement of indigenous and local communities and relevant stakeholders

Target: Full and effective participation by 2008 of indigenous and local communities, (...) in the management of existing (...) protected areas

Durban Action Plan [National, local, and protected area authority actions related to targets 8 and 9, outcome 5, p 250]

- Develop and adopt mechanisms to guarantee the meaningful participation of indigenous peoples and local communities in the (...) *management* of protected areas
- Ensure that [indigenous peoples', including mobile indigenous peoples', and local communities'] voices are heard and respected in decision-making
- Ensure an *equitable distribution of* (...) authority and responsibilities
- Respect, promote and integrate the use of *traditional institutions* (...)

IUCN Vth World Parks Congress Recommendation V. 24

- k. ENSURE respect for indigenous peoples' decision-making authority and SUPPORT their local, sustainable management and conservation of natural resources in protected areas, recognising the central role of traditional authorities, wherever appropriate, as well as their institutions and representative organisations.

Legal limitations for community management or co-management

According to article 3 of the 1954 Nature Protection Act, the general management of the nature reserves in Suriname is in the hands of the head of Suriname's Forest Service (LBB). Daily management is entrusted to the head of the Nature Conservation Division of LBB (NB). In 1969 the Foundation for Nature Preservation in Suriname (STINASU) was established to contribute to the realisation of the goals of the nature protection policies. STINASU was supported by the government to overcome the bureaucratic obstacles in terms of international funds. STINASU carries out several tasks, such as promoting nature tourism to and in the reserves, carrying out educational programmes

¹¹¹ Inter-American Court of Human Rights, *Saramaka People v. Suriname*, 2008, paragraph 41.

¹¹² See <http://www.cbd.int/doc/publications/akwe-brochure-en.pdf>

and scientific natural management research.¹¹³ The Nature Conservation Division confirmed during this review that this is still the management structure. For example, if the Kaboeri Reserve is established, the general management will be in the hands of NB, just as in the other NRs.

Advice on the management of the reserves is provided by a Nature Conservation Commission (NBC). The advisory commission has at least seven members. The first four members are the Director of Agriculture, the head of the LBB, the entomologist at the agricultural research station, and the head of the geological mining service. One district commissioner should also have a seat on the commission. The remaining members are appointed and can be removed by the President. The Nature Conservation Division and LBB indicated during this review that they plan to have indigenous and tribal peoples' representatives on the commission in future, but they are currently not represented. We note that this person must be freely chosen by indigenous and tribal peoples, and their participation must not be seen as a substitute for conducting meaningful consultation with indigenous and tribal peoples and obtaining their consent.

The current Nature Protection Law does not offer the possibility for community management or co-management of protected areas. As described earlier, the protected areas are part of the state domain, according to the law, regardless of whether they overlap with or completely incorporate the traditional territories of indigenous peoples. As the state is currently the legal owner of the areas under domestic law, it has similarly asserted that it is the only entity that will manage them. One of the first steps the government should take to bring their policies more into line with IUCN and CBD norms and guidelines is to adopt legislation that enables the transfer and/or sharing of power in the protected areas. When that has happened, the protected areas categories in Suriname could also be expanded.

Suriname's National Biodiversity Strategy (NBS), which was finished in March 2006, does reflect progress and development in terms of national thinking about local involvement. One of the strategic directions under Goal 1, 'Strengthening 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', albeit 'particularly through increased employment opportunities in conservation-related activities'. However, this does not address any new or adapted legislation.

Suriname has already been urged by CERD to adopt legislation on this matter, among others in its most recent concluding observations (2009): 'The Committee urges the State Party (Suriname) to ensure legal acknowledgement of the collective rights of indigenous and tribal peoples (...) to own, develop, control and use their lands, resources and communal territories according to customary laws and traditional land tenure system and *to participate in the exploitation, management and conservation of the associated natural resources*'.¹¹⁴ The Inter-American Court in *Saramaka People* explicitly held that indigenous and tribal peoples' rights to their territories include the right to control and manage those territories.¹¹⁵ It would seem clear, therefore, that indigenous peoples have an enforceable right not only to participate in decisions about how their traditional territories may be used, but also to establish and/or formalise their own style of ecological management systems, including even their own forms of protected areas.

Indigenous-owned protected areas are also now recognised as part of the IUCN protected areas categorisation system. Support for such initiatives provides both the government and conservation organisations with the opportunity to build trust and confidence, as well as to achieve their own objectives in the conservation field.

¹¹³ *Natuurbeschermingswet* (GB 1954, no. 26), article 3; *Beheersplan Natuureservaat Copi*, p 14.

¹¹⁴ CERD/C/SUR/CO/12, paragraph 12 (our emphasis).

¹¹⁵ *Inter-American Court of Human Rights, Saramaka Peoples v. Suriname*, 2007, paragraph 194 c.

As early as twelve years ago, international consultants, who were hired to write the management plan for the Copi Nature Reserve (1997), noted that the Nature Protection Act and the 1986 Resolution did not describe the way that the local population should be involved in the management of the reserves. They recommended that the law more clearly define participation of local communities.¹¹⁶ To date no actual changes have been made, although as we noted before the minister of RGB and IUCN apparently plan to draft a new protected areas law. Although no more information is currently available, we expect this issue to be addressed in the new law, and we again offer our support in contributing to this drafting process.

Consultation commissions: the Galibi model

The so called 'consultation commission' (*overlegcommissie*) is one means of consulting indigenous peoples in Suriname. It consists of representatives of LBB and STINASU, the District Commissioner, and representatives of the village, although the commission can vary between reserves. The Nature Conservation Division acknowledged during this review that the consultation commission is *not a co-management mechanism*. It is within the limitations of the legislation. The consultation commissions are advisory bodies to the head of LBB, and indigenous peoples have no meaningful decision-making authority.

