



---

# **RIGHTS TO LAND & RESOURCES**

## **FOR INDIGENOUS PEOPLES & MAROONS IN SURINAME**

---

By: Marieke Heemskerk  
Paramaribo, July 2005



## ACKNOWLEDGEMENTS

I wish to thank numerous Indigenous and Maroon individuals, government officials, private industry representatives, members of Non-Governmental Organizations, and independent researchers in Suriname for their time, insights, and information. A special word of thank is reserved for the community members of Apetina for their hospitality in hosting a land rights workshop in June 2005. The Trio and Wayana leaders who participated in this workshop provided valuable feedback and opinions that helped understand the development priorities of their communities. I thank Martin Misidjan for writing most of Chapter 3 and his advice in various other chapters. Financial support was provided by the Amazon Conservation team. The members of this organization also assisted with information and logistics. Thank you all!

Opinions expressed in this report are those of the author and do not necessarily reflect the views of the Amazon Conservation Team or of other institutions the author is affiliated with. The author also is responsible for all errors in translation and interpretation.

Marieke Heemskerk

Paramaribo, Suriname  
August 2005

*Copyright statement : The pictures, figures, and text in this report may not be duplicated without prior permission from the Amazon Conservation Team.*

## SUMMARY

The Republic of Suriname, located on the Northern tip of South America, is sparsely populated. The vast majority of the diverse population of this tropical Caribbean nation lives at the coastal zone, primarily in the capital of Paramaribo. While belonging to the developing nations in economic terms, the country is wealthy in natural resources. Minimally impacted tropical rainforest covers 80 percent of the country. In addition, the country is endowed with valuable mineral resources, which contribute an important share of GDP and export values.

Independence (1975) was followed by political and economic instability. Democracy returned in 1992, but the national economy continues to struggle and largely depends on development aid and informal sources of income (per capita GDP = US\$ 1,945). The quality of education and health care, particularly in the interior, has deteriorated in line with economic decline.

Suriname is the home of four groups of Indigenous peoples (Approx. 2.7 percent of population) and six Maroon societies (Approx. 11.4 percent of population) living in tribal communities. The members of these groups depend on the forest and other natural resources for their subsistence, practicing shifting agriculture, hunting, fishing, and gathering. In addition the forest provides medicine, construction materials, tools, and many other items for daily use. Despite their closer integration in the national cash economy today, Indigenous and Maroon communities have retained much of their ancient cultural heritage, including traditional livelihood strategies, knowledge, governing structures, and cultural and spiritual expressions (e.g. religion, music, ceremonies). Most Indigenous and Maroon villages and settlements are deprived of electricity, running water, schools, clinics, public transport, waste processing, sanitary facilities, and other public services.

Indigenous and Maroon customary laws contain detailed arrangements for access to land and resources, natural resources management, and resolving disputes about these matters. These traditional laws were recognized in the various peace treaties that were closed between colonial rulers and Indigenous Peoples (17<sup>th</sup> century) and Maroons (18<sup>th</sup> century). The treaties did not provide new rights but rather confirmed arrangements in contemporary legal documents, such as the Governmental Order of 1629; the 1667 Capitulation treaty between the British and the Dutch; and the so-called exemption clause (*uitsluitingsclausule* or *garantieformule*), which prohibited settlers to molest Indigenous and Maroon occupants of the land and obliged them to respect customary law rights.

The historic rights of Indigenous and Maroon groups to inhabit and use certain territories were not included in the legal framework of the new Republic of Suriname. The domain principle in the 1986 constitution declares all land to which no-one has real title as property of the state. The 1992 Forestry Act and the Nature Protection Resolution of 1998 do refer to customary land and resource rights. Yet these rights are subordinate to vaguely defined 'public interests'. After the interior war (1986-1992), the Suriname government committed itself to resolving the land rights issue by signing legally binding national-level documents (e.g. Lelydorp Peace Accord (1992), the Buskondre Protocol (2000)). In addition, Suriname has ratified several international treaties in which it promises to respect Indigenous rights. To date, however, the government has not acted upon its obligations forthcoming from either international or national documents.

In the mid-20<sup>th</sup> century, Suriname's colonial government began to focus on the interior for industrial development. This process exhilarated in the 1990s, primarily in the form of resource extraction, in an effort to solve Suriname's economic crisis after the interior war. Today, informal small-scale gold miners have invaded Maroon and Indigenous territories throughout Eastern and

Central Suriname. Meanwhile concession policies legally permit large-scale mining and logging on traditional lands. Also the installation of national parks, which frequently occurs without local consultation or participation, imposes restrictions on traditional livelihood activities. More recent developments in the interior include a palm oil plantation at Patamaka and a proposed hydropower plant in West Suriname. Indigenous and Maroon communities are typically not consulted or compensated when these developments occur, and rarely share in the benefits. Indeed, without legal recognition and protection of their land rights, Indigenous Peoples and Maroons depend on the arbitrary goodwill of the government and multinational companies in the wake of increasing industrial development on their homelands.

An analysis of government perspectives suggests that land rights have not been a policy priority. The low ranking of this issue on the political agenda can be partly explained by inadequate historical awareness in Suriname society; the limited political power of Indigenous and Maroon groups; and the low social status of traditional peoples. Subsequent governments have failed to formulate a feasible target for their land rights policy in the interior. Neither have they managed to develop a national strategy to advance the issue. Actions taken to ‘resolve’ the land rights issue have been more like rapid responses to quiet discontent rather than true efforts to provide tenure security for traditional societies. The various committees that have been installed to study the issue have produced few tangible results, hindered by a lack of resources and political backing, and their dissolution at each change of government. In addition, personal interests obstruct political reform.

The perspectives of government officials and those of Indigenous and Maroon representatives are opposed to one another in various ways. In the first place, the State will not transfer rights to subsoil resources to any citizens, whether they are Indigenous or not. Indigenous Peoples and Maroons, however, see rights to resources above and below the land as inseparably related to rights to land. Secondly, the Ministry of Natural Resources does not want to lose its right to use land in the interior for development initiatives that serve the public interest, such as the construction of a hydropower plant. Indigenous rights activists plead for real land titles that are inalienable, imprescriptible, and intangible. In the third place, traditional authorities are requesting the withdrawal of concessions that are overlapping with their homelands. The Ministry of Natural Resources may decide not to renew or grant new logging and mining concessions on traditional lands but it will not withdraw existing concessions.

On other issues, the perspectives of Indigenous Peoples and Maroons are more in line with those of government officials. Both parties believe that recognition and protection of traditional rights to land in Suriname’s legal framework is desirable, and that these legal arrangements should also prescribe procedures for consultation, compensation, and profit sharing. Both the government and Indigenous and Maroon groups have called for the demarcation of traditional lands. Furthermore, both parties favor the installation of a commission to deal with complaints by traditional communities about violations of customary (land) rights.

As the government appears reluctant to move forward, Indigenous and Maroon interests groups are increasingly pressing for change. They have sent petitions, organized workshops and meetings, run awareness campaigns in forest communities, and mapped their territories. Moreover, the positioning of the Maroon political party A-Combinatie in the government coalition has given Maroons more political voice. Meanwhile the Organization of Saramakan Authorities has taken the issue to an international level by filing a complaint against the government with the Inter-American Commission on Human Rights. Even though the mentioned efforts have not generated adequate government response, they have increased political consciousness and understanding of the land rights issue in Indigenous and Maroon societies. The

activities also are telling the government that Indigenous and Maroon land rights can no longer be ignored, and have likely stimulated political parties to refer to the issue in their political party programs. Moreover, the *krutus*, press releases, and formal protests show multinationals that traditional communities are a factor to take into account, regardless of their legal status.

Several important lessons can be extracted from an evaluation of Indigenous and Tribal land rights in the neighboring countries. In the first place, land rights are not something to have or have not but rather exist along a continuum. This continuum moves from the one extreme, where native groups have no legal rights to land and resources at all, to the other extreme, where Indigenous societies have rights to extensive stretches of land including everything that grows on it and lays underground. Negotiations should not be about moving Suriname to the extreme right, but about how and to where to shift Suriname's position. Secondly, it is not enough to recognize land rights. Without institutions to protect these rights and sanctions to punish violators, recognition remains an empty promise.

Third, land rights are stronger when the legal system concurrently recognizes rights over natural resources on indigenous lands, and the rights of indigenous peoples to manage their own affairs. Finally, there is no single legal system that guarantees secure land tenure for Indigenous and Tribal Peoples. Ratification of international conventions and a supportive national legal framework give some protection. However, more secure lands and livelihoods can only be sustained once politicians, judges, and ordinary citizens are convinced that Indigenous Peoples and Maroons deserve special rights to lands and resources, and are dedicated to protecting these rights.

The report concludes with recommendations to overcome existing barriers to recognition and protection of Indigenous and Maroon land rights. In the first place, land rights need to become a government priority. Awareness campaigns may help convince politicians and Suriname citizens that land rights are the basis of cultural, economic, and physical survival of Indigenous Peoples and Maroons. Secondly, Indigenous Peoples and Maroons do not have an umbrella organization representing their interests. These groups will stand stronger in their negotiations with the government if they act as one group and speak in one voice. Better information about land rights policy in Suriname and abroad will help traditional leaders develop a unified action agenda.

Also the government needs to develop a more coherent, long-term vision. Better demographic data and up-to-date maps are a prerequisite to the design of this vision. Land rights policy reform should emphasize transparency of concession allocation procedures and include a concrete strategy for participatory demarcation of Indigenous and Maroon territories, using the experiences of the various groups that have mapped their territories. It also must include a comprehensive plan for the creation of a Department for Indigenous and Maroon Affairs to function as an intermediary between the government and Indigenous and Maroon groups. Finally, Indigenous and Maroon groups and the national government must display a more flexible attitude in negotiations about their favored status of land rights. Constructive dialogue requires that both parties abandon their extreme positions and rather try to meet one another in the middle.

It will be a challenge to Suriname policy makers and Indigenous and Maroon representatives to develop a land rights policy that is acceptable to all parties involved, that stimulates responsible development in Suriname's interior, and that respects the culture and livelihoods of Suriname's traditional communities.

## TABLE OF CONTENTS

	ACKNOWLEDGEMENTS	2
	SUMMARY	3
	TABLE OF CONTENTS	6
	LIST OF TABLES, FIGURES, AND BOXES	9
1	INTRODUCTION	10
1.1	Prelude	10
1.2	Aim and objectives	11
1.3	Outline	11
2	BACKGROUND	13
2.1	Suriname	13
2.1.1	Physical conditions	13
2.1.2	Geography and natural resources	13
2.1.3	Human capital	14
2.1.4	Economic trends	16
2.1.5	Political system and governance	17
2.2	Indigenous Peoples and Maroons	18
2.2.1	Population sizes and location	18
2.2.2	Livelihood activities	20
2.2.3	Political organization	20
2.3	Indigenous and Maroon Land and Resource Rights	21
2.3.1	Customary law rules	21
2.3.2	Land rights at the national level	22
2.4	History of the Land Rights Issue	23
2.4.1	The first inhabitants	23
2.4.2	Colonization and early treaties	23
2.4.3	Assimilation policy (1940s – 1980)	25
2.4.4	Military rule and the Lelydorp Peace Accord (1980s-1992)	26
2.4.5	First Venetiaan government (1991-1995)	27
2.4.6	Wijdenbosch and the Buskondre Protocol (1996-2000)	28
2.4.7	Second Venetiaan government (2000-2005)	28
2.5	Synthesis	29
3	LAND RIGHTS IN SURINAME’S LEGAL FRAMEWORK	31
3.1	The Constitution	31
3.2	L-Decrees	32
3.3	Forest Management Act	32
3.4	Mining regulations	34
3.4.1	1986 Mining Code	34
3.4.2	Draft Mining Code of 2002	35
3.4.3	Brokopondo agreement and follow-ups	36
3.5	Nature Conservation Laws	36
3.6	Peace Teaties	37
3.7	Lelydorp Peace Accord	38
3.8	Buskondre Protocol	39
3.9	International Conventions, Treaties, and Agreements	40

3.9.1	Conventions of the United Nations	41
3.9.2	Organization of American States	42
3.9.3	Agreements within CARICOM	44
3.9.4	Environmental Treaties	44
3.9.5	ILO Convention 169	45
3.10	Synthesis	46
4	THREATS TO INDIGENOUS AND TRIBAL LANDS	47
4.1	Logging	48
4.2	Large-Scale Mining	51
4.2.1	Company policies	51
4.2.2	Bauxite mining	52
4.2.3	Large scale gold mining	53
4.3	Small-Scale Mining	56
4.4	Oil Palm Production	58
4.5	Hydropower Plant Development	58
4.6	Protected Areas and Tourism	61
4.6.1	Protected Areas Establishment	61
4.6.2	Future Developments	63
4.7	Synthesis	63
5	GOVERNMENT	65
5.1	Government Perspective	65
5.1.1	General vision	65
5.1.2	Thoughts behind the concession policy	66
5.2	Special Committees	66
5.2.1	Committees Redan and Mijnhals	67
5.2.2	Council for Development of the Interior (ROB)	67
5.2.3	State Juridical Committee (SJC)	68
5.2.4	Recent initiatives	68
5.3	Institutional Capacity	69
5.3.1	Ministry of Natural Resources	69
5.3.1.1	Geology and Mining Department	69
5.3.1.2	Department for Forest Management and Forest Control	70
5.3.1.3	Nature conservation Division	71
5.3.2	Ministry for Regional Development	73
5.3.3	Ministry of Labor, Technological Development, and Environment	73
5.4	The May 2005 Elections	74
5.5	Public Opinion	76
5.6	Conclusions	
6	INDIGENOUS PEOPLES AND MAROONS	78
6.1	Indigenous and Maroon Perspectives	78
6.1.1	General Vision	78
6.1.2	Differences in Indigenous and Maroon perspectives	80
6.2	Indigenous Organizations	81
6.2.1	Organisatie van Inheemsen in Suriname (OIS)	81
6.2.2	COICA	81

6.2.2	Vereniging voor Inheemse Dorpshoofden (VIDS)	82
6.2.3	Sanomaro Esa	82
6.3	Maroon Organizations	82
6.3.1	Vereniging Saramakaanse Gezagsdragers (VSG)	82
6.3.2	Stichting Tooka	83
6.3.3	Federatie van Marrons	83
6.3.4	12 Verenigingen (Lo's) der Aucaners	83
6.3.5	Ko'w taki makandi and Cottica uman	84
6.4	Non-Indigenous or Maroon Organizations	84
6.4.1	Amazon Conservation Team	84
6.4.2	Pater Albrinck Stichting	84
6.4.3	Organization of American States (OAS)	85
6.4.4	Forest Peoples Programme	85
6.4.5	Organizational collaboration	85
6.5	Activities	85
6.5.1	Gran Krutus and other general meetings	85
6.5.2	Mapping	86
6.5.3	Petitions	87
6.5.4	Legal claims at the national level	87
6.5.5	OAS Claim	88
6.6	Synthesis	89
7	LAND RIGHTS IN INTERNATIONAL PERSPECTIVE	91
7.1	Land Tenure Security	91
7.2	Rights to natural and Subsoil Resources	92
7.3	Consultation, Compensation, and Access to Appeal Mechanisms	93
7.4	Land Rights for People of African Descent in Latin America	94
7.4.1	Brazil	94
7.4.2	Colombia	94
7.4.3	Jamaica	95
7.5	Synthesis	95
8	CONCLUSIONS, CHALLENGES & RECOMMENDATIONS	98
8.1	Conclusions	98
8.2	Remaining challenges	100
8.3	Recommendations	102
	SOURCES	105
	APPENDIX 1. CI and WWF policies with regard to dealing with Indigenous Peoples	108

## LIST OF TABLES, FIGURES, AND BOXES

	<b>TABLES</b>	
2.1	Suriname basic indicators	15
2.2	(a) Amerindian and (b) Maroon populations in Suriname	18
3.1	Relevant international agreements ratified by Suriname	40
4.1	Protected areas established to date	61
5.1	Zones where the GMD has agreed not to grant mining concessions	70
5.2	Land rights in the 2005 political party programs	75
6.1	Indigenous and Maroon territories that have been and are being mapped	86
6.2	Petitions to the government by Maroons and Indigenous groups after 1992	88
7.1	Latin American countries whose constitution explicitly recognizes Indigenous rights to land	92
	<b>FIGURES</b>	
2.1	Districts of Suriname with their population shares	17
2.2	Indigenous and Maroon living and usufruct areas	19
2.3	Main Indigenous and Maroon villages in Suriname	24
4.1	Logging concessions	49
4.2	Logging concessions, including areas closed for logging in red	50
4.3	Gold mining concessions*	55
4.4	Location of the proposed Kabalebo Hydropower project	59
5.1	Government institutions involved in land rights policy	71
5.2	Protected areas in Suriname: National Reserves (NR), National Parks (NP), and Multiple Use Management Areas (MANU)	72
7.1	Location of Suriname on the Indigenous and Tribal land rights continuum	96
7.2	Shifting position on the land rights continuum	97
	<b>BOXES</b>	
Box 1	ILO Definition of Indigenous Peoples	11
Box 2	Proposed American declaration on the rights of Indigenous Peoples	43
Box 3	Logging concessions threaten the rainforest: The early 1990s	48
Box 4	Legal terms applied to describe the status of Indigenous land rights elsewhere	80

## CHAPTER 1 INTRODUCTION

*“...land is not only a physical asset with some economic and financial value, but an intrinsic dimension and part of peoples’ lives and belief systems.”<sup>1</sup>*

### 1.1 PRELUDE

When Europeans set foot on land in the Guianas by the end of the 16<sup>th</sup> century, they did not encounter an empty land. At the time an estimated 60,000 to 70,000 Indigenous people were living in the area that covers current Suriname. Their ancestors had arrived approximately 10,000 years earlier. Warfare, slavery, and above all Western diseases decimated Indigenous populations soon after foreign occupation.

Throughout the Americas, the conquistadores planted flags on the newly encountered soil to declare it and the hinterland as theirs. More for their own benefit than out of concern for the native occupants of the land, most colonial governments closed agreements with Indigenous groups. In Suriname, then Dutch Guiana, coastal Indigenous groups were allowed to inhabit and use parts of the country that were not deemed interesting for plantations or European settlement. Meanwhile interior Indigenes withdrew further into the forested interior.

Plantations, mostly for sugar and coffee, formed the economic backbone of the colonial economy. Their profits depended on free, forced African labor. In just over two centuries, an estimated 200,000 Africans arrived on slave ships. Strenuous working conditions, brutal treatment, and miserable living circumstances caused many slaves to run away. They chose the forest as their hide-out and new living environment. By the 1700s, these runaways named Maroons had formed several larger societies. Costly yet failing attempts to exterminate the Maroons forced the colonial government in the 1760s to conclude peace treaties with the different organized groups. The Maroons were promised annual gifts and the right to live in the interior on a certain distance from the coast, in exchange for their promise to not attack plantations or host new runaways.

Today, Suriname is the homeland for four larger and various smaller Indigenous groups, and six culturally distinct Maroon societies. The various Amerindians and Maroons groups assign user rights to land and mineral resources based on group, clan, and family membership. These tribal laws and regulations are known to, and generally respected by, all members of the ethnic groups. According to the Suriname constitution, however, Amerindians and Maroon groups have no formal rights to land or natural resources. The law provides for user rights, but these are overruled if the ‘national interest’ is at stake. Rights to due process, basic consultation, and informed consent, are not guaranteed.

Increasing infringement on traditional lands since the mid 20<sup>th</sup> century has made recognition and protection of Indigenous and Maroon land rights a growing source of concern. As logging, mining, and other industrial activities are threatening traditional livelihoods, Indigenous peoples and Maroons are also becoming more aware of their weak legal position and determined to change it. These developments motivated the present study.

---

<sup>1</sup> Roldan Ortega, R. 2004, Models for Recognizing Indigenous Land Rights in Latin America. Biodiversity Series, Paper No. 99. The World Bank Environmental Department, Washington DC.

## **1.2 AIM AND OBJECTIVES**

This report explores the status of land rights of Indigenous Peoples and Maroons in Suriname. Its aim is to stimulate discussion and assist in designing a model for resolving existing problems. The specific objectives are to:

- Explore the position of native land rights within Suriname's legal framework
- Analyze perspectives on land rights among the various stakeholder groups: government, private industry, NGOs, and Indigenous peoples and Maroons.
- Evaluate the activities performed by the various stakeholders in this area
- Identify barriers to, as well as opportunities for, the recognition of Indigenous and Maroon land rights.
- Offer recommendations for action to International NGOs –including ACT-, Indigenous and Maroon groups, private industry, and government

Why are land rights important? Foremost, traditional lands are the home, religious worship place, ancestral ground, subsistence source, pharmacy, and many other things that determine the quality of life and future wellbeing of Indigenous and tribal societies. The members of these societies are inseparably connected to the lands that shape their culture and identity. Failure to protect Indigenous and Maroon lands will destroy a valuable part of Suriname's national cultural heritage.

Resolving the land rights question to satisfaction of the parties involved also is important because the current situation of insecurity is causing conflicts between Indigenous Peoples and Maroons on one side, and the government and private industry on the other side. These conflicts are costly in time, money, and human capital investment for all parties involved. There also is a risk that conflicts escalate if people from the interior feel they are being ignored and discriminated against.

Obtaining clarity about the rights to lands is the key to sustainable development of the interior. At present Indigenous Peoples and Maroons are withheld from investing in the lands they live on because these lands may be –or already have been- given out in concession to third parties. Moreover, without secure title there is little incentive to conserve old-growth forest and restore degraded lands for future generations.

Finally, the current situation singles out Suriname –in a negative way- at an international level. There are few other countries in Latin America where Indigenous and Tribal groups lack legal recognition of rights to land. In the past two decades, various international organizations -- including the United Nations, the International Labour Organisation, and the Organization of American States-- have called upon countries to recognize the special rights of Indigenous and Tribal groups. To ignore these declarations as well as other recent developments in the international human rights movement harms the international reputation of Suriname.

## **1.3 OUTLINE**

This document proceeds as follows. This first Chapter introduces the topic, outlines the study aims and objectives, and gives a brief overview of the report. Chapter II provides background information to Suriname, its Indigenous and Maroon inhabitants, and the land rights issue. This description is followed by a legal exploration of land rights in the Suriname Constitution, the various relevant laws, historical treaties, and international conventions and declarations ratified by the Republic of Suriname.

The perspectives and activities of private industry are discussed in Chapter IV. This Chapter deals with the mining and logging industries, which form the main threat to the lands and livelihoods of interior populations. Possible impacts of ecotourism and a proposed hydropower project in Western Suriname are also considered. The chapter ends with a brief discussion of land rights in the public opinion. Chapter V exposes government perspectives and actions. It also lists the various Ministries that are directly and indirectly confronted with the land rights question, as well as the various special committees in place that are dealing with the issue.

Chapter VI provides the vision of Indigenous Peoples and Maroons, and analyzes the various steps undertaken by these groups to bring the land rights issue to the attention of the government. These steps include petitions, mapping activities, national claims, and an international claim with the Inter-American Commission on Human Rights. In the last data chapter, the report focuses on land rights of Indigenous peoples and (the descendants of) Maroons in surrounding countries, considering land tenure security, rights to surface and subsoil resources, and processes for consultation, compensation, and appeal. Examples from Brazil, Jamaica, Colombia, and other countries display a variety of legal arrangements that could be adopted by Suriname to improve the current lack of recognition and protection of traditional rights to lands. The final Chapter presents conclusions, remaining challenges and recommendations for action.

The United Nations declared 1995-2005 the decade for Indigenous Peoples. Under the UN and ILO definitions Maroons also belong to this group (see Box 1). In the declaration, politicians were called upon to make an effort to resolve key issues concerning the Indigenous groups in their countries. It is now up to the newly elected government of Suriname to take on this challenge.

#### **BOX 1. ILO DEFINITION OF INDIGENOUS PEOPLES**

The ILO (Convention 169) defines Indigenous Peoples as follows:

- (a) Tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national economy, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.
- (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographic region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural, and political institutions.
- (c) Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of [Convention 169] apply. (Article 1).

According to this definition, international agreements and treaties concerning the special status and rights of Indigenous peoples apply to both Indigenous Peoples and Maroons in Suriname

## **CHAPTER 2 BACKGROUND**

*“... in many indigenous cultures, traditional collective systems for control and use of land, territory and resources, including bodies of water and coastal areas, are a necessary condition for their survival, social organization, development and their individual and collective well-being...”<sup>2</sup>*

This chapter begins with an overview of Suriname’s physical conditions, human capital indicators, key economic trends, political context, and its natural resources base. Next, Indigenous and tribal populations, their livelihood activities, and their political and social organization are described in more detail. This section is followed by an introduction of Indigenous and Maroon rights to land. Both customary and legal rights are being discussed. The concluding section discusses the history of the land rights issue in Suriname, starting with colonial treaties and ending with current efforts by the Suriname government and Indigenous and Maroon groups to come to agreement.

### **2.1 SURINAME**

#### **2.1.1 Physical conditions**

The Republic of Suriname is located on the Northern tip of South America. The country has a 370 km long coastline on the Atlantic Ocean in the North, and borders the Republic of Guyana in the West, the Federative Republic of Brazil in the South, and the French Department of La Guyane (also called French Guyana) in the East. Suriname has border disputes with the French Department of La Guyane (area between Riviere Litani and Lawa River) and with Guyana (area between the two main head waters of the Corantijn/Courantyne River and marine territory).

Suriname’s proximity to the equator (2-6° N; 54-58° W) makes for year-round tropical temperatures. Daytime temperatures in Paramaribo range between 23 and 31°C, with an annual average temperature of 27°. The range in average temperatures between the warmest months, September/October, and the coldest, January/February, is only 2°C. The main seasonal variation is between the dry and the rainy seasons (December-January and May-August). Rainfall is highest in the central and southeastern parts of the country and averages 2200 mm/yr. The relative humidity is high, ranging from 70 to 90 percent.

#### **2.1.2 Geography and natural resources**

Suriname does not feature the tropical beaches and clear blue seas that characterize other Caribbean countries. Currents in the Atlantic Ocean carry silt from rivers that cross the Amazon Basin, and form mud flats in front of the coast. As a result, water from the coastal seas mostly looks brown and muddy. The typical vegetation in the coastal and riparian zones consists of

---

<sup>2</sup> Proposed American declaration on the rights of indigenous peoples, Preamble art. article 5. Inter-American Commission on Human Rights. February 26, 1997

woodland and mangrove forest on sandy beaches. Further land-inward one finds savanna, swamps, and lowland coastal forest.

About 80 percent of the country is covered with dense tropical rainforest with numerous mountain ranges and complex river systems. The Juliana-peak, the highest point, is no higher than 1230 meters, and all other mountain tops remain below 1000 meters. The rich biodiversity of this area includes at least 50 rare and endemic plant species and several endangered species of wildlife. Far in the South of Suriname there is a Savanna area called the Sipaliwini Savanna. Much of Suriname's forest is part of the so-called Guiana Shield; an extensive Precambrian greenstone belt that encompasses 415,000 km<sup>2</sup> extending from Venezuela through Guyana, Suriname, and La Guyane into Brazil's Amazon basin. The Guiana shield is rich in minerals such as bauxite and gold.

### **2.1.3 Human capital**

With less than half a million people (Pop: 487,024) and 3 persons per square kilometer, Suriname is sparsely populated (Table 2.1). About 85 percent of Surinamers live on the 30-km wide Northern coastal plains (Figure 2.1). The population is ethnically diverse, consisting of Hindustani (35%), Creoles (people of mixed African heritage, 30%), Javanese (14%), Maroons (tribal people of African descent, 13%), Chinese (4%), Indigenous peoples (3-4%), Brazilians (3%), and smaller groups of Lebanese, Whites, and others<sup>3</sup>. The urban population (75.4% of total) mostly lives in the capital city of Paramaribo. The forested interior provides the home and sustenance to Indigenous and Maroon ethnic groups, who live in small villages along the major rivers.

Suriname's national language is Dutch but more than 16 other languages are spoken, including Sranan Tongo (the national creole language) and languages specific to the various ethnic groups. Approximately 45 percent of the population is Christian, 27 percent is Hindu, 20 percent is Muslim (the Javanese and a part of the Hindustani), 6 percent follows native religions, and 2 percent claims no faith.

Suriname's educational system, which was among the best in the Caribbean in the 1970's, has suffered severely under the economic recession of the past three decades. The Inter American Development Bank recently classified the performance of Suriname education as poor. The organization attributed this to the misallocation of resources, inefficiencies and waste, and weak teaching capacity. Nevertheless, Suriname still scores good on educational achievement indicators. Adult literacy is high, with 95.9 percent of men and 92.6 percent of women who can read and write. Primary education, which is compulsory for all children between the ages 6 to 12, is accessible to virtually everyone: the net primary enrolment rate for 2001/2 was 97 percent.

The above figures, however, reflect conditions in the urban area. Educational facilities and achievement stay far behind in the interior, where many villages do not have a school nearby. Existing schools lack trained and motivated teachers as well as the most basic resources such as a decent building, tables and chairs, writing materials, sanitary facilities, and electricity. Children regularly miss classes due to illness with malaria, transportation problems, demands for their labor at home, and -for girls- early pregnancy. Frequent absences combined with language barriers cause pupils to double classes and ultimately drop out without completing primary

---

<sup>3</sup> The named percentages are rough estimations as the national census does not ask about ethnicity

education. Because there are no secondary education facilities in the interior, few children from the interior enjoy higher education. Among those who can go on to school in Paramaribo, few eventually graduate and most fall back to lower level jobs.

The story is similar for health conditions. In the capital city of Paramaribo and, to a lesser extend, in the coastal districts, access to health care is decent. Medical care is free for the lowest income groups; the annual vaccination program reaches most urban children; and there is an established foreign-trained population of medical doctors. The main urban health problems include diabetes, maternal and infant health conditions, and HIV/AIDS.

Health care in the interior is the responsibility of Primary Health Care Suriname, better known under its local name Medical Mission (*Medische Zending*), a non-governmental organization. The Medical Mission receives 80 percent of its annual budget from the Ministry of Health and 20 percent from other donors such as the European Union (STD prevention program), PAHO (Roll Back Malaria), Rotary International (bed netting project), WHO, Dutch Treaty Funds, Stichting Lobi, and Family Health International (reproductive health) among others. The organization operates a network of more than 40 clinics throughout the interior. Due to inadequate funding, however, these forest clinics are consistently short of beds, personnel, equipment, and medications. Moreover, for many people the nearest clinic may be several hours or days of travel away. Registered inhabitants of interior communities receive free health care at Medical Mission clinics. Outsiders, including Brazilian and urban Suriname miners, are required to pay a small fee.

*Table 2.1 Suriname basic indicators*

<i>Land and natural resources</i>	
Land area	163,820 km <sup>2</sup>
Forest area	14,721,000 ha (WRI)
Deforestation rate 1980-1995 (WRI)	0.1 %/yr
Protected areas (% of land area)	12 %
<i>Population</i>	
Population size (2004)	487,024
Population density (inhabitants/km <sup>2</sup> )	2.97
Annual population growth rate	1.3%
% Indigenous Peoples (living in tribal societies)	2.7
% Maroons (living in tribal societies)	11.4
<i>Economics</i>	
National currency	Suriname dollar (1 US\$ ~ 2.75 SRD)
Per capita GDP, incl. informal sector (2003)	US\$ 1,945
% People living below poverty line	64% (1999) <sup>8</sup>
Main export products	Bauxite, shrimp
Minimum wage (not established by law)	Est. equivalent of 60 US\$/month
<i>Health</i>	
Birth rate (per 1000)	24 <sup>3</sup>
Infant mortality (number deceased < 1yr. per 1000 life born)	29 <sup>3</sup>
Life expectancy M/F	68/73 <sup>3</sup>
<i>Human capital</i>	
Illiteracy rates M/F (>15)	4.1% / 7.4%
Unemployment	14% (1999)

#### 2.1.4 Economic trends

Suriname's developing economy is dominated by the mining industry. The bauxite industry accounts for more than 15 percent of GDP and 70 percent of export earnings. The recent opening of a large-scale gold mine and ongoing exploration activities by national and foreign companies further increases the contribution of mining to the Suriname economy. Small-scale gold mining provides subsistence to several thousands Brazilians and Maroons. Typically performed informally and illegally, small-scale mining carries the economy in the forested interior, where there are few employment opportunities. Additional industries include lumbering and plywood manufacturing (largely exploited by Asian companies) and the manufacture of molasses and rum. Industries contribute a fifth of the Gross Domestic Product (22%).

Agriculture, which accounts for an estimated 13 percent of GDP, is primarily practiced at the coastal plains area and the river valleys. The main cash crop is paddy rice. Other commercial crops include bananas, palm kernels (for oil), coconuts, plantains, peanuts, and citrus fruits. In addition people farm a variety of vegetables and fruits for the local market on a small-scale. Shrimp fishing is expanding along the coast. The service sector accounts for the greater proportion of GDP: 65 percent (1998 est.). Another important source of income is development aid. In addition, Suriname still receives a remainder of the 3.5 billion Dutch guilders (approx. 1.5 billion in today's US\$) that the Netherlands allocated to Suriname to facilitate the transition to independency in 1975. In addition, many Suriname households receive remittances in the form of cash money and products (est. one fifth of formal imports) from family in the Netherlands.

