Protecting Biodiversity with an Eye Toward the Constitutional Changes: The Vision of the Dutch Caribbean Nature Alliance (DCNA)

Background

Keeping in mind the constitutional changes which lie just ahead, it is important that there is a clear vision concerning the manner in which the interests of protecting the Kingdom of the Netherlands’ greatest biodiversity can be best served. This position paper sets down DCNA’s vision with respect to protection of the islands’ biodiversity in general, inter-island cooperation with respect to common or shared tasks in this area, and the role of DCNA within the new constitutional constellation.

This position paper aims to inform decision makers, administrators, governments and other Kingdom stakeholders about the role that the DCNA, in its opinion, should play under the new constitutional structure (and the initial transitional period) with regards to the care and protection of biodiversity. As this memorandum reflects DCNA’s vision and as the Aruban Fundacion Parke Arikok is one of the six core members of DCNA, it should be noted that Aruba has an independent position within the Kingdom and as such is not heading towards constitutional change. In as far as this memorandum addresses public (administrative) tasks, these are tasks and duties concerning the Antillean parts of the Dutch Caribbean, thus not pertaining to Aruba.

With an estimated 14,500 species of plants and (vertebrate) animals—about half of which are endemic species found only on one island—Conservation International had good reason to label the Caribbean, as a “Global Biodiversity Hotspot”. The islands of the Dutch Caribbean (the Netherlands Antilles and Aruba) also have substantial and unique biological riches, both on land and in the sea, with more than 200 endemic species and sub-species, 11 CITES Appendix - 1 species, almost 100 CITES Appendix – 2 species and more than 200 worldwide threatened species in total. As a comparison, there are currently two endemic species in the Netherlands. This rich biodiversity occurs on very small islands; islands where the considerable pressure on the limited space and the unavoidable immense impact of the human population, combined with an enormous lack of capacity within governments, result in the biodiversity being especially vulnerable. At the same time this biodiversity is inseparably linked to one of the most important sources of income on the islands, tourism. This important, fragile and vulnerable natural resource is managed on all the islands by government mandated non-governmental nature conservation organizations.
These park organizations are professional nature management organizations, with their roots in the local community. They are fully attuned to the needs of nature conservation on small islands plagued by lack of capacity and space. In order to address their own capacity problems and limited financial resources these park management organizations established an umbrella organization in 2005, the Dutch Caribbean Nature Alliance (DCNA). DCNA’s objective is “to protect biodiversity and promote sustainable management of the natural resources on the islands of the Dutch Caribbean region, both on land as well as in the sea, for present and future generations, by supporting and assisting the protected area management organizations as well as other nature conservation activities in the Dutch Caribbean”. Being a partnership formed by these professional nature conservation organizations, the DCNA – more so than any other party – has the expertise and the social connectivity to represent the common needs of nature conservation on the small islands.

Our premise is to ensure that biodiversity is adequately protected and that good use is made of structures already in place and the available expertise.

**Present Organization of the Tasks with regards to Biodiversity**

The Kingdom’s role regarding biodiversity is grounded in the Kingdom’s authority to act with regards to foreign affairs, as established in the Charter for the Kingdom of the Netherlands. This forms the basis upon which the Kingdom acts on behalf of parts of the Kingdom regarding international treaties or organizations. The role that the Central Government of the Netherlands Antilles (in this case its Nature and Environment Department, commonly referred to as ‘MINA’), plays in relation to international conventions and organizations is to represent the Antillean interests. In particular with regard to regional conventions it also often takes a leading role. The international obligations are reflected in general regulations for the islands territories and the Central government sees to it that the island territories implement the regulations correctly and indeed protect their biodiversity. MINA works together with the various island governments and NGOs in assisting, facilitating and stimulating the implementation of the internationally agreed upon norms for biodiversity and environmental protection. The Country of the Netherlands Antilles also has a direct responsibility with regards to management of the islands’ territorial waters, within the so-called Exclusive Fishery Zone (EFZ). The intention is that this EFZ is transformed into an EEZ, an Exclusive Economic Zone with jurisdiction not only over fishing but also over the natural resources on the sea bottom, which includes biodiversity.
Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten (the Island Territories) are directly responsible for the management and policymaking in as far as it concerns their own territories and the immediately surrounding marine areas. The Island Territories have mandated the management of their protected areas to non-governmental nature conservation organizations (NGO’s).