During this review, the Nature Conservation Division referred to the Consultation Commission of Galibi as 'an example for the rest of Suriname' and as a 'highly successful consultation model'. Management plans of other reserves, such as the Copi and the Boven Coesewijne NRs, mention the government's intention to establish similar consultation commissions.¹¹⁷ The government's intention to install similar commissions in each NR in Suriname is also laid down in the note of establishment of that in Galibi NR.¹¹⁸

The consultation commission in Galibi was established in 2000 to improve relations and increase cooperation and local involvement, partly as a response to serious and recurring conflicts between the government and the communities, and with the 'intention to involve the local communities in the management of protected areas'. The goal of the commission is a 'structured consultation' between LBB, STINASU, the DC of Marowijne, the fishery service, and the local population of Galibi, in relation to the management and development of the Galibi NR.¹¹⁹ The communities have established their own organisation for environmental protection in the management of the reserve, called Stidunal. The traditional authority (councils) always attend the meetings as well.

In terms of the composition of the commission, it is clear that the local representatives are in the minority, and the head of NB/LBB is always the chairperson, which does not ensure an equitable distribution of authority and responsibilities. The commission is, moreover, an advisory body, and thus the communities' views or recommendations are not binding and are certainly not always taken into account. The people from Galibi acknowledge that they have generally experienced good collaboration with STINASU and NB, and that some problems and conflicts have successfully been discussed and solved through the consultation commission. But collaboration (mostly on tourism) is not the same as full and effective participation in protected areas management and decision-making, and the commission has done nothing to address the communities' most prominent demand: recognition of and respect for their rights to their traditional territory, of which the NR forms an integral part. Government officials have always refused even to discuss this issue, and the communities have been forced to seek the protection of the Inter-American Commission on Human Rights owing to the refusal over many years to negotiate a settlement to this issue.

¹¹⁶ C. Rodriguez, M.C. van der Hammen and P. Teunissen, 1997, p 43.

¹¹⁷ See, for example, C. Rodriguez, M.C. van der Hammen and P. Teunissen, 1997, pp 42–4; Pieter Teunissen, Dirk Noordam, Karin Boven, Josta Nieuwendam and Kiran Janki, 2004, p 10.

¹¹⁸ *Nota van Instelling van de Overlegcommissie Galibi Natuurreservaat*, 2003, paragraph A3.

¹¹⁹ *Nota van Instelling van de Overlegcommissie Galibi Natuurreservaat*, paragraphs A and C.

The communities also were not and still have not been fully and effectively involved in the drafting of the Galibi NR's management plan, which was developed nearly two decades ago (it was designed to cover the period 1992–96). The village leader said during our review that

One day they delivered us a copy of the draft report, with the request for input. At the time, we were not as aware as we are now. It was one big piece of paper. We did not realise the importance of it. Only now have we become aware¹²⁰

The management plan contains many aspects with which the communities are not happy and disagree. It is also completely out of step with contemporary standards, for example the statement that traditional rights do not fit modern times, as we have already pointed out. But the management plan has never been revised or updated, so the communities have not had the opportunity to include their new insights.

In line with our previous recommendation, we urge a revision of this situation, in the first place by adopting new legislation that recognises our rights to own, control and manage our traditional territories, including through participatory, transparent and fair reviews of existing protected areas and their management regimes. This should also be reflected in a new and updated management plan, developed with full and effective involvement and consent of the communities, or by the communities themselves. Until an adequate legal framework is in place, we recommend that Suriname, to guide their actions, use policy statements that indicate best practice and consensus of the international community as arrived at in the WPC. In this respect Suriname should also reflect on their plans for 'consultation commissions' for the Copi and Boven Coesewijne NRs, and ensure that any such mechanisms are truly effective in supporting meaningful participation, and are also consented to by the affected indigenous peoples' communities, in terms of both their composition and their operating procedures.

The need and urgency for such a revision is underlined once more by the recent complaints voiced by the people from Galibi about the consultation commission: that their proposals and recommendations are systematically ignored.¹²¹ As a result of unsatisfactory collaboration, the people from Galibi have withdrawn from the consultation commission. The direct cause for this withdrawal was a conflict over a transport agreement between STINASU and Stidunal, which stipulated the terms for the transport of tourists to the reserve and back. The communities wanted to change several articles in this agreement, including that there be transparency in relation to all expenses and income involved. Together with VIDS' legal adviser, they wrote a proposed new version and sent it to STINASU. The communities want to resolve the issue within the consultation commission, but STINASU has declined the proposal and suggested that they take any complaints to court. STINASU knows full well that Surinamese law is substantially deficient when it comes to protecting the rights of indigenous peoples, and apparently believes that it is acceptable to force the communities to court. The communities decided to withdraw from the consultation commission until the issue is discussed and settled, and have said that they want to talk to the Minister about this too. It is difficult to understand, therefore, how this commission can be described as a model to be emulated throughout the country.

Involvement of communities in the CSNR and SNR

During this review, government spokespersons, including from the Suriname Conservation Foundation, have asserted that in the more recent cases of the Central Suriname Nature Reserve (CSNR) and the Sipaliwini Nature Reserve (SNR), the local communities *were* involved in the planning and development of the management plan, 'along the principles of the CBD'. Although the SNR was established in 1972, it has gained fresh attention since the establishment of the CSNR, because management plans for both NRs were to be developed simultaneously under the GEF-funded

¹²⁰ Village leader Pané, personal comments, January–February 2009.

¹²¹ Village leader Pané and members of the Galibi consultation commission, personal comments.

project. Although it is positive to note that an allegedly more participatory process was set up to develop the management plan for these reserves, the result has proved disappointing. Indigenous and Maroon representatives have said that their input, which was adopted in an earlier version of the management plan, was later removed and is not reflected in the final plan.¹²²

Mr Rudi Clemens of the Kwinti community described his experience with the 'consultation and participation process of the CSNR' during an IDB consultation meeting with the traditional authorities of the indigenous peoples and maroons of Suriname.