In the 1990s, questionable monetary policies depreciated the value of the Suriname guilder to the US dollar dramatically (40% in May 1999 alone) and inflated consumer prices by more than 100 percent a between May 1998 and May 1999. The second Venetiaan government (2000-2005) implemented a strict economic restructuring program with the help of Dutch development aid and multilateral funding agencies. Currency exchange rates have stabilized, the Gross Domestic Product increased with 39.2 percent between 1999 and 2003<sup>4</sup>, and inflation was brought back to an annual 7.4 percent by early 2005<sup>5</sup>. Official 1999 labor force participation rates for women and men in Suriname were 24.8 percent and 50.4 percent, respectively (World Bank 2002). Fourteen percent of the population was registered as unemployed (Table 2.1).

Today, as compared to the citizens in other Caribbean countries, Surinamers are relatively well off with a per capita Gross National Product of US\$ 1,945 and a real GDP growth of 5 percent. This recorded GDP value is likely an underestimate as it excludes earnings from informal gold mining and trade, other informal jobs, remittances, subsistence agriculture, drugs money, and other unrecorded sources of income. Nevertheless, a 2001 survey by the national bureau of statistics estimated that 66 percent of the urban population was living below the poverty line. This percentage is higher in the country's interior but no reliable census data exist for this area.

---

<sup>4</sup> GDP in market prices, incl. informal sector, expressed in US\$ (ABS 2004. Statistical Yearbook 2003, Paramaribo, Suriname)

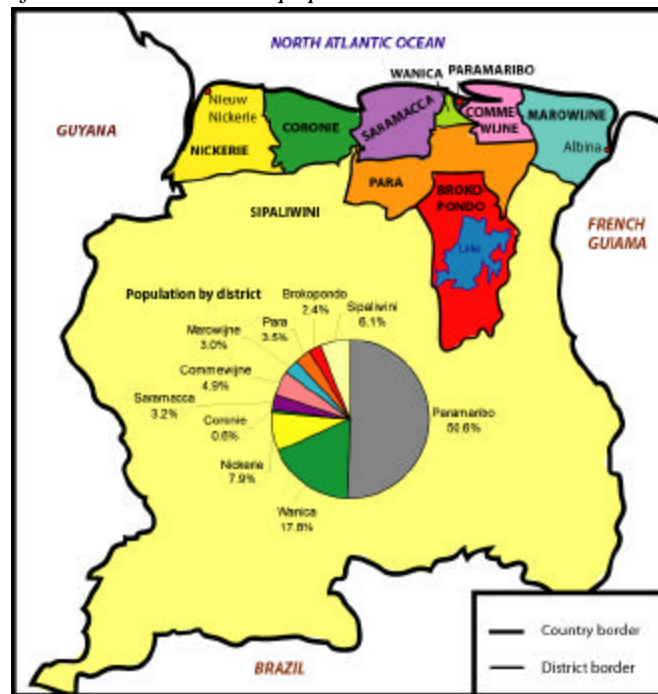
<sup>5</sup> March 2004 to March 2005; De Ware Tijd, April 25, 2005

### 2.1.5 Political system and governance

The Republic of Suriname is a constitutional democracy, by the constitution of 1987. The 51 members of the National Assembly are elected by popular vote. The president is elected by a two-thirds majority of the National Assembly or, if they cannot come to an agreement, by a majority of the People's Assembly. The president appoints a cabinet of ministers from the members of the National Assembly. The vice president is elected by a majority vote in the National Assembly or People's Assembly. The different branches of the government (National Assembly, President, Vice-president, and ministers) are simultaneously elected for a five-year term. A State Advisory Council with 15 representatives from the elected parties, the unions, and employers' organizations, advises the president in policy matters. Suriname knows universal suffrage for all citizens over the age of 18.

The nation is separated into 10 administrative districts: Brokopondo, Commewijne, Coronie, Marowijne, Nickerie, Para, Paramaribo, Saramacca, Sipaliwini, and Wanica. Each district has a capital city and is headed by a district commissioner appointed by the president (Figure 2.1). The vast interior district of Sipaliwini, where most Indigenous Peoples and Maroons live, does not have a capital city. The office of the District Commissioner of Sipaliwini is located in Paramaribo on the Zwartenhovenbrugstraat, far removed from the people who depend on its services.

*Figure 2.1 Districts of Suriname with their population shares*



Source: ABS 2005

After Suriname gained independence from the Netherlands in 1975, the country briefly fell victim to political instability. Two military coups, military dictatorship (1980-1987 and 1990-1991), and six years of armed conflict in the interior (1986-1992) severely restricted political freedom. After return to democracy in 1992, Suriname has featured free and democratic elections, press freedom, and freedom of expression by a critical public - though corruption and nepotism continue to characterize political decision-making and spending. An OAS supervisory committee classified the 2005 elections as fair and democratic.

## 2.2 INDIGENOUS PEOPLES AND MAROONS

### 2.2.1 Population sizes and location

Four larger culturally distinct Indigenous groups live in Suriname: Arowak (local name: Lokono) and Carib (local name: Kalintha) live at the coast, while Trio and Wayana live further into the interior (Table 2.2, Figures 2.2 and 2.3). In addition, far south in the rainforest live smaller nomadic groups and tracking members of larger groups residing in neighboring countries. The Trio and Wayana are linguistically related to the Caribs. Together Indigenous peoples may represent 3 - 4 percent of the total Suriname population.

Table 2.2 (a) Amerindian and (b) Maroon populations living in tribal societies

<i>(a) Amerindians</i>			
<b>Group (local name)</b>	<b>Location</b>	<b>Size</b>	<b>Language</b>
Arawak (Lokono)	Coastal Suriname (Lowland)	3,500	Arawakan
Carib (Kalintha)	Coastal Suriname (Lowland)	3,750	Cariban
Trio (Tirio)	South-West Suriname	2,500	Cariban
Wayana	South-East and Central Suriname (Highland)	2,500	Cariban
Akurio	South-Central Suriname	100	Cariban
Diverse smaller groups	Mostly highlands	400	Mostly Cariban
<i>Total Amerindians</i>		<i>12,750</i>	

<i>(b) Maroons</i>			
<b>Group (local/alt. Name)</b>	<b>Location</b>	<b>Size</b>	<b>Language</b>
Saramaka (Saramacca, Saamaka)	Central Suriname; Suriname River, Brokopondo	25,000	Portuguese-based Creole
Matawai (Matuari)	Central/West Suriname; Saramaka River	3,000	Portuguese-based Creole
Ndyuka (Djoeka, Aukaners Okanesi)	Eastern Suriname; Cottica, Tapanahony River, Lower Lawa River, Marowijne River	20,000	English-based Creole
Paramaka (Paamaka)	East Suriname; Marowijne River	4,000	English-based Creole
Kwinti	Central/West Suriname	750	English-based Creole
Aluku (Boni)	East Suriname; Lawa River	2,000	English-based Creole
<i>Total Maroons</i>		<i>54,750</i>	

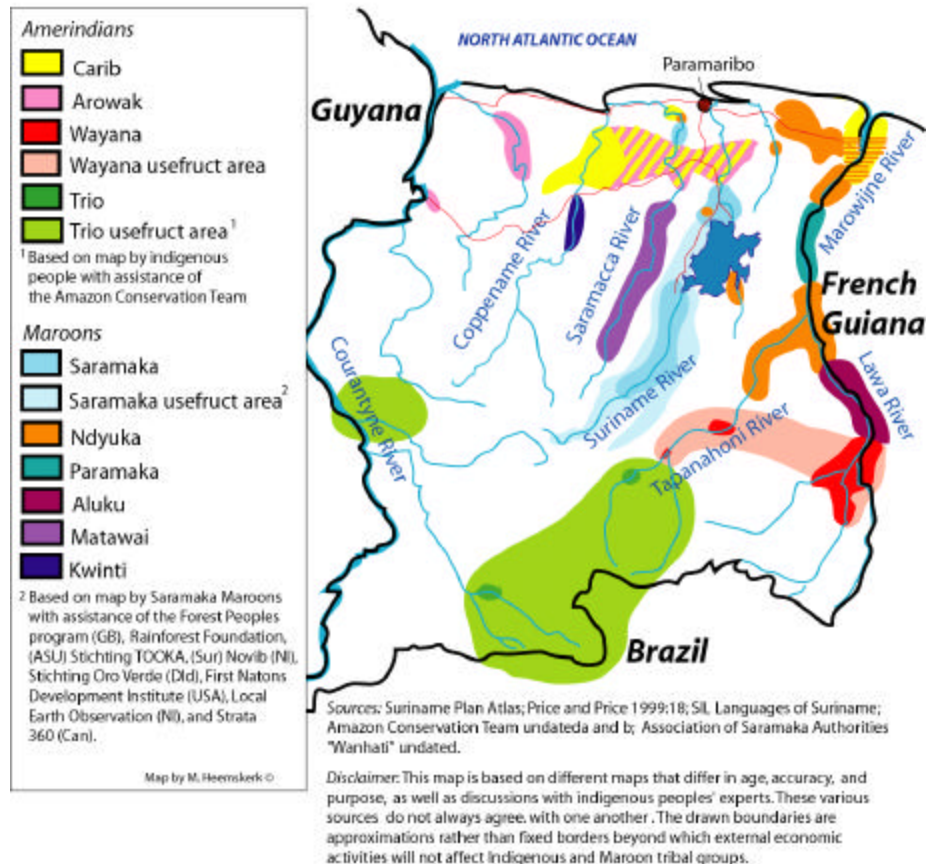
Source: IDB 2004 (with adjustments)

Maroons living in tribal societies represent approximately 11,4 percent of the Suriname population. There also is a significant Maroon population living in the capital city of Paramaribo but their exact numbers are unknown. Maroons form six culturally distinct groups: Ndyuka, Paramaka, Aluku, Saramaka, Matawai, and Kwinti (Figure 2.2). Two language families can be identified among these groups. The Saramaka and Matawai speak an Afro-Portuguese language dating back to the 17<sup>th</sup> century that was developed in Central-Suriname on the Portuguese-Jewish plantations. The languages spoken by the other four groups – Ndyuka, Paramaka Kwinti, and

Aluku- are related to Sranantongo, the coastal creole language that was developed on the English plantations around the same time. Anthropologists have estimated the total number of Suriname Maroons (urban and rural) on approx. 80,000, thus representing about 16.7 percent of the population.

Maroon villages tend to number about 25 to 100 households, organized around one or more matrilineal clans or *lo*'s. There are about 200 Maroon villages, most of which (approx. 150) are in the district of Sipaliwini (Figure 2.3). In addition, Maroons may permanently or temporarily settle in what they name camps (*kampu*'s), which differ from real villages in that they do not belong to the 'original' settlements and usually do not have supernatural endorsement. There are at least as many *kampus* as real villages.

Figure 2.2 Indigenous and Maroon living and usufruct areas



Lowland Indigenous groups have long been sedentary, living at the river mouths and along the beaches. About 50 percent of Caribs and Arowak now live in Paramaribo, where they have mingled with the urban population. The remaining 50 percent continue to live in villages on the coastal plains. Due to their proximity to the city and the activities of missionaries, most of these lowland communities are heavily influenced by Western culture, consumer goods, and technology.

Highland Indigenous peoples (Trio, Wayana, and Akurio) are traditionally (semi)nomadic and spread across southern Suriname for hunting, fishing, collecting, and other cultural and subsistence practices (Figures 2.2 and 2.3). Today, many have given up their ancient lifestyle and instead cluster at least for part of the year in permanent villages, the largest of which is

Kwamalasumutu (around 2,000 inhabitants in peak periods). For many Indigenous families, an important motivation to settle is better access to public services, such as schools and health care. In addition, missionaries have been pressing for permanent settlement in order to be able to reach a larger crowd. Today there are signs that, as resources (e.g. agricultural land, wildlife) around large population concentrations are becoming exhausted, family groups are dispersing once again.

### **2.2.2 Livelihood activities**

Traditional Indigenous and Maroon livelihood activities are hunting, fishing, gathering, and subsistence agriculture. The largest share of food comes from shifting or slash-and-burn agriculture. The main staple foods are cassava (manioc) and rice. In addition, forest gardens contain a wide variety of tubers, vegetables, and fruits, including: maize, sweet potatoes, yams, squashes, taro, arrowroot, peppers, beans, peanuts, bananas, plantains, and sugar cane. Game animals include a variety of birds, monkeys, deer, tapir, sloth, peccaries, armadillos, anteaters, rodents, and agoutis. Aquatic foods include fish, turtles, and caiman, though many Maroons have a taboo against eating the latter. Members from both groups collect fruits and nuts in the forest, and Amerindians also gather insects for consumption.

Changing lifestyles, clustered settlement pattern, and rising life expectancies are affecting the sustainability of traditional subsistence strategies. Indigenous Peoples and Maroons complain that they now have to travel longer distances from their home villages to find land that is suitable for agriculture. Those who cannot travel far tend to shorten the fallow periods of abandoned fields closer to home, which is exhausting soils permanently.

Most interior groups, particularly Maroons, have come to rely to a greater or lesser extent on goods and services from the coast. Where possible Indigenous and Maroon children attend public schools; the ill visit Western clinics; families eat canned fish, sugar, salt, and other processed foods; and people rely on shotguns, tools, plastic ware, and other manufactured assets. On the other hand, the kin-ordered societies in the interior have maintained a large degree of cultural, socio-economic, and political autonomy from the nation state. Children take part in traditional livelihood activities from a young age; forest medicine plays an important role in curing natural and spiritual diseases; families continue to produce, hunt, and fish a large share of their food; and many products continue to be fabricated from materials found in nature. Moreover, traditional political leaders and decision-making structures remain central to regulating society.

Despite closer integration into the national society, the interior remains deprived of essential public services. There is no electricity, public transport, running water, telecommunication network, postal service, and access to national television and radio in the grand majority of forest communities.

### **2.2.3 Political organization**

Maroon political organization is organized around the *lo* (matri-clan), which is made up of various *bee* (lit.: belly), a group of descendants of one living mother or grandmother. Traditional leaders are locally appointed, usually after spiritual consultation and according to traditional descend-rules. The paramount chief is called *granman* (*gaanman*). Each *lo* is headed by a head-captain (*Edekabiten*), and each village is headed by one or more *Kapiteins* (*Kabiten*), representing

the village lo's. The *Granman* and *Kapiteins* are assisted by *Basias* who take care of administrative matters.

Indigenous societies tend to be more loosely organized around kinship, sex, and residence. Each Indigenous village has a *Kapitein* (village head), who is usually assisted by *basias*. Only the Trio are headed by a formally recognized paramount chief or *granman*. The Indigenous chiefs of Apetina and Tepu are locally considered *granman*, but not recognized as such by the national government. Coastal Indigenous groups do not have one central leader. Especially in the Southern communities, shamans play an important role as traditional healers and spiritual leaders.

Traditional authorities receive a public salary and are accountable to the district commissioner. Even though their status is not legally recognized, government officials tend to respect their position. Traditional authorities do have some power of authority in local matters such as minor offenses (e.g. theft). They do not have a budget though, and hence depend on the government for investments in infrastructure, schools, medical care, and so forth. They also depend on national law enforcement agents to deal with serious crime, but only a few of the Indigenous or Maroon communities closer to town have a police post. For more isolated villages it can take several hours to days before the police or military arrives at the crime scene.

In both Maroon and Indigenous societies, decision-making about issues affecting the entire village is based on consent and may take days of gatherings or *krutus*<sup>6</sup>. Traditional authorities and elderly facilitate these meetings, but usually anyone may speak out. Maroons *krutus* also frequently serve to solve conflicts between different village members. In these cases, the captain or head-captain serves as a judge on respectively the village and lo levels, assisted by *Basias* and village elderly. Discussions, negotiations, and sometimes divination are employed to seek solutions, which may include a public beating, a fine, or an arrangement with the aggrieved party. Indigenous societies tend to place more emphasis on conflict avoidance and harmony. It is believed that conflict can result in supernatural retribution to the aggrieved parties.

## **2.3 INDIGENOUS AND MAROON LAND AND RESOURCE RIGHTS**

### **2.3.1 Customary law rules**

Customary law rules define access to and control over land between and within Indigenous and Maroon societies. Indigenous customary law places access to land and natural resources in the hands of extended families or clans. These kin-based groups used to live in separate villages and their members can use resources around these home communities to plant, hunt, fish, gather fire wood, obtain construction materials, and collect non-timber forest products. Access to land in the area of another clan can be gained through marriage or permission from the local clan head. Village authorities do not interfere in the destination of lands, though members may inform the head about the location of a new subsistence plot. Usufruct rights expire when the land is abandoned, and other community members can start using it at that moment.

Also among the Maroons, access to land is arranged at the clan (*lo*) level. Clan land is parceled out to its constituent *bee* or family groups, who allocate pieces to their various members. Matrilineally related women often plant near one another and work their agricultural plots collectively. Though the village captain regulates land use, individual members have rights to its

---

<sup>6</sup> IDB 2004

resources including game, fish, and forest products. These rights are temporary and land returns to the *bee* upon the death or departure of the user. The members of a certain *lo* are allowed to hunt or collect forest products for own consumption in the area claimed by another *lo*, but official permission is required if larger quantities are extracted or more intensive land-use (e.g. gold mining) is taking place.

Small pieces of land for (temporary) outside visitors are usually readily granted after a village meeting. Decisions about larger-scale mining and logging, either by tribal members or by outsiders, require more extensive *krutu* sessions at the village or even tribal level.

Indigenous and Maroon groups also abide by traditional rules for natural resources management. The head captain from the highland Amerindian village of Tepu explains:

“The government must not think that Indigenous peoples do not have laws for use of the land. ... You cannot kill some type of bushmeat in the dry season; you cannot take certain fish when the river is high; you cannot kill this type of animal in this and this month; you cannot use a specific type of tree in a certain period. ...” (June 2005)

Customary law rules are well-known and generally respected by the members of the various Indigenous and Maroon societies. Indigenous groups do not formally sanction violation by their members, but such behavior is considered rude and strongly disapproved of. Becoming the topic of village gossip after poor behavior is considered a shameful and a punishment in itself. Among the Maroons, violations of customary law rules are usually discussed in a *krutu* with members from both parties, and sanctions such as payment of some sort to the aggrieved party may follow.

### **2.3.2 Land rights at the national level**

Neither Suriname’s constitution nor other laws in the national legal system recognize the existence of ethnic groups that can claim special rights on the basis of their historically and culturally distinct status (see chapter 3). Whereas historic treaties with colonial rulers provided Indigenous peoples and Maroons with certain tenure security, in modern Suriname this sense of security has swindled.

Suriname land rights are formulated in the L-Decrees of 1982<sup>7</sup>. The basis for the L-Decrees is the so-called domain principle (*domeinbeginsel*) (Art. 1, Decreet Beginselen Grondbeleid). This principle contents that all land that cannot be shown to belong to someone else belongs to the state of Suriname. Since the introduction of the L-Decrees, the only title that can be obtained on state land is that of land lease (*grondhuur*), which is valid for a period between 15 and 40 years with the option to renewal. People with titles to land are the rightful owners of its surface but not of the subsoil resources.

Several laws, including the Mining Decree (1986) and the Forestry Act (1992), do comment on the existence of traditional societies in the interior, whose livelihoods must be respected. However, the interpretation of this ‘respect’ is arbitrarily applied in practice. An additional point of concern is that there is no institution where Indigenous Peoples and Maroons can go if they feel that their rights have been violated. Villages and tribal groups are not considered ‘legal

---

<sup>7</sup> Misiedjan and Misiedjan, 1999. *Wi Gôn na Wi Leti. Ons Woongebied is Ons Recht. Een grondenrechten educatie project in de marrongemeenschappen ter bevordering van de bewustwording omtrent grondenrechten onder het Surinaams en Internationaal recht en daarmee verbandhoudende vraagstukken*. Balance: Paramaribo, Suriname

persons', and hence cannot as a community bring a case to court. The Forestry Law states that they can send a petition the President to complain about mistreatment. Several petitions have been handed to the president who has not responded to anyone of them. Chapter 3 discusses the legal context of traditional rights to land and resources in greater detail.

On the positive side, politicians are showing growing awareness of Indigenous and Maroon customary rights in the past few years. Officials at the Geology and Mining Service and the Department for Forest Management and Forest Control (SBB), who advise the Minister on the allocation of mining and logging concessions, respectively, now discourage the allocation of concessions close to or overlapping with Indigenous and Maroons villages (See Chapter 4). They also promote consultation processes and advise against the renewal of concessions in contested territories. These efforts are laudable, yet without legal protection Indigenous and Maroon societies continue to depend on the goodwill of an arbitrary government coalition or multinational company. Moreover, many Maroon and Indigenous villages still are located in or on the edge of existing concessions, often without the knowledge or consent of their inhabitants.

## **2.4 HISTORY OF THE LAND RIGHTS ISSUE**

### **2.4.1 The first inhabitants**

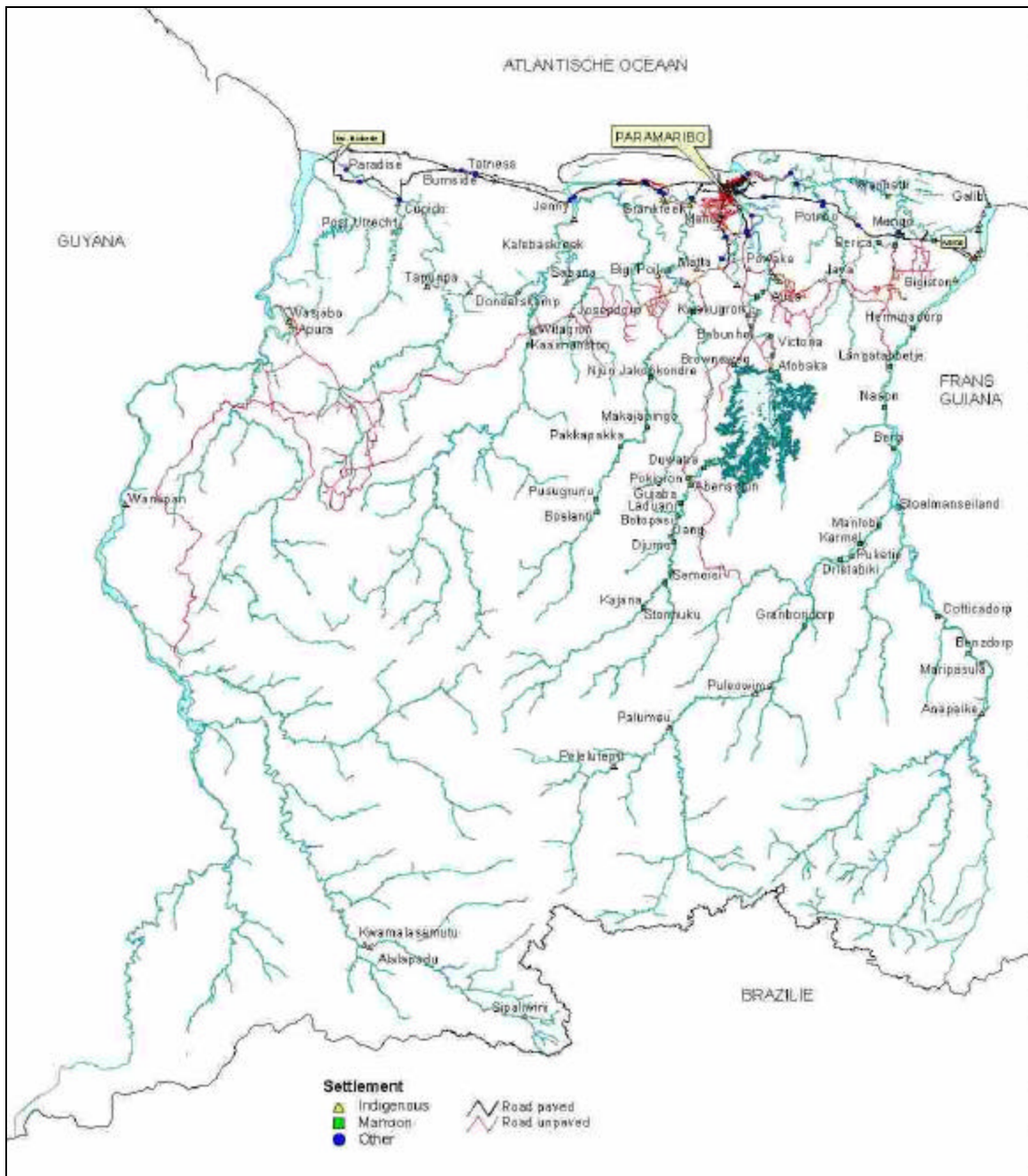
Prehistoric findings suggest that the first Indigenous Peoples reached the South of Suriname approximately 9,000-10,000 years ago. These nomadic groups moved across the Amazon basin, in and out of current Suriname. More permanent settlement occurred only much later. Around 500 AD the Arowak entered the coastal zone of the Guianas from the West. They created sedentary agricultural societies on mounds in the swampy coastal areas of west Suriname. Around 1100 AD, an invasion of Caribs forced the Arowak to leave their living areas. The Arowak and Caribs were fighting one another when the first Europeans set foot on the Western Hemisphere.

### **2.4.2 Colonization and early treaties**

Initially, colonization was not met by much resistance from Indigenous groups. The early British colonists used a divide and conquer strategy to safeguard their interests. The Caribs became middlemen in the trade in "red slaves", while they themselves were excluded from slavery. In 1668 the colony came in Dutch (Zeeuws) hands. The reduced number of white planters and weak Dutch defense system motivated the Caribs in 1678 to begin an Indigenous guerilla against the colonists, with simultaneous attacks on plantations throughout the coastal zone. Whereas Indigenous groups initially had attacked African slaves, they later encouraged them to flee the plantations. The Dutch failed to subdue the attacks with military force, and also efforts to incite the Arowak to fight the Caribs were without result.

More successful were reconciliation efforts with the Caribs of the Corantijn and the Marowijne Rivers, which resulted in peace treaties with these two groups in 1680. More aggressive military attacks against the Caribs in the Saramacca, Copename, and Suriname River basins ultimately decimated Indigenous resistance. In 1686 Gouverneur van Van Aerssen van Sommelsdijck managed to close peace deals with the remaining Indigenous groups. While it remains unclear whether the peace treaties with the Amerindians were oral or written ordeals (no written treaties have been found), they were taken seriously and considered binding for both parties.

Figure 2.3 Main Indigenous and Maroon villages in Suriname



Source: NARENA © 2005. Note that not all villages are drawn for reasons of clarity.

The treaties recognized Indigenous societies as sovereign nations with the freedom to settle where they wanted and live according to their traditional customs. They did not provide new rights but rather confirmed arrangements in earlier legal documents, such as the Capitulation treaty (*Capitulatieverdrag*, 1667) between the British and the Dutch and the Governmental Order of 1629 (*Ordre van Regieringe*), which explicitly recognized and guaranteed legal property rights for Indigenous Peoples.

Throughout the period of slavery, slaves fled the plantations and homes of the wealthy into the forest. Individual runaways and small groups soon formed larger bands, and ultimately more structured societies with rulers, customary laws, and territories. These Maroons or Bush Negroes, as they were called, were a nuisance and fear to the colony. By raiding plantations for food, arms, tools, and new members –particularly women- and by forming a safe haven for new runaways, they undermined the power of the ruling Dutch colonial class. Military expeditions aimed at exterminating the Maroons not only were expensive in terms of money and human lives; they also failed miserably at their task. These conditions forced the colonial government to sign peace treaties with the Ndyuka (or Aukaners), Saramaka, and Matawai Maroons in the 1760s. These peace treaties were renewed in 1830, and in 1860 the government signed a peace treaty with the last rebelling Maroon group: the Boni or Aluku.

The treaty with the Ndyuka (10 October 1760) states that these Maroons could continue to live where they were living or elsewhere in the interior, under the condition that they would stay at least 10 hours of travel away from the plantation zone. The treaty also specified Ndyuka rights to use and sell forest products and wares made of them (e.g. boats). The treaties with the other Maroon groups had a similar content.

#### **2.4.3 Assimilation policy (1940s – 1980)**

For long, the coastal zone with the capital city of Paramaribo and the interior developed and operated largely separated from one another. The territorial rights of Indigenous Peoples and Maroons, based on the peace treaties, were hardly contested as long as there was little state interest for industrial development of the interior. Activities related to the first gold boom (1875-1908) affected the contemporary status quo minimally.

Land rights became a more prominent issue in the late 1940's, when the Dutch colonial government launched plans for development of the forested areas. The Wellbeing Fund of 1947 and the 10-year plan (1955-1965) advocated opening up of the interior by research, urbanization, and development of the mining and logging sectors. In 1958, interior populations demanded attention for the impact of these developments on their lands and lives but they were not heard.

Interest for the areas where Maroons and Indigenous groups were living intensified with operation Grasshopper in the late 1950s. The Brokopondo agreement (1958) between the government and multinational mining company ALCOA promulgated development of the bauxite industry and construction of a hydropower lake in the District of Brokopondo in the 1960s. As the state became more actively involved in logging and minerals exploration, several public services conducted research and mapping of the interior, including the Geological Mining Department (GMD).

As Suriname intellectuals advocated national independence, which resulted in the formation of the independent Republic of Suriname in 1975, also Indigenous and Maroon leaders became more concerned about their rights to land. This new awareness incited a more active struggle for

recognition of these rights in the Suriname constitution. Several smaller conflicts about land ownership escalated in 1976 in a march of Indigenous Peoples in Paramaribo. An action week two years later carried the slogan “Land rights are also human rights”. This protest was directed at a public plan to allocate plots to the area around Santigron for “civilian horticulture” (*burgerlijke tuinbouw*). Indigenous and Maroon groups presented the *Declaration of Santigron* (1978), in which they demanded the legal recognition of their land rights.

The trigger for these actions was a development plan for Western Suriname, which had as a purpose to assimilate Indigenous and Maroon groups in order to create “more orderly” conditions in the interior. One of its components was a notorious plan from the contemporary Ministry of District Governance and Decentralization to regroup Maroon villages into larger cities designed to the European model with straight roads and squares, surrounded by a school, church, and clinic. Agricultural fields were to be located around these model villages.

In this same period, plans arose to develop large-scale bauxite exploitation around the Indigenous village of Apura, on the border with Guyana. Apura was to become a harbor, railway, and industrial city. A hydropower plant in the Kabalebo area was to deliver power for this operation. The Indigenous villages of Apura, Section, and Washabo were to be relocated or “integrated” in the new industrial environment. The activities were initiated by building roads, which ran through agricultural plots and awara tree (*Astrocaryum aculeatum*) plantations. The owners were not consulted. Some compensation was being offered, as well as the option to obtain individual land titles to plots in “New Apura”.

In response to Indigenous and maroon protests, the government installed a commission under the chairpersonship of juridical expert A. Quintus Bosz to evaluate the issue. No tangible results were produced before the 1980 military coup abruptly stopped all development activities in the interior. Today some of the old development plans, including the construction of a hydropower plant in the Kabalebo area, are back on the negotiation table.

#### **2.4.4 Military rule (1980-1992)**

In 1980, a military coup ended democratic governance. The new, military backed government was in rhetoric supportive of the protection of customary land rights. Referring to interior populations, the Decree Origins Land Policy (*Decreet Beginselen Grondbeleid*. SB 1982, 10) stated that “rights to their villages, communities, and agricultural plots will be respected”. Yet these and similar words in the governmental declaration of 1983-1986 did not change anything in a legal sense.

In 1986, a series of armed attacks by Maroon insurgents on gasoline stations and police posts in East Suriname incited a civil conflict which became known as the Interior War (*Binnenlandse Oorlog*). The conflict was fought between the military government and a group of Maroon insurgents named the Jungle Command (JC). Various smaller armed groups joined the conflict later, including the Tucujana Amazonas, an Indigenous guerilla group supported by the National Army.

Even though land rights were no longer on the formal political agenda in these years, they remained slumbering in the minds of people from the interior. The Tucujana Indigenous group, for example, claimed complete authority over a substantial area surrounding their villages. An early attempt at peace, the Kourou Accord between the Government of Suriname and the Jungle Command, explicitly refers to resolution of the land rights issue.

As the conflict was running to an end, applications for timber and gold concession in the interior began to flood the Ministry of Natural Resources. Meanwhile old concessions and timber cutting licenses (HKVs) were being reactivated or sold. Increasing infringement on Indigenous and Maroon lands caused friction. In 1990 the inhabitants of the village of Klaaskreek held the laborers of a concessionary hostage. Around the same period, the employees of a gold concessionary were sent home after threats by the local population in the Aluku area. Protests also arose in Santigron, Marijkedorp, and various other villages along the Marowijne River near Albina. Here the source of conflict was the allocation of lands claimed by Indigenous peoples and Maroons to accommodate second homes for urban citizens and national parks.