Priorities

An analysis of the key issues regarding biodiversity protection produced the following priorities: the need for spatial planning and zoning for both land and sea, the regulation and enforcement of those regulations for the various zones, and sustainable financing of nature conservation.

1. There is an urgent need for balanced spatial planning and zoning for both land and sea, so it is clear for all parties involved what type of development is allowed. This means that a zoning plan must indicate which areas are of sufficient natural value that they must be protected (using different levels of conservation), which areas should get a legally protected status and which rules apply, not just in that particular area but also in adjacent areas (buffer zones), to ensure development of such zones will not form a threat.

2. A second bottleneck is insufficient legislation and regulation concerning nature conservation on the islands. Although others have already identified this as a priority, DCNA wishes to emphasize that sufficient regulation, conforming to the modern demands of international conventions and insights, on island level is imperative for all future entities. Maintaining the status-quo, in breach of the statutory obligation under the current National Nature Ordinance (Landsverordening Grondslagen Natuurbeheer) to have such legislation (the result of administrative relations in the Netherlands Antilles) is unacceptable. The same applies to having a nature policy plan on each of the islands.

Also, both the dangers of invasive species and the import of plant diseases need to be addressed through adequate regulation immediately.

3. Thirdly sustainable financing of nature conservation. This also requires adequate legal instruments so that the park organizations are given the authority to charge user fees. Other provisions are also required. On the two smallest islands
in particular, tourism as a source of income for nature conservation is simply insufficient, while even on the larger islands tourism can be quite variable being dependent on external factors. Other instruments for sustainable financing should thus be sought. In 2003, an extensive study was conducted into the financing of nature conservation. This need in part led to the establishment of the DCNA, which has since been able to create a trust fund for nature conservation thanks to support from the Dutch Ministry of the Interior (BZK) and the Dutch Postcode Lottery (NPL). The Trust fund’s capitalization is however still insufficient and requires additional funds. Also, when it does have enough capital, this will only provide a basis for sustainable financing of nature conservation, no more than that. In the meantime, the need for adequate financing of nature conservation remains an important issue for the DCNA.

A serious difficulty in realizing the above mentioned priorities can be found in the fact that most of the island governments neither have nor provide the capacity (or the means) to tackle these island tasks adequately. Partly this lack of action is due to the fact that not all of the islands realize or want to realize that certain basic provisions need to be in order, not only to protect biodiversity but also to ensure the appeal the islands have for tourism – their main source of income – in the long run. The upcoming constitutional change means that the support, facilitation and stimulation provided by the Central Government will fall away, whereas the responsibilities that currently lie with the Netherlands Antilles, such as participation in multilateral nature and environmental agreements and management and conservation of biodiversity in EEZ waters, will be added to the responsibilities the islands currently have.

In general, the park organizations have proven to be capable of managing the nature areas with the limited resources available; the main organizational issues arise from a high turn over of staff (intrinsic to small communities) and insufficient means (including insufficient legal instruments and finances). DCNA, established in 2005, is the result of the park organizations’ need to collectively tackle the challenges associated with the management of biodiversity. Nowadays, it is not only about protecting and managing biodiversity. A park also has to operate properly, in a transparent way, it must be capable of creating enough support and interest for biodiversity, and must also generate sufficient funds to see to all of this. Keep in mind that the park organizations are also confronted by all the challenges that come along with operating on a small island. By working together, the opportunities for sustainable management of biodiversity are greater.
DCNA is currently the only supra-insular biodiversity umbrella organization; the interests of the individual park organizations are secured by core membership in the DCNA board of directors, which also consists of representatives from other organizations. Since its creation, DCNA has built-up a track record of transparent and sound management. It has been responsible for several ground breaking projects, like the Management Success project which provides a measure for effective management, and it is supported by the most important Dutch nature organizations and funders.

**Transition and a New Constitutional Structure**

In the future constitutional structure the role of the Central Government will cease. At this time, it is still not clear how all of the tasks and duties with regards to biodiversity will be provided for; it is also not clear how the various entities will fulfill the tasks and duties that they are currently responsible for. What is clear is that the island governments at this time do not have the necessary capacity and means, but it must also be acknowledged that the importance of protection and proper biodiversity conservation is not always acknowledged. It must in any case be assured that all new entities are adequately equipped to be able to execute a ‘basic’ set of tasks and duties.