They called the people to participate like stakeholders and told them we will make a management plan for the reserve together. For two years the people have been going to Paramaribo, left their work, had to travel the bad road, and we sat down and made a plan which clearly said that the local population would also get control over the management. However, when the plan was finished, the reserve was declared a World Heritage Site, and when UNDP released the funding, the Minister of Natural Resources laid the document aside and produced a new document, in which 'the local population has no, absolutely no say. So it is back to where we started'.¹²³

This is confirmed by CI-Suriname, which was responsible for facilitating the process of drafting a management plan for the CSNR, and facilitated the consultation process with the communities. They declared during this review that, based on the consultation process, a concept management plan was drafted, which did include the co-management aspect, and which was submitted and presented to the government. Based on current laws, in particular the Nature Protection Law, however, any form of co-management was removed from the plan by the authorities, and a revised management plan was approved for the CSNR instead. The government (through the Nature Conservation Division) has confirmed that co-management was included in the first draft of the CSNR management plan, but could not be allowed within the current legal framework. 'In conformity with the law, this aspect has been removed, but dialogue and participation are clearly core issues', said the head of NB. The government's position in this respect is difficult to understand – it could for instance propose to amend the problematic provision(s) of the 1954 law in the National Assembly, which is a relatively routine matter for governments that hold working majorities in parliament – and once again illustrates the need for a contemporary, rights-based legal framework.

It is planned to give effect to this dialogue and participation approach through the eventual establishment of a consultative and advisory body for the CSNR, which resembles the consultation commission in Galibi. It will be an advisory body for the head of LBB, and its role will be to discuss and present functional suggestions for the actual management of the CSNR.¹²⁴ Representatives of the indigenous and tribal communities will have structured discussion with the head of LBB, the director of STINASU, and the District Commissioner. We welcome the efforts of the government to involve the communities in the management of the reserve, but we must point out that the proposed CSNR consultative and advisory body has the same shortcomings as the Galibi consultation commission, and that this should not be understood as providing meaningful participation. The communities still do not have effective decision-making authority. The management plan expressed the view that achieving consensus will be the aim in the consultative and advisory body, but if this fails the head of LBB will take the final decision, after seeking advice from the Nature Conservation Commission.¹²⁵

In the case of the Sipaliwini NR, CI-Suriname also took the lead in the development of the draft management plan. Their spokesperson told us that they have once more pleaded for co-management in this plan.

¹²² Mr Rudi Clemens and Mrs Harriete Vreedzaam-Joeroeja, personal comments.

¹²³ *Report of the IDB consultation meeting, 2006*, pp 9–10.

¹²⁴ *CSNR Plan for Management, 2004–2008*, annex 1, p 64.

¹²⁵ *Ibid.*, p 65.

During the last stakeholder meeting in Kwamalasamutu the Tareno have themselves, after oral consultation, changed the described co-management model. The changed draft has been submitted to the government, but as far as we know has not been formally approved.

CI Suriname further explained that during the first 'stakeholder meeting' the Tareno indicated that they wanted to expand the SNR, and identified areas on the map that should be incorporated in an enlarged protected area. During open discussions at the last stakeholder meeting in Kwamalasamutu, facilitated by CI–Suriname, it became clear that the current Nature Protection Law does not offer the possibility for real management by the communities themselves. As a consequence, the Tareno dropped their request for expansion, and CI have removed this request from the draft plan.

Incorporation and promotion of traditional knowledge and customary sustainable practices

Box 8 Incorporation and promotion of traditional knowledge and customary sustainable practices

Durban Action Plan [*Protected area authority, National and local action related to outcome 5*]

- incorporate traditional knowledge, innovations and practices
- Respect, promote and integrate the use of traditional knowledge, (...) customary laws and resource management practices of mobile indigenous peoples, working alongside mainstream science on a complementary basis
- develop common conservation objectives; and ensure that development of protected areas and related interventions are evaluated on the basis of local knowledge (...)

National and local action, outcome 3, target 5, p 241

- In partnership with stakeholders (particularly indigenous and local communities affected by, or interested in conservation initiatives) examine how innovative, traditional/customary and other types of governance can be recognised, harmonised and connected within an overall protected area system

IUCN Vth World Parks Congress Recommendation V. 24

- I. REQUIRE protected area managers to actively support indigenous peoples' initiatives aimed at the revitalisation and application, where appropriate, of traditional knowledge and practices in land, water, and resource management within protected areas

The limited progress in terms of respecting and valuing customary sustainable knowledge and practices in Suriname is one of our main concerns in this review. The value of traditional knowledge in biodiversity conservation and management is barely taken into account in official circles. On the contrary: Suriname's recent National Biodiversity Strategy (2006) gives the strong impression that the state wants to 'educate' indigenous and local communities on conservation issues and sustainable use. This is instead of participation being a two-way interaction, where indigenous knowledge and 'western science' are viewed as equal, or where indigenous knowledge is at least acknowledged as an important part of biodiversity conservation and management. The NBS aims to:

- provide public education for local communities in biodiversity conservation;
- provide incentives to communities to promote biodiversity monitoring, conservation, and sustainable use activities; and

- 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 multilingual public awareness campaigns adapted to local language and customs.¹²⁶

Management plans for the nature reserves reflect the same ways of thinking. The report developed for the restart of the Boven Coesewijne NR (taken up again in 2004 with a WWF grant, after conflicts with the communities ended collaboration in 2001),¹²⁷ described a strategy to achieve the goals of 'preserving the landscape, biodiversity and cultural objects', but mentions nothing of traditional knowledge and/or practices, or customary use and rules. It is, on the other hand, aimed at 'improving environmental awareness [...] among the members of the Akarani community'. The establishment of a consultation commission for the BCNR, for example, would have as its goal to: 'increase the awareness of the community about nature and environmental management', and would prioritise 'awareness raising programmes for the community, explaining ecological principles, and the necessity of management measures and regulations'.¹²⁸

In our view, this is a very top-down approach, lacking any acknowledgement of the communities' traditional ecological principles and knowledge about sustainability and conservation, and of the value and contribution of their customary practices. Newspapers regularly make note of projects in the interior where conservation organisations are 'making children aware of the importance of nature and the environment'. Such approaches display a lack of respect for indigenous norms, values and knowledge systems. When talking about the proposed Kaboeri Kreek NR in West Suriname, Carlo Lewis, village leader of Apoera said:

We feel that we, as indigenous peoples, know how to protect an area. They don't have to teach us. We should teach them how to interact with nature!¹²⁹

During this review, CI–Suriname flagged up one of their projects in south Suriname in which local knowledge plays an important role. This is their collaboration with the Tareno people in the Werephai area. CI explained that following the 'discovery' in 2008 of the Werephai cave with its pre-Columbian rock paintings, Granman Ashongo Alalaparú declared 18,000 hectares surrounding the cave as a 'protected area', where no community members were allowed to farm, hunt or fish. The Tareno requested CI's support in managing the area and developing tourism, and since 2003 CI has worked with the Tareno to develop a management plan and to develop tourism. The plan contains management and visitors' rules made by the Tareno. With funds and technical assistance from CI–Suriname, archaeological and biological research was carried out, internal discussions were held to discuss management systems, and people were trained to do the management themselves. The draft management plan is now ready, the Tareno's oral rules and laws have been documented, the research has been finalised and paths have been constructed. A tourist centre was built and is managed by the local foundation. People were also trained to accompany tourists and handle financial administration. As CI stated, the villages have now requested CI's further support to expand tourism activities. We are interested in learning more about the methodologies and outcomes of this project, and in hearing the opinion of the community involved.