The Interior Conflict formally was ended on August 8, 1992, with the signing of the Lelydorp Peace Accord. This Accord included various resolutions on development of the interior, land rights, and the position of traditional authorities. Among others, it explicitly stated that the government would allocate legal titles to land, including an economic zone, for Indigenous and Maroon societies (See also Chapter three).

The Accord also ordered the creation of a Council for the Development of the Interior (*Raad voor de Ontwikkeling van het Binnenland, ROB*), to be established in consultation with interior representatives (art. 4). This Council was to advise the government on interior development and evaluate progress towards this aim. Among its tasks would be to determine the borders and size of the lands lived on by Indigenous Peoples and Maroons (Art 10.2). To date, none of the Lelydorp Peace Accord provisions have materialized into improved living conditions or changes in the legal status of Indigenous Peoples and Maroons.

#### **2.4.5 First Venetiaan government (1991-1995)**

In 1991, Venetiaan became the first democratically elected president after the military dictatorship. His government declaration of 1991-1995 prioritized development of the interior, though with respect for social and ecological limitations and the economic interests of interior populations. In practice, little was done to safeguard these interests and understand social limitations to industrial development during Venetiaan's governmental term.

In October 1992, in line with the Peace Accord, the Ministry of Natural resources installed the Committee for Inventory of Land Rights and Concessions, chaired by Mr. Redan. The Council for Development of the Interior (*Raad Ontwikkeling Binnenland – ROB*) was only installed in 1995. Neither of these councils produced concrete recommendations or other tangible results to inform land rights policy.

Meanwhile industrial development of the interior intensified. Large stretches of land were granted to foreign lumber and mining companies (See chapter 4). In 1994, in response to frequent criticism on its land policy, the Ministry of Natural Resources installed the Commission Land Policy (*Commissie Grondbeleid*). After evaluation of contemporary land management, registration, and destination, this commission suggested more efficient registration and computerization, and improved transparency, access, and planning. Few of the recommendations from this report were translated into concrete policy measures.

#### **2.4.6 Wijdenbosch and the Buskondre Protocol (1996-2000)**

In 1996, Wijdenbosch succeeded Venetiaan as president of the Republic of Suriname. During its initial year as president, Wijdenbosch installed a new committee to study the land rights issue and recommend a strategy for resolving it. Committee Mijns, named after its initiator, visited several communities around Paramaribo and in the coastal zone. Yet adequate execution of its tasks was limited by a lack of ministerial support and resources. As a result, the committee did not bring a solution for the land rights issue closer.

In 1998 president Wijdenbosch installed a new ROB. This Council differed from the one installed in 1995 in that its members were not directly chosen by Indigenous Peoples and Maroons, but appointed by the president. This second ROB did briefly occupy itself with the land rights question. However, the Council could not function efficiently as members were discontent with the top-down and undemocratic selection of candidates. Again, no coherent reports, recommendations, or results were achieved.

On February 18 and 19, March 31<sup>st</sup>, and the 1<sup>st</sup> of April, the government organized a *Buskondre Dey* (Interior Day) together with the traditional authorities of the indigenous peoples and Maroons. The participants drafted a Presidential Decree (No. PB 28/2000), which became known as the *Buskondre Protocol*. The Protocol recognizes the collective rights of Indigenous Peoples and Maroons, who are to obtain the absolute usufruct rights to a to-be-determined area. In order to not contradict the national Constitution, the Buskondre Protocol includes a clause to ensure that the national interest prevails over these collective rights. In these cases, the document mentions –though not in much detail- procedures of consultation and compensation.

In the end only 10 out of 16 members of the delegation of traditional leaders signed the protocol. There were various reasons for discontent. In the first place, it was felt that rather than providing real rights, the government held the power of decision-making in its own hands. Secondly, the compensation-fund was considered too vague. The traditional leaders also felt that the public interest was formulated too narrowly, as it excluded the interests of people from the interior. As an example they referred to the Brokopondo project; transmigration villages only received electricity in the late 1990s, about 30 years after they had been forced to move. For these reasons, Granman Gazon of the Ndyuka Maroons, among others, refused to sign the protocol. Finally, there was no opportunity for Indigenous and Maroon leaders to consult with their constituency. The organization of Saramakan authorities, for example, rejected the protocol because they had not been consulted. Indigenous signatories only signed the document conditionally, and requested an amendment to the protocol with their concerns – which was never added.

Because President Wijdenbosch was sent home in 2000, after mass public demonstrations to protest financial mismanagement and corruption, its government did not have a chance to bring the Buskondre Protocol into practice. Ignored by the subsequent government Venetiaan II, nothing has happened with it since.

#### **2.4.6 Second Venetiaan government**

In May 2000, Mr. Venetiaan was elected for a second term as President. The 2000 government declaration did not mention the Buskondre Protocol, nor in other ways refer to collective rights for Indigenous Peoples and Maroons. Neither did the Multiple Year Development Plan (MOP) 2001-2005, which was presented in July 2001, acknowledge the issue.

One action in the area has been the installation of a third ROB in 2002. The new Council has 15 democratically elected members: five government representatives, six Maroons, and four Indigenous individuals. Because the new ROB did not inherit any documentation or archives from the previous two Councils, the work is restarting from the beginning. So far the Council has occupied itself with management and logistics. It is hoping to produce more concrete results during the new governmental term. Overall it can be concluded that no progress has been achieved in this matter under the Venetiaan II government.

## **2.5 SYNTHESIS**

The Republic of Suriname, located on the Northern tip of South America, is sparsely populated. The vast majority of the diverse population of this tropical Caribbean nation lives at the coastal zone, primarily in the capital of Paramaribo. While Suriname is a developing nation in economic terms, the country is wealthy in natural resources. Minimally impacted tropical rainforest covers 80 percent of the country. In addition, the country is endowed with valuable mineral resources, which constitute an important share of GDP and export values.

Independence (1975) was followed by political and economic instability. While democracy has returned in 1992, the national economy continues to struggle and largely depends on development aid and informal sources income (per capita GDP = US\$ 1,945). Education and health care have deteriorated in line with economic decline. The quality of these public services in the coastal zone remains reasonable but is substandard in the interior.

Suriname is the home of four groups of Indigenous peoples (Approx. 2.7 percent of population) and six Maroon societies (Approx. 11.4 percent of population). The members of these groups depend on the forest and other natural resources for their subsistence, practicing shifting agriculture, hunting, fishing, and gathering. The forest also provides medicine, construction materials, tools, and many other items for daily use. Despite their closer integration in the national cash economy in the past two decades, traditional communities have retained much of their cultural heritage, including ancient livelihood strategies, knowledge, governing structures, and cultural and spiritual expressions (e.g. religion, music, ceremonies). Most traditional villages and settlements are deprived of essential public services. Indigenous and Maroon customary law rules contain detailed arrangements for access to land and resources, natural resources management, and resolving disputes about these matters. The national legal system, however, does not legally recognize or protect these customary land and resource rights.

History shows that without legal recognition of rights to land and natural resources, Indigenous peoples and Maroons are frequently ignored and disadvantaged in national development schemes. Historic treaties with colonial rulers acknowledged the rights of Indigenous and Maroon groups to inhabit and use certain lands within the Suriname territory. These rights, however, were not included in the legal framework of the independent Republic of Suriname, as will be further explained in Chapter three. As a result, Indigenous Peoples and Maroons depend on the goodwill of the government and multinational companies in the wake of rapidly encroaching industrial development of the interior. These development processes repetitively threaten their livelihoods and violate their basic human rights. Chapter four zooms in on the effects of mining, logging, hydropower development, national parks establishment, and other public and private activities on traditional lands.

We can draw various lessons from history. First, despite rhetoric suggesting the contrary, land rights have not been a priority of subsequent governments. This observation is confirmed by an

analysis of the government perspective in Chapter five. The lack of public concern with Indigenous and Maroon land rights reflects a broader neglect of interior communities as equal citizens of the Republic of Suriname, with the equal rights to education, health care, infrastructure, and other public services. A dramatic change in attitude and awareness among government officials, as well as greater political representation of Indigenous and Maroon representatives, are required to change this situation.

Second, both the government and Indigenous and Maroon groups have only placed land rights on their agendas of in times of crisis. The 17<sup>th</sup> and 18<sup>th</sup> century colonial governments, for example, assigned Indigenous peoples and Maroons rights to land and resources after successive failures to subdue these groups with force. In the mid-20<sup>th</sup> century, traditional societies reclaimed these rights under threat of operations to open up the interior to industrial development. Subsequent Indigenous and Maroon protest actions led various governments to, albeit halfheartedly, reconsider the land rights issue. As we will see in Chapter 6, traditional societies are now eliciting the assistance of national and international expertise to take the issue closer to a legal solution.

Historic analysis suggests that actions of both the government and Indigenous and Maroon groups lack a coherent, long-term plan to resolve the issue more permanently. Each new government abandons all activities initiated by its predecessors to revisit the problem from the start. Meanwhile protests by Indigenous Peoples and Maroons have tended to be sporadic, isolated outbursts rather than actions leading towards a clearly described goal. Finding a mutually satisfactory and sustainable solution will be aided by the development of a long-term, durable strategy among the stakeholders.

Finally, Indigenous peoples and Maroons have as of yet not been able to formulate a unified plan of action. As further explored in Chapter 6, a couple of joined meetings have been held and the various traditional societies have adopted similar means to draw attention to their case, such as mapping, petitions, and *krutus*. To date, however, Indigenous and Maroon groups have tended to work in isolation from one another. Resolving the land rights issue to their benefit, and that of the nation state, will gain from the development of a common voice among these groups.

### CHAPTER 3

## LAND RIGHTS IN SURINAME'S LEGAL FRAMEWORK

*“....Why does the government make good laws to protect nature and to protect animals, but not to protect living human beings?”<sup>8</sup>*

Conflicts over Suriname's lands and resources are not something of today (see Chapter 2). Pre-Columbian Indigenous groups already competed with one another over land at the coastal plains. Yet the nature of such struggles changed dramatically with the arrival of Europeans. In contrast to Indigenous groups, European colonists claimed extensive stretches of land where they did not settle or employ activities as legally theirs. As a result of the conquest, Indigenous rights to land have come to depend on formal agreements within a legal system that is foreign to them. Customary law rules about land use that were developed over centuries have no validity within this imposed legal system, and hence fail to protect Indigenous Peoples' access to the resources they direly need to pursue their livelihoods today.

Not native to Suriname, Maroons won rights to inhabit and use specific territories in the Suriname hinterlands after fierce resistance to a life in slavery. Since their struggle began about four centuries ago, Maroons developed customary law systems to regulate access to land and resources; both among themselves and with their Indigenous neighbors. Like this latter group, they have learned that neither these customary rights nor the treaties they signed with the colonial powers have legal significance in Suriname's current law system. Without legal rights to land, the Maroons' fight for freedom continues.

In this chapter, we explore if and how the Suriname legal system recognizes and protects Indigenous and Maroon land and resource rights. We start with a legal description of land rights in the Suriname Constitution, followed by an analysis of the most important national laws with regard to land rights: the L-Decrees, the Forest Management Act, the Mining Code, and Nature Conservation laws. Several national policy documents on land rights are evaluated next, notably the Peace Treaties, the Lelydorp Peace Accord, and the Buskondre Protocol. The legal analysis concludes with a discussion of Suriname's obligations under international law, focusing on multilateral agreements and conventions it has ratified.

### 3.1 THE CONSTITUTION

The constitution of 1987 was written by the military government (S.B. 1987 no. 116), and modified with return to democracy in 1992 (S.B. 1992 no. 38). The domain principle in the current constitution declares all natural resources property of the state (*domeinbeginsel; dominium eminens*):

“Natural wealth and resources are property of the nation and need to be devoted to economic, social, and cultural development. The nation has the inalienable right to fully take possession of the natural resources as to use these for the benefit of economic, social, and cultural development of Suriname”

---

<sup>8</sup> Head captain Tepu, June 2005

The word ‘nation’ here refers to the population of Suriname at large. The nation is part of the state<sup>9</sup>, which is represented by the government. ‘Natural wealth’ refers to all materials with monetary value that may be found in or on Suriname territory. ‘Resources’ are the substances that can be used to obtain materials with monetary value, such as hydraulic power to obtain energy. The state is the primary authorized body with rights to natural wealth and resources. It entrusts implementation of this article to its representative, the government. The government in its turn is obliged to use these materials for development of the nation; including Indigenous Peoples and Maroons.

### 3.2 L-DECREES

In the 1980s, the military government passed several land reform decrees that become known as the L-Decrees. The Domain Decree of 1981 determines new rules with regard to the legal status of (seemingly) abandoned lands (S.B. 1981, no. 25). It states that

“The President is authorized to declare, by resolution, the expectation that neither property rights nor any other real title apply to a particular piece of land, and that this land hence is part of the free domain of the state.”

(Art. 1, subsection 1)

Because customary laws are not considered in this statement, Indigenous and Maroon lands fall within the state domain and hence can be allocated in concession to third parties. The phrasing of this Article suggests that the government takes into account that lands may be unknowingly occupied.

In a 1983 amendment, the Decree Principles Land Policy (*Decreet beginselen grondbeleid*, S.B. 1983 no. 103) states that:

“The [customary] rights of Maroons and Indigenous Peoples living in tribal societies on use of domain land will be respected as long as these rights do not conflict with the national interest.” (Art. 4, subsection 1)

In this context ‘national interest’ is defined as the execution of a project within an approved development plan (subsection 2). The memorandum of clarification adds that people from the interior will be taken into account until they are integrated in the national society. Integration here refers to moving to the coastal plains so that the interior is freed up for development.

With adoption of the L-Decrees, the right to land lease (*grondhuur*) was introduced as the only title under which to obtain domain land. Earlier allocated real titles remained valid; though titles such as long lease (*erfpacht*) will be eventually changed into land lease. The L-Decrees legally confirm the domain principle that all land that cannot be claimed with a real title, including the living and usufruct territories of Indigenous Peoples and Maroons, belongs to the state.

### 3.3 FOREST MANAGEMENT ACT

The Forest Management Act of 1992 (S.B. 1992, no. 80) fundamentally changed Indigenous and Maroon rights to land. In the first place, it abandoned the Timber Cutting License (Houtkapvergunning, HKV) that was installed under the timber law of 1947, in favor of a new

---

<sup>9</sup> The State consists of: population, territory, government, and the competence to enter international affairs independently.

title: Communal Forest<sup>10</sup> (*Gemeenschapsbos*; Art. 1.o). The 1992 Forest Management Act defines Communal Forest as “areas surrounding Communal Lands that have been assigned as communal forests for the benefit of forest peoples living in villages and settlement in tribal societies, and that serve to meet subsistence needs of food and forest products, as well as for the purpose of possible commercial timber extraction, the collection of Non Timber Forest Products, and agricultural use.”

Communal Forests differ from the HKV in various ways. Firstly, the HKV only allowed for the use of timber. The Communal Forest provides broader usufruct rights, though cultivation or removal of forests set aside for conservation is forbidden (Art. 8). Furthermore, the original purpose of the HKV was to provide in the subsistence needs for timber among interior populations. The Communal Forest also allows for commercial timber production (see also Art. 12.2). In the third place, the HKV was given out to the village head. It was assumed that this person would use the license to the benefit of the village. This construction led to conflict and abuse in cases where traditional authorities sold their exploitation rights to third parties without consulting their communities or sharing the profits equitably with them. By contrast, the Communal Forest is a communal title. A village authority (usually the captain) will act as the manager, but he or she can only allow a third party to use this land with permission of the village and in the presence of the District Commissioner. The presence of this latter person should prevent that this third party (e.g. a logging company) closes an agreement that is disadvantageous for the village.

While the HKV is no longer allocated, about 435,000 ha of forest continue to carry this title, particularly in Marowijne District (Figure 4.1). In 1992, commercial timber extraction in these areas has been permitted, and about 25,000 ha are being logged commercially in these areas every year. The Department of Forest Management and Forest Control is now trying to get HKV title holders to exchange their title for one of Communal Forest. No concession fee is paid for communal forest. The HKV was allocated up to the day of cancellation by either of the parties, and hence could be withdrawn at any point of time. The time of validity of the Communal Forest is not clearly stated in the Forest Management Act.

The 1992 Forest Management Act also refers to Communal Land (*Gemeenschapsgrond*; art. 1.n), which it defines as “land where forest peoples living in tribal societies have settled in villages or settlements, as well as land that they have to cultivate or are allowed to cultivate”. The above suggests that the lawmaker implies title to land when referring to communal land. This may be concluded from use of the words ‘settle’, ‘have’ and ‘allowed’. Settlement implies a condition of permanent stay; ‘have’ implies property; and ‘allowed’ suggests legal permission from the lawmaker. In practice, the legal value of such title has been inadequate.

Article 18 of the Forest Management Act implies protection of the territories of forest peoples living in tribal societies. It states that the concessionaire or holder of an exploration license whose land overlaps with a village or agricultural lot cannot apply for expansion or extension. This regulation means that the title holder cannot claim part of the land that belongs to the village or agricultural plot, nor remove them.

Where the industrial interests of outsiders and traditional land uses by Indigenous Peoples and Maroons are in conflict, the “customary law rights of inhabitants of the interior [...] will be respected *as much as possible*” (Art 41.1.a., emphasis added). The line ‘as much as possible’

---

<sup>10</sup> Though SBB is making an effort to change these titles to Communal Forests, about 435,000 ha of the forests in timber concessions (2.2 million ha) continue to be in the form of a HKV today.

implies that there will be moments where customary rights will not be respected. When this occurs the injured party (traditional authorities) may appeal to the president, who will install a committee to advise him on such matters.

This procedure has not been working well in practice. Maroon and Indigenous representatives who have appealed to the president never received an answer (See Chapter 6). Moreover, the committee that is to advise the president in such cases has never been installed. It also remains unclear what steps may follow after rejection or approval by this committee. The law does permit the government to either suspend exploitation activities or withdraw the concession (Art. 18, juncto 36.1.c). Finally, the strength of customary rights is limited by the domain principle, which defines Domain Land (*Domeingrond*) as “all land without any real user rights” (Forest Management Act, Art. 1.f). Because the lands that Indigenous Peoples and Maroons inhabit and use are part of the domain or territory of the state, there is legally no case of ‘violation’ when the government infringes on this land.

In conclusion; the 1992 Forest Management Act intends to build in protective measures for Indigenous and Maroon lands while not restricting use of the forest for national economic development. The lawmaker has introduced the titles of Communal Land and Communal Forest to give legal recognition to the customary land rights of forest peoples living in tribal societies. However, these titles are insufficient because the lives and livelihood activities of these forest peoples are not limited to Communal Forests. Moreover, the law does not mention the size and time of validity of Communal Forests. Finally, protection of customary land rights continues to be weak as the state may overtake these lands in the name of the national interest. Mechanisms for appeal, consultation, and compensation are neither adequately regulated by law nor executed in practice.

### 3.4 MINING REGULATIONS

#### 3.4.1 1986 Mining Code

The 1986 Mining Code (S.B. 1986 no. 28) distinguishes the *Dominium Eminens* (ownership of mineral resources in and on the ground) and *Dominium Vulgaire* (ownership of the naked land), as stated in Art. 1: “Mineral resources in and on the ground are supposed to be separated from land ownership.” Ownership of mineral resources is in hands of the state (Subsection 2). As we learned from the constitution, the state has the legal right to do anything necessary to use these resources to the benefit of the nation, including the removal of people. This principle applies to all lands on Suriname territory regardless of title.

The Mining Code pays little attention to the customary rights and living territories of Indigenous Peoples and Maroons. The only clause that considers people living in tribal communities is Article 25, which states that applications for exploitation licenses must include a list of all tribal villages located in or near the requested concession (subsection 1)<sup>11</sup>. This clause does not provide legal protection. In fact, the inhabitants of the mentioned villages are “obliged to allow the holder of [a mining] right to carry out mining operations ... on land owned or occupied by them: (a) provided that they have been notified on time ... (b) and have been compensated in advance or

---

<sup>11</sup> Article 46 provides definitions of, among others, private land, rightful claimant (*rechthebbende*), and third interested party (*derde-belanghebbende*). None of these definitions applies to the customary rights of Indigenous Peoples and Maroons.

been given assurance for such compensation.” (Art. 47). It is not required that affected communities are consulted about, participate in, or consent to the allocation of the concession in question (IDB 2004). Even these minimal provisions are often ignored; mining concessions are frequently granted on tribal lands without prior “notification”. Compensation is insufficient or non-existent.

### 3.4.2 Draft Mining Code of 2002

A new mining law was drafted in 2002 by the Society of Geologists (*Maatschap der Geologen*) to address some of the problems currently experienced in the mining sector and paucities in the existing mining legislation. The processes of drafting and approval have been lengthy and contested. Today, three years after the first draft version appeared, the new Mining Decree is being evaluated in the State Council (*Staatsraad*). From here it will be sent to the National Assembly for approval. Implementation will take several months – if not years- more.

The new draft Mining Code (Version of 16-10-2003) is an improvement over the old Mining Code in several areas, including environmental standards (among others art. 13.5; art. 20; art 30.1; art 38.1j; art. 41; art. 45.1; and art. 64), labor relations, and the employment of foreign laborers (art 18). Furthermore, several administrative changes have been made in an effort to regulate small-scale mining in a way to protect the interest of the miners. Yet the new draft mining law has several weak points, most of which can be traced back to poor stakeholder consultation. Indigenous and Maroon peoples were left-out of stakeholder meetings all-together.

A recent IDB report<sup>12</sup> criticizes draft the Draft Mining Code’s Chapter IV on the rights of third parties, which:

“...distinguishes between two categories: “title-holders” and “traditional rights-holders.” Title-holders are defined as persons possessing real title to land and registered “personal” use rights. Traditional rights-holders are indigenous and tribal peoples. Both title-holders and traditional rights-holders must accept mining on their land, subject to prior notification and agreement concerning compensation for damages. If title-holders are unable to agree with the mining company, they have a statutory right to appeal to the courts. If traditional rights-holders are unable to reach agreement, however, the “Executive” is authorized to resolve the matter by issuing a binding decision; there is no right of appeal to the courts. According to the explanatory note, this discrimination against indigenous and tribal peoples is warranted because “traditional rights are not suited to the normal [judicial] procedure, because these concern communal rights and not individual rights”<sup>13</sup>” (IDB 2004: 42)

The UN Committee for Eradication of Racial Discrimination recently called the draft mining code law ‘discriminatory’. Clauses about relations with traditional title holders are limited to obligations to submit a social impacts assessment, produce a map of the possibly impacted villages, and develop not further defined “community relations”.

---

<sup>12</sup> IDB. 2004. Suriname. An Overview of Indigenous and Tribal peoples. Paramaribo, Suriname

<sup>13</sup> *Explanatory Note to article 76 of the Draft Revised Mining Act*, pp. 28.

### 3.4.3 Brokopondo agreement and follow-ups

In 1958, the Brokopondo agreement (*Brokopondo overeenkomst*) gave the Suriname Aluminum Company, Suralco, for 10 years the “exclusive right to exploration of Bauxite, with regard to state (*domein*) lands, and concerning private lands a preferential right to exploration” (Art II.2). Reflecting the zeitgeist of the moment, this document mentioned neither Maroons and Indigenous peoples, nor any strategy to deal with possible customary inhabitants and users of the lands. A supplementary legal code stated that “Rightful claimants and personal title holders are obliged to tolerate the exploitation of bauxite on their lands:

(a) Given that they have been informed in advance by the concession holder, with demonstration of the license, of his intention to execute such exploration including the time period when and place where such is to take place.

(b) Against compensation that has been paid or determined prior [to the exploration activities] ...” (*landsvordering* No. 9, 1958)

The regulations for consultation and compensation and legal procedures to follow in the case of disagreement are worked out in subsequent articles and legal codes (among others, Articles 5 and 6; and Legal code No. 10, 1958). The arrangements do not apply to Indigenous and Maroons communities because under Suriname law they are not ‘rightful claimants’ or ‘personal title holders’

While the Brokopondo Agreement was signed at a time that native land rights were not considered an issue, it is more curious that the Bauxite agreement of 1993 does not refer to Indigenous or Maroon Peoples or the rights of possible occupants of the land. Neither do the legal provisions that installed the Bauxite Institute in 1981 mention Indigenous peoples and Maroons, or relations of the government and mining companies with these groups (Decree E-9 1981 #14)

## 3.5 NATURE CONSERVATION LAWS

The Nature Protection Law of 1954 (*Natuurbeschermingswet*; G.B. 1954 no. 26 Gew. S.B. 1992, no. 80) regulates the implementation of protected areas such as nature reserves:

“To the protection and conservation of the natural wealth present in Suriname the President may, having heard the State Council, assign by decree lands and waters that are part of the national domain as nature reserves.” (Art. 1)

The Nature Protection Resolution (*Natuurbeschermingsbesluit*) of 1986 adds that:

“In the case that villages and settlements of people living in tribal societies are located within the area assigned by state decree as a nature reserve, their rights obtained from this status will be respected.”

Again, the law includes several restrictions to these rights, which only are valid (a) if the national goal of the nature reserves is not violated; (b) for as long as the rationale for those traditional rights and interests remains valid; and (c) during the process of growing toward one Suriname nation. Without specification of ‘valid’ and ‘one Suriname nation’ this formulation is vague. Most likely, these terms refer to assimilation of the Maroons and Indigenous groups in mainstream society, in which case their special rights would be withdrawn. The memorandum of understanding adds that people living in tribal societies will be allowed to continue their traditional customs as long as these customs do not contradict other national laws, such as the national hunting law.

To date, the Suriname government has done little to formalize community consultation procedures prior to the establishment of protected areas. It still happens that affected Indigenous Peoples and Maroons are notified only after the decision has been taken (see Chapter 4). Efforts to involve local communities have come from conservation organizations such as Conservation International and WWF.

In 1998, the establishment of the Central Suriname Nature Reserve was made official by a presidential Nature Protection Resolution (*Natuurbeschermingsresolutie*). Article 2 of the Resolution provides that the:

“villages and settlements of tribal bushland inhabitants will be respected, unless  
(a) the public interest or the national goal of the established nature reserve is harmed; or (b) it is provided otherwise.”

The resolution does not protect traditional agricultural, hunting, fishing, and gathering areas, or sites of religious and cultural significance. Neither does it specify to what extent Indigenous Peoples and Maroons are considered part of the CSNR. It is clear though that their rights have to yield for a vaguely defined ‘public interest’, which here seems to refer to the protection and conservation of nature (flora and fauna). Observing the above, the *granman* of the Wayana comments:

“Why does the government not want to give us land? Why does the government not tell large companies: ‘You cannot go where Indigenous Peoples live, you cannot destroy their forest, you cannot destroy their land, you cannot take their gold’? The government protects natural resources such as the forest, bush meat and so forth, but not human beings. ... We are valued less than the peccaries.”  
(Apetina, June 2005)

### 3.6 PEACE TREATIES

Between 1760 and 1837, eight peace treaties were signed between the Maroons and the ruling colonial government. Indigenous groups had closed peace with Governor Van Sommelsdijck about a century earlier (1686). Because no written agreements with Indigenous groups can be found, it is assumed that these early peace treaties were oral agreements. The Maroon peace treaties were written (See also Chapter 2.4.2).

The treaty with the Ndyuka (10 October 1760) states that these Maroons:

“...will be free to live at the place where they now are or elsewhere if they would wish so, possibly at the headwaters of the rivers of this colony, after having informed and obtained permission from the government. However, they are obliged to stay at least 10 hours distance from the nearest plantation. They will be free to cut timber for subsistence use” (Art. 2).

The latter sentence suggests recognition of an economic zone around the villages (Art. 2). Article seven, which declares that they may sell their products, cattle, timber, and boats in Paramaribo also implies that Maroons have ownership over those goods produced around their villages. By forcing Maroons to live in their interior villages the peace treaties not only recognize usufruct rights to land, but also force the Maroons to use this right. Article 3 of the 1762 peace treaty with the Saramaka Maroons has a similar content.

It is apparent in all these treaties that Maroons were not allowed to move or travel to town without the Governor being notified. It probably was not the government’s intention to give the Maroons rights to land. However, after signing the treaties customary laws about living and usufruct rights developed and could no longer be ignored by subsequent governments.

What is the legal status of these treaties today? There is no unequivocal answer to this question. The treaties are often ignored by government officials as colonial documents that no longer have relevance for the Republic of Suriname. Yet no legal person has ever explicitly stated that these treaties are no longer lawful. The Maroons perceive the treaties as the contractual basis for their relation with the government, and as legally valid. One way to solve this dilemma would be before the judge in a court case.

### **3.7 LELYDORP PEACE ACCORD**

The Interior War (1986-1992) formally ended with the signing of the Accord of National Conciliation and Development (*Accoord van Nationale verzoening en Ontwikkeling*) between government representatives and leaders of the Indigenous and Maroon guerilla groups at the village of Lelydorp. Article 10 of the Lelydorp Peace Accord provides arrangements for the recognition of Maroon and Indigenous land rights:

- 1) The Government will promote that it will be arranged by law that citizens living ... in a tribal context will obtain real title to the by them requested lands in their living territories.
- 2) Demarcation and size of the in subsection 1 mentioned living areas will among others be determined based upon a study conducted by the Council for Development of the Interior for this purpose.
- 3) The traditional authorities of citizens living in tribal societies, or another by them appointed body, will determine the procedures by which individual members of their societies may obtain real titles to a parcel within the in subsection 2 mentioned area.
- 4) The government will designate an economic zone, where communities of citizens living in tribal societies can employ economic activities including forestry, small-scale mining, fishing, and hunting.

With the signing of the Lelydorp Peace Accord, the government of Suriname formally acknowledged the rights of Indigenous and Maroon communities to customary settlement areas. How these rights would be transferred and under what title, however, remained unclear. According to the anthropologist Healy, who was present as an OAS representative at the negotiations, the Minister of Natural Resources explained Article 10 by depicting three concentric circles. The inner circle represented the village, which would be communal land to which individuals could not obtain titles. The second ring was a communal zone where community members could obtain real title and practice agriculture. The third, economic zone would be destined for economic activities such as fishing, hunting, and gathering.

Article 10 has been criticized by indigenous rights advocates. The vaguely formulated first subsection ('promote that it will be arranged by law') does not specify who is responsible for what tasks. The study by the ROB, mentioned in subsection 2, is not known by anyone. Subsection 3 states that traditional authorities can allocate real titles to land, even though these authorities are not legally recognized. Only with regard to subsection 4 slight progress has been made by creating the titles of Community Land and Community Forest in the Forest Management Act of 1992. The establishment of legally protected economic zones has not advanced though.

### 3.8 BUSKONDRE PROTOCOL

A series of meetings between the Suriname government and traditional authorities led in 2000 to the development of Presidential Resolution No. PO 28/2000 on the “recognition of the collective rights on the lands they live on for Indigenous Peoples and Maroons”. This document became known as the *Buskondre Protocol* (See also Chapter 2.4.6).

In its first Article, the Buskondre Protocol states that:

“starting April 1, 2000, the Government of Suriname recognizes the collective rights of Indigenous Peoples and Maroons on the lands they respectively live on, as they have perceived and still perceive those, and that those territories later [...] will be recorded on maps with coordinates and placed at the disposal of the respective traditional authorities.”

As in the laws that were discussed above, the government did include a statement that the national interest prevailed over these collective rights. Such cases, however, would be preceded by consultative processes:

“When the national economic interest determines that a part of the [...] demarcated area must be used for national economic development, the Government will, on the basis of its constitutional and legal responsibilities and subsequent obligations, precede any decision on the matter with consultation with the traditional authorities of Indigenous Peoples and Maroons.” (Art. c)

The document also includes a clause about compensation for damage to individuals or collectives due to economic activities by the government or private industry (Art. e and g). A fund was to be formed to ensure that a yet-to-be-determined percentage of revenues from the mentioned economic activities would flow back to affected Indigenous and Maroon communities (Art. d).

Indigenous and Maroon support for the Buskondre protocol was minimal. Various traditional authorities questioned its content, particularly the various restrictions that limited tenure security. For example, the Buskondre Protocol is subordinate to the Suriname constitution and may be overruled by other formal laws, including existing agreements with multinationals. On these grounds the Organization of Indigenous Village Heads of Suriname (VIDS) argued that only constitutional change would bring a sustainable solution. Discontent with the undemocratic way the Protocol was being enforced upon them (see Chapter 2.4.6) caused Indigenous authorities to only sign conditionally, and led Saramakan village heads to reject the document altogether despite signature by their *Granman*. *Granman* Gazon of the Ndyuka, one of the largest Maroon groups, also refused to sign the bill.