With regards to certain other tasks, DCNA, as a supra-insular organization with its roots in the local island communities and access to the necessary expertise, can play an important role that closely conforms with its goals and objectives. This work could be an extension of activities already underway or could be additional to existing activities as long as it is in conformity with the goals and objectives.

With a view to communicating about and implementing international affairs, it would be desirable to station a liaison or focal point of the Ministry of Agriculture, Nature and Food Quality (LNV) - in the Caribbean region of the Kingdom. This liaison could then have an additional task with regards to communicating and facilitating the implementation of policy in the BES-islands.
DCNA’s Vision [on its future role]

The roles that DCNA could play in the future constitutional structure can be classified on the basis of the following points of particular interest:

- Center for Knowledge and Expertise
  - This could include the central managing and further developing a biodiversity ‘clearing house mechanism’ for all the islands; developing, stimulating, and facilitating effective and responsible nature management in accordance with the best available methods; management and supervision of joint projects in the areas of policy support and evaluative research for the management of natural resources.

- Promoting Cooperation / Partnerships
  DCNA feels that it is very important for effective nature protection that the existing structures currently in place between the different islands that provide for consultation, structures such as the NACRI (Netherlands Antilles Coral Reef Initiative) and the regular nature fora, be maintained in the future. All the islands, including Aruba, but also the Netherlands, need to be involved in these consultations. DCNA sees this as a natural role for it to take on.
  - Organizing inter-island forums and symposiums for the exchange of knowledge in the field of nature conservation;
  - Coordination of the NACRI;
  - Developing standard costing methods for the management of nature areas in the Dutch Caribbean region in cooperation with the Dutch Ministry of Agriculture Nature and Food Quality (LNV), in line with accepted standards in the Netherlands;
  - Management of funds to stimulate small scale community projects in the field of nature and environmental protection for all the islands, (such as the current KNAP and MINA funds. In DCNA’s opinion, it is imperative that the current KNAP and MINA funds be continued in the future, perhaps as one single fund. A fund for small nature and environmental projects is a key mechanism in stimulating and consolidating community participation in nature and environmental protection. It is a lifeline for small community organizations that are dedicated to the conservation of nature and environment. The need for such a fund with regards to groups that focus on social issues has been acknowledged.
(AMFO). However, as happens so often, the nature and environment segment loses out. Prioritized out of the AMFO, a great void looms ahead if the KNAP and MINA funds, with their uncomplicated accessibility, should disappear. Management of the KNAP and MINA funds by the DCNA would require additional regulation to prevent conflict of interests.

- Acting as single focal point representing its core member organizations in consultations and discussions with LNV (and other Dutch government entities).

DCNA’s vision with regard to other supra-insular entities and cooperative mechanisms

- Representing the joint nature conservation interests of the Dutch Caribbean region as a whole with regards to national (Dutch), international and regional forums, conventions and partnerships. Depending on the setting, this entails an advisory role or the status of observer.
  - DCNA would like to emphasize that in its opinion it is desirable that in the new constitutional structure the CITES requirements are implemented on a local level. In other words, the scientific authority responsible for ‘non-detriment findings’ in the case of the export of CITES specimens from the islands, including the BES islands, should be an expert available on the islands, preferably the authority already appointed on each island. Also, the issue of permits on the BES islands should be provided for on a local (or at least a regional, i.e., for the Dutch Caribbean as a whole) level.
  - The nature conservation committee established on the basis of the current National Nature Ordinance with members appointed by each of the islands, should be maintained in the new structure, but with DCNA as an added member. If possible Aruba should also be included. The committee’s recommendations should then be addressed to the respective politically responsible functionaries of the different political entities.
  - The current Fisheries Committee, established on the basis of the National Fisheries Ordinance and with members appointed by all the islands, should under the new structure be given a broader scope of operation and should advise with regards to the entire EEZ management, including fisheries, but also other natural resources. Furthermore, the DCNA should become a part of the committee.

In any case, DCNA’s assumption of such tasks should be based on a formal relationship between those politically responsible for the care of biodiversity and DCNA.