The approach that WWF–Guianas describes on its website about the Boven Coesewijne NR seems quite top-down. Although it states that it 'seeks to actively involve and gradually turn over the management of the area to the Akarani people' (the indigenous community of Bigi Poika), it states

¹²⁶ *Suriname's National Biodiversity Strategy* (2006), See strategic directions related to Goal 1 (Manage and Maintain Wild Species and Their Habitats), [Goal 5](#) (Enhance Resources Management Capacity), and [Goal 6](#) (Public Awareness, Education and Community Empowerment).

¹²⁷ Pieter Teunissen, Dirk Noordam, Karin Boven, Josta Nieuwendam en Kiran Janski, 2004, p 9. Afdeling Natuurbeheer van de Dienst 's Lands Bosbeheer, Ministerie van Natuurlijke Hulpbronnen. This report was based on the summary of the 2001 'final draft Management Plan of the BCNR'.

¹²⁸ Recommendations to overcome the 'management restrictions because of the local community', pp 9–10.

¹²⁹ Village leader Lewis, personal communication, December 2008.

that a visitors' lodge, a boat ramp, and a visitors' centre were 'completed and handed over to the village council'. The website goes on to state that an 'educational and environmental awareness programme and tourism training program' was developed for the villagers.¹³⁰ The community appears to be only at the receiving end, rather than providing input and taking ownership, which makes us wonder whether the management will be handed over only after it has been entirely sketched out and set up by WWF and the government.

WWF's response during this review was that this top-down approach is the communities' own responsibility.

It emerged because the communities allow it. Maybe not consciously, but VIDS, which *does* have capable staff, should intervene in such processes. Local communities should not sit and wait until they are told what will happen or what they will get.¹³¹

We find it quite inappropriate to turn issues around like this. Since when are duties, obligations, or principles inapplicable if the other parties are not asking for it? Blaming VIDS for failing to comply with the WWF's own guidelines for working with indigenous communities is equally inappropriate. We hope, however, that our report will be considered as a clear 'intervention', and are happy to provide more information or advice.

Obstacles to co-management and use of traditional knowledge

We have observed that there is a general lack of knowledge and awareness in Suriname about the indigenous communities' long history of sustainable use and biodiversity conservation, and our natural resource management systems and associated knowledge. This can lead to underestimation of communities' capacity and conservation skills. A more serious obstacle or concern is that many parties in the conservation arena seem to have the impression that communities do not care about conservation, or, worse, that communities are working against conservation.¹³² Such lack of understanding and/or confidence may be an obstacle to willingness to hand over the management to the communities, or share it with them.

At the same time we find that views of the communities' actions are rarely based on consideration of deeper backgrounds or circumstances that play a role. The communities' views are seldom reflected either. For example, VIDS is not very happy with a recent advertisement campaign by WWF–Guianas, which gives public education about the protection of sea turtles. Although not explicitly, the advertisement does suggest that the local indigenous peoples of Galibi and the surrounding area are guilty of illegal poaching, selling and eating turtle eggs. The advertisements do not address more basic issues such as lack of land rights, lack of co-management responsibilities, lack of enforcement power by the communities, and lack of employment and other development opportunities. Nor do they address the killing of turtles by fishing boats. Yet such advertisements influence the opinion and views of Surinamese society in general.

In a response, WWF–Guianas remarked, in direct contravention of the letter and spirit of its policy on indigenous peoples, that 'issues should be viewed in their context'. For WWF, protection of sea turtles is a stand-alone issue, and other aspects, such as community rights and involvement, are 'not relevant at that point'.¹³³ For us, however – and this is what we are trying to make clear with this review – all of it is relevant and related; we cannot separate our rights from conservation and use of

¹³⁰ See http://www.wwfguianas.org/our_work/protected_areas/boven_coesewijne/, 8 January 2009.

¹³¹ WWF–Guiana's written comments on VIDS' draft report 'Securing indigenous peoples rights in conservation', May 2009.

¹³² See, for example, the list of examples (accusations) of initiatives of community members that are unsustainable and even destructive in the Boven Coesewijne NR management plan, 2006–2010, p 54.

¹³³ WWF–Guiana's written comments on VIDS draft report.

resources. We propose to have further talks about this to explain and substantiate our view, and to put forward different ways of working.

VIDS initiatives

To address the lack of knowledge of, and confidence in, our abilities, and broadly to clarify and demonstrate the indigenous perspective on conservation in Suriname, several indigenous communities (Marowijne, Wayambo, West Suriname) have taken the initiative to carry out studies of the customary sustainable use and traditional knowledge of their territories and their resources.¹³⁴ These studies demonstrate that, as a result of the age-old use of the biological resources in their environments, the communities have developed a comprehensive and valuable knowledge of the resources, how to use them, and how to protect them. This knowledge is still largely intact.

The research demonstrated that there are many unwritten rules and laws (indigenous customary law) that prevent unsustainable use, for instance avoiding young specimens (of animals or trees) and using only what one needs. These rules are largely still respected and also enforced by internal control. Community members broadly express that it is important that future generations also have enough to live on. We have great respect for nature; everything on earth is considered to be alive and to have a spirit, and preserving the balance between man and nature is considered to be of prime importance.