In addition to criticisms on its content and the way it had been produced, the legal status of the Buskondre Protocol is contested. President Wijdenbosch largely handled on his own account. Article 6 of the State Resolution Design Legal Regulations (State and Directorial Resolutions, 1996) states that a Presidential Resolution is a resolution taken by the president following constitutional authorization as the executive head of state. President Wijdenbosch did not have the constitutional authorization to implement this Resolution. Moreover, the President states in clause C of the Buskondre Protocol that the government of the Republic of Suriname recognizes the collective rights of Indigenous Peoples and Maroons. Such an important legal change requires the approval of the National Assembly in order to incorporate the result in the national laws rather than a Presidential Resolution.

Despite the named problems, the *Buskondre* protocol is part of today's national legal system. Hence its implementation should be taken to hand.

### 3.9 INTERNATIONAL CONVENTIONS, TREATIES, AND AGREEMENTS

Under international law Suriname has certain obligations that come forth out of ratified treaties<sup>14</sup>. The Suriname constitution of 1987 endorses these obligations (Art. 105 and 103) by stating that in the case that national and international laws contradict one another, the international legal system prevails<sup>15</sup>. International human rights lawyer MacKay, explains these obligations in a briefing Paper on the Rights of Indigenous Peoples in International Law. In his argument, MacKay refers to Article 31(1) of the Vienna Convention on the Law of Treaties:

"[a] treaty shall be interpreted in good faith in accordance with the ordinary meaning given to the terms of the treaty in their context and in light of its object and purpose. This is a fundamental principle of international law and applicable to all states irrespective of ratification of the Vienna Convention. (IAC THR 1993, para. 37; IAC THR 1987, para. 30)

He goes on to explain:

"Upon ratification of most human rights treaties, states are obligated by the terms of the treaty to implement and provide remedies for the rights defined therein. Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination, for instance, provides that states parties 'undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination,' with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. See, also, article 2 of the International Covenant on Civil and Political Rights. These provisions are of a mandatory character."

*Table 3.1 Relevant international agreements ratified by Suriname*

Name	Year of creation	Ratification year
<i>Conventions of the United Nations:</i>		
International Covenant on Civil and Political Rights (ICCPR)	1966	1977
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	1966	1977
International Convention on Elimination of All Forms of Racial Discrimination	1965	1984
United Nations Universal Declaration of Human Rights" (UNHR)	1948	
<i>Conventions within the Inter-American System:</i>		
The American Convention on Human Rights	1969	1986
<i>Agreements within CARICOM</i>		
CARICOM Charter of Civil Society		
<i>Environmental Treaties</i>		
Rio Declaration	1992	1992
Agenda 21	1992	1992
Convention on Biological Diversity (CBD)	1992	1996

In this context it is important to consider the obligations that Suriname has committed itself to by ratification of international agreements. Several of these agreements include clauses that directly or indirectly oblige the state to recognize and/or protect Indigenous and tribal rights to land (Table 3.1)

<sup>14</sup> URL: <http://www.sdn.org.gy/apa/topic3.htm>

<sup>15</sup> Kambell and MacKay 2003

### 3.9.1 Conventions of the United Nations

In 1977, Suriname unconditionally ratified both the *International Covenant on Civil and Political Rights* (ICCPR; 1966) and the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR; 1966). The shared Article 1 of both treaties states, among others:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

The UN Working group for Indigenous Peoples and the UN Subcommittee for Prevention of Discrimination and Protection of Minorities explicitly considered these rights applicable to Indigenous Peoples when they approved the UN Draft Declaration on the Rights of Indigenous Peoples in 1993 and 1995, respectively.

Article 27 of the International Covenant on Civilian and Political Rights applies to minority groups and acknowledges, among others, the individual right to enjoy an own culture:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. (Article 27)

The UN Human Rights Committee (HRC) has interpreted this article to include the "rights of persons, in community with others, to engage in economic and social activities which are part of the culture of the community to which they belong." (HRC 1990, 1). Such right tot cultural integrity requires access to traditional lands and resources. In 1994, the Committee stated more explicitly that enjoyment of one's culture is interrelated with land and natural resources, particularly among members from Indigenous groups. It also considered various traditional forms of land and resource use (e.g. hunting, fishing) as elementary parts of cultural expression. The HRC added that the enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them.

In 1984, Suriname ratified the United Nations *International Convention on Elimination of All Forms of Racial Discrimination* (CERD), a human rights treaty ratified by 165 countries. Under the CERD, states-parties are obligated to, inter alia, respect and observe the right "to own property alone as well as in association with others." (CERD 1966, art. 5(d)(v)) This clause has been interpreted to include recognition of Indigenous land rights based upon historical occupation and use. In 1997, the United Nations Committee on the Elimination of Racial Discrimination, which monitors compliance with the Convention, called upon states-parties to:

"recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return

these lands and territories" (1997 General Recommendation No. XXIII on Indigenous peoples)<sup>16</sup>.

It also asked state parties to ensure that no decisions directly relating to the rights and interests of Indigenous Peoples are taken without their informed consent.

By ratification of the CERD, Suriname committed itself to submitting a report every four years to explain what it has done to comply with the Convention. To date Suriname has not submitted a single report. In March 2003, the Committee observed that:

"...serious violations of the rights of indigenous communities, particularly the Maroons and the Amerindians, are being committed in Suriname: in addition to discrimination against these communities in respect of employment, education, culture and participation in all sectors of society, particular attention is drawn to the lack of recognition of their rights to the land and its resources, the refusal to consult them about forestry and mining concessions granted to foreign companies and the fact that the mining companies' activities, especially the dumping of mercury, are a threat to their health and the environment." (Decision 3(62))

Referring to the 1997 General Recommendation No. XXIII on Indigenous Peoples (see above), Suriname was requested to submit a report within six weeks. So far Suriname has not responded.

The *United Nations Universal Declaration of Human Rights* (UNHR) does not refer to special rights of Indigenous and Tribal peoples. Nevertheless, it does state that "[e]veryone has the rights to life, liberty, and security of person" (Art. 3). One could argue that to take away people's land is a violation of this right to life and security.

### **3.9.2 Organization of American States**

Suriname, which has been a member of the OAS since 1977, ratified the American Convention on Human Rights in 1986. In doing so, it accepted the compulsory jurisdiction of the Inter-American Court of Human Rights. In 1972, the Inter-American Commission on Human Rights (IACHR) issued a resolution entitled, Special Protection for Indigenous Populations, Action to Combat Racism and Racial Discrimination. (IACHR 1972, 90-1) This resolution stated: "[t]hat for historical reasons and because of moral and humanitarian principles, special protection for indigenous populations constitutes a sacred commitment of the states." (Ibid) In its 1997 Ecuador Report. (IACHR 1997, 115), the IACHR emphasized the importance of land rights:

For many indigenous cultures, continued utilization of traditional collective systems for the control and use of territory are essential to their survival, as well as to their individual and collective well-being. Control over the land refers to both its capacity for providing the resources which sustain life, and to 'the geographical space necessary for the cultural and social reproduction of the group.' (IACHR 1997b, 115)

On February 26, 1997, the Inter-American Commission on Human Rights approved its Proposed American declaration on the rights of Indigenous Peoples (Box 2). The articles on Rights to Environmental Protection (Art. XIII) and on Rights to Land, Territories, and Resources (Art. XVIII) are particularly relevant for understanding the various forms of protest (e.g. petitions, legal claims) by Indigenous Peoples and Maroons against the state.

---

<sup>16</sup> Fergus MacKay, Briefing Paper on the Rights of Indigenous Peoples in International Law, URL: <http://www.sdn.org/gy/apa/topic3.htm>.

**BOX 2.**  
**PROPOSED AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

The most relevant clauses from these Articles are presented below.

**Article XIII. Right to environmental protection**

1. Indigenous peoples have the right to a safe and healthy environment, which is an essential condition for the enjoyment of the right to life and collective well-being.
2. Indigenous peoples have the right to be informed of measures which will affect their environment, including information that ensures their effective participation in actions and policies that might affect it.

**Article XVIII. Traditional forms of ownership and cultural survival. Rights to land, territories and resources**

1. Indigenous peoples have the right to the legal recognition of their varied and specific forms and modalities of their control, ownership, use and enjoyment of territories and property.
2. Indigenous peoples have the right to the recognition of their property and ownership rights with respect to lands, territories and resources they have historically occupied, as well as to the use of those to which they have historically had access for their traditional activities and livelihood.
3. i) Subject to 3.ii.), where property and user rights of indigenous peoples arise from rights existing prior to the creation of those states, the states shall recognize the titles of indigenous peoples relative thereto as permanent, exclusive, inalienable, imprescriptible and indefeasible.  
ii) Such titles may only be changed by mutual consent between the state and respective indigenous peoples when they have full knowledge and appreciation of the nature or attributes of such property.  
...
4. Indigenous peoples have the right to an effective legal framework for the protection of their rights with respect to the natural resources on their lands, including the ability to use, manage, and conserve such resources; and with respect to traditional uses of their lands, interests in lands, and resources, such as subsistence.
5. In the event that ownership of the minerals or resources of the subsoil pertains to the state or that the state has rights over other resources on the lands, the governments must establish or maintain procedures for the participation of the peoples concerned in determining whether the interests of these people would be adversely affected and to what extent, before undertaking or authorizing any program for planning, prospecting or exploiting existing resources on their lands. The peoples concerned shall participate in the benefits of such activities, and shall receive compensation ....
6. Unless exceptional and justified circumstances so warrant in the public interest, the states shall not transfer or relocate indigenous peoples without the free, genuine, public and informed consent of those peoples, but in all cases with prior compensation and prompt replacement of lands taken, which must be of similar or better quality and which must have the same legal status; and with guarantee of the right to return if the causes that gave rise to the displacement cease to exist.
7. Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged, or when restitution is not possible, the right to compensation on a basis not less favorable than the standard of international law .
8. The states shall take all measures, including the use of law enforcement mechanisms, to avert, prevent and punish, if applicable, any intrusion or use of those lands by unauthorized persons to take possession or make use of them. The states shall give maximum priority to the demarcation and recognition of properties and areas of indigenous use.

### 3.9.3 Agreements within CARICOM

The CARICOM Charter of Civil Society is a non-binding regional human rights declaration produced by member states. By joining Caricom in 1995, Suriname has committed itself to respecting the Charter. Article XI provides that member states “protect [Indigenous Peoples’] historical rights and respect the culture and way of life of these peoples”. These historic rights include, among others, rights to lands historically occupied and used.

### 3.9.4 Environmental Treaties

At the 1992 Earth Summit on Sustainable Development in Rio de Janeiro, countries from all over the world joined together in forums, initiatives, treaties and accords designed to promote more sustainable development. This *United Nations Conference on Environment and Development* (UNCED), as the Summit was officially named, resulted in the adoption of two key documents that were signed by most participating countries, including Suriname: the *Rio Declaration*, a statement on principles regarding the environment and development, and *Agenda 21*, an action program to guide national and international environment and development efforts into the 21<sup>st</sup> century. Regarding Indigenous and Tribal Peoples, principle 22 of the *Rio Declaration* states that: “Indigenous peoples and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.”

Chapter 26 of *Agenda 21* is devoted entirely to Indigenous Peoples. The document declares that Indigenous Peoples must be closely involved in processes of national decision-making, legal development, the management of natural resources and other activities that may affect them. Such involvement is particularly pertinent where it concerns the own living and subsistence environment. The document further argues for greater self-control over Indigenous lands and resources; recognition of traditional subsistence practices; the strengthening of national legislation; and the adoption or strengthening of policies to protect Indigenous Peoples’ intellectual and cultural property.

Various other documents developed at the Earth Summit refer to Indigenous Peoples. For example, principle 5(a) of the Statement of Principles of Forest Management adopted at UNCED states that:

“National forest policies should recognize and duly support the identity, culture and rights of indigenous peoples [and] their communities. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities and maintain cultural identity and social organization, as well as adequate levels of livelihood and well being, through inter alia, those land tenure arrangements which serve as incentives for the sustainable use of forests.”

The *Convention on Biological Diversity (CBD)*, a binding international treaty, was developed at the Earth Summit and ratified by Suriname in 1996. Article 8(j) of the Convention requires that the traditional knowledge of Indigenous and local communities be respected, preserved, and maintained. This requirement cannot possibly be met without Indigenous tenure security over

traditional lands and natural resources<sup>17</sup>. Such access is implicit in Article 10(c) and (d), which require that states-parties:

- (c) protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced.

### **3.9.5 ILO Convention 169**

For several years Indigenous and Maroon groups and their advocates have been pressing the government to accept ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (1989). This Convention is the first international instrument to relate environmental concerns explicitly to Indigenous peoples. Article 4(1), for instance, requires states to take "special measures" to protect the environment of Indigenous Peoples (E.g. Art. 7(3), Art. 7(4), Art. 23, Art. 15(1)). Part II of the Convention (Art. 13 – 19) is dedicated to land rights. Art. 13 advises governments to recognize the central role of cultural and spiritual values for the relation that Indigenous peoples (collectively) maintain with the land they inhabit and use. Art 14 calls for the legal recognition of land rights, by stating that:

“Ownership and property rights on the lands [Indigenous Peoples] traditionally inhabit must be recognized. Moreover, in some cases special measures are needed to protect the rights of these peoples to use the lands where they not only live, but also traditionally have access to for their traditional subsistence activities ...”

Article 15 of Convention 169 prescribes that movement and relocation of Indigenous peoples should only occur in exceptional and necessary cases, and only with their informed consent. Relocated people should have the right to return to their traditional areas when the activities have ceded, or else obtain territories that are at least equal in quality, size, and location. People who have been forced to move should be compensated for their losses. Article 17 obliges countries to respect customary law rules that regulate land allocation to members of the group, a right that is exclusively reserved for members of the tribal group. Unauthorized entry or use of the areas of Indigenous Peoples must be adequately sanctioned, and governments must take measures to prevent such perpetrations (Art. 18).

The Suriname government feels it is not ready to ratify ILO Convention 169 since it is not able to fully commit to it<sup>18</sup>. There is need for research, consultations, and compromise on specific sections of the convention, as the government foresees problems implementing them. The land rights issue is the largest obstacle to ratification, as Articles 13 and 14 contradict Article 41 of the Suriname Constitution. This Article 41 states that natural resources are property of the nation, and the nation has the inalienable right to take full possession of the natural resources in order to be used for the economic, social and cultural development of Suriname.

---

<sup>17</sup> See 1997 background paper on Traditional Knowledge and Biological Diversity (UNE//CBD/TKBD/1/2; 18 October 1997) by the Executive Secretary of the Convention

<sup>18</sup> The Government stands on ILO convention 169 is explained in detail in the *Report of the National Workshop on the ILO's Indigenous and Tribal People's Convention, 1989 (No. 169)*, Appendix B

### 3.10 SYNTHESIS

Early colonial governments protected Indigenous and Maroon land rights in legal arrangements about natural resources use by means of the so-called exemption clause *uitsluitingsclausule* or *garantieformule*). This clause obliged concessionaries to not molest Indigenous and Maroon occupants of the land and to respect their customary law rights. Land allocation letters in the 1860s, for example, stated that: 'In the case that Indigenous or Maroon settlements exist on the allocated terrain, the concessionaire shall not disturb those nor force the Indigenous Peoples and Maroons to move from that location.' Similar clauses appeared in the historic Forestry law, Balata law, and Constitution.

In this chapter we explored to what extent Suriname's modern legal system continues to protect tenure security and usufruct rights of traditional land users. The analysis shows that provisions for such rights in the current constitution and other national laws are minimal. The 1986 constitution declares all land to which no-one has real title as property of the state. This domain principle implies that the lands that are since centuries inhabited and used by Maroons and Indigenous Peoples, are not legally theirs. The state, as the legal owner, has the right to use native lands or permit usage by others. As we will see in the next chapter, these others usually are logging companies, the large-scale mining industry, and other outside developers.

Several more recent Suriname laws do refer to customary land and resource rights of Indigenous Peoples and Maroons, such as the 1992 Forestry Act and the Nature Protection Resolution of 1998. However, the above and related legal documents include clauses that make the rights of Maroons and Indigenous Peoples subordinate to a vaguely defined 'public interests', and give the state the free hand in the interior.

In several legally binding national-level documents, the government has committed itself to legally solving the land rights issue. The Lelydorp Peace Accord (1992) and the Buskondre Protocol (2000) obliged the state to, among others: demarcate Indigenous and Maroon lands; install an independent committee charged with the issue; and provide legal land titles for Indigenous and Maroon societies. Neither one of these documents has reached its objectives.

In the past three decades Suriname has committed itself to respecting and protecting Indigenous and Maroon land rights by ratification of international agreements. Agenda 21 (ratified in 1992), for example, states that Indigenous Peoples must be closely involved in processes of national decision-making, legal development, and the management of natural resources. As a signatory of the *International Treaty on Elimination of All Forms of Racial Discrimination* in 1984, Suriname is requested to recognize and protect the rights of Indigenous Peoples on property, development, control and use of communal lands, territories, and resources. Because international agreements have to be acceptable to many countries, the phrasing of their stipulations is often (purposely) vague and open to multiple interpretations. There also are no sanctions for treaty violators, other than a reprimand by the supervisory committee or disapproval by fellow members. Nevertheless, ratification shows intent and creates certain legal obligations under international law.

Finally, it is unlikely that the Suriname government will ratify Convention 169 within the coming few years. It also is unlikely that ratification would change much. It already would be a great step forward if the newly elected government would abide by the international treaties Suriname has ratified so far, and the regulations of international societies it is member to, including the organization of American States and Caricom. Stimulating the government to comply with these promises seems to be a worthwhile goal for Suriname's Indigenous Peoples and Maroons to strive for.

## CHAPTER 4

### THREATS TO INDIGENOUS AND TRIBAL LANDS

*Nowadays non-indigenous peoples ... pretend to be the best conservationists. They deny our lifestyles, which have proven to be the best way to conserve the resources Mother Nature provides. They impose on us a way of conservation that is against our culture and lifestyles. In most cases their way of conservation implies serious violations of our basic human rights, our right to self-determination, our land rights, and our rights to control and manage our natural resources.<sup>19</sup>*

The deep interior of Suriname is difficult to enter. Minibuses do not drive far past villages within 3 hours south of the East-West road connection. Beyond that point, there are no more roads further south. Most Maroon and Amerindian villages in the interior only can be reached by flying a small plane and/or hours to days of travel with a motorized canoe called *korjaal*. In the rainy season, many of the roads and airstrips turn into mud and clay pools that cannot be used. In the dry season, the water level in the main rivers may drop to the extent that some villages are no longer accessible by boat.

Their relative isolation has long protected Indigenous and Maroon territories from large-scale extractive activities. This began to change in the late 1950s, with the first formal government plans to open up the interior (See Chapter 2). The signing of the Brokopondo agreement (1958), which gave ALCOA virtually free hand in the interior, may be considered the turning point. The trend exhilarated in the 1990s, with the arrival of local and foreign logging and gold mining industries.

Today informal and usually illegal small-scale gold miners have invaded Maroon and Indigenous territories throughout Eastern and Central Suriname. Meanwhile concession policies legally permit large-scale mining on lands traditionally inhabited and used by forest peoples. The same is truth for the logging industry, though limits to transport facilities have caused its activities to be concentrated in the coastal zones and better accessible parts of the interior. Ironically, also efforts to protect certain areas from mining and logging by the installation of national parks impose restrictions on traditional livelihood activities. More recent developments in the interior include a palm oil plantation at Patamacca and plans to develop a hydropower plant in West Suriname.

Traditional communities are sometimes consulted when their living and usufruct areas are being affected by industrial or conservationist developments. Yet in the absence of adequate laws and institutions to guarantee protection, compensation, and participation, they have little power to protest infringement on their lands. We describe current and foreseen development directions and (projected) impacts of these initiatives below.

---

<sup>19</sup> Kwinti Maroon representative in a reaction to the establishment of the Central Suriname Nature Reserve, 2001

## 4.1 LOGGING

Logging and dependent activities – wood cutting, processing, institutional support, research-employ 5 percent of Suriname’s labor force. Most timber is being logged for the domestic market. Of the approximately 200,000 m<sup>3</sup> of timber produced each year, about 20 percent is for export, representing less than 1 percent of export value (wood and wood products). Logging concessions (excl. HKVs and Community Forests) cover approximately 15 percent (2.5 million ha) of Suriname’s land mass (Figure 41). Approximately 0.5 million ha has been allocated in HKVs (*Houtkapvergunning*; see Chapter 3) and Community Forests, representing 17 percent of the total area given out in forest concessions. The sector contributes 1.5 percent to the Suriname GDP.

Asian companies dominate the logging and plywood manufacturing industries (Box 3). Minimal government control causes these foreign lumber companies to use loopholes in the law and ignore the restrictions set forth in logging licenses. For example, under the 1992 Forest Management Act, forest concessions can be granted to a maximum of 150,000 ha. Concessions larger than 150,000 ha can only be acquired through approval by majority vote in the National Assembly. In the late 1990s, the Asian timber giant MUSA proposed creating 67 additional local daughter companies, each of which would receive an additional 150,000 ha. After heated national and international criticism, the government rejected the proposal. Nevertheless, by 2003 MUSA did have over 800,000 ha in concession, both in its own name and through associates.

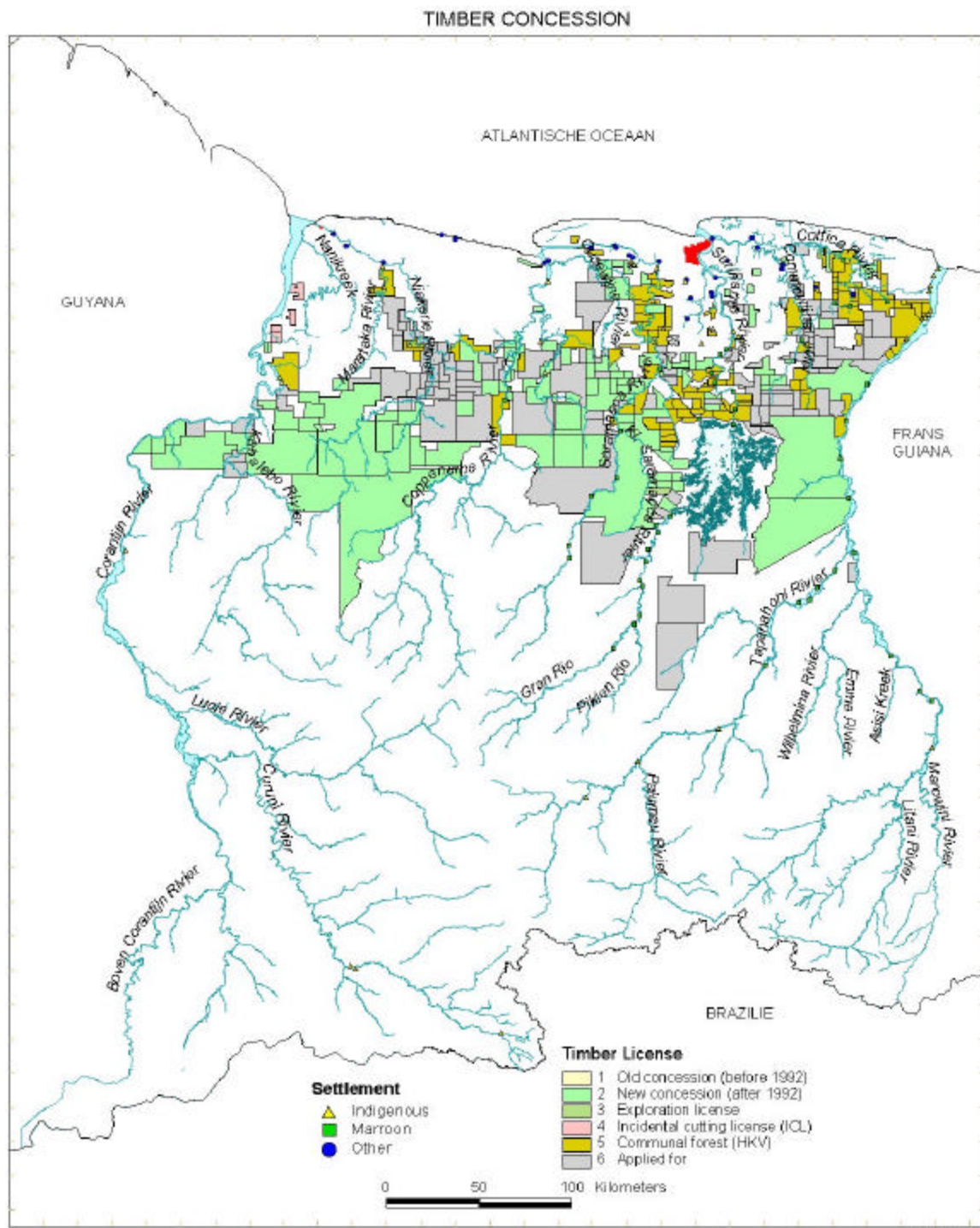
### **Box 3. LOGGING CONCESSION THREATEN THE RAINFOREST: THE EARLY 1990s**

As the interior war ended in 1992, Suriname was left bereft of foreign currency reserve, suffered from 500 percent annual inflation and rising unemployment. In an effort to uplift the national economy, the Venetiaan government invited Asian timber companies to explore possibilities for establishing large-scale logging concessions. By mid-1994, at least five proposals were under consideration from a Malaysian, two Indonesian, and two Chinese state-owned enterprises. Of these, three requests -from the Berjaya Group, MUSA, and Suri Atlantic- were for over one million ha each. The proposed concession areas were to cover between 25 to 40 percent (3-5 mln. ha) of the nation’s territory. The three largest ones alone covered the homelands of an estimated 13,300 Maroons and 1,700 Indigenous peoples. Proposed investments would be over US\$500 million, approaching the Suriname Domestic Product<sup>20</sup>.

An alarming report from the World Resources Institute (1995) concluded that under the proposed agreements, Suriname would “forego tens of millions of dollars in annual revenues [...], essentially giving away its forests and getting shattered biodiversity, eroded soil, displaced populations, and perhaps ethnic strife in return.” (p. vii). The report also expressed concern about the disputable reputation of the beneficiary Malaysian and Indonesian logging companies in the areas of social and environmental conduct. Heated discussion about the logging concessions within Suriname and pressure from outside to abandon the deals, led to substantial delay in final decision-making about their status. At the change of government, the concession applications were rejected.

<sup>20</sup> World Resources Institute 1992

Figure 4.1 Logging concessions



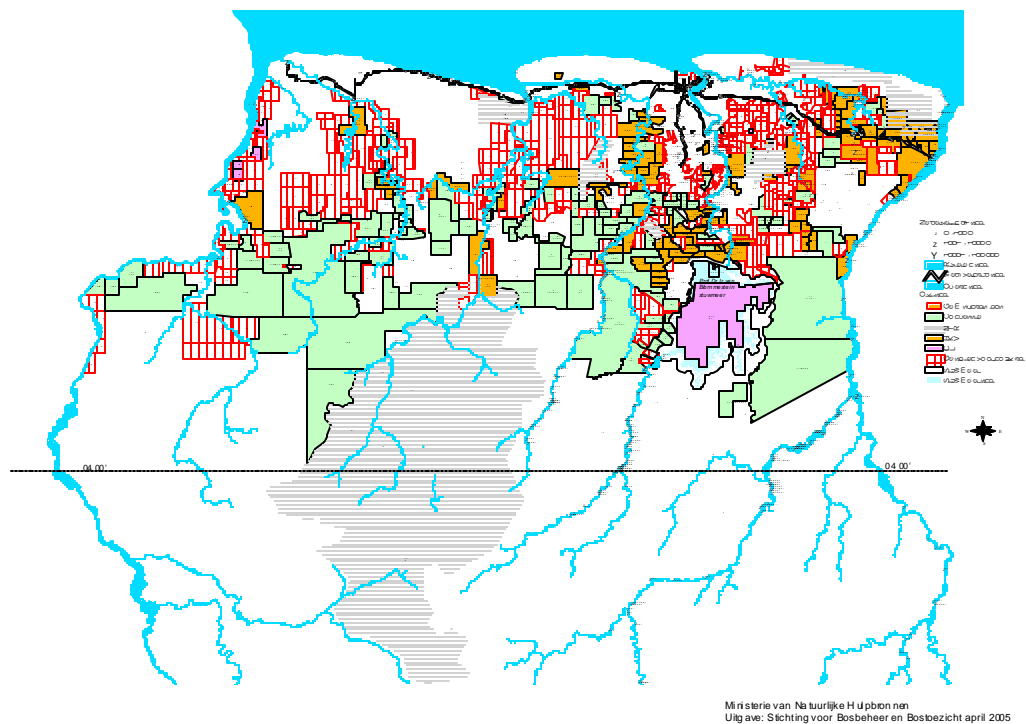
Source: NARENA © 2005

MUSA is not alone in taking advantage of legal deficiencies and the poor control mechanisms available to the Suriname forest service. Many other companies operate beyond their concession boundaries; pay local people to deliver timber from outside; and extract lumber at rates well beyond the prescribed cutting limits. Such illegal practices make exact figures about the area affected by timber extraction is difficult to determine. To date, it appears that the lumber industry has affected less forest than mining, energy generation, and agriculture. This may change if, as the government is planning for 2005, national lumber production will increase from 150,000 to more than 500,000 m<sup>3</sup> per year.

Even though the 1992 Forest Management Act recognizes the “customary law rights of the tribal inhabitants of the interior”, various Indigenous and Maroon villages are located in or right at the edge of logging concessions of outsiders. Their exact number is difficult to determine because few maps depict all villages on the accurate locations. A lack of consultation with these communities combined with poor regulation and control has been a source of tension.

In the past five years, officials of the governmental Foundation for Forest Management and Forest Control (SBB) are increasingly advising against both the allocation of new concessions and the renewal of existing concessions in sites where communities are. It also is relevant to note that a substantial part of Northern Suriname is now closed for logging (Figure 4.2). Notwithstanding these laudable efforts, many Indigenous and Maroon families do not have the security that the forests they are using for their subsistence today will be theirs to use in the near future. The claim by a high government representative that “almost all” Maroon villages have a HKV is not entirely correct. Many villages in the coastal and savanna belts have acquired such titles, but very few communities in the district of Sipaliwini do. The vast majority of Maroon villages are located in this district (Figure 4.1).

Figure 4.2 Logging concessions, including areas closed for logging in red



## 4.2 LARGE-SCALE MINING

Large-scale mining forms the backbone of the Suriname economy. The bauxite industry alone accounts for more than 15 percent of GDP and 70 percent of export earnings. The opening of a large-scale gold mine at Gros Rosebel in January 2004 forecasts growing economic importance of the large-scale mining sector in the near future. The main players in the large-scale mining field are SURALCO (Bauxite and gold), BHP Billiton (Bauxite), and Rosebel N.V. (gold). We will first discuss these companies' formal policies vis-à-vis Indigenous and Tribal Peoples, and then evaluate how these policies have been brought into practice.

### 4.2.1 Company policies

The globalization of information, increased citizen's awareness, and a series of scandals motivated many large-scale mining firms in the 1990s to adopt formal company standards with regard to environmental sustainability and human rights. In some cases, these company policies included special reference to indigenous peoples. Among the mining multinationals active in Suriname, BHP Billiton has the most extensive and coherent guidelines.

The *BHP Billiton* Health Safety Environment and Community (HSEC) guidelines state that the company approach "is consistent with the principles set out in the United Nations Universal Declaration of Human Rights" (UNHR) (See Chapter 3). A 2002 addition states that "[a]ll operations must determine their performance in relation to the UNHR through a human rights analysis." BHP operations also follow the principle of "[n]o forced displacement of individuals, groups, or communities". The company abides by the standards set in the World Bank Operational Directive on Involuntary Resettlement should the issue of resettlement arise.

BHP Billiton's HSEC document refers to Indigenous peoples specifically, in declaring that the company:

"respect[s] the right of indigenous peoples and aim[s] to work cooperatively with them to ensure that [its] presence provides lasting benefits and causes as little disruption as possible to their communities. [The company] also acknowledge[s] that indigenous peoples have the right to keep their culture, identity, traditions, and customs."

The additional Management Standards (Dec. 2002) add that the company identifies for each operation the Indigenous or other local communities that will be (potentially) affected. Strategies are developed to address their concerns and aspirations. The standards also provide guidelines for stakeholder communication, participation, and consultation. The Company's Manager of Indigenous Affairs explains that BHP does not have a formal policy on Indigenous or tribal land claims as it views those as primarily matters between Indigenous Peoples and the government<sup>21</sup>.

ALCOA, the US-based mother company of the Suriname Aluminum Company (Suralco), has not developed special policies for dealing with Indigenous peoples. Nevertheless, its various company guidelines provide directions on work with local communities. Most relevant in this regard are the section on 'People' and the company statement of 'Human Rights' in the documents on Values and Supporting Principles<sup>22</sup>. The ALCOA policy document on Human Rights declares that: "Within the framework of our values, we respect the cultures, customs and values of the people in communities where we operate and take into account their needs, concerns

---

<sup>21</sup> Pers. com. Mr. P. Rush, Manager Indigenous Affairs, BHP Billiton, April 28, 2005

<sup>22</sup> [http://www.alcoa.com/global/en/about\\_alcoa/human\\_rights.asp](http://www.alcoa.com/global/en/about_alcoa/human_rights.asp)

and aspirations.” ALCOA’s Director of Sustainability further explained that company representatives “will meet and consult with indigenous peoples in areas where we plan to operate just like we do with other community members.”<sup>23</sup>

*Cambior* does not have an official, company-wide indigenous peoples’ policy. There was an intention last year to develop such a policy note but so far the Suriname office has not seen such a document. In its statement on Maintaining Community Well-Being the company declares that it regularly engages in community dialogue. “It is a fundamental value at Cambior to respect the cultural dignities and rights of individuals in every country in which we operate.”<sup>24</sup>

#### **4.2.2 Bauxite mining**

Starting in the 1950s, a number of agreements were signed to open up the country to Bauxite mining, including the Brokopondo agreement (1958), the Bauxite agreement (1993), and Decree E-9 which installed the Bauxite Institute (1981 #14). Neither Indigenous and Maroon societies nor their customary rights are mentioned in any of the above documents (See Chapter 3). Governmental representatives assert that their interests are nowadays taken into account. Yet without legal protection, forest peoples are delivered to the goodwill of an arbitrary government official or company director.

There have not been many instances where bauxite mining directly threatened traditional lands, but there are some. The Maroon village of Adjoemakondre, located about 20 km from the town of Moengo, experiences since the late 1980s the impacts of bauxite mining, which takes place on less than 200 m from the village; 24 hours per day, 7 days a week. Villagers are of the opinion that Suralco’s mining activities have destroyed agricultural plots, hunting grounds, and other elements of their natural surroundings. They also complain about contamination of the local creek and limitations to their mobility. In 1997, the inhabitants of Adjoemakondre submitted a petition to President Wijdenbosch to ask the President to mediate in the conflict between the village and the mining company. The villagers also requested collective land rights and compensation for material and immaterial damage. No answer was obtained.

It is the role of the District Commissioner to facilitate stakeholder participation in the development of mining activities. In practice, mining companies have had to develop their own community relations programs. As part of its community relations program, for example, Suralco has formed a relationship with the Education and Communication Network (Educons), a non-profit Surinamese foundation. With the assistance of Educons, Suralco installed 52 computers in areas where it is active. Moengo, a town with a predominantly Maroon population where Suralco has a bauxite mining operation, received 24 computers. Powaka, an Amerindian village close to the company’s Paranam alumina refinery, received 12 laptops. Since no reliable electricity or telephone connections are available, a satellite connection and solar panels have been installed to secure reliable service.

Currently BHP Billiton and Suralco are proposing to jointly develop a bauxite mine and aluminum refinery in West Suriname. This project may affect local Arowak villages, notably Apura, Washabo, and Section. According to BHP Billiton, who is responsible for the community relations, local communities have been identified and a stakeholder procedure has been developed based on the dissemination of information, consultation, and communication. Each month or

---

<sup>23</sup> Pers. com, MMs. Roper, Director Sustainability, ALCOA, New York, USA, May 2, 2005

<sup>24</sup> URL: <http://www.cambior.com/servlet/dispatcherservlet?selectedContentID=1150&lang=2&action=2>

whenever there is an expressed need from the community, community meetings are held with the village authorities and other Indigenous representatives. So far the company has responded to community needs by employing 80 villagers at the exploration camp. In addition, in collaboration with UNDP, BHP Billiton has assisted in the creation of a local radio station, which will be further developed and supported by the company. Currently an independent consultancy firm SRK consultancy is conducting a Human Rights analysis in the Bakhuis region of West Suriname. Results are expected by November.

#### **4.2.3 Large scale gold mining**

High gold prices and renewed political stability drew large-scale gold mining companies to Suriname in the early 1990s. As non-nationals cannot obtain independent concession titles, foreign exploration companies (e.g. Golden Star, Canarc, and Blue Ribbon) began to lease properties from Suriname owners. Surinamers with no experience or expertise in gold mining rapidly learned that leasing exploration rights to a foreign exploration company could be a profitable business. They initiated a thriving culture of speculation and “concession grabbing”, which resulted in the allocation of a significant share of the Suriname interior in mining concessions (Figure 5.3). By 1997-8, falling gold prices made an end to the exploration hype, and foreign companies either withdrew or reduced their activities. Because holding a concession in one’s name does not cost anything, most concessionaries have not given up the titles they acquired in these years. Their paper occupation is tolerated even though most fail to comply with their concession obligations.

One of the foreign companies that became active in Suriname in these years was Golden Star Resources Ltd.. In 1994 this exploration firm concluded a mineral agreement (*Delfstoffen Overeenkomst*) with the Suriname government, which gave it exploration rights to the 17,000 hectare Gros Rosebel concession in Brokopondo District, some 100 kilometres south of Paramaribo. Several Maroon villages are located within and on the edge of the concession area; none had been consulted or even informed. The company’s approach to these communities soon created problems. The Maroon community of Nieuw Koffiekamp (est. pop: 500-800) is located in the center of this concession. Its inhabitants complained of intimidation and violence on part of the company as armed security guards hindered local people in their subsistence practices, including small-scale gold mining. In its turn, the company was frustrated about the non-endorsed presence of locals on its working terrain.

Falling gold prices led Golden Star Resources to slow its activities down in the late 1990s. Yet when the gold price recovered from a low of US \$ 260 to over \$ 400 per ounce in 2004, the Gross Rosebel project was activated again. In 2002 the exploitation company Cambior Inc., which had acquired a 50 percent share in Gross Rosebel in 1996, acquired the remaining interest in the project and signed a revised mineral agreement with the government (2003). According to this agreement, Cambior Inc. owns 95 percent of the participating share capital of the Rosebel Gold Mines N.V. while the remaining 5 percent is held by the Government of Suriname. The company invested \$95 million in the construction and development of the mine and a cyanide based ore processing plant.

The mineral agreement with Cambior brings several economic benefits to the district and the country as a whole. These benefits include local employment, income for Suriname suppliers and construction companies, and royalties and taxes for the State. Rosebel Goldmines NV pays 2 percent of gold produced to the state owned mining company Grassalco (plus 6.5 percent of the market price in excess of \$425 per ounce); a royalty of 0.25 percent of gold produced to a

foundation encouraging the development of mining resources in Suriname; and an established gold price participation to Golden Star Resources (March 2003 amendment to the Mineral Agreement). In 2004, Rosebel Gold Mines N.V. paid Suriname US\$2.5 million in royalties. For 2005, the projected gold production is 320,000 troy ounce.<sup>25</sup>

The mineral agreement does not mention consultation with or compensation (in cash, products, or services) of the affected communities. According to the Director of Rosebel Gold Mines NV, Mr. Deschênes, there has been no effort from the government's side to involve local communities; this was left up to the company.

Rosebel Gold Mines NV has invested considerably in community relations. Two local community relations officers assisted by two international experts have stimulated the formation of community relations committees in six Maroon villages in and around the concession area. The committees maintain communication between the company and the villages. Villages can submit a formal project proposal to the company, with must include a community contribution. The company assesses incoming proposals and contributes if deemed fundable. Among the achievements are:

- Promotion of fruits and vegetables production for the mine's 1100 workers;
- Creation of a brick making factory, operated by Nieuw Koffiekamp women.
- Construction of a primary school and kindergarten with local labor
- Capacity building training for women in all villages, delivered by the women's business group from Paramaribo
- Skills training of workers and people working in spin-off activities.

In addition, Rosebel Gold Mines NV employs approximately 200 local people at any given time, 90 of whom are from Nieuw Koffiekamp. Another 75 to 80 people are employed by spin-off activities (agriculture, brick-making).

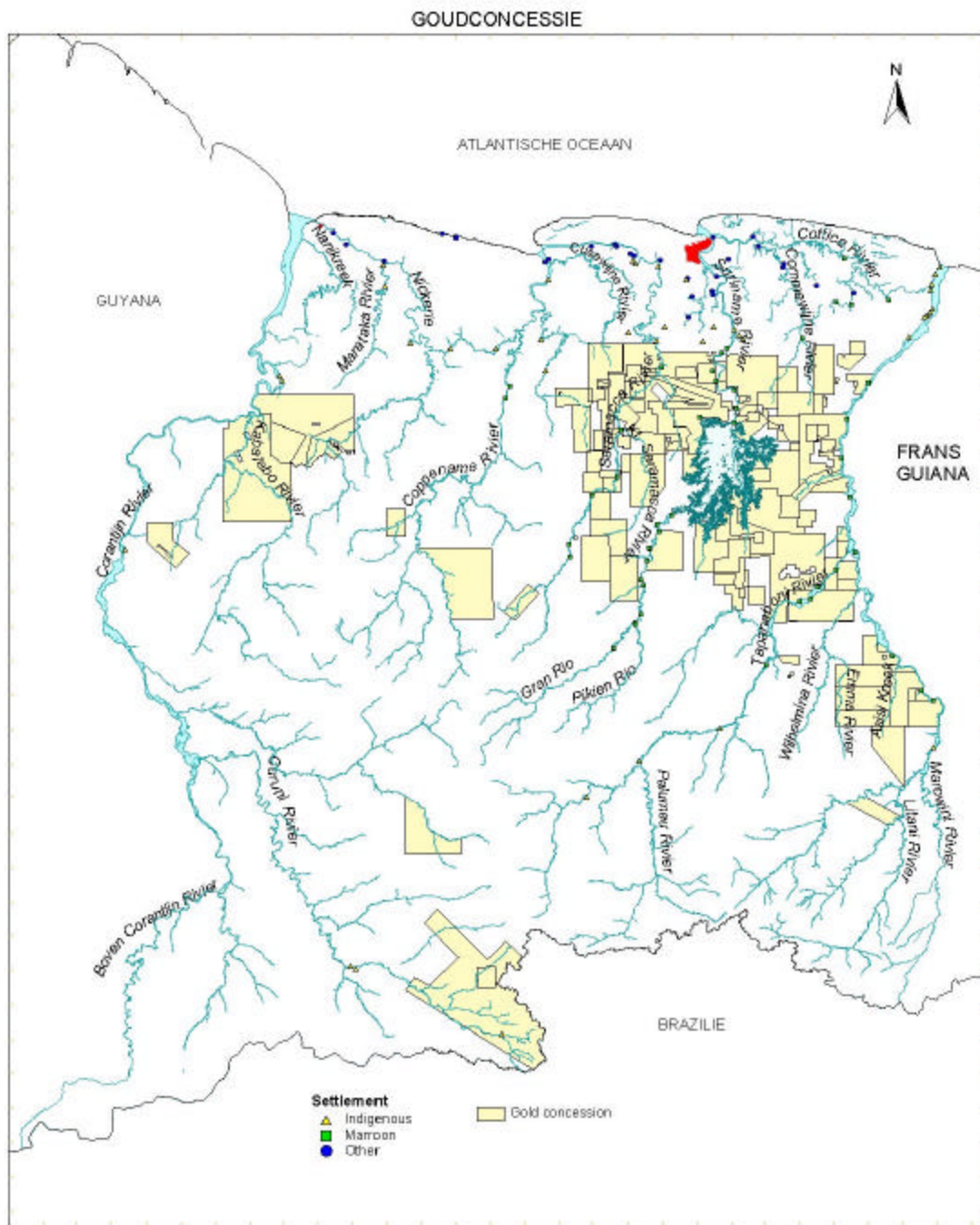
Traditional livelihood activities can no longer be executed within the concession area. For safety reasons, for example, local hunters have agreed not to hunt where there are workers. The economic impact of such limitations is difficult to measure. Subsistence agriculture may not have been affected much as the number of agricultural plots in the concession area is limited. Local small-scale gold miners, who used to work in the concession area, have experienced a greater loss. In order to accommodate them, Rosebel Gold Mines NV in collaboration with the World Wildlife Fund (WWF)-Guianas and the Geology and Mining Department (GMD) recently initiated a small-scale mining project for 40 to 50 local youngsters. A small-scale mining site was selected within the concession area, and the miners now receive training in administration and more sustainable mining techniques. This program started recently and results are yet unknown.

Despite progress in some areas, it is not all gold that shines. Local people complain that they have not obtained the jobs they were promised. Most of those who do find formal employment at the mine work for contractors, a status that does not provide job security, pensions, or adequate social security benefits. Also, the jobs offered to local people generally are low-skilled and low paid jobs. Furthermore, the current projected mine life is 8 years, which means that the mine will close around 2012. The Environmental Impact Assessment does not have a plan for the amelioration of social disruption and recovery of environmental impacts after mine closure.

---

<sup>25</sup> Proven and probable mineral reserves stand at 53 million tonnes at 1.44 g Au/t (2005 estimate)

Figure 4.3 Gold mining concessions\*



Source: NARENA © 2005

\* Recent changes have not yet been included in this map. The concessions in the Sipaliwini Savanna (far south) and within the Central Suriname Nature reserve have been withdrawn. On the other hand, the few open spots around the Brokopondo Lake have filled up.

A more recent development in the large-scale gold mining sector is the exploration by Suralco at the Nassau Mountains. The concession area is part of the usufruct area of the Paramaka Maroons, who live on islands (*tabikis*) in the Marowijne River bordering the concession area. Small-scale gold miners, both Maroons and Brazilians, have worked in the area for some years and discovered lucrative deposits. According to the Geology and Mining Department, these small-scale miners voluntarily left upon the arrival of the company. According to both Maroon miners and a company representative, small-scale gold miners were forcefully removed at the onset of exploration activities.

Suralco has held meetings with the Paramaka Granman and other tribal authorities and obtained permission from them to develop the exploration activities. Yet many Paramaka villagers find that their interests have not been represented by the deal. In addition, one may doubt the fairness of an agreement between a native chief with little access to information and no prior experience in negotiation with a multinational, and a company backed by lawyers and other expert negotiators. The agreement is oral and does not prescribe sanctions in case one of the parties breaks its part of the deal.

Recently Suralco concluded a joint exploration agreement with Newmont Mining of Denver Colorado, one of the largest gold mining companies in the world, for further development of the Nassau deposit. The questionable reputation of this company in other parts of the world asks for strict monitoring of its activities in Suriname<sup>26</sup>. Again, without legal recognition of land rights, the Paramaka have no legal backing to protest, demand involvement through consultative processes, or claim compensation. Like the Brokopondo villages, they depend on the goodwill of the mining companies.

#### 4.3 SMALL-SCALE MINING

Since the 1980s, small-scale gold mining has gained importance both as source of income for the rural poor and as a cause of environmental degradation in the Suriname interior. National annual gold production from small-scale gold mining has risen from a few kg yr<sup>-1</sup> in the early 1980s to about 10-15 tons of gold yr<sup>-1</sup> today. Nowadays almost all small-scale miners in Suriname use mechanized methods, including hydraulic machines, backhoe excavators, tractors, crushers, and other industrial devices.

Mining officials estimate that between 10,000 and 20,000 small-scale gold miners are dispersed over approximately 20,000 km<sup>2</sup> of Eastern Suriname. Approximately three quarters of these miners are Brazilian migrants, called *garimpeiros*. Perhaps 20 percent may be Maroons. The remaining share consists of other Suriname nationals, who usually perform support services (e.g. excavator operator, supervisor), and foreigners other than Brazilians. Indigenous Peoples are hardly involved in this activity, though they are affected by its impacts.

As a result of widespread concession speculation in the 1990s, the gold-rich areas of the Suriname interior belonging to the greenstone belt are almost entirely parceled out to concessionaires (Figure 4.3). In many places, the concessionaire is not physically present and may even never

---

<sup>26</sup> Newmont has been subjected to law suits and severe accusations of environmental degradation and human rights abuses in Peru, Turkey, Indonesia, and the Philippines, and Nevada (Denver Post, December 12, 2004). In 2004, the company acknowledged it had released 17 tons of mercury into the air over five years and 16 tons into the water of Buyat Bay on Sulawesi island, Indonesia. The local population filed a \$543 million lawsuit against the company in August 2004.

have set foot on the concession. These concessions often become occupied by unlicensed miners, who create own laws about the allocation of land within the area. Concessionaires with more control over their area may lease out part of their concession to mine operators, who in turn hire a crew of small-scale scale miners. These operators pay the title holder 5-10 percent of their earnings. In return the concessionaire guarantees safety and maintains basic infrastructure (e.g. roads). The title holder also decides over access to mining land, and has the last word in conflicts. Yet other concessionaires are themselves involved as mine operators; they may own a couple of machines and hire laborers to do the work for a percentage share. The concessionaire's operation may exist alongside other –admitted or squatting- operations on the concession.

Among all three types of mine management systems (occupants, lease-contractors, and concessionaire operated mines), the majority operates (semi)illegally. Few concessionaires abide by the concession regulations and obligations stated in the current mining code. It is forbidden, for example, for the holder of a small-scale mining right to lease out part of the concession to others – but most title holders do so. Such violations should cause the government to revoke concession licenses. In practice, however, the situation is tolerated and efforts to revoke titles have been blocked by higher authorities.

Because few viable mining areas are left unoccupied, it is difficult for local miners to become a legal titleholder and enter the formal sphere. Other reasons for widespread illegality include the lack of incentives to legalize, a lack of sanctions against illegal miners, and the slow and bureaucratic procedures for obtaining title. Legalization is essential if small-scale miners are to become respectable partners in negotiations about land ownership and use.

The environmental and social impacts of small- and medium scale mining are substantial and have been described in many reports<sup>27</sup>. Maroon villagers consistently name water pollution as the main mining-induced problem. Mining affects the overall quality of the aquatic ecosystem when tailings of mining operations are discharged into rivers and creeks. Women now travel long distances to find clean water to drink. Especially during the dry season, water-related diseases are rampant. The limnology of rivers in the isolated Suriname interior is poorly researched, and it is difficult to predict the net effects of sedimentation on aquatic communities. Possible effects include the destruction of fish breeding grounds and habitat, the reduction of oxygen levels, and the inhibition of fish foraging strategies. A recent study in Suriname suggests that streams affected by small-scale gold mining activity have lower species diversity, a lower proportion of young fish, and a low relative biomass of food fishes<sup>28</sup>.

Sedimentation is not the only water-related problem. Small-scale miners may release between 10,000 to 20,000 kg of mercury into Suriname's air and aquatic ecosystem annually. Studies comparing mercury-exposed Maroons with non-exposed Maroons report differences in mercury levels in blood, hair, and urine samples, though few people exceed the WHO safe standards or "normal" levels in industrialized countries. Mercury levels in fish and water nearby mining areas also exceed mercury levels in control studies. Mercury contamination damages the central nervous system of fish consumers near mining areas, with pregnant women and infants being most at risk. In Suriname, there have not yet been proven cases of miscarriages and birth defects due to chronic mercury pollution.

---

<sup>27</sup> See, among others, Healy and Heemskerk 2005; Heemskerk and Olivieira 2003, 2004; Heemskerk 2002; Buursink Consultants 2003

<sup>28</sup> Mol and Ouboter 2004

Small-scale gold mining also causes soil and landscape degradation by open craters, creation of swamps, and soil pollution with oil and toxic chemicals near the processing sites. In addition, open pits with standing water constitute a fertile habitat for disease-carrying mosquitoes. The frequent movement of miners facilitates malaria transmission, and the haphazard intake of medications breed drug-resistant malaria strains. Failing public health care aggravates the situation.

Small-scale gold mining poses a difficult dilemma to communities. On the one hand, mining causes environmental damage, health problems, and social disruption. On the other hand, the activity sustains the economy of especially Maroon communities. Mining and the surrounding service economy employ a significant share of village men (in some places as much as three quarters of able bodied adult men) and some women in places where employment is sparse. The mines also create a market for stores and transient vendors. And villages may receive a share of mining earnings in compensation or informal royalty from miners working on their lands.

Those who suffer and those who benefit are usually not the same. When a Brazilian mining boss pays the captain of a village, these earnings do not necessarily benefit non-kin village members. Similarly, the families of miners may be more willing to accept the negative impacts as a necessary evil than those who earn nothing from nearby mining activities. If small-scale mining is to benefit the village as a whole, villagers should develop a communal account managed by an elected committee of representatives. Village miners and outsiders mining on village land could be required to contribute to this account.

#### **4.4 OIL PALM PRODUCTION**

In 2004, the Government of Suriname signed an agreement with China Zhong Heng Tai for the establishment of a palm oil plantation near the village of Moengo. Profits from lumber extraction from the designated 40,000 ha of forest are to be re-invested in the palm oil industry. The government granted permission without an assessment of the potential impacts on the environment, which may include erosion, soil compaction and surface water pollution. Neither were Maroon villages, whose inhabitants use the area for agriculture and other subsistence activities, consulted. Both the Pater Albrinck Stichting, a Suriname NGO, and the Ndyuka Maroon organization the *12 Verenigingen (Lo's) der Aucaners* sent the government requests for information and a meeting about the development plans. As of today, more than a year later, the government has not responded.

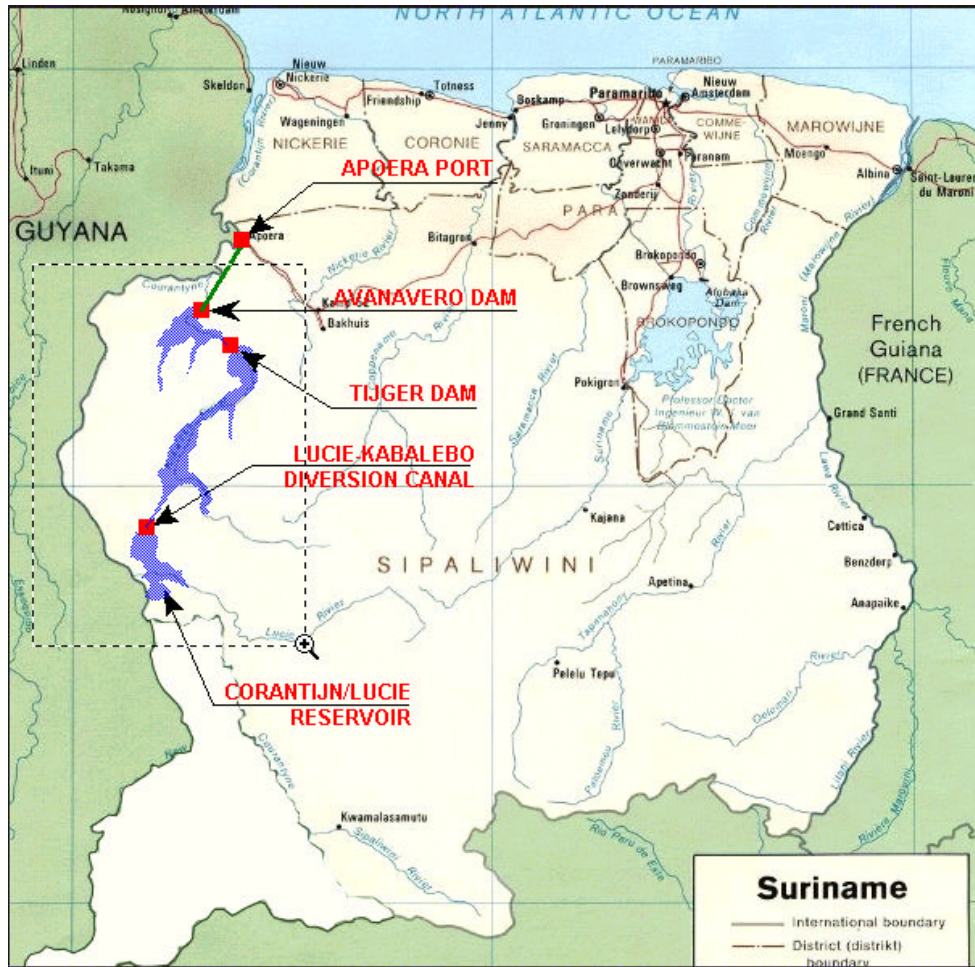
A steering committee from the Suriname Ministry of Labor, Technological Development and Environment is monitoring this project. The National Institute for Environment and Development in Suriname (NIMOS) has not been invited to participate despite requests made by the NIMOS Director General. Neither are Indigenous and Maroon representatives part of the Committee.

#### **4.5 HYDROPOWER PLANT DEVELOPMENT**

In order to secure sufficient energy for its bauxite operations, a BHP Biliton-Suralco joint venture is considering the development of a hydropower plant in West Suriname, near the border with Guyana. The Kabalebo Hydropower project, with a projected generating capacity of 650 MW, is favored by the Suriname government because it could help supply other regions and the city with direly needed power. The project would consist of two hydropower plants on the Kabalebo River, (at Tijgervaal and, downstream from it, Avanaveroval), and water diversion structures in the

Corantijn and Lucie rivers and their tributaries (Figure 4.4). The diversion structures are a series of dikes and canals as well as two dams, one on the Corantijn River and another on the Lucie River. The diversions will transfer water from these rivers and tributaries of the Corantijn River to the Kabalebo River. The total reservoir area of the project will be approximately 2,460 km<sup>2</sup>, distributed in three lakes: Avanavero, Tijger, and Corantijn/Lucie.

Figure 4.4 Location of the proposed Kabalebo Hydropower project



Source: Report Kabalebo, Feb 18-05 V2[1]

Minimally impacted tropical rainforest covers the target area. Four larger Indigenous communities (Apura, Washabo, Section and Wanapan) north of the dams and several smaller settlements (e.g. Amatopo, Arapahu) to the south will have their lands and cultural activities affected by the flooding associated with the new reservoir, as they use the river basins for fishing, hunting, and the collection of forest products. The villages of Apura, Washabo, and Section, which cluster together on the eastern bank of the Corantijn River, have a combined population of approximately 1,800 people, which are mostly of Arowak descent. The population of Trio Indians in the village of Wanapan is smaller. The southern Trio people rely on the area for their longer hunting, fishing, and gathering trips. The inhabitants of the possibly affected villages are poorly informed about the development plans.

Without knowing the height of the dams and the management plan, it is difficult to estimate the size and intensity of impacts of the planned hydropower project on local Indigenous communities. One probable impact will be the hindrance of movement of people and products along the Corantijn River. Already travel in the interior is difficult in the dry season, when the water levels in the rivers, which form the main transportation routes, drop considerably. The reduced water flow in the Corantijn River as a consequence of the various diversions will further reduce mobility and may isolate some of the smaller settlements in the dry season. The flooding also will affect mobility by limiting people's ability to travel from one side of the river to the other.

It also is likely that indigenous livelihood strategies will be disturbed. Through centuries of local experience, Indigenous peoples have developed strategies for fish and wildlife management in accordance with seasonality, the status of local fish and wildlife populations, and the fragile balance of the tropical ecosystem. In addition, local people use the rivers for drinking water and other household uses. The projected changes in local limnology are likely to alter the landscape; disturb breeding grounds and foraging strategies of aquatic fauna (fish, giant river otter, river turtles); displace terrestrial fauna and reduce their habitat; and cause physical, chemical, and biological modifications to local water sources. The captain of the Indigenous village of Wanapan/Wanatobo, which would be flooded by the proposed hydropower project, expressed his concern in a recent Indigenous land rights gathering:

"I am nearby [the developments], I am right there. If they do this, all people may be killed, as well as animals. All things will be lost, upriver will become dry. People will have to eat from cans, vegetables that come from outside. I cannot live like that. I am not looking at the money. I am thinking about my materials -the bush meat, the rivers- and those of my grand children."

The projected developments also may destroy part of Suriname's Indigenous cultural heritage. There are 12 known archeological sites in the Corantijn River basin, which feature rare petroglyphs (rock art), and three known sites in the Kabalebo river basin. Due to the low intensity of archeological research, which is limited by budgetary constraints, the cultures that lived at and created most of these historic sites are yet unknown<sup>29</sup>. If studied, these sites may provide significant information about pre-Columbian Suriname.

At present, Suralco is conducting an environmental inventory of the affected river basins and a feasibility study. A first "Inventory and review of existing information and data" was limited to the collection and analysis of existing data, and a flight over the study area. Consultation with the people who will be possibly impacted has not yet taken place. The first inventory does not mention the existence of a residence population in the Trio villages of Wanapan and Amatobo, just south of the Wonotobo falls, nor the presence of several smaller family settlements in the Lucie and Kuruni River basins. A complete EIA will be conducted if the development of a hydropower plant in this area is deemed feasible.

The IDB recently approved the project "Indigenous peoples and Mining in Suriname". The objective of this Technical Cooperation is to gather information regarding the potential impacts of the proposed Alcoa/BHP Billiton project on indigenous peoples, focusing on the communities of Aura, Washabo, and Section. A second aim of the project is to build capacity among the indigenous communities in this area in order to help them adaptively respond to the expected changes. The Organization of Indigenous Village Heads will be the executing agent, and additional consultants will be hired by IDB. The project is in state of procurement now and be implemented soon.

---

<sup>29</sup> Versteeg, A. H. 2003. Suriname before Columbus. Paramaribo, Libri Musei Surinamensis.

## 4.6 PROTECTED AREAS AND TOURISM

### 4.6.1 Protected Areas Establishment

Suriname has a long history of nature conservation through the establishment of protected areas. Ten protected areas were created in 1954, including Raleigh Vallen Nature Reserve and Tafelberg, which now are part of the Central Suriname Nature Reserve (Table 4.1). In 1976-8, on the basis of an ecosystem analysis, several additional areas in the lowland coastal and savanna zones were proposed as nature reserves. Today about 12 percent of the country has a protected status (Figure 5.1). The 16 protected areas include one nature park (Brownsweg) and four multiple use management areas. Six more areas have been proposed to obtain protected status.

*Table 4.1 Protected areas established to date\**

1. Hertenrits NR (100 ha, 1972)	11. Central Suriname NR (1,600,000 ha, 1998)
2. Coppename Monding NR (12,000 ha, 1953/1961)	12. Sipaliwini NR (100,000 ha, 1972)
3. Wia Wia NR (36,000 ha, 1961)	13. Bigi Pan MUMA (63,300 ha, 1987)
4. Galibi NR (4,000 ha, establ. 1969)	14. Noord Coronie MUMA (15,000 ha, establ. 2001)
5. Peruvia NR (31,000 ha, 1986)	15. Noord Saramacca MUMA (83,000 ha, establ. 2001)
6. Boven Coesewijne NR (127,000 ha, 1986)	16. Noord Commewijne-Marowijne MUMA (65,000 ha, 2002)
7. Copi NR (18,000 ha, 1986)	17. Kaboeri Kreek NR, proposed
8. Wane Kreek NR (45,000 ha, 1986)	18. Snake Kreek FR, proposed
9. Brinckheuvel NR (6,000 ha, 1961)	19. Nanni NR, proposed
10. Brownsberg NP (8,400 ha, 1969)	20. MacClemen FR, proposed

\*NR= Nature Reserve; NP= National Park; MUMA= Multiple-Use Management Area; FR= Forest reserve

In addition to the Suriname government, the main forces behind protected area establishment and ecotourism development in Suriname are WWF –Guianas (Apetina, Brownsberg, Galibi, Boven-Coesewijne and Kaboerie Kreek, among others) and Conservation International Suriname (Kwamalasamutu, Central Suriname Nature Reserve). Both Conservation International (CI) and the World Wildlife Fund have internal policies with regard to dealing with Indigenous and Tribal Peoples in areas set aside for protection (Appendix 1).

Fifteen of the 22 existing and proposed protected areas overlap with the living and usufruct areas of Indigenous and Maroon communities (Figure 5.1)<sup>30</sup>. These local communities have been skeptical towards the establishment of parks and subsequent arrival of tourists. While acknowledging that tourism will generate income, they also are concerned about restrictions on their traditional livelihood activities such as hunting and gathering. Indigenous peoples and Maroons are particularly concerned about the fact that these developments tend to occur without their prior consultation or consent (see also Chapter 3)

In the late 1960s, the Galibi Nature reserve was established to protect one of the world's most important nesting beaches for sea turtles. Ricardo Pané, village chief of Christiaankondre (Galibi), recalls:

“An [...] important aspect of protected areas is that they have been established without our consent. In case of the Galibi protected area, a governmental delegation came to Galibi for a few hours. They cheated and tricked the village

<sup>30</sup> MacKay, F. & R. Pané, 2004. 50 Years of Disrespect: Protected Areas in Suriname. Cultural Survival Quarterly 28(1).

leaders of the time, by saying that they only intended to conduct some research in the area. When [the delegation] returned three months later, the area had been declared a protected area by the government. The Indigenous Peoples had to relocate immediately and stop all activities in the area. The whole area was now claimed by government and the Forest Service (LBB). I saw all this happening as a young boy and saw how the LBB officials treated the local inhabitants very disrespectfully.”<sup>31</sup>

Local Carib (Kalinya) Indigenous people reclaimed the area during the interior war (1986-1992), when public activities at Galibi were on hold. After peace was restored, however, the government and conservation organizations showed renewed interest in Galibi beach. While better informed than in the past, the natives of Galibi felt placed under national and international pressure during negotiations about the protected status of Galibi. They also complained that they were portrayed as threats to environmental conservation, and that only outsiders benefited financially from turtle protection.