These studies indicate the communities' capacity to take care of the natural resources, and the value and significance of traditional knowledge and management systems. The indigenous communities are capable of playing an important role in co-management, or of taking over the management. The communities have managed their areas for hundreds of years. Our knowledge can and should play a much more central role in the conservation and sustainable use of the natural resources of the nature reserves.

In these studies, we pointed out that, according to article 10(c) of the Convention of Biological Diversity (of which Suriname is a signatory) the government should protect and encourage such customary sustainable practices of indigenous communities.¹³⁵ We concluded, however, that we are not receiving much support for our practices. In the reports we describe the threats faced by our traditional management systems, but we also provide recommendations to the government to address these shortcomings. Recognition of our traditional authorities is one of them. Addressing threats to the ancestral areas and the decline in the presence of species because of logging and mining activities is another. A further recommendation is addressing commercial hunting, fishing and trade in animal species by outsiders who come to the indigenous territories, have no respect for or knowledge of the forest, and just take as much as they can, using methods of which we disapprove (dynamite fishing, for example). Other recommendations concern our (forced) inclusion in the money economy of the urban areas without adequate attention to income-generation options, and changes in the educational system to include transfer of (local) language, knowledge and skills to prevent loss of traditional knowledge and unwritten rules.

The CLIM has presented the Lower Marowijne report in Paramaribo twice, to which conservation organisations such as WWF and CI were invited, and all of these reports can be acquired through the VIDS office. We are also very willing to present and elaborate on these recommendations, and our own initiatives and progress since then, and have further discussions with the conservation community about these issues. During this review, WWF indicated that it would applaud initiatives like this, and expressed commitment to support similar community-based work in the future.

¹³⁴ See Marowijne 10(c) report and West Suriname 10(c) report, also available in Dutch at the VIDS office. The Wayambo study is forthcoming.

¹³⁵ See <http://www.cbd.int/convention/articles.shtml?a=cbd-10>

Ways forward

Again, we stress that without adaptation of the legislation, and without formally addressing rights and tenure issues, a situation that is fully in line with the contemporary standards on indigenous rights can never be reached, despite good intentions to involve communities through consultation or advisory bodies. We have expressed our interest and willingness to contribute to the legal adaptation process. To bring the process into line with contemporary conservation standards, we recommend that new protected area categories, such as community-conserved areas, or indigenous-owned and managed protected areas, are also considered and included (see Box 9).

Box 9 Community conserved areas (CCAs) and indigenous protected areas

The Durban Action Plan [*Protected area authority, National and local action related to outcome 5, pp 249–250*]

- Working with the free, prior and informed consent of indigenous peoples and in consultation with stakeholders, recognise the contribution that Community Conserved Areas, formal co-managed protected areas and indigenous-owned and managed protected areas can make to the development of protected area systems
- Recognise the contribution and status of Community Conserved Areas and related types of natural resource protection and management, as well as indigenous-owned, designated and managed protected areas, within national systems of protected areas, wherever these areas meet the IUCN and CBD definitions of a protected area

IUCN Vth World Parks Congress Recommendation V. 24

- e. RECOGNISE the value and importance of protected areas designated by indigenous peoples as a sound basis for securing and extending the protected areas network
- n. DEVELOP and promote incentives to support indigenous peoples' self-declared and self managed protected areas and other conservation initiatives to protect their lands, waters, territories and resources from external threats and exploitation

We recommend that the government start to orient itself towards such community-led initiatives and consider extending the protected areas categories network, and we are interested in bringing together the government, conservation organisations and the communities to analyse and discuss the various possibilities and options.

During this review STINASU indicated their agreement that indigenous peoples do have a lot of expertise, and their desire to have further talks about how to use this expertise increasingly in conservation initiatives. They suggested a meeting to discuss this. We welcome this suggestion and repeat our willingness to contribute to additional workshops or meetings. We can also present many examples of indigenous groups or local communities worldwide who have management responsibility or general ownership and self-governance over territories, and their successes.

We also recommend that government and conservation agencies expand their staff or institutions to incorporate people or departments that work on social conservation issues, preferably with a special focus on indigenous and tribal rights. The international consultants who worked on the development of the Copi NR in 1997 noted that participation by the local population also implies institutional change. They observed that it is necessary to create a 'people–park–relations department, staffed

with specialised personnel'.¹³⁶ LBB/NB have since strived for a separate staff member within the Nature Conservation Division to deal with improving contact with local communities. Unfortunately, they have not succeeded in achieving this. Although LBB/NB expressed the intention to pay 'attention to social aspects', we hope that this will be given real effect in the near future. The recent Project Implementation Unit of the CSNR does have a specific 'community relations officer' on the team, which is a good step forward. WWF–Guianas inform us that they are appointing a staff member to work on indigenous peoples' issues, but we have no further information on this yet.

Role of conservation organisations

We have already pointed out that both CI and WWF are IUCN members, and have developed Statements and Principles on Indigenous Peoples that contain important provisions on how these organisations are committed to dealing with local communities in their work. How do they implement and promote the new paradigm in Suriname?

CI–Suriname has indicated that in their first large project, the ICBG Bioprospecting Project (1993–2003) with the Saamaka (Upper Suriname) and Tareno (Kwamalasamutu), the people were extensively informed in their own language about the project, and were told that they could decide whether they wanted to participate in the further development and implementation of the project. According to CI, some villages decided to participate, some decided not to. A case study on the application of FPIC with regard to bioprospecting in the territory of the Saramaka people, undertaken by the Vereniging van Saramaccaanse Gezagsdragers (VSG) and the Forest Peoples Programme (FPP) has concluded, however, that this project contained serious flaws.¹³⁷

CI underlined during this review that they are '100% in favour of management of nature reserves by Indigenous and Tribal Peoples', although they are bound by the law and the policies of the government as well. CI said that they have the feeling that

the government is very slow to adapt legislation according to contemporary developments. One cannot carry out an effective nature protection policy based on an Act from 1954 that forbids the management of protected areas by communities themselves.

They told us that they have publicly stated more than once that the outdated nature of protection legislation is hampering effective management of the nature reserves, and that it needs to be brought into line with international standards, but they 'cannot force the government to work according to certain criteria or guidelines'.