The establishment of protected areas without local participation is not something from the past. In 1998, 1.6 million ha of forest received protected status as the Central Suriname Nature Reserve, to be managed by Conservation International. Its establishment was made official by a presidential Nature Protection Resolution (*Natuurbeschermingsresolutie*), which was discussed in Chapter three. The Resolution states that “as far is known, the determined area is unpopulated and does not contain any communities”. It does not mention that the land is used by the Kwinti Maroons from the villages of Kaimanston and Witagron, which border the park. A Kwinti Maroon representative stated at a 2001 conference on Indigenous peoples and protected areas:

“The reserve comprises about three-quarters of lands we consider to be our lands. It was established and proclaimed without any notice to us. We were not informed officially; we heard the news from the press. It took a year after the establishment before the government invited us to participate in so-called stakeholder activities. These activities were meant to write a management plan and to establish a trust fund for operation of the CSNR. I need to stress that we were not invited because the government wanted us, but due to the fact that this was required by the funding organization. Lots of attention was given to this reserve, nationally as well as internationally, however the negative effects of the reserve on our communities have never been discussed.”<sup>32</sup>

In addition to the Kwinti, Trio Indians from South Suriname were and are hunting and collecting (medicinal) plants in the reserve area. They also complained about the lack of involvement and hasted process of community consultation. In 2002, the Saramaka Maroons from the Upper Suriname River east of the CSNR learned that Conservation International intended to expand the Reserve area to incorporate the Gaan and Pikin Rivers. The Saramaka had allegedly requested this expansion, which would comprise around 45 percent of their territory. After Saramakan protest, Conservation International agreed to abandon the plans unless the Saramaka people decided otherwise.

---

<sup>31</sup> R. Pané, 2004. Protected Areas in Suriname: A Voice from Suriname’s Galibi Nature Reserve. *Cultural Survival Quarterly* 28(1).

<sup>32</sup> MacKay, F. & R. Pané, 2004. 50 Years of Disrespect: Protected Areas in Suriname. *Cultural Survival Quarterly* 28(1).

#### **4.6.2 Future Developments**

Pressure on Indigenous and Maroon lands for protected areas and tourism is not likely to decrease in the near future. In the contrary, tourism has become an increasingly important source of revenue for Suriname, with an estimated growth of 40 percent over the past three years<sup>33</sup>. The sector earned an estimated 120 million US\$ in 2003. A considerable number of larger and smaller local tour-operators bring tourists to the interior. While their trips typically carry the 'eco' prefix, they are not ecologically oriented in the sense of teaching tourists about local ecological systems and processes. Their tours usually include a visit to a Maroon and/or Indigenous community. These communities participate in and benefit from these activities to varying degrees. To date no studies have been conducted to assess the social and environmental impacts of ecotourism.

While there has been no legal change to protect native rights in the wake of tourism development, recent years do suggest growing concern with Indigenous and Maroon participation in protected areas establishment and management. In addition to pressure from international activist groups, growing awareness among the new generation of Indigenous peoples and Maroons is stimulating this change. Usually, local people are not averse to, and even may favor the protected status of their lands. Yet they want this process to occur with their full consent and participation, and without loss of their traditional customs and subsistence strategies.

The Indigenous inhabitants of the coastal zone of Galibi, for example, have organized themselves in a community organization for environmental protection, the Foundation for Sustainable Nature Management in Alusiaka (STIDUNAL). This community organization will manage the Galibi protected area in cooperation with the parastatal Foundation Nature Management Suriname (STINASU). The group has negotiated full management of the protected area in the future as an integral part of community development. The World Wildlife Fund (WWF) - Guianas has responded to these developments by designing a co-management plan for the coastal zone of Galibi in collaboration with the natives of Galibi.

In 2005 CI Suriname received financial support from the Inter-American Development Bank DB for Sustainable Tourism Development. The project includes work with the Kwinti Maroon Maroons of the communities of Witagron and Kaimanston in order to increase their benefits from ecotourism activities in Central Suriname Nature Reserve. The impacts of this project will only be known in several years from now.

#### **4.7 SYNTHESIS**

In the past decades, Indigenous and Maroon lands are increasingly being targeted by outside interests: logging, mining, oil palm production, hydropower development, and national parks. An analysis of the impacts of these activities on the livelihoods of local people confirms what we already found in Chapter 3: Indigenous and Maroon rights to land and resources are inadequately protected under Suriname law. There are no clear regulations on processes of information, consultation, compensation, and participation of local people in the face of industrial development on their territories. Meanwhile the government fails to enforce protection of its citizens living in the interior.

---

<sup>33</sup> Ministry of Planning and Development Co-operation, Ministry of Transport, Communication and Tourism, European Commission 2004. *Monthly Bulletin on Tourism Statistics*. Vol. 2, no. 4, April 2004.

Where local people are being involved in development projects, this occurs on the account of the industry and NGOs rather than by jurisdiction or government intervention. For example, small-scale gold miners often ask for community permission when working on Indigenous and Maroon lands, and may in return pay in gold or cash to village authorities. Such deals are usually closed out of self-interest rather than concern with community rights; sabotage and violence by discontent villagers can be dangerous for the workers and expensive for the operator. Also large-scale mining companies are increasingly emphasizing good community relations. They now hire community relations or sustainability officers; organize consultation meetings with local authorities; hire and train villagers as employees; and invest in community development projects such as educational and health care facilities. Again, it is not merely concern with local well-being that motivates such activities. Besides the potential costs and risks of having an angry community nearby, poor human rights records also harm the company's international reputation and may scare off investors and stock holders.

While the above efforts to work with local communities are laudable, the situation is far from ideal. Firstly, community relations are usually established only after a concession has been granted and development initiated. Indigenous and Maroon authorities do not have the option to say 'No' to these developments; they only can try to make the best out of it. Secondly, without legal protection, traditional communities are delivered to the goodwill of the company or agency. If the company is of good intentions, local people may benefit from economic opportunities and community development. If the outside party decides on blatantly ignoring local inhabitants and users of the land, Indigenous Peoples and Maroons will lose their lands, livelihoods, and cultural integrity. The traditional inhabitants of the forest and coastal zones have no legal means to their disposal stop or alter this process.

Village heads have an important role to play in mediating the interests of their communities with those of outside parties, such as the extractive industries. However, negotiations between a legally and financially backed multinational and a poorly informed tribal leader are rarely fair. Without prior experience, how can local authorities judge the possible gains, consequences, and losses for their people? Even though Indigenous Peoples and Maroons are becoming better informed and aware of their rights they typically do not possess the necessary negotiation expertise. NGOs may assist them by disseminating information, providing access to legal experts, and facilitating learning from native experiences worldwide. The latter could occur through exchange programs with native groups that have successfully negotiated land rights (e.g. Canada) and participation in international Indigenous meetings and conferences.

Tenure security and protection will empower communities to set conditions to industrial activity on their lands, or, in some cases, to ban such activity altogether. Examples from neighboring countries suggest that protecting native land rights is not easy to realize in practice. The examples also show, however, that local people with access to relevant information and legal support can make sound decisions about the use and management of the lands they have used and managed for centuries. This does not mean that all industrial development on traditional lands will be halted. It does mean, however, that such development will have to occur with respect for local cultures and livelihoods, on their conditions and in their pace.

## **CHAPTER 5**

### **GOVERNMENT PERSPECTIVES**

*...it is not true that the government is allocating concessions without recognizing local inhabitants. Also the impression that is given [...] that forest peoples have no rights is not correct. Before the government decides to give out a concession, consultation takes place - or should take place. [...]*<sup>34</sup>.

This chapter discusses perspectives and actions by the government of the Republic of Suriname. First government rhetoric and policy vis-à-vis Indigenous and Maroon land rights is reviewed. Within this context we evaluate actual activities and strategies of the Ministry of Natural Resources and the Ministry of Regional Development to resolve land-rights related problems.

At the time of this writing, government elections had just taken place (May 25, 2005) and politicians were still debating about the allocation of strategic positions, including the presidency. Section 5.4 scans the main political party programs for reference to rights to traditional lands. Based on these electoral promises and an analysis of the public opinion, we develop a prognosis of changes that may be expected in the coming government term (2005-2010).

#### **5.1 GOVERNMENT PERSPECTIVE**

##### **5.1.1 General vision**

At the roots of the government vision is the vision that the Suriname Constitution provides equal rights for all. In other words, people living in traditional communities have the exact same rights as any other citizen from Suriname. These groups are not being discriminated against. In fact, giving people from the interior special rights would advantage these ethnic groups over others. The state would have to extend the same benefits to Hindustani in Nieuw Nickerie or Javanese people in Commewijne. Moreover, Suriname territory should be maintained as a whole rather than being subdivided among various groups.

Government officials refute the accusation that the State does not respect the special status and rights of Indigenous Peoples and Maroons. Customary rights are named in various policy notes, political documents, and state decrees, including the Mining Act of 1986 and the Forestry Act of 1992 (See Chapter 3). These laws state that if concessions are being allocated to areas where people live, these people need to be informed. Moreover, Indigenous and Maroon communities may collectively apply for Community Forest in the area surrounding the village.

Regardless of land ownership, subsoil resources belong to the state. Because the rights of citizens are subordinate to the public interest, the State has the right to exploit mineral reserves below anyone's property. This regulation applies to every Suriname citizen, whether in the capital city, elsewhere in the coastal area, or in the forest. It would be unfair to give certain citizens the exclusive rights to the gold and other minerals that are found in the interior. Even if tribal communities were to obtain property titles, these rights would still be subordinate to national development interests. In these cases the injured party should be compensated. Government officials acknowledge that this latter regulation has not been consistently applied in the past.

---

<sup>34</sup> District Commissioner Sipaliwini, Pers. com. May5, 3005

Finally, industrial resource extraction benefits rather than harms people from the interior. Revenues and taxes from logging and mining fund the maintenance of public services (e.g. health care, education, and electricity) in forest communities.

Government officials identify several barriers to resolving the land rights issue:

- 1) There is no unity among Indigenous Peoples and Maroons. Indigenous Peoples are better organized, but Maroons are fragmented. They should come to an agreement among themselves before the government can deal with them.
- 2) The issue in Suriname is more complex than in other countries because Suriname not only has Indigenous Peoples, it also has Maroons.
- 3) People from the interior are continuously on the move. It is difficult to demarcate land if old villages are abandoned and new villages created all the time. Demarcation also cannot keep up with population growth.
- 4) Interior Peoples want rights to subsoil resources. This is unacceptable; it goes against the constitution and does not occur in other countries either.
- 5) Suriname is not ready. The country needs a national discussion and consensus on some key issues, such as the size of the area and the contents of possible rights.
- 6) The confrontational attitude of some Indigenous and tribal groups and their advocates works counterproductive. Unsubstantiated accusations at the national and international levels create tension.

### **5.1.2 Thoughts behind the concession policy**

Public officials contend that the granting of mining and logging concessions always is preceded by consultation with Indigenous Peoples and Maroons who live in or near the concession area. When the wishes of these local people differ from the interests of the government, settlement is reached through negotiations. In an answer to the Saramaka complaint filed with the Inter-American Commission on Human Rights, the government declares that no concessions around villages can be granted and that “around villages, only traditional leaders have received Collective Timber Logging Permits”. This statement contradicts the map of timber concessions (Figures 4.1 and 4.2), which shows the location of various regular logging concessions bordering villages. The State further claims that “No village has been given out in concession to a third party.” It is not clear if the village of Nieuw Koffiekamp, which is situated in the Rosebel Goldmines concession area, is not considered a village or simply forgotten.

The tribal inhabitants of the interior can appeal to the Council for the Development of the Interior (ROB) if they feel the State or a concessionaire violates their customary law rights. Moreover, Indigenous and Maroon individuals could file a claim against the state like all other Suriname citizens. According to Ms. Waterval, member of the State Juridical Committee, Indigenous communities have collectively filed claims with the national court but these claims could not be admitted because the community or group cannot act as a legal body.

## **5.2 SPECIAL COMMITTEES**

Since the Interior Conflict ended the government has installed various committees to study and resolve the land rights issue. These committees include the Committee Redan, the Committee Mijns, and the Councils for Development of the Interior.

### **5.2.1 Committees Redan and Mijnaals**

In October 1992 a *Committee for Inventory of Land Rights and Concessions of Surinamers living in tribal societies* was installed. The Committee, which became known under the name Committee Redan after its chairman, had as its main tasks to:

- (1) Make an inventory of the villages of people living in tribal societies with the purpose of demarcation of these living territories, and
- (2) Research land availability near living territories to sustain the allocation of lands under a real title to individual members of these communities.

It is unclear what happened to this committee and its research results. The findings and recommendations cannot be found at the Ministry of Natural Resources or any other consulted public office. According to insiders, the committee did not produce concrete recommendations or other tangible results.

In 1996, a *Committee Rights to State Land Indigenous Peoples and Maroons* was installed. The Committee was composed of 5 juridical experts, one Maroon and one Indigenous individual, under chairmanship of the jurist Mijnaals. Its assignments were to (a) evaluate the subjective rights of Indigenous Peoples and Maroons on state land in the Interior, and (b) recommend strategies for resolving the issue. Committee Mijnaals researched whether the Indigenous Peoples and Maroons were legally entitled to land in the interior, and if so what type of title. The Committee also studied the legal perceptions of these interior populations about the size of their lands, and the legal rights of Indigenous Peoples, Maroons, and the government.

Committee Mijnaals was hindered in its tasks by a lack of resources and ministerial dedication. A lack of funding limited the committee's field visits to places in the coastal zone; primarily the district of Para and Brokopondo. Moreover, as the issue was not a priority of the Minister of Natural Resources, it proved difficult to discuss the findings with the Minister or even to report to him. The Committee's interim report concludes that:

- Indigenous Peoples and Maroons have different ideas about land rights. Indigenous Peoples see no borders to their lands; they have spread over large territories and do not recognize international frontiers. Among the Maroons, territorial rights are vested in the clan, and there are clearer customary rules about what lands belong to whom.
- There should be interaction between representatives of Maroon and Indigenous groups so that they can come to a more unified vision.
- People from the interior are conscious of the importance of a real title to land, as it can be held up against anyone. However, real title only is possible if demarcation has taken place.
- The land rights issue should not be dealt with in isolation, but rather be integrated in a broader, long-term development vision for the interior.

The final report and recommendations of Committee Mijnaals are nowhere to be found within the Ministry of Natural Resources. Neither has it been possible to obtain this document from any of the members at the moment. No concrete government action followed the dissolution of the Committee Mijnaals in 1998.

### **5.2.2 Council for Development of the Interior (ROB)**

The 1992 Peace Accord called for the establishment of a Council for Development of the Interior (*Raad Ontwikkeling Binnenland* – ROB) to help find a solution for the land rights issue. Demarcation of Indigenous and Maroon territories was one of the activities explicitly mentioned in this context. So far three efforts have been taken to install such a Council.

The first ROB was assembled in 1994. Its formation was to take place in close cooperation with Indigenous and Maroon authorities. Indigenous Peoples however felt that Maroons were given preferential treatment, as only two Indigenous representatives versus all six Maroon granmans were invited. As a result Indigenous Peoples withdrew from the Council altogether. Ultimately the Council was installed without indigenous participation but failed to function, partly because Maroons did not want to proceed without the participation of Indigenous Peoples. Both groups also demanded the ROB would obtain an independent budget and be responsible directly to the President rather than operate as a part of the Ministry of Regional Development. In this contentious sphere the Council did not accomplish much. When the first ROB was dismantled after two years, it had executed none of its prescribed tasks.

The Wijdenbosch government installed a second ROB in 1996. This time the president himself selected the chairperson and members, including members from the Organization of Indigenous Peoples in Suriname (OIS) and the Organization of Indigenous Village Heads Suriname (VIDS). This top-down and undemocratic manner of choosing the Council members went against the Peace Accord Provisions and was criticized among Maroons and Indigenous Peoples. Also this council did not manage to fulfill its objectives.

The third and current ROB was installed in 2002. This time the appointment of Council members occurred more democratically through the nomination of candidates by Indigenous and Maroon authorities. After the selection procedures 15 members were installed: 5 from government, 6 Maroon representatives, and 4 Indigenous representatives. The current Council did not inherit the secretariat and administration from the previous ROB's and hence had to start from scratch. The first three years of its existence have been dedicated to defining an appropriate management structure.

### **5.2.3 State Juridical Committee (SJC)**

In 2002 a committee composed of juridical human rights experts was formed to represent, advise and defend the state in international law cases. The immediate cause for the formation of this Committee was the Saramaka claim against the state with the Inter-American Commission on Human Rights (see Chapter 6). Today, three years after its installation, the Committee has not yet visited the places where the supposed human rights violations have taken place. Visits have been postponed due to the extensive mourning period and subsequent authority crisis among the Saramaka after former Saramaka granman Aboikoni passed away (2004). Later there was too much commotion around the national government elections (May 25 2005).

The Committee's position is that the Saramaka claim contains several clauses that the Suriname state will not be able to honor. For example, the Saramaka claim rights to subsoil resources. The Committee asserts that in no other Latin American country Indigenous Peoples have those rights. The Committee also contends that the request that all existing concessions overlapping with Indigenous and Maroon villages and usufruct lands be withdrawn is impossible. Such action would oblige the state to pay compensatory sums to the parties who have title to those concessions.

### **5.2.4 Recent initiatives**

In April 2004, after a workshop on the land rights organized by the Amazon Conservation Team (ACT), the government committed itself to the formation of an inter-ministerial committee to

function as a liaison between the government and representatives of Indigenous Groups, including ACT and VIDS. This committee was to function much like the Councils for Indigenous Affairs throughout the Americas. After development of a concept disposition by the Juridical Department of the Ministry of Natural Resources, not much has happened. One barrier is that several proposed members refuse to take seating in the committee without extra pay. The formal reason for stagnation is a lack of money to bring the members of this Committee together. To date the Committee has not been installed.

### **5.3 INSTITUTIONAL CAPACITY**

Various government Ministries and Departments directly or indirectly affect land rights policy (Figure 5.1). The Ministry of Natural Resources (*Natuurlijke Hulpbronnen*, NH) decides over use of, and right to, land. The Ministry for Regional Development (*Regionale Ontwikkeling*, RO) is also involved as the rights and well-being of Indigenous Peoples and Maroons fall within its tasks description. The District Commissioners, who work under the auspices of this Ministry, play an important role in community consultation processes. The Ministry of Labor, Technological Development, and Environment (*Arbeid, Technologie en Milieu*, ATM) also has discussed the issue as part of its broader policy vision.

#### **5.3.1 Ministry of Natural Resources**

The Ministry of Natural Resources decides over the allocation of lands to various purposes. Important executing Departments with regard to lands in the interior are the Geology and Mining Department, which is responsible for the allocation of mining concessions; the Department for Forest Management and Forest Control, which manages the issuing of timber concessions; and the Nature Conservation Division of the National Forest Service, which oversees the establishment and management of protected areas. Prior to land use decisions, the advice of these departments is, along with a written recommendation from the District Commissioner, sent to the Minister of Natural Resources. The Minister has the final say in approval or rejection of land for a certain purpose, which most often follows the Departments' advice. Requests for the withdrawal of concession rights require approval by the President. It must be noted that to date, the Ministry has not formulated a coherent land rights policy,

##### *5.3.1.1 Geology and Mining Department*

Even though the living and usufruct territories of interior peoples have not been formally demarcated and legally recognized, the Geology and Mining Department (GMD) does consider customary land rights in its concession allocation policy. It considers as Indigenous and Maroon lands those territories that these groups themselves have claimed as theirs, and has committed itself to minimizing granting and renewal of small-scale mining concessions in these contested areas. On the request of Ndyuka Granman Gazon, for example, no concessions will be extended for the Sella Creek mining area. Gazon submitted his request to prevent that one person obtains title over the entire area and takes the bulk of the profits that may be made there.

There are various examples of similar informal agreements between the GMD and Indigenous and Maroon authorities (Table 5.1). Due to previous negative experiences with Maroon miners, various highland Indigenous groups do not want mining activities on their lands. Consequently the GMD did not renew a concession in the Sipaliwini savanna after its license expired (This

concession has not yet been removed from the map of mining concessions, Figure 4.3). On the positive side, these gentlemen's agreements show a realist position of the government vis-à-vis the placer mining sector. In the absence of legal backing, however, oral contracts may be abandoned with changes in government and in the GMD-top. Moreover, concern about Indigenous and Maroon communities lessens when large-scale mining interests are at play.

*Table 5.1 Zones where the GMD has agreed not to grant mining concessions.*

<b>Area</b>	<b>Reason</b>
Sella Creek mining zone, a tributary of the Tapanahony River	Request of the Ndyuka Maroon granman, in order to prevent conflict with and among Ndyuka miners.
Along the Upper-Suriname River, south of the village of Pokigron	The Suriname government would like to promote tourism in this area
Along the Tapanahony River south of Sella Creek.	Wayana Indigens living in this area do not want anything to do with gold mining
In the Wayana living area south of Benzdorp.	Wayana Indigens living in this area do not want anything to do with gold mining
Around the village of Kwamalasumutu, Sipaliwini savanna (southern Suriname).	Local Trio Amerindians do not want gold mining after negative experiences with a local mining company.

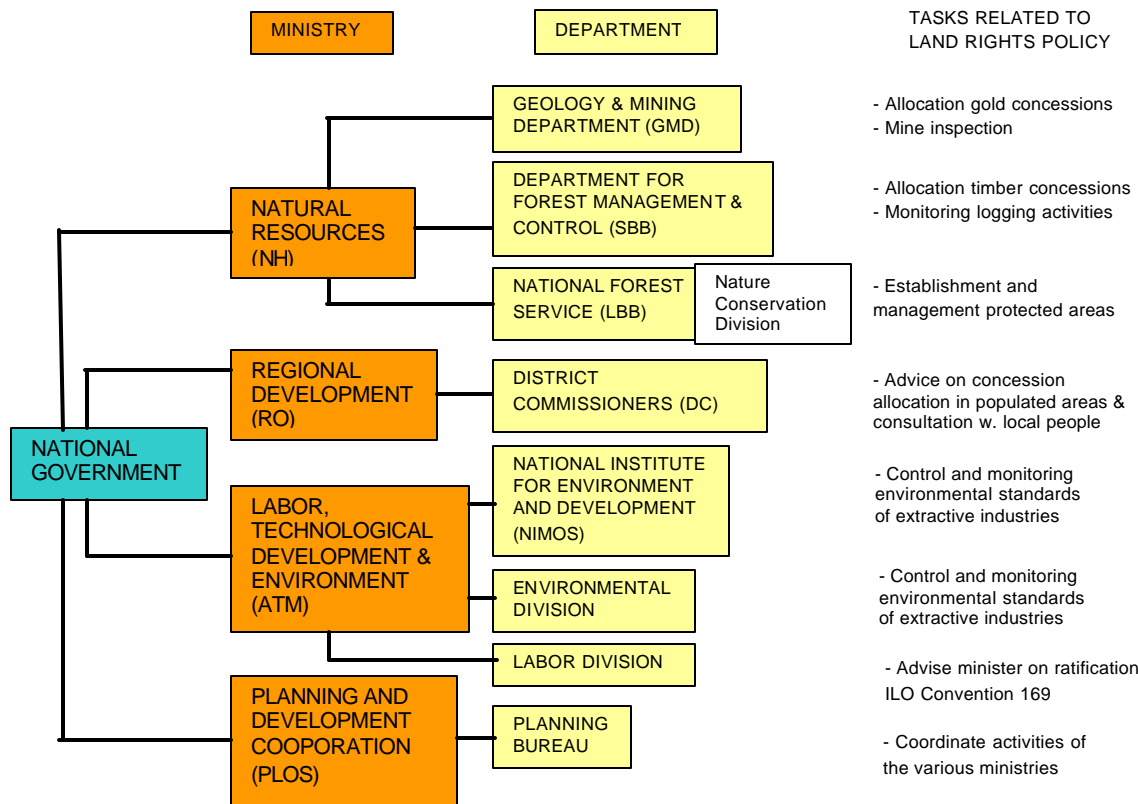
Given its responsibility for mine inspection, the GMD also should ensure that Indigenous and Maroon rights are being respected after a concession is granted. In practice though, its officers rarely visit the field, particularly the more isolated mines. The GMD has only two field stations, at Loksi Hati and at Afobakka, for the entire interior. Neither one of these stations is permanently occupied by field officers or fully equipped. With one pick-up truck and one bus, transport facilities are inadequate, as is the money to charter transportation services (plane, boat) from others. A 2003 WWF grant (US\$300,000) to the GMD in support of small-scale mining regulation should resolve some of these hindrances.

#### *5.3.1.2 Department for Forest Management and Forest Control*

The Department for Forest Management and Forest Control (*Stichting voor Bosbeheer en Bostoezicht – SBB*) is responsible for forest management, monitoring of logging activities, and approving wood production and products. Since 2000, SBB also manages the allocation of forestry concessions. In its consideration of an application, SBB will verify the presence of communities within or near the concession area. Their presence is one of the reasons that SBB might advice against the allocation. Another consideration is the presence or absence of village logging concessions (HKVs, see Chapter 3) or communal forests (*gemeenschapsbos*). If such areas are not yet set aside for village use, SBB will be more likely to object to the allocation.

Concession allocation was less considerate of customary land rights prior to SBB's involvement. As a result, many villages are now located in or near concession areas. The Department tries to work correctively by not renewing concessions in contested areas. It was recently decided, for example, to withdraw two large logging concessions along the Marowijne River (see Figure 4.1). SBB also has marked land surrounding the Upper Suriname River, representing the Saramaka land claim with the OAS (see Chapter 6), as off-bounds for applicants. The zone will hold this status until there is a decision from the OAS Committee for Human Rights.

Figure 5.1 Government institutions involved in land rights policy

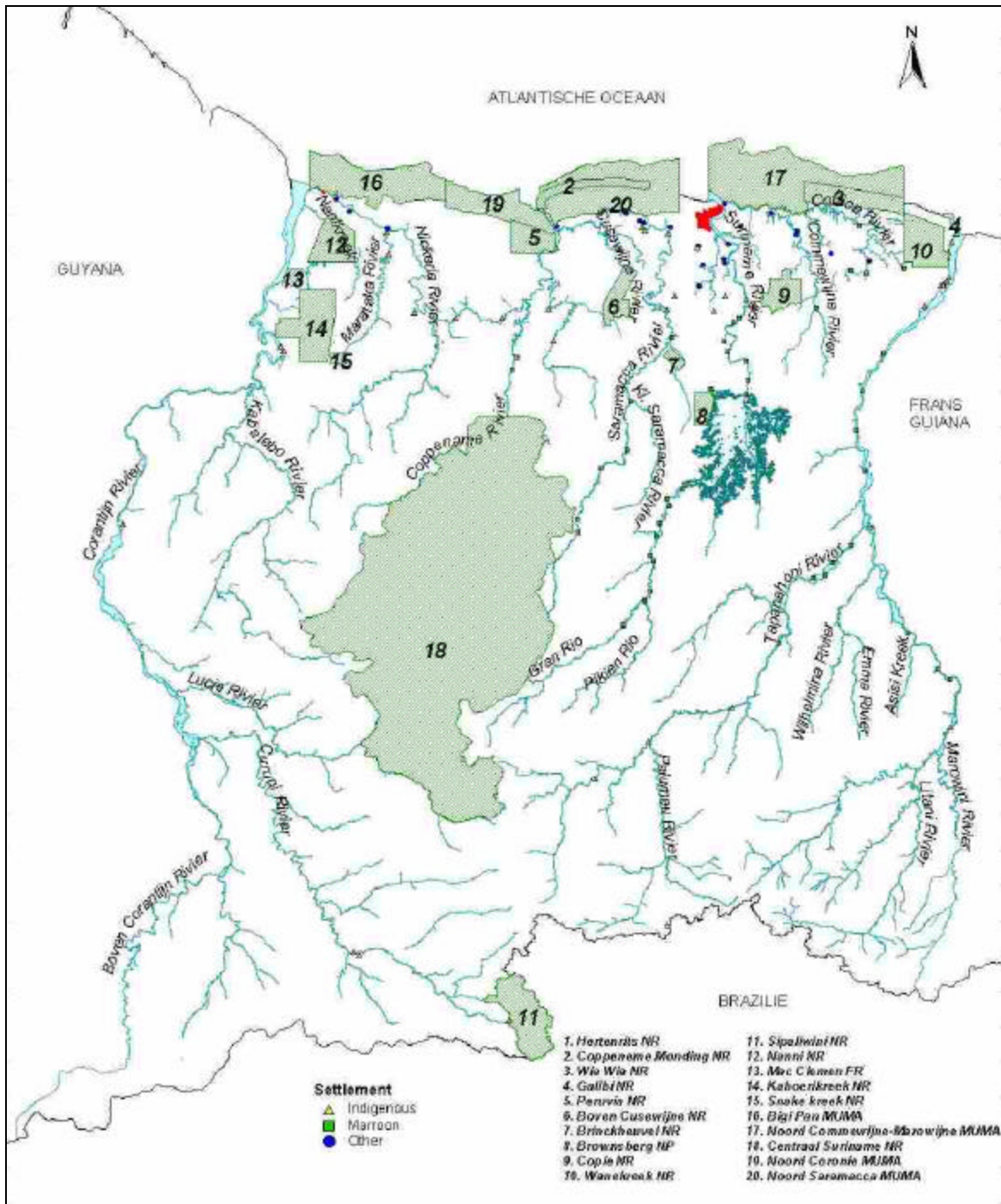


### 5.3.1.3 Nature Conservation Division

The Nature Conservation Division (*Afdeling Natuurbeheer, NB*) of the National Forest Service (*Dienst 's Lands Bos Beheer, LBB*) oversees the establishment and management of protected areas (Figure 4.1). Exceptions are the Brownsberg Nature Park, the Central Suriname Nature Reserve, and the Sipaliwini Nature reserve. The former is since 1970 held in leasehold and managed by the Foundation for Nature Conservation in Suriname (*Stichting Natuurbehoud Suriname – STINASU*) for recreational and educational purpose. The Central Suriname and Sipaliwini Nature Reserves fall under responsibility of the Suriname Conservation Foundation (SCF), an NGO supported by international cooperation agencies including Conservation International

NB's parks policy supports the principle that the objectives of protected areas do not need to be in conflict with the rights and traditions of Indigenous and Maroon Peoples. If managed with local people living in and around certain biodiversity hotspots, formal protected areas can provide a means to recognize and support the conservationist customs of these people. By prohibiting mining and logging activities, the status of protected area in many ways helps local people conserve their sacred places, hunting and gathering territories, and other places of cultural and economic relevance.

Figure 5.2 Protected areas in Suriname: National Reserves (NR), National Parks (NP), and Multiple Use Management Areas (MANU)



Source: NARENA © 2005

NB increasingly consults and involves local people in the design of protected areas. An example is the current management of the Galibi Nature Reserve (4,000 ha) near the mouth of the Marowijne River, an important nesting beach for marine turtles (See also Chapter 4). Here it was decided in consultation with an Indigenous community committee to abandon the turtle egg hunt in order to favor tourism. Inhabitants of the two communities in the reserve area, Langamankondre and Christiaankondre, are still allowed to collect eggs for traditional ceremonies. Yet this should occur in agreement with the parks manager, only of the Aitikanti turtle, and under the flood line.

A participatory approach also was used to involve the Indigenous village of Bigi Poika in the development of a concept management plan for the Boven Coesewijne Nature Reserve. The local population had initially rejected the proposal for the establishment of the reserve area, but after various consultation meetings they concluded that the project could be beneficial to them. At present consultation meetings are being held with the Indigenous villages of Kaburi, Washabo, Apura, and Section to design a management plan for the Kaboeri Kreek Nature Reserve.

### **5.3.2 Ministry for Regional Development**

As stated in its terms of reference, the Ministry for Regional Development (*Ministerie van Regionale Ontwikkeling, RO*) has among its tasks to improve the living conditions of the inhabitants of the interior. Improving these conditions requires that local people benefit from the exploitation of natural resources – either by themselves or by third parties – without harming the options of future generations to do so. Protecting the access of Indigenous Peoples and Maroons to land and natural resources, now and in the future, should be among the Ministry's priorities. As a liaison between government policy and local communities, the Ministry also has an importing facilitating role in resolving issues that create tension in this relation.

The Ministry's main venues to deal with Indigenous and Maroon communities are the *District Commissioners* (DCs). Since a couple of years, each concession application is sent to the relevant DC for advice. If people live in or near the concession area, the DC may visit the target area or send his Policy Supervisor (*Bestuurs Opzichter, BO*). If deemed useful, the applicant may be asked to come along. The DC will hold *krutus* with community authorities, and advice against the allocation if he or she feels the community will be negatively impacted. The Minister will only grant or reject the application after having seen the DC's written recommendation. This does not mean that the minister is obliged to follow the DC's opinion. Recently the DC of Marowijne, his District Council, and the Resort Council of Moengo, publicly complained that they felt left out and obstructed in local policy making as the Minister ignored their advice in a land allocation case (July 2005).