They indicated that they will continue to plead for a change in the Nature Protection Law to enable 'full co-management by local communities', in conformity with the CBD and Durban guidelines.

As mentioned above, CI hired a consultant to draft a new law for discussion, but this project was unfortunately ended before finalisation. As also explained above, CI has indicated that it is not always easy being viewed as an 'international organisation' that is not supposed to interfere with domestic or internal issues in Suriname, even though CI–Suriname is a Surinamese foundation. However, CI does not wish to be held back from opposing government plans or policies when these go against its principles, even if this may risk losing support for their own work. When CI opposed large-scale logging plans in 1994–95, the government delayed the extension of the ICBG project permit, and the project had to be stopped for one year; funds were no longer available and CI's existence was threatened. CI also indicated that problems have arisen between them and the government (NB/STINASU) about the co-management reference in the CSNR management plan. According to CI,

¹³⁶ C. Rodriquez, M.C. van der Hammen and P. Teunissen, 1997, p 43.

¹³⁷ *Free, Prior and Informed Consent: Two Cases from Suriname*, 2007, pp 10–11.

even the media covered the issue by portraying CI as 'wanting to take over the CSNR' whereas CI's aim was to achieve co-management.

WWF–Guianas said during this review that it works from the perspective that the nature reserves are under the direct management of the government. 'The State, the Nature Division (NB), is the legal owner of all land in Suriname, including the Nature Reserves. They remain in charge'. Nevertheless, WWF–Guianas said they were in favour of more active local communities. They told us that they have made efforts to persuade the government to give the communities increased involvement in the management of nature reserves, and to put co-management on the agenda. 'However, the government does not want to hear anything about it. So they are preventing this (...)'. Again, WWF–Guianas points to their precarious position as an international organisation ('a guest') in Suriname trying to enter the national government's arena. 'The government has laws and rules related to the Nature Reserves and we have to follow them'.

Although WWF–Guianas has to take the 'legal owner of the area, which is the government' into consideration, they are not closed to community projects. During this review, WWF–Guianas indicated that they have funding programmes which local community foundations can apply for.

They don't have to have the full expertise to write a proposal or carry out a project – WWF can provide support. They can just come and visit our office and explain their ideas, and we can look at the possibilities.

WWF encourages local communities to take the initiative to approach WWF with their own ideas and plans. It is encouraging to note that WWF–Guianas intends to appoint a staff member who will focus on indigenous peoples' issues, and has widened its remit to allow staff to spend more time in the field and make direct contact with community members and to support local organisations. WWF also indicated that they are stepping up their efforts to 'lobby the government about indigenous rights', and are looking for 'creative ways' to help the communities.

Obstacles and ways forward

Although we have noted positive developments related to the conservation organisations' role in promoting and implementing the new paradigm, there are also still a number of obstacles.

In the first place, we observe that there is still much mistrust and misunderstanding between conservation organisations and ourselves. Of course, the conservation organisations have other starting points, perspectives and priorities than we have, and their views and plans sometimes conflict with ours. Communities sometimes still have negative experiences with conservation organisations (for example because they are not fully involved, or feel they are not respected – such as in the WWF–Guianas advertisement), which leads to distrust, and questioning of such organisations' intentions and priorities. This was expressed by village leader Ramses Kajoeramari of Langamankondre (Galibi), who said

are these organisations really our partners, to get legal recognition of our rights? Do environmental organisations 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.¹³⁸

Increased dialogue and collaboration can help to increase trust and understanding. This could start with a dialogue on the effective and practical implementation in Suriname of the WWF and CI principles and statements on indigenous peoples, which were developed at the international

¹³⁸ VIDS presentation during the symposium 'Local Communities and Protected Areas: Alternative Approaches in Policy and Practice', Suriname and Guyana Symposia, 24–28 April 2007.

headquarters without much involvement of the local offices. The conservation organisations indicated in this review that staff in the local offices do not always feel sufficiently connected to these principles, do not always sufficiently understand them or agree with them, or do not always have enough capacity to implement them. Although we would encourage the international offices to provide more guidance and support to local branches in terms of working with these principles, we also feel that we could combine our efforts to give them better effect in Suriname.

WWF–Guianas indicated that they want to 'look at the implementation of the principles together with the indigenous and tribal peoples in Suriname'. We are willing to contribute to a dialogue and capacity-building process with conservation organisation staff about the new paradigm's content and implications, including the organisation's own principles, and how we envisage those in practice in our communities. As we explained earlier in this review, we are working on a consultation protocol (on FPIC), which outlines steps to be taken with communities potentially affected by a project, development or other activity, and hope to finalise this soon with (financial) support from others.

Once implementation improves, so will the partnerships. At the same time, the partnerships are also likely to improve when we observe that the conservation organisations are, despite their difficult positions, genuinely and proactively challenging government to change their policies on indigenous peoples' rights, and that they are themselves acting in accordance with these rights. Trust and appreciation will also increase when conservation organisations defend these rights in any country-wide discussions or plans in a standard and consistent way, instead of hiding behind deficient national policies and legislation.

In the second place, the work of conservation organisations in and with the indigenous communities in the south is difficult to track. As noted earlier, it is difficult, if not impossible, for VIDS to monitor and verify what is happening in the south because we lack resources to make the very expensive trips frequently enough to do so. Organisations such as CI–Suriname and ACT are working there, and they point out that they are doing good work, which they feel should be referenced more in this report to make it more complete. They suggest further discussion with CI, ACT, the Tareno and the Wayana. We find our limited monitoring ability in this respect a serious obstacle, especially since we have different views and priorities from the conservation organisations in the villages in the south. We agree that further discussion would be useful for all parties, and hope that the conservation organisations are willing to contribute to achieving this.

We find it strange that we, as the national indigenous peoples' organisation in Suriname, are not being involved or included in many initiatives being carried out in indigenous areas and with indigenous communities in a large part of the country (particularly in the south). Projects are set up and grants distributed between conservation organisations, funders, and the government. Even though the parties involved may have the best intentions, it would be much more constructive if we were consulted and included, and a budget made available to realise this. More public, open sharing of information (minutes and reports of meetings and decisions) would be a good start, so that we could at least follow what is going on. In this way, we can also provide advice and support to our southern communities where needed, from our own angle and expertise, making the information more balanced and complete. In this light, we appreciate that CI took the time to provide detailed information on some of their recent work for this review.

Cost and benefit sharing

Box 10 Benefit sharing and poverty alleviation

Durban Action Plan [*Protected area authority actions related to outcome 5, p 250*]

Ensure an equitable distribution of benefits

IUCN Vth World Parks Congress Recommendation V. 24

q. ENSURE that protected areas are geared towards poverty alleviation and improving the living standards of the communities around and within them through effective and agreeable benefit-sharing mechanisms

CBD Programme of Work on Protected Areas

Goal 2.1 To promote equity and benefit sharing

Target: Establish mechanisms for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas

Benefits through income generation

In some nature reserves, especially Galibi, there are some benefits for the community arising from tourism. Tourism facilities are run by local people, souvenirs are sold, and activities such as boat transport are also carried out mostly by local boatmen, so a number of people are indeed making some money. The government and the SCF have pointed out during this review that 'investments' have been made in the communities for income-generating activities, by means of small grants programmes. Although we welcome such investment, we also observe that, in reality, sustainable results from those investments are limited. In Galibi small amounts of money have been loaned to people interested in doing something with tourism. But people have received no training or support to accompany the loans, and most initiatives have failed. Families have not been able to repay the loans, resulting in debts.¹³⁹

Another shortfall in employment benefits from the nature reserves is that the community members are usually only eligible for lower-level jobs, for instance gathering materials for and constructing buildings, maintaining roads, being forest guards, food producers, cooks, or cleaning personnel, selling souvenirs, hosting cultural events, and so on.¹⁴⁰ This shortfall was also heavily debated during a recent presentation about the implementation of its management plan by the CSNR project implementation unit.¹⁴¹ For management positions and other work, more 'expertise' is generally required. The village council of Bigi Poika, for example, complained during this review that 'for work in the [Boven Coesewijne] nature reserve, our people need training. But a school diploma is required for it. Therefore most of our youth are not eligible for training – and thus for employment'.¹⁴² As noted in the previous paragraph, such visions of who holds knowledge and expertise, and who is capable of carrying out management tasks, lag behind the international conservation communities' way of perceiving the role of traditional knowledge and the incorporation of indigenous expertise.

Moreover, currently most employment opportunities are connected to tourism, and without the nature reserve there is no tourism. The Boven Coesewijne Management Plan, for example, aims to create income-generation options for the community, but the proposed employment opportunities all relate to the nature reserve (selling souvenirs, supplying food and construction materials,

¹³⁹ E.R. Kambel, personal communications, Galibi, April–May 2009.

¹⁴⁰ See, for example, Pieter Teunissen, Dirk Noordam, Karin Boven, Josta Nieuwendam and Kiran Janki, 2004, p 7.

¹⁴¹ Presentation by the CSNR Project Implementation Unit, Anton de Kom University, 15 May 2009.

¹⁴² Personal conversations with the village council of Bigi Poika, February 2009.

maintaining the buildings and roads, guiding tourists, cooking).¹⁴³ Similarly, the WWF website reports that the project 'included activities to increase the "ecotourism" to the area; thereby enabling the Akarani to arrive at a sustainable source of environmentally friendly income generation'. This is a shrewd way of making communities dependent upon and positive about the government-led protected areas. Hunting and fishing in the reserves are restricted to subsistence only, and alternative sources of income are rare in the communities affected. As we saw in the case of the Copi reserve, NRs can be presented as 'the best solution for increased employment and improved livelihoods', while we can see no reason why employment and income-generation activities cannot be improved and supported without being tied to the (restrictive) nature reserves. We would like to see increased attention in general for the situation in our communities related to education and income-generation options, of course in line with our right freely to determine our own social and economic development.

Another problem related to employment benefits is that intra-community conflicts seem to arise if people from the community are employed by the government to work in the reserve. People employed in the reserve run the risk of being viewed as traitors by other community members, for example if they work as forest guards and have to inspect and report about 'their own people'. We have received reports about such conflicts and frictions from Galibi and Bigi Poika.¹⁴⁴ These types of conflicts can easily be resolved by removing the current restrictions and limitations on the 'traditional use rights' of the communities (see above, pp 44–48), in line with our right to engage freely in all our traditional and other economic activities, and have our own systems for environmental management and protection. The UNDRIP provides guidance on this matter, and we repeat once again that we can also provide further explanations.

Benefits from effective protection of territories and resources

Lastly, we must point out that the government itself does not always effectively protect biodiversity in the reserves. The Wane Kreek NR (1986), a very important hunting and fishing area for the communities from Marijkedorp and Alfonsdorp, is probably the clearest example of this. Wane Kreek is within an old concession of mining company Suralco, which pre-dated the reserve. Since 1997 bauxite mining activities have continued in the Wane Kreek NR, without prior environmental assessment and without consulting the communities about mitigation measures.¹⁴⁵ The mining activities have had a destructive effect on the Wane Kreek NR; large areas have been deforested. Many game animals have left the area because of the noise and light pollution. Moreover, mining access roads have opened up the area and are increasingly being used for illegal logging, hunting, and fishing which are not sufficiently monitored.¹⁴⁶ Companies are currently removing kaolin on a large scale from the Wane Kreek reserve.

In other nature reserves problems also arise. In Galibi, for instance, there are problems with commercial (pirate) fishers from neighbouring countries, who use large nets to fish unsustainably. They are also the primary threat to the turtle population in this area, as the turtles drown in their nets. Although the government has declared a no-fishing zone between March and July every year (which does not apply to local fishermen from Galibi), the communities report that illegal activities continue and that enforcement of the rules needs to be improved. Community members have also reported that illegal hunting (mostly by city tourists) takes place in the Galibi NR.¹⁴⁷

The Copi management plan similarly reports that the intensity of logging around, but also within, the reserve's borders can clearly be seen, and that sports hunters are active within the reserve.¹⁴⁸ The management plan of the Boven Coesewijne reserve reports that 'the Coesewijne ecosystem is being

¹⁴³ Pieter Teunissen, Dirk Noordam, Karin Boven, Josta Nieuwendam and Kiran Janki, 2004, p 5.