While an improvement over earlier practices that largely ignored local people, it remains problematic that consultation is not prescribed by law. As a consequence, the actual execution of community meetings and consent procedures depends on the personal skills and dedication of the DC in question, as well as on this person's relations with the local communities involved.

### **5.3.3 Ministry of Labor, Technological Development, and Environment**

The Ministry of Labor, Technological Development, and Environment (*Arbeid, Technologie, en Milieu - ATM*)'s Environmental Division is responsible for safeguarding environmental standards in collaboration with its working arm, the National Institute for Environment and Development

(NIMOS). The tasks of these two institutes include overseeing the mitigation of environmental impacts as well as monitoring restoration of areas damaged by logging and mining. Both the Environmental Division and NIMOS are restricted by the absence of an environmental law and a lack of resources to execute independent control.

In October 2003, the Labor Division of the Ministry of ATM and the International Labour Organization (ILO) jointly organized a workshop on ILO Convention 169 (See Section 3.9.5). The aims of this workshop were to open dialogue about Convention 169, and inform Indigenous Peoples and Maroons, relevant Government Ministries, and the social partner's about the Convention's specific objectives and provisions. The results of this discussion have not been translated into policy action.

## 5.4 THE MAY 2005 ELECTIONS

On May 25, 2005, Surinamers voted for a new national government and its representatives in the various District and Resort Councils. An evaluation of the position of Indigenous and Maroon land rights in the various political party programs and election debates indicates the limited relevance of this issue for Suriname politicians and the electorate (Table 52). Four political parties mentioned native land rights in their party political programs: Nieuw Front, A-1, A-Combinatie, and UPS-DOE<sup>35</sup>. The latter party did not obtain any seats in parliament.

*Nieuw Front (NF)*, which despite its loss of 10 seats remains the largest political block, promises that land rights for people living in traditional societies “will be integrated in the national legal framework.” It is not clear what these rights will entail and if rights to (subsoil) resources will be part of it. The party program further declares that a fair share of the gains from natural resources extraction in the interior will be reserved for the development of communities in the interior.

*A-Combinatie (AC)* is a bundling of three Maroon political parties: *Algemene Bevrijdings en Ontwikkelings Partij* (General Liberation and Development Party; ABOP), *Vereniging Broederschap en Eenheid in de Politiek* (Society for Fraternity and Unity in Politics; BEP), and SEEKA (Meaning: to arrange, to make right). According to its general aims, A-Combinatie seeks to “reformulate land policy in general, and in particular establish the foundation to enable the inhabitants of the interior to legally use the lands they have inhabited and worked since centuries.” (Item 10). This aim is further explained in a regional plan, which argues for the allocation of collective land titles and improved access to land for the inhabitants of the interior (Item 2). Customary land rights should be further protected by the reduced allocation of large logging concessions, re-evaluation of the Patamacca agreement, and regulation of the small-scale gold mining sector.

---

<sup>35</sup> In its section on “Land policy”, the UPS-DOE program states that: “Land policy in the interior asks for separate policy measures, because traditional land rights have to be taken into account. Yet the government should not give out lands and concessions in areas where indigenous Peoples and Maroons live in tribal societies until the legal system has been adjusted in accordance with the articles of the Peace Accord of 1992.”

*Table 5.2 Land rights in the 2005 political party programs*

<b>Party/Combination</b>	<b># seats</b>	<b>Policies for interior that are likely to affect Indigenous and Maroon lands</b>	<b>Rights of Indigenous Peoples and Maroons</b>
New Front (NF)	23	<ul style="list-style-type: none"> <li>- Stimulation (large-scale) mining sector, including exploration and exploitation of kaolin and other minerals.</li> <li>- Adequate share of gains from natural resources exploitation will be reserved for the development of interior communities</li> <li>- Institutional strengthening of traditional authorities</li> </ul>	Integration of land rights for people living in tribal societies in national legal framework
National Democratic Party (NDP)	15	<ul style="list-style-type: none"> <li>- Support agricultural production in interior</li> <li>- Provide public services to gold mining areas</li> <li>- Road pavement as part of plan to connect Suriname to Brazil</li> <li>- Evaluation titling and mining concession allocation policy</li> </ul>	Not mentioned
People's Alliance for Progress (VVV) (Program from DNP2000)	5	<ul style="list-style-type: none"> <li>- Support development of the interior as integral part of national development</li> <li>- Creation of special nature development funds for tourism and interior development</li> </ul>	Not mentioned
A-1	3	<ul style="list-style-type: none"> <li>- Stimulate small-scale mining of minerals and construction materials as a source of rural employment, while protecting environmental sustainability and the rights of Indigenous Peoples and Maroons.</li> <li>- Stimulate local participation in large-scale mining</li> <li>- Tropical forest conservation</li> <li>- Increase timber production in environmentally responsible way</li> </ul>	<ul style="list-style-type: none"> <li>- Recognize rights of Indigenous peoples and Maroons on their own living area, culture and identity.</li> <li>- Ratification ILO Convention 169</li> <li>- Land rights and titles for Indigenous Peoples and Maroons, with expert guidance and local training.</li> </ul>
A-Combinatie	5	<ul style="list-style-type: none"> <li>- Increase potential of bauxite industry</li> <li>- Exploration and exploitation of construction materials, kaolin, stone, and various minerals (e.g. diamond, metals)</li> <li>- Stimulate small-scale mining by regulation, assistance, and credit facilities; Enhance economic and environmental sustainability</li> <li>- Stop large logging concessions to multinationals</li> <li>- Evaluate Patamacca agreement, giving priority to both national interest and interests of local inhabitants</li> <li>- Stimulate commercial agricultural production in interior (e.g. rice, banana, citrus)</li> <li>- Infrastructural improvement of access to interior (renovation of old roads; construction of new roads and bridges; reliable plane and bus connections)</li> <li>- Stimulate ecotourism and medicinal plants research</li> </ul>	<ul style="list-style-type: none"> <li>- Allocation collective titles to land in the interior.</li> <li>- Improvement legal access to land for Indigenous Peoples and Maroons.</li> <li>- Legal recognition of traditional authorities, including allocation of concrete tasks and competences within a clearly demarcated area, which will be established in collaboration with the authorities concerned.</li> </ul>

*Alternatief 1*, or in short *A-1*, placed land rights on the political agenda mainly because of involvement of the Amazon Party. Among all political players, this party's vision on land rights is most clearly worked out. A1 proposes recognition of the rights of Indigenous peoples and Maroons on their own living area, culture and identity. Land rights and titles should be established with the help of expert guidance and local training. The party also proposes to "Stimulate small-scale mining of minerals and construction materials as a source of rural employment, while protecting environmental sustainability and the rights of Indigenous Peoples and Maroons." A-1 is the only political party that proposes ratification ILO Convention 169.

The party that won most votes by itself, the *National Democratic Party (NDP)*, does not mention Indigenous and Maroons land rights in its party political program. Nevertheless, the party leaders repetitively proclaimed their dedication to resolving the land rights issue during party conventions in the running up to the elections. At a meeting in the Maroon village of Drietabbetje, for example, NDP presidential candidate Bouterse said that dealing with Maroon and Indigenous land rights would be "the first thing we will do" (April 30, 2005).

After lengthy negotiations about governmental alliances and seats, the new government has been formed by Nieuw Front, A-Combinatie, and (part of) A-1, under presidency of Venetiaan. NDP and VVV are the main factions in the opposition. With the coalition partners in favor of issuing legal land rights, the political climate is ripe for pressure on the elected politicians to keep their electoral promises. The near future will tell what these promises mean in practice for the recognition and protection of Indigenous and Maroon rights to land and resources.

## 5.6 SYNTHESIS

Past governments have not managed to formulate a feasible target for their land rights policy in the interior, nor developed a national strategy to advance the issue. Does the government believe Indigenous Peoples and Maroons should have real titles to land in the interior? If so, what should this title entail, and how should the transition occur? Government documents, interviews with officials, and an evaluation of government activities in this area bring little clarity in this matter. This leaves us with an important question: What does the government want?

What the government does not want is a little clearer. Foremost, the State will not transfer rights to subsoil resources to any citizens, whether they are Indigenous or not. Here the government's vision is diametrically opposed to that of Indigenous Peoples and Maroons (See Chapter 6). Secondly, the Ministry of Natural Resources does not want to loose its right to allocate land in the interior to developments that serve the public interest, such as the construction of a hydropower plant. Consequently Indigenous Peoples and Maroons can never obtain absolute, inalienable, intangible rights to land (Box 3). The government is not opposed to consultation, compensation, and participation of local populations in such cases. Rules for these processes must be clearly established by law.

In the third place, policy makers will not cede excessively large territories to Indigenous Peoples and Maroons. Most appropriate seems a system that combines smaller areas surrounding the villages to which people have real (collective) rights, and a larger area to which local communities have to be more closely defined usufruct right. Finally, the Ministry of Natural Resources may decide not to renew or grant new logging and mining concessions on traditional lands but it will not withdraw existing concessions. It is recommended that the legal recognition and protection of Indigenous Peoples and Maroons land rights is formulated within the boundaries of these four restrictions.

One of the main reasons subsequent governments have failed to advance the allocation of legal title to native lands is that the issue has low priority, both among politicians and among the electorate. The average Suriname urban citizen does not give Indigenous and Maroon land rights much thought. If the issue comes up, people tend to speak of it in negative terms, insinuating that interior populations want to claim all land and resources in the interior as theirs. The low level of attention paid to customary land rights by the main political parties in the 2005 national elections reinforces the impression that land rights do not merit attention.

This lack of public concern mainly stems from three sources: (1) limited historical consciousness; (2) the limited political power of Indigenous Peoples and Maroons; and (3) the low social status of traditional peoples in society. Amerindians and Maroons have long been depicted as primitive and undeveloped. During the revolutionary period, fed by military propaganda, the adjectives “aggressive” and “dangerous” were added to characterize the Maroon population. The disproportionate involvement of young Maroons in petty crime and violent robberies has not helped to improve their reputation.

Because of its low ranking on the political agenda, actions taken to ‘resolve’ the land rights issue have been more like rapid responses to quiet discontent rather than true efforts to provide tenure security for traditional societies. The various committees that have been installed to study the issue have produced few tangible results, hindered by a lack of resources and political backing and their dissolution at each change of government. Last, and perhaps most difficult to change, are personal interests of high status individuals in Suriname society. People with title to large mining concessions may feel threatened by the idea that they will lose title to the traditional inhabitants of the area. Going against these interests will require a great deal of integrity, honesty, and dedication from Suriname’s politicians.

It will be a challenge to the new government to keep its electoral promises and give traditional land rights a prominent place of the political agenda. A cultural awareness campaign could help sensitize politicians and other Surinamers to the relevance of cultural preservation, and to the need for native land rights as an integral element of the survival of Indigenous and Maroon societies. It will be a challenge to the new government to keep its electoral promises and give traditional land rights a prominent place of the political agenda.

## **CHAPTER 6**

### **INDIGENOUS PEOPLES AND MAROONS**

Chapter 6 discusses the viewpoints and activities of Indigenous Peoples and Maroons. It begins with a brief sketch of the general vision on land rights as expressed by Indigenous and Maroon representatives, as well as differences between these groups. We find that this vision concurs with the government perspective on some fronts, but is incompatible with arguments from national policy makers in other areas (see chapter 5).

Indigenous Peoples and Maroons began a more active struggle for land rights after the Interior Conflict. In this period Suriname witnessed the institutionalization of various new interest groups, and revitalization of old ones. In addition, as we saw in the previous chapter, people from traditional societies have become more active in the political arena. Sections 6.2 and 6.3 list the most important Indigenous and Maroon organizations that are promoting land rights at the moment. This listing is followed by a brief description of the various non-native, mostly international organizations devoted to the same cause.

As we saw in Chapter four, threats to Indigenous and Maroon lands intensified in the 1990s. The liberal concession policy of these years sparked much of the petitions, legal claims, and other forms of protests that are described below. The synthesis evaluates the efficiency of these organizations and their actions.

#### **6.1 INDIGENOUS AND MAROON PERSPECTIVES**

##### **6.1.1 General vision**

Indigenous and Maroon societies and the various ethnic affiliations within these groups are heterogeneous, each sub-group featuring a wide variety of opinions. For example, a land-rights study among the Ndyuka Maroons found different opinions among elderly, young men, and women<sup>36</sup>. Whereas elderly tended to be averse to any type of foreign activity in their territories, young men, many of whom economically depend on small-scale gold mining and related activities, were open to exploitation of local resources (gold, timber) in collaboration with third parties. The views of women were more in line with those of the elders. They stated that tribal territory should not be submitted to others because their children and grand children should be able to live of the land.

Despite these differences, in large lines the various traditional societies share key elements in their opinion on land rights. At the roots of their argument is the need for land and natural resources for daily and future survival. The forest is their pharmacy, supermarket, and source of materials for construction, furniture, and utensils. Denying people access to these resources is violating their basic human right to life. At a recent meeting in the Indigenous village of Apetina, one of the attending village authorities proclaimed; “if they want to take away my land, they might as well kill me.” It also was repetitively emphasized that land rights are essential to safeguard land for “the ones that come after us; our children and grand children.” More specific viewpoints that are following from this thought may be summed up in several main points:

---

<sup>36</sup> Misiedjan and Misiedjan (1999)

- 1) Special rights including land rights for Indigenous Peoples and Maroons should be recognized and protected by the national constitution.
- 2) People living in tribal communities should obtain legal titles to the land they live on and use for subsistence. These titles must be inalienable, imprescriptible, and intangible (Box 4)
- 3) Land allocated to Indigenous Peoples and Maroons must be demarcated with respect for traditional cultural practices and livelihood strategies, as well as the customary law rules of these groups.
- 4) Indigenous and Maroon rights to land should include rights to the resources on the land, such as timber, and underground, such as minerals
- 5) A commission must be installed where Indigenous Peoples and Maroons can file complaints in the case of violations of their integrity and traditional rights.
- 6) When new concessions overlap with Maroon and Indigenous usufruct territories, the affected communities should have a say over the conditions (e.g. location, pollution control, etc.) under which these concessions can be given out. Local people also should have the option to say no.
- 7) Indigenous Peoples and Maroons should be consulted about and benefit from industrial resource extraction in the zones they use for living and subsistence activities. Consultation, communication, and participation should develop with respect for the local culture and pace of decision making, and with support by professional advisors.
- 8) The government should ratify ILO Convention 169, and abide by its principles. The government should also respect the regulations set forth in treaties it has already ratified, including the statements of the Inter-American Committee on Human Rights

Indigenous and tribal representatives tend to prefer collective rights over individual rights. These collective rights should be based on a real title, which will provide a more powerful position in conflicts about the land and its destination. It is recognized that individual rights have the advantage that one can lease the land, give it in collateral for a loan, and use it for other economic purposes. However, collective rights will ensure that the land remains property of the group and will not eventually, piece by piece, end up in alien hands. For this reason collective land rights are seen as a precondition for cultural and physical survival. The above does not mean that Indigenous and Maroon groups want to become separate states. In a 1999 declaration on land rights, the Ndyuka emphasize that they “have not come together with the aims to divide or split off from the [Suriname] territory”.<sup>37</sup>

Indigenous Peoples and Maroons identified several barriers to resolving the land rights issues:

- 1) The government stand on the issue remains unclear. There does not seem to be a policy with regard to Indigenous and Maroon land rights. As a result, the lower government representatives who are sent to the various meetings tend to be poorly informed of the government stand point.
- 2) There is no central organ for structural discussion. Such a cross-sectoral Council should include representatives of all stakeholder groups and hold monthly consultation meetings. The various Committees and Councils that have been installed so far have been short-lived, inefficient, and not resolved anything.
- 3) Comments such as “we would have to give Javanese and Hindustani the same types of rights” demonstrate poor comprehension of Suriname history and international developments of the past years among government officials.

---

<sup>37</sup> Source: Misiedjan and Misiedjan, 1999

- 4) There is no political will to change the current situation; there are too many high level politicians and other influential citizens that profit from the status quo.
- 5) The central government does not care about inhabitants of the interior.

**Box 4. Legal terms applied to describe Indigenous land rights elsewhere**

*Inalienable*: Incapable of being lawfully alienated, surrendered, or taken away by another

*Imprescriptible*: No-one can obtain personal title to it or obtain the personal right to it by any lapse of time

*Untransferable*: Incapable of being transferred from one person to another

*Unmortgageable*: Not susceptible of being mortgaged or given as collateral to access credit

*Intangible*: Incapable of being touched

### 6.1.2 Differences in Indigenous and Maroon perspectives

Indigenous Peoples and Maroons also differ on various fronts. In the first place, Indigenous Peoples have a strong sense of being "First Nations"<sup>38</sup>. As the original occupants of the land, they are its only rightful owners. They do recognize that those "who arrived by boat" have established themselves within the national borders. They also are willing to share the land, but with respect for their ways of living. Maroons cannot make this claim. Their special status is based on centuries' long occupation of the land and historic treaties, rather than being "the original ones".

Second, as compared to Maroons, Indigenous groups are less bound by physical borders. They tend to be more mobile and spread out over larger territories, crossing national and tribal frontiers. The various Maroon groups tend to live closer to one another, and tribal boundaries are more clearly defined. Each member knows exactly where the territories of the one group or *lo* (clan) end and those of another *lo* begin.

A final point of disagreement, though not neatly divided between Maroons and Indigenous peoples, concerns the strategy to be followed. The Saramaka, have chosen for confrontation. In their eyes, they have tried long enough to convince the government by talking and pleading. A national law case would not stand a chance, and hence they have filed a complaint on the international level, with the OAS Inter American Committee for Human Rights. They hope that a decision from this organ will motivate the government to take action.

Indigenous groups hesitate to follow this example. The chairman of the Organization of Indigenous Peoples in Suriname (OIS), for example, believes that such aggressive steps will annoy the government and hence work counterproductive. Instead the OIS and other indigenous representatives seek to change the political climate by awareness building among politicians and political representation within the government. Both Maroon and Indigenous Individuals have obtained seats in the newly elected government.

---

<sup>38</sup> This is the name the Canadian Indigenous Peoples use.

Despite these differences, both Maroon and Indigenous representatives are convinced that they ultimately need to work together in order to reach their goal. An Indigenous village leader explains “The ancestors of our people [Maroons and Indigenous peoples] lived together; they signed a peace with blood. The white man has taken [Maroons] from another country, but also we have had to run away. We are free here; we must ensure the land will not be destroyed; we cannot fight one another.”

There are few concrete ideas though about how collaboration between Maroons and Indigenous Peoples would operate, as it already is difficult for the various ethnic sub-groups to meet and come to agreements. In addition to historical conflicts, the distances and high costs of travel between the groups hinder the formulation of a joint point of view.

## **6.2 INDIGENOUS ORGANIZATIONS**

### **6.2.1 Organizatie van Inheemsen in Suriname (OIS)**

In 1992, after the Interior War ended, the Organization of Indigenous Peoples in Suriname (*Organisatie van Inheemsen in Suriname, OIS*) was created. Its aim was to improve the economic position of Indigenous Peoples on the basis of the Indigenous ways of living and thinking. The Organization has three sub-departments: Women (*Worihijaro*), Cultural Activities (*Epakadono*), and Sports.

The OIS’ activities in the area of land rights focus on awareness building among politicians, petitions and requests to the government, and the political strengthening of Indigenous Peoples. Among others, OIS has requested the government of Suriname annually for national recognition of August 9, the international day of Indigenous Peoples. In 2004, this request was granted but only as a one-time event. In 2005, a petition was submitted to the newly elected chairman of the National Assembly to make the Day of Indigenous and Tribal Peoples an annually returning national holiday.

### **6.2.2 COICA**

In its inaugural year the OIS became a member of the Coordinating Body of Amazonian Indigenous Peoples COICA (*Coordinadora de las Organizaciones Indígenas de la Cuenca Amazonica*). Installed in 1984, this regional organization is supported by more than a million individuals from approximately 400 ethnically distinct Indigenous groups in nine Amazon countries. Land rights are among its priorities, with activities focusing on rights to land, living territories, multinational activity, and environmental pollution. Other working areas of COICA are include (a) education, including adult education and skills training; (b) economic development, including globalization issues, (c) Cultural affairs, including issues concerning conservation of traditional knowledge and intellectual property rights; and (d) Sustainable human development

In 1995, COICA held a meeting in Suriname (Lelydorp) where it discussed the protection and defense of Indigenous territories in the larger Amazon region. The meeting report was presented to the president and vice president, who promised to handle the matter.

### **6.2.3 Vereniging voor Inheemse Dorpshoofden (VIDS)**

The Organization for Indigenous Village Heads (Vereniging voor Inheemse Dorpshoofden; VIDS) was established in 1992 to revive and re-strengthen the power of traditional authorities. VIDS' work in this area includes the organization of workshops and meetings of Indigenous village heads, occasionally with the inclusion of Maroon authorities. Through the years VIDS has become an Indigenous contact point for the government and other institutions.

VIDS' second focal point is resolving the land rights issue. It organizes workshops in Indigenous communities about Indigenous rights in Suriname and in international conventions and treaties. In order to extend its reach, VIDS has trained local people as Indigenous rights trainers. So far this effort has produced eight qualified trainers who are continuing the village visits. In 2003, a 2-day conference was organized with land rights experts from Guyana, Colombia, Brazil, and Canada.

In 2005, VIDS signed a Technical Cooperation for a project on "Indigenous Peoples and Mining" with the Inter-American Development Bank (IDB), to research the anticipated impacts of a proposed mining/hydropower development project on indigenous peoples. The second project aim is to strengthen and prepare Indigenous communities whose livelihood activities will be affected by planned development activities in West Suriname. In May 2005, as part of this program, VIDS in collaboration with the Canadian North-South Institute organized a workshop entitled *West-Suriname: Indigenous Peoples and Mining* for Indigenous authorities and other stakeholders. At the workshop, large scale mining firms and the National Institute for Environment and Development Suriname (NIMOS) presented information, and provided Indigenous representatives with an opportunity to ask questions and voice concerns.

### **6.2.3 Sanomaro Esa**

*Sanomara Esa*, meaning Mother and Child in the Carib language, is an Indigenous women's organization which works in close cooperation with VIDS. Its purpose is to support the Indigenous woman and child in their development within the cultural norms and values. The several support activities include awareness building of women's rights; both as members of the community and as women in particular. In terms of land rights, the organization is making women aware that this is not a male affair. As users of the land and its resources, women have to let their voice be heard in decision-making and involve in activities to ultimately solve the issue. *Sanomaro Esa* has motivated women to actively participate in village meetings, something they were not used to, and to become members of political parties and create their own grassroots groups. This year for the first time, an Indigenous woman was elected members of the National Assembly

## **6.3 MAROON ORGANIZATIONS**

### **6.3.1 Vereniging Saramakaanse Gezagsdragers (VSG)**

The Organization for Saramakan Authorities (*Vereniging Saramakaanse Gezagsdragers* -VSG) or, in Saramakan, *Wanhati*, unites the traditional authorities of the Saramakan villages south of the Brokopondo Lake. Its purpose is to find strength in unity against the threats of logging and mining multinationals. The organization wants to stop concession allocations without informed consent from affected villages, and has researched (legal) possibilities to do so based on

Suriname law, International law, and Saramakan law. From 1997 on, Wanhati has organized information gathering and exchange sessions in Saramaka villages along the Suriname River with the help of international experts.

In addition to organizing the information meetings on land rights, Wanhati's main activities include the sending of petitions (starting 1998); filing a claim against the government with the Inter-American Commission on Human Rights of the OAS (2000); and mapping of the Saramaka area (2002). VSG now is working to also unite the Brokopondo Saramaka villages.

### **6.3.3 Stichting Tooka**

The Tooka Foundation (*Stichting Tooka*), meaning Change, is a Saramakan youth organization, which works in close cooperation with Wanhati. Because the latter has not yet been registered as a formal NGO, *Tooka* takes care of various formal administrative issues for VSG. Besides assisting with the Saramaka mapping project, Tooka also organizes sports activities, youth choirs, and soccer competitions for youth in the interior.

### **6.3.4 Federatie van Marrons**

The Maroons' Federation (*Federatie van Marrons*) is an umbrella organization which combines the forces of approximately eleven Maroon groups, including the Maroon Women's Network. The aim of the Federation is increase awareness of the land rights issue among the Suriname government and society, and influence their thinking about it. Their main activities include the organization of lectures, participation in discussion groups and workshops, and lobbying with government officials. Among others, the group has held meetings with the Minister to discuss controversial development projects, such as the oil-palm project at Patamaka and the construction of a large-scale gold mine at Gros Rosebel.

Street protests and petitions are consciously avoided as to not provoke the Suriname public and policy makers. Representatives of the group have found that the Minister does listen. However, they are not satisfied about the effect, as policy initiatives continue without regard for the rights of Indigenous Peoples and Maroons.

### **6.3.5 12 Verenigingen (Lo's) der Aucaners**

The 12 Associations of Aucaners (*12 Verenigingen (Lo's) der Aucaners*) was created in the '40s, to represent the Aucaner or Ndyuka Maroon group. The group includes representatives of 12 of the 13 Ndyuka clans or *lo's*. The 13<sup>th</sup> clan, the Otto-lo, is the clan from which the Granman is chosen, and not represented to guarantee impartiality on part of the tribal chief.

The main activity of *12 Verenigingen* with regards to land rights has been the dissemination of information about ILO convention 169 – along with *Stichting Wi Mu Kon Na Wan*, *Tooka*, and VSG. The original idea was to also use community radio stations but due to a lack of financial resources this idea was abandoned. Prior to the elections the organization has discussed land rights with politicians in order to get the issue in the party election programs and on the political agenda. The organization also is working on its formal registry as an NGO.

### **6.3.5 Ko'w taki makandi and Cottica uman**

In 2002, the Maroon captains of the Cottica region bundled in the group *Ko'w taki makandi* (Let's talk together). Their organization was inspired by the experience that a group is more likely than individuals to be heard and be taken seriously in discussions with policy makers. Together with a local women's organization, *Cottica uman* (Women from Cottica), the group has approached the Pater Albrinck Stichting (PAS) to assist in mapping their living and economic zones.

## **6.4 NON-INDIGENOUS OR MAROON ORGANIZATIONS**

### **6.4.1 Amazon Conservation Team**

*Amazon Conservation Team Suriname* (ACT) is an international conservation organization with its head quarters in Washinton DC. ACT works with Indigenous Peoples in various Amazon countries to conserve biodiversity, culture, and health. Its work in Suriname has concentrated on highland Indigenous communities. ACT has worked in partnership with native communities and Primary Health Care Suriname (better known under its local name *Medische Zending* (Medical Mission) or *Medizebs*) to set up traditional health clinics that make use of shamanic knowledge of medicinal plants. In the area of land rights, ACT has provided technical and financial assistance to highlands Indigenous groups for the mapping of their territories. ACT also is supporting mapping activities by strengthening the capacity of the Central Bureau for Aerial Mapping (*Centraal Bureau Luchtkartering*, CBL).

In addition, the organization has hosted various stakeholder meetings on land rights. In April 2004, indigenous rights specialist JC Riascos from ACT Columbia facilitated a meeting for staff members from the ministries of Natural Resources, Regional Development, and Planning and Development Cooperation. At this meeting it was recommended that the Government of Suriname would use Riascos' experience in the areas of Indigenous land rights and the management of protected areas. ACT would make these services available to the Government at no cost. To date there has not been any request for the services from the mentioned expert. It also was decided to install a committee to serve as a governmental counterpart in discussions with Indigenous and Maroon groups about the land rights issues. The government has not yet installed this committee.

More recently, ACT brought village heads from highland Indigenous communities together to exchange information and develop a collaborative strategy to promote the recognition and protection of land rights. The village heads are to spread the information to their communities and select a delegation of approximately three associates to serve as negotiators with the government and multinational companies. ACT will train these negotiators for their role.

### **6.4.2 Pater Albrinck Stichting**

The *Pater Albrinck Stichting* (Friar Albrinck Foundation, PAS) is from origin a Catholic NGO, which aims to strengthen Maroons and Indigenous communities in order to integrate them in the development process. Working through four regional offices (East, Middle, South and West), PAS assists tribal communities in their communication with policy makers. The Foundation has supported various workshops on development-related themes, which often touch on the land

rights issue. Some of these workshops were organized in collaboration with VIDS. PAS also has sent at least one petition to protest concession allocation and is supporting the mapping of the Cottica region.

#### **6.4.3 Organization of American States (OAS)**

The Organization of American States has been concerned with Indigenous rights as an extension of general human rights for long. In 1997, the Inter-American Commission on Human Rights approved its Proposed American Declaration on the Rights of Indigenous Peoples. The declaration clearly states the responsibility of member States to recognize and protect the rights of Indigenous and Tribal Peoples (Box 2; Chapter 3).

In order to further develop and complete the Proposed Declaration, the OAS organized a working group with representatives from various member countries from the Americas and the Caribbean. Indigenous peoples have been invited to attend the meetings and evaluate subsequent drafts. From Suriname a VIDS representative is participating in the bi-annual meetings.

#### **6.4.4 Forest Peoples Programme**

The Forest Peoples Programme (FPP) is an NGO, established in 1990 by the World Rainforest Movement to support forest peoples in their struggle to control the use of their lands and resources. Its main aim is to promote the environmental and human rights of forest peoples. FPP has had an extensive field program in Suriname since 1996. Among others, it has worked to build awareness of national and international Indigenous land rights among Suriname Indigenous Peoples and Maroons. The organization also has financially and technically assisted the Saramaka claim against human rights violation by the Suriname state with the OAS Committee for Human Rights (see below). Related to this effort, FPP supported a project to map and demarcate the Saramaka territory.

#### **6.4.5 Organizational collaboration**

Maroon and Indigenous interest groups, and organizations working in their interests are rarely working together. The various actors tend to be poorly informed about the activities of others. They also speak about one another with suspicion, criticizing the other's approaches. This attitude is unfortunate because in the end all have a single cause, which is best served by forming one unified force.

### **6.5 ACTIVITIES**

#### **6.5.1 Gran Krutus and other general meetings**

In 1993, the first Conference of Indigenous Village Heads was held on Galibi. Land rights formed an important point of discussion during this meeting. In this same year the Saramaka Maroons held a conference to commemorate 230 years of peace. At this memorial conference at Asindopo, a resolution about the continued absence of legal title to land was formulated. With this resolution, the Saramaka were on one line with the Indigenous claims. Both groups expressed their concern and disapproval of the allocation of concessions on tribal territories without

consultation or approval by traditional authorities. They also urged the Government of Suriname to legally approve Indigenous and Maroon land titles so that these lands can be used as economic assets.

Gran krutus with both Indigenous and Maroon heads were held in 1995 (Asindo-opo), 1996 (Galibi), and 1998. During the first Gran krutu a "Handvest van de Inheemsen en Marrons" was adopted. The Handvest includes resolutions about self-determination (articles 4 through 8), including rights to land. Article 5 states:

"Our territories are undividable, inalienable, and unmarketable collective property. ... We are the rightful owners of the lands that we traditionally live on and use, and depend upon for our survival. For us, these territories signify the meaning of life and are essential in conservation of our specific social, cultural, spiritual, economic, and political characteristics. We will never desist to strive for complete juridical recognition of this unity between land and people."

There have been various regional, smaller scale meetings since the late 1990's. The Organization for Saramakan Authorities, for example, has held various meetings in Saramaccan villages along the Suriname River, with support from the Forest Peoples Programme. Traditional authorities of Trio and Wayana Indigenous villages recently gathered for a land rights meeting at the village of Apetina (June 2005). There also have been various conferences that included members from the government, industry, and NGOs.

### 6.5.2 Mapping

Around the year 2000, various Indigenous and Maroon groups began to map their living and usufruct territories (Table 6.1). Today approximately seven maps have been produced or are in the making.

*Table 6.1 Indigenous and Maroon territories that have been and are being mapped*

Group	Area	Year
Saramaka	Upper Suriname River	2001-2
Trio	South West Suriname	2001-2
Trio, w. assistance of Wayana	South-Central Suriname (Tapanahoni basin)	2001-2
Carib (Kalinya)	Lower Marowijne River	2002
Wayana	South-East (Apetina, Lawa)	Draft, 2005
Ndyuka (Aukaners)	Cottica area	In progress
Trio and Wayana	South Suriname	planned

In 1999, Amazon Conservation Team (ACT) acknowledged the Trio request for assistance in the mapping of their lands. Foreign consultants were hired to train teams of Amerindians in mapping techniques, including the use of GPS. The Central Bureau for Aerial Cartography (CBL) provided blind stereographic maps, processed the cartographic information, and assisted in the application of symbols and names to specific locations. The experienced Trio mapping team later helped train their Wayana colleagues. To date the Trio have produced two maps (South-West and South-Central Suriname) and the Wayana have a draft map finished. ACT is now planning to upgrade the older maps with the objective to produce one large map for Southern Suriname.