¹⁴⁴ Personal conversations with village councils in Bigi Poika and Galibi, 2008–2009.

¹⁴⁵ Interview with P. Teunissen, 13 March 2009.

¹⁴⁶ *Nature Reserves within the Indigenous Territory of the Kalin'a and Lokono peoples*, 2008, pp 7–8.

¹⁴⁷ *Ibid.*, p 7. See also *Lower Marowijne Petition*, paragraphs 89 and 91.

¹⁴⁸ C. Rodriguez, M.C. van der Hammen and P. Teunissen, 1997, pp 31, 35.

destroyed by water pollution caused by gold mining activities at Goliath Mountain', and that the water of the Coesewijne river is severely polluted. As far as is known, action has been taken by NB but 'apparently it was not possible to induce responsible mining authorities to stop this (illegal) mining, which is still going on in 2005'.¹⁴⁹

We recommend that the government spend more time in the field in order to monitor and address such issues effectively. Also, legal recognition of our traditional authorities and laws will help us to address abuses in our own territory. To reiterate, our traditional authority has never been legally recognised by the national government, nor is the traditional, unwritten law recognised in Surinamese legislation. As a result we are unable to enforce our rules *vis-à-vis* outsiders when they do not comply with them.

¹⁴⁹ *Management Plan Boven Coesewijne Nature Reserve 2006–2010*, pp 50–51.

4 The new paradigm, a reality in Suriname?

Conclusions and recommendations

This review demonstrates that although some positive developments have recently taken place and successes have been achieved, there are still many obstacles that prevent us speaking of a genuinely new paradigm on conservation in Suriname. Comparing policy and practice in Suriname with the international 'best practice' as set by the WPC in 2003, it must be concluded that Suriname is still out of step with the rest of the world on a number of issues. To overcome this backlog, we have in this review made several recommendations and offered our input and help. In this conclusion, we have summarised the most important recommendations and suggested ways forward.

First of all, we have demonstrated that national legislation must be amended in order to recognise indigenous peoples' collective ownership and other rights, in accordance with international obligations, in particular the UN Declaration on the Rights of Indigenous Peoples, and the recent Inter-American Court judgment in the case of the Saramaka people. At the same time, a critical review and replacement of the Nature Protection Law (1954) is necessary, especially where it impacts on indigenous and tribal peoples and our lands and territories. Apart from the tenure issue as described above, this should also:

- regulate mechanisms that guarantee meaningful and effective participation of indigenous and tribal peoples in the management of and decision-making about the protected areas (co-management and/or community management);
- incorporate traditional knowledge and practices;
- recognise traditional institutions; and
- ensure equitable benefit sharing.

Current outdated, and discriminatory provisions on 'traditional rights' should be removed, and the law should be brought into line with the full set of rights that attach to indigenous peoples.

When the legislation has been adapted, the government can begin to implement the new guidelines, as can the conservation organisations working in Suriname. Until new legislation is in place, the best practices and consensus of the international conservation community, as set by the WPC, should be used to guide actions; illegal and destructive activities within nature reserves should be tackled more effectively. As we have said in this review, we have received encouraging information that the Minister of Physical Planning, Land and Forest Management is developing a new Nature Protection Law with the help of IUCN. We stress that indigenous and tribal peoples should fully and effectively participate in such revision, and again offer our help, expertise and input to this process. Likewise, we have recommended that Suriname adopt an environmental law that requires a social, economic, cultural and environmental impact assessment, undertaken with the full participation of indigenous peoples, prior to any activity that may affect them. Without such assessments, communities cannot make well-informed decisions, and FPIC can never be obtained in any conservation initiative.

We have observed during this review that there is still an all-round lack of understanding and awareness in Suriname of the new paradigm and all its implications. We have suggested developing and carrying out a capacity-building and training programme for the conservation community in Suriname to help overcome this obstacle. Through workshops we could increase the government's and others' knowledge about, for example, the rights of indigenous peoples as stated in the UN Declaration on the Rights of Indigenous Peoples and other international instruments, particularly as

they relate to nature conservation and management, and the CBD Programme of Work on Protected Areas; community conserved areas and various co-management options; the value of traditional indigenous knowledge and customary practices; and, very importantly, the perspectives of indigenous peoples on the concepts of nature conservation and management. We hope that better mutual understanding and increased communication will be the gateway to improved and mutually respectful cooperation.

In relation specifically to the international conservation organisations working in Suriname, we are interested in increased communication and dialogue about interpretation and effective implementation of these organisations' own international principles on indigenous peoples. From their side, we encourage conservation organisations to defend and support indigenous peoples' rights in Suriname more seriously and proactively, in conformity with their international principles, and to serve as our partners, not only when it comes to their own conservation priorities, issues or opportunities, but in general for our priorities too. We also recommend more openness and sharing of information about projects in indigenous communities, so that we can more easily monitor and track activities and provide advice or input where needed or required. From our side, we can commit to sharing more information about international developments on rights and conservation, so that other conservation actors in Suriname can be kept up to date more easily and can follow and study new developments themselves.

During this review process, VIDS has received various requests to contribute to increased national capacity on 'acceptable consultation and participation processes', based on the traditions and culture of indigenous peoples and FPIC. We have indicated that we are currently working on a first regional consultation protocol, which can soon (with the support of others) be finalised, presented and shared, possibly combined with information-sharing or training sessions on the meaning and implications of FPIC, and traditional decision-making processes and customary rules. However, we also emphasise that it is even more important that an FPIC procedure be included in the law, in conjunction with a monitoring body to assess whether FPIC has been applied, and, if not, impose sanctions.

Lastly, in line with the recommendations from the WPC, all situations and actions from the past need to be reviewed in relation to contemporary standards on indigenous peoples' rights (including conservation organisations' own indigenous-peoples principles). Any mistakes and injustices should be rectified accordingly, through discussing compensation and/or restitution options and preferences with affected communities. We are willing to support or facilitate this process as well.

We hope that this report contributes to positive changes and greater cooperation, based on recognition of our rights, on mutual respect and on the basis of equality, and we look forward to further discussion and action on the many issues and recommendations put forward.

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