In 2000, VSG (Organization for Saramaka Authorities) began mapping Saramaka territory along the Suriname River. One of the reasons to do so was to clarify to the government what places

Saramakans used to hunt, fish, collect medicinal plants, have agricultural plots, and perform other subsistence activities. A Canadian consultant organized trainings on data collection, which subsequently was performed by the Saramakans themselves. The consultant also managed data processing. The result was presented to the government in October 2002.

With the aid of a juridical expert and the Saramakan mapping team, mapping of the Cottica area began in October 2004. The project is projected to be rounded off in August 2005, when the map will be presented to the government and other stakeholders. The PAS is coordinating this activity.

The various organization involved in mapping exercises emphasize that mapping is not meant to divide the land in mine and yours; in what belongs to Indigenous Peoples and Maroons, and what is left for the State to use. Maps are tools that can help understand what area is being used for what purposes. This information may facilitate discussions on land rights related issues.

### **6.5.3 Petitions on Land Rights**

In the absence of a national forum to file their complaints, Indigenous Peoples and Maroons have sent various petitions with their concerns directly to the President and the responsible government ministers (Table 6.2). On November 15, 2004, for example, the Organization of Indigenous Village Heads of Suriname (*Vereniging van Inheemse Dorpschoufden in Suriname*-VIDS) submitted a petition to protest against the draft Mining Code to the Chair of the National Assembly, with copies to President Venetiaan, the Council of Ministers, the Council for Development of the Interior (*Raad Ontwikkeling Binnenland*-ROB), NIMOS, and the various large-scale mining companies. In this petition, VIDS asks the National Assembly to withhold evaluation of the concept Mining Code as it violates the rights of Indigenous and Tribal peoples as well as the international treaty obligations of Suriname<sup>39</sup> (See Chapter 3.4.2 for a discussion of this Draft Mining Code). Calling the law discriminatory, the Indigenous representatives protest the absence of consultation requirements; the violation of their traditional rights to land and natural resources; the omission of legal protection for forest peoples; the lack of guarantees for equal benefits from mining profits; and the inadequate compensation provisions.

As far as known, no single petition has received an answer. The non-responsiveness of the State is unfortunate because it leaves local people with the impression that the government does not care about them or their rights.

### **6.5.4 Legal claims at the national level**

In 1998, a group of villagers from the Indigenous community of Pierrekondre filed a claim against the granting of a mining right (Joroeja-Koewie et al. vs. de State, Arno 02-5350 and Arno. 02-5083). The villagers requested that sand digging in and around their community stopped.

---

<sup>39</sup> Suriname has been a member of the OAS since 1977, ratified the American Convention on Human Rights in 1987, the International Covenant on Civil and Political Rights in 1976 and became a party to the Convention on Biological Diversity in 1966. As such Suriname is obligated to recognize and respect the rights of indigenous and tribal peoples as provided for in both customary international law as well as the international instruments to which they are bound (IDB 2004). See for more detail: Buursink Consultants. 2002. Diagnosis of Land Management Issues in Suriname; Kambel, Ellen-Rose and Fergus MacKay 1999 The Rights of Indigenous Peoples and Maroons in Suriname; IDB 2004. An Overview of Indigenous and Tribal peoples. Suriname. Paramaribo, Suriname

Their claim was rejected because the village leaders had stated in writing to the District Commissioner that they did not object to the concession provided they would find employment in the economic activities. While not withdrawn, the concession was not renewed after expiration.

Prior to filing a complaint to protest human rights abuses by the government of Suriname to the Inter-American Commission on Human Rights of the OAS, the Organization of Saramakan Authorities (VSG) considered starting a law-suit at the national court in Suriname. The Organization did not find any lawyer willing to take its case because the chances of success were expected to be low.

*Table 6.2 Petitions to the government by Maroons and Indigenous groups after 1992*

Group	Year	Cause / Theme
Sanomara Esa	1999	Inquire about supposed allotment of land near the Indigenous village of Pierre Kondre (petition)
Wanhati/VSG	1998, 1999	Protest allocation of mining concessions overlapping with Saramaka villages and user areas along the Upper Suriname River
PAS	2003	Inquire about Patamaka concession allocation
Eight Indigenous from the lower Marowijne river	2003/4	Requests for establishment of a committee to discuss the land rights problem among others through demarcation and title allocation.
VIDS	2004?	Protest lack of recognition of Indigenous and Maroon human rights in draft mining law
OIS	2005	Protest state rejection of application for land to build a recreational children's park near the Indigenous village of Wit Santi (Bigi Pan)
12 Verenigingen (Lo's) der Aucaners	2004	Request for meeting to discuss Patamaka concession allocation (letter)

### **6.5.5 OAS Claim**

In 2000, the Organization of Saramakan Authorities (VSG), Wanhati, submitted a petition to the Inter-American Commission on Human Rights (Petition 12.228) to protest the violation of their rights by the Government of Suriname. The claim followed a series of village meetings and was prepared with the support of an international Indigenous rights lawyer.

The OAS Commission held two hearings with Saramakans in Washington DC, one of them with Government representatives. In august 2002, it requested through a precautionary measures order (roughly analogous to an interim injunction) that Suriname “take appropriate measures to suspend all concessions, including permits and licenses for logging and mine exploration and other natural resource development activity on [Saramaka] lands...” (Case 12.338). At that time the military was present in the area and, according to Saramakans, molesting people going to their agricultural grounds and hunting areas.

The Commission also asked the government to install a Committee to look at the case, which happened in 2003 (see Chapter 5.2.3). Prior to its installment the government had reacted in writing. In the meantime Saramakans have collected and submitted new facts, including aerial photographs. The OAS has requested government permission for an orientation visit, but to date this request has been denied.

The Inter-American Committee can only provide recommendations. If the parties cannot come to an agreement, the complaint can be sent through to the Inter-American Court of Justice. Other than the Committee, the Inter-American Court can present a binding decision, for example impose sanctions and prohibit certain activities. The national court of justice can be requested to enforce these sanctions and orders. Countries can choose to disregard recommendations of the Inter-American Committee, but ignoring a binding decision of the Inter-American Court would mean the country undermines an institution it has endorsed at first. As an OAS member and signatory of the Inter-American Agreement on Human Rights, Suriname is likely to accept the Court's final verdict and possible sanctions such as restitution payments or an order to suspend certain concessions.

## **6.6 SYNTHESIS**

Indigenous Peoples and Maroons see rights to resources, above and below the land, as inseparably related to rights to land. They also want their rights to land and resources to be guaranteed by real titles that are inalienable, imprescriptibly, and intangible. Moreover, traditional authorities are requesting the withdrawal of concessions that are overlapping with their homelands. On these issues their position is diametrically opposed to that of the government, which was discussed in the previous chapter.

The perspectives of Indigenous Peoples and Maroons are more in line with those of government officials on other points. Both parties believe that recognition and protection of traditional rights to land in Suriname's legal framework is desirable, and that these legal arrangements should also prescribe procedures for consultation, compensation, and profit sharing. Both the government and Indigenous and Maroon groups have called for the demarcation of traditional lands. Furthermore, both parties favor the installation of a commission to deal with complaints by traditional communities about violations of customary (land) rights. The proposed legal and institutional reforms will have most chances to succeed if Indigenous and Maroon representatives are invited to participate in their design and implementation.

With the government being reluctant to move forward, Indigenous and Maroon interests groups are increasingly pressing for change. They directly address politicians by sending petitions, but also have been organized workshops and meetings, built awareness in the communities, and mapped their territories. The Organization of Saramakan Authorities went a step further by bringing their case for the Inter-American Commission on Human Rights. International and national NGOs have played an important role in supporting the mentioned efforts by providing financial, logistic, and technical assistance.

How effective have the described organizations and actions been? Pessimists would say there has been little impact. The government excels in non-responsiveness. No single petition has been answered, presentations of maps have generated no reaction, and it took the state a year and enforcement from outside to install a committee to react to the Saramakan claim with the Inter-American Commission on Human Rights. Interest for the traditional land rights issue in Suriname society at large also has remained minimal.

On the positive side, the activities demonstrate increased political consciousness among Indigenous and Maroon groups, and dedication to strive for their rights. They also have helped build awareness among the larger societies of forest peoples. The various actions send a signal to the government that the issue can no longer be ignored. References to legal recognition of traditional land rights in political party programs may be a direct outcome of these local efforts.

Moreover, the *krutus*, press releases, and formal protests show multinationals that traditional communities are a factor to take into account, regardless of their legal status.

Unfortunately, Indigenous and Maroon actions are weakened by the lack of a unified action agenda among and between Indigenous and Maroon groups and supporting NGOs. Calls for change will likely have more impact if executed by the collective rather than smaller groups. For example, it is a waste of resources to reinvent information campaigns on land rights related issues every time they are delivered to another area. General meetings on the topic also may gain from the presence of a greater variety of participants – even if the differences in opinions create some tension. Though not easy, it would be useful to combine the various maps that have been generated into one large map of Indigenous Peoples and Maroons in Suriname. Petitions filed together would demonstrate to the government that the demands of Indigenous peoples and Maroons are in line with one another and have a broad support base.

Advancing the struggle for traditional land rights requires that Indigenous Peoples and Maroons speak in one voice. It will not be possible to develop different land rights regimes in different areas in the interior. Therefore, prior to entering negotiations with the government, Indigenous and Maroon authorities should develop a unified vision of what is desired and acceptable. Traditional communities also will stand stronger vis-à-vis the private sector with a clear action strategy in hand. The development of a common agenda will take quite some time and resources, as leaders have to get together and discuss with dispersed communities falling under their jurisdiction. NGOs can play a supporting role by providing financial support, facilitation, information, and legal advice. Yet it is up to the traditional leaders to work towards a collective vision and a better future for all Indigenous and Maroon groups.

## CHAPTER 7

### LAND RIGHTS IN INTERNATIONAL PERSPECTIVE<sup>40</sup>

*“We indigenous peoples think and plan in terms of the territory, not only the individual plot; in this way we assure the access of the community to the diverse resources of the forest ... For us, the first thing is to secure our land which belong to us by right, because we are the true owners of the land and natural resources. We indigenous peoples know that without land there can be no education, there can be no health, and there can be no life.”*

(Jose Urunavi, President of the Central Organization of Indigenous Peoples and Communities of Eastern Bolivia, 1985)

In this last data chapter we leave Suriname to look at traditional land rights in surrounding countries. This international perspective reveals a wide range of legal arrangements that provide more or less tenure security and rights to natural resources. It also shows the varying degrees of consultation, compensation, and appeal mechanisms Indigenous and Tribal groups abroad are entitled to. These rights are either guaranteed by the national constitution (Table 7.1) or other segments of the countries national legal framework. So far twelve countries in Latin America have ratified ILO Convention 169<sup>41</sup>.

In contrast to what is sometimes thought, Suriname is not the only Latin American country where the descendents of African slaves live in tribal societies. Countries such as Brazil, Colombia, and Jamaica, recognize these black societies as separate tribal groups with special rights, including territorial rights. The various models that are presented are meant to guide Suriname policy makers and Indigenous and Maroon land rights proponents in their quest for a model that suits Suriname's unique socio-cultural and environmental heritage.

#### 7.1 LAND TENURE SECURITY

Seven countries in Latin America –Bolivia, Brazil, Colombia, Costa Rica, Panama, Paraguay, and Peru, provide a high level of Indigenous land tenure security through their legal framework. These countries recognize indigenous land rights at a high juridical level (Constitution and/or international agreements). In addition, they have taken the practical measures to guarantee these rights, and established Indigenous reserves or territories. Lands tend to be given as property rather than some form of usufruct arrangement, and considered inalienable, intangible, and untransferable (Box 4). Below we provide three examples of such arrangements in Bolivia and Brazil.

The 1994 constitutional reform in *Bolivia* contained a clear recognition of the special rights of Indigenous Peoples and communities, including the right to full ownership of their ancestral lands. Two years later, regulations issued in line with the National Agricultural Reform Law defined the institutions and procedures for legal recognition of Indigenous lands. To date, about 5.4 million hectares of Indigenous land are recognized. Remaining obstacles are the complex

---

<sup>40</sup> This chapter builds largely on information from a recent World Bank Environmental Department position paper, written by Colombian lawyer and indigenous rights specialist R. Roldán Ortega (2004).

<sup>41</sup> Countries that have ratified ILO Convention 169 include: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru, and Venezuela.

bureaucratic procedures required for land recognition, as well as the fact that Indigenous communities cannot determine their own land administration and management models.

*Table 7.1 Latin American countries whose constitution explicitly recognizes Indigenous rights to land*

- |                    |   |
|--------------------|---|
| • Bolivia (1994)   | • Panama (1972)   |
| • Brazil (1988)    | • Paraguay (1992)   |
| • Guatemala (1985) | • Peru (1979; again but weakened in the 1993 constitutional reform) |
| • Nicaragua (1987) |   |

*Brazil's* 1988 constitution stipulates that indigenous peoples have primary, inherent, and unalterable rights to the lands they permanently inhabit and use for productive activity, preservation of natural resources, and cultural and spiritual well-being (Art 231). The constitutional reform also stated that these indigenous lands would be demarcated within five years. New legislation adopted in 1995 (Decree 1775) facilitated the process of Indigenous lands regularization. Today, more than 12 percent of Brazil's land mass (103.7 million hectares) have been declared Indigenous territory. This figure is particularly impressive given that Indigenous peoples living in tribal communities only represent 2 percent of the national population. An important problem with regards to tenure security remains the continuous invasion of landless peasants and small-scale gold miners. In addition, some of the lands that have been recognized as indigenous territories are contested in court by third parties.

## **7.2 RIGHTS TO SURFACE AND SUBSOIL RESOURCES**

Indigenous livelihoods are inseparably linked to natural resources. Traditional societies rely on the forest and other elements of their natural environment to build their homes and find sources of energy, modes of transportation, food, household utensils, and money generating activities. Even with the increased use of plastics, ironware, consumer electronics and other imported goods, the forests, savannas, and beaches that form traditional homelands continue to constitute the basis for the Indigenous and Tribal Peoples' lives. In this context, secure rights to natural resources are essential.

Rights to natural resources tend to be less clearly articulated than territorial rights in the legal systems of most countries. In some countries, Indigenous Peoples only have user rights over forested lands but not ownership rights. In Peru, for example, both renewable and non-renewable natural resources belong to the state, which is sovereign in their use. National laws give local Indigenous and *campesino* (farmer) communities exclusive rights to use the natural resources on their lands and a certain degree of decision-making power over those resources, midst they limit themselves to traditional use patterns. Yet the lack of ownership rights leaves Indigenous and Tribal peoples vulnerable to industrial resources development.

In other countries, Indigenous peoples do have ownership over renewable resources. Even though Costa Rica has no provisions for Indigenous peoples in its constitution, its Indigenous Law safeguards a broad level of legal protection of Indigenous rights. This law, which was issued in 1970s, supports territorial claims and declares Indigenous reserves as inalienable, imprescriptible, and untransferable, and exclusively reserved to the indigenous communities that inhabit them. Even though control over resources is not explicit in the law, the Indigenous law and the Forestry

law suggest full Indigenous ownership and wide administrative power of the forests on Indigenous lands. The former law also states that “only these indigenous people will be able to construct houses, fell trees, exploit timber resources or plant crops” on this land. In Colombia, where neither the constitution nor national laws clearly designate ownership of natural resources on Indigenous lands, the Constitutional Court has ruled that “the recognition of right of collective property of the reserves by indigenous peoples includes their ownership over renewable natural resources”. Rights to subsoil resources were not included.

Rights to subsoil resources are not commonly transferred to indigenous peoples, even in the cases where land rights are most secure. Still, in some cases Indigenous and Tribal Peoples have acquired complete ownership of all resources on and below their homelands. In the United States, Indigenous Peoples –like all other US citizens- are considered the owners of all natural resources, including minerals and oil, on their property. Also in countries where national laws do not grant such rights, specific Indigenous nations have won the rights to subsoil resources. In 1998, the Nisga'a First Nations of Canada, British Columbia, closed a historic agreement with the state and national governments. The agreement gives the group ownership of, and self-government over, 1,900 square kilometers of land for its approximately 3,000 members in the Nass River Valley, which they have inhabited for more than 10,000 years. It also outlines Nisga'a ownership of surface and subsurface resources on Nisga'a lands and spells out entitlements to Nass River salmon stocks and wildlife harvests.

### **7.3 CONSULTATION, COMPENSATION, AND ACCESS TO APPEAL MECHANISMS**

Adequate protection of land rights requires the existence of laws and institutions that prescribe consultation and compensation processes in the case that traditional lands and/or resources are affected by outside development. These laws and institutions also need to provide mechanisms for formal protest or appeal in the case that local people feel their rights are being violated.

Few countries feature legal frameworks that present a clear formula for consultation, compensation, and appeal mechanisms. These practices tend to develop over time, often after test cases have been taken to national courts of justice. In Colombia, for example, the legal solidity of Indigenous territories, named *resguardos*, has been tested in various law cases, all of which have been resolved in favor of the Indigenous communities. In Suriname, Indigenous individuals can make use of the same legal recourse as other citizens to defend their rights. However, because communities are not considered legal bodies, Indigenous Peoples and Maroons cannot communally file a case in court unless they are registered as an NGO.

Most Latin American state governments have installed special institutions to manage Indigenous and Tribal affairs. Such national institutions act on behalf of Indigenous and Tribal Peoples in dealings with the government. Usually they also perform controlling tasks to prevent the violation of Indigenous and Tribal rights by the state, multinationals, and other outside parties. In Suriname there is no Indigenous and Maroon affairs office, nor any other public institution that represents the interests of Indigenous Peoples and Maroons. The various efforts at creating a Council for Development of the Interior (ROB) have not produced an institution that defends the right of these peoples or benefits them in any other way.

## 7.4 LAND RIGHTS FOR PEOPLE OF AFRICAN DESCENT IN LATIN AMERICA

Suriname is not the only country in the Americas that houses populations of Maroons or other tribal people of African descent. Maroon societies used to exist in Colombia, Cuba, Ecuador, Jamaica, Brazil, Mexico, and the United States. Most of these countries signed treaties with local Maroon populations to stop hostilities in return for some form of collective territorial rights. Today, Brazil, Colombia, and Jamaica, have recognized the rights granted by these historic treaties in the national legal system. In Brazil and Colombia, land rights for the descendants of Maroons are guaranteed by the national constitution.

### 7.4.1 Brazil

In Brazil, escaped African slaves established the so-called *quilombos* (Meaning “housing” in the African language Yuroba). In these settlements, runaway slaves practiced community-based agriculture, as well as other, collectively managed economic activities for their survival. Smaller *quilombos* compared to the Maroon communities in Suriname, but there also were much larger *quilombos* that hosted more than a thousand people at a time and formed alliances with small land owners and traders.

Today an estimated 1,098 *quilombos* are scattered across rural Brazil<sup>42</sup>. The 1988 Brazilian Constitution gave the descendants of *quilombos* communities the rights to their land in stating that: “The definitive property rights of remnants of *quilombos* that have been occupying the same lands are hereby recognized, and the state shall grant them title to such lands” (Art. 68 of the Constitutional Dispositions). Subsequently several states implemented local policies aimed at regularizing the *quilombos* set on public state lands. Yet the process of actually granting rights has been slow, mainly due to problems in defining who are descendants of the quilombos.

The installation of an Inter-Ministerial working group in 2003 has brought progress in the issue. As recommended by the working group, the President issued a decree (No. 4887) establishing titling procedures for *quilombos* territories, which largely reflect the contents of ILO Convention 169. The process of their recognition has just begun, and 36 *quilombos* have now acquired legal titles to their land. The remaining communities continue to fight for their rights.

### 7.4.2 Colombia

Colombians of African descent began forming communities along the country’s Pacific Coast region after the abolishment of slavery in 1851. These communities usually house a mixed population of *paleques* –self-liberated slaves or Maroons- and freed Blacks. With the recognition of Afro-Colombians as a separate ethnic group in the 1991 Constitution, the government also stated its intention to grant land titles to these communities:

”During the two years subsequent to the date that the Constitution enters into force, the Congress will issue ... a law, which grants to the black communities that have occupied undeveloped lands in the rural riparian areas alongside the rivers of the Cuenca and the Pacific, in conformity with their traditional systems for production, the right to own as collective property those areas which the law designates” (Art. 55)

---

<sup>42</sup> From: [www. And Cultural Survival](http://www. And Cultural Survival), Winter 2002: 21

In order to implement Article 55, Congress enacted a “Law of Black Communities” (70/93). This law not only recognizes the right of black communities to collective ownership of some riparian lands on the Pacific Coast, it also recognizes rights to subsoil resources in these areas.

Also in this case, implementation has been slowed down due to problems in defining “Afro-Colombians” and other bureaucratic procedures. Nevertheless, the formal recognition of special rights of these descendants of run-away and freed African slaves is an important step in the process towards the actual acknowledgement and protection of their rights.

### **7.4.3 Jamaica**

Jamaica is one of the few other Caribbean countries with a remaining Maroon population that identifies itself as such. The first Jamaican Maroons had fled from Spanish plantations when the British invaded the island in 1665. They were later accompanied by other run-away African slaves. They established two main groups: the Trelawny Town Maroons and the Windward Maroons. As in Suriname, failure to defeat the Maroons forced the colonists to sign treaties with them. The treaty that ended the First Maroon War ceded large areas of land to the Maroons, in return for the promise that these groups would recapture and return all future runaway slaves, and help the government in the event of an invasion.

Of the two areas ceded to the Trelawny Maroons only one, named Accompong, remains Maroon territory this day. The second area, known as Trelawny land, was taken away after the Second Maroon War. Most of the male Maroons from this place were exiled to Canada and from there to Africa. Some of their descendants continue to live in the area, in a district known as Maroon town. The land given to the Windward Maroons include the lands around Moore Town, Charles Town, and Scott’s Hall. Maroon land is held in common and their inhabitants are not required to pay taxes. Relevant for the Suriname case is that Maroons are recognized as tribal peoples with special rights to the lands they have historically occupied, and that has been ceded to them in historic treaties.

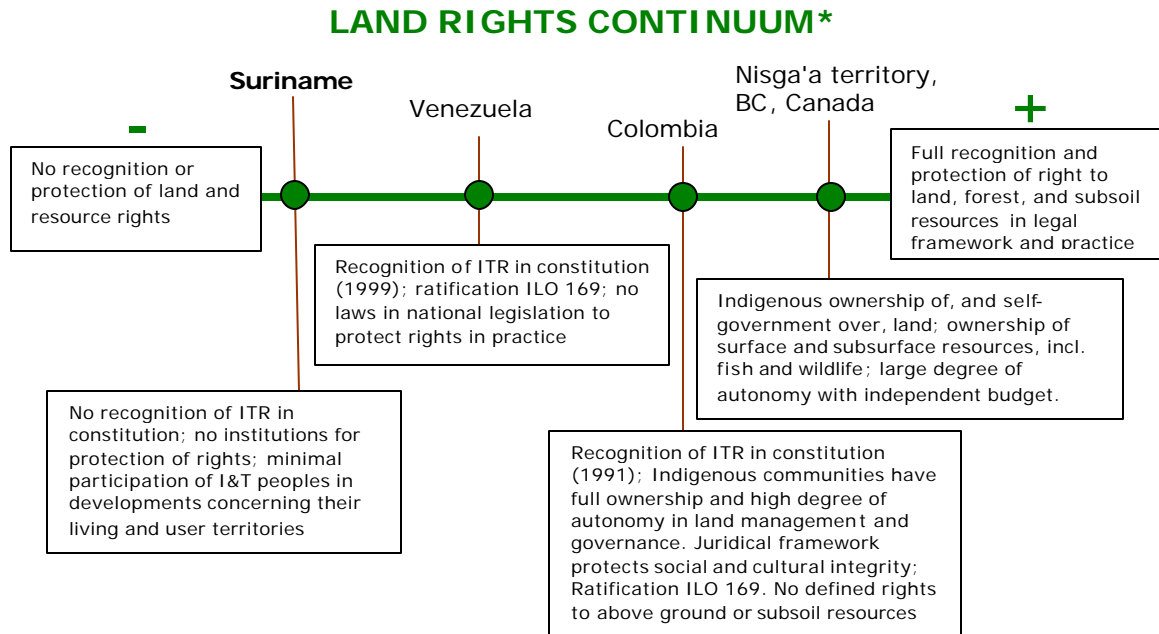
## **7.5 SYNTHESIS**

Several important lessons can be extracted from an evaluation of Indigenous and Tribal land rights in the Americas. In the first place, land rights are not something to have or have not, which is how the issue is often presented by the two opposing camps in Suriname. We found in Chapter 5 that the Suriname government tends to portray the land rights struggle as an effort by Indigenous Peoples and Maroons to claim the entire interior and all its natural resources as their own. On the other hand, people from the interior have been adamant in their refusal to accept land rights without rights to subsoil resources (See Chapter 6).

Suriname’s politicians and citizens need to see that traditional land rights exist along a continuum. This continuum moves from the one extreme, where native groups have no legal rights to land and resources at all, to the other extreme, where Indigenous societies have rights to extensive stretches of land including everything that grows on it and lays underground (Figure 7.1). At the moment, Suriname finds itself at the negative side of the spectrum, along with, for example, neighboring Guyana and El Salvador. Negotiations should not be about moving Suriname to the extreme right, but about how and to where to shift Suriname’s position (Figure 7.2). This rebalancing will require an open, national discussion on the advantages and

disadvantages of the various degrees of recognition and protection of rights. An agreement is not likely to be reached if both parties continue to view the issue narrowly in black and white terms.

*Figure 7.1 Location of Suriname on the Indigenous and Tribal land rights continuum*



\* I&T = Indigenous and Tribal; ITR = Indigenous (and tribal) rights

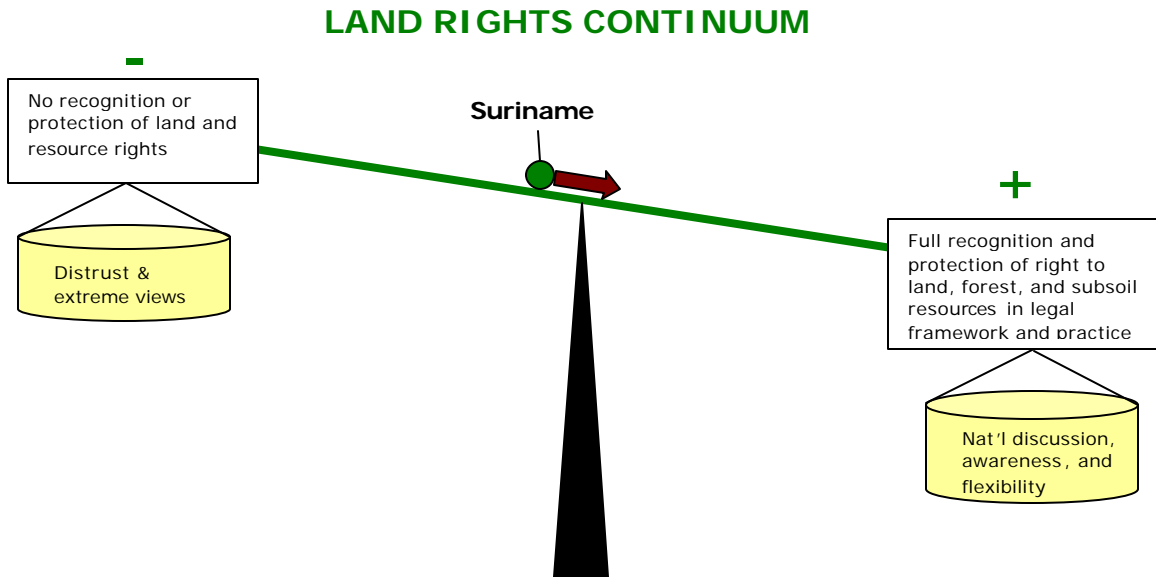
Secondly, a recent World Bank review of Indigenous and Tribal land rights in Latin America concludes that "... legal systems more strongly support indigenous rights when they take into account not only land ownership itself, but also the security of that ownership ...". In other words, it is not enough to recognize land rights. Without institutions to protect these rights and sanctions to punish violators, recognition remains an empty promise. Third, the same study finds that land rights are stronger when the legal system concurrently recognizes other rights over natural resources on indigenous lands, and the rights of indigenous peoples to manage their own affairs.

In the fourth place, we cannot conclude that having stronger rights to more land and more resources will make people wealthier, healthier, and happier. In the United States, for example, Indigenous peoples have far-fetching rights on their reservation lands. They have the rights to exploit and sell above ground and subsoil resources, to make their own regulations about many Federal matters (e.g. gambling), and arrange their own political affairs. Nevertheless, the levels of unemployment, alcoholism, drugs addiction, suicide, crime, and disrupted families on US Indian reservations leave much to wonder about the desirability of this system. Similar problems characterize the social structure on several First Nations territories in the Canadian North and aboriginal reserves in Australia.

Finally, there is no single legal system that guarantees secure land tenure for Indigenous and tribal peoples. Ratification of ILO Convention 169 will not do the job; neither will recognition of Indigenous and Maroon land rights in the national constitution and the national legal framework. These actions may help frame the issue and give some protection. Yet most urgently needed is a dramatic change in awareness and attitudes in Suriname society as a whole. More secure lands

and livelihoods can only be sustained once politicians, judges, and ordinary citizens are convinced that Indigenous Peoples and Maroons deserve special rights to lands and resources, and are dedicated to protecting these rights.

Figure 7.2      *Shifting position on the land rights continuum*



## CHAPTER 8

### CONCLUSIONS, CHALLENGES & RECOMMENDATIONS

#### 8.1 Conclusions

Suriname is the home of four groups of Indigenous Peoples (Approx. 2.7 percent of population) and six Maroon societies (Approx. 11.4 percent of population). The members of these groups depend on their traditional territories for subsistence, practicing shifting agriculture, hunting, fishing, and gathering. In addition, the resources on their homelands provide medicine, construction materials, utensils, modes of transport, and many other products essential for everyday life. Their poor access to public services --including health care, education, infrastructural development (e.g. roads), electricity, and telecommunication - reinforces traditional communities' reliance on the services the forest provides.

Customary law rules contain detailed arrangements for access to land and resources, natural resources management, and resolving disputes about these matters. The national legal system, however, does not legally recognize or protect these customary land and resource rights. Early colonial governments protected Indigenous and Maroon land rights in legal arrangements about natural resources use by means of the so-called exemption clause *uitsluitingsclausule* or *garantieformule*). Usufruct rights to land also were guaranteed in the various peace treaties signed by the ruling colonial government with Indigenous groups (17<sup>th</sup> century) and the Maroons (between 1760 and 1837). These arrangements, however, were not included in the legal framework of the independent Republic of Suriname.

The 1986 constitution declares all land to which no-one has real title as property of the state. Several more recent Suriname laws do refer to customary land and resource rights of Indigenous Peoples and Maroons, such as the 1992 Forestry Act and the Nature Protection Resolution of 1998. However, the above and related legal documents include clauses that make the rights of Maroons and Indigenous Peoples subordinate to a vaguely defined 'public interests', and give the state the free hand in the interior. As a result, Indigenous peoples and Maroons are frequently ignored and disadvantaged in national development schemes.

Growing concern about the marginalized position of Indigenous Peoples worldwide led the international Community to declare 1995-2004 the International Decade of the World's Indigenous People (1995-2004). The main goal of the Decade has been to strengthen partnerships between Indigenous Peoples and states in order to address problems and injustice suffered by Indigenous communities through years of colonization and marginalization. Among the key focal issues are secure rights to the lands and resources Indigenous and Tribal groups depend upon for their current and future economic, cultural, and physical survival.

Unfortunately, the Suriname state has not been inspired by the International Decade of the World's Indigenous People to improve the marginal position of its Indigenous and Maroon citizens. On the contrary, Indigenous peoples and Maroons witnessed increasing infringement on their lands in these years. Unauthorized small-scale gold miners -both Brazilian *garimpeiros* and Maroons- have invaded Indigenous and Maroon territories throughout Eastern and Central Suriname. Meanwhile concession allocation policies legally permit medium and large-scale mining on lands traditionally inhabited and used by forest peoples. The same is truth for the logging industry, though limits to transport facilities have limited its activities to the coastal zones and better accessible parts of the interior. Ironically, also efforts to protect nature areas from mining and logging by the installation of national parks have imposed restrictions on traditional

livelihood activities. More recent developments in the interior include a palm oil plantation at Patamacca and plans to develop a hydropower plant in West Suriname.

Traditional communities are sometimes consulted when their living and usufruct areas are being affected by industrial or conservationist developments. Yet in the absence of adequate laws and institutions to guarantee protection, compensation, and participation, they have little power to protest infringement on their lands. There are no clear regulations on processes of information, consultation, compensation, and participation of local people in the face of industrial development on their territories. Where local people are being involved in development projects, this occurs on the account of the industry and NGOs rather than by jurisdiction or government intervention. If community relations are established, this usually happens only after a concession has been granted and development initiated. Moreover, Indigenous and Maroon authorities do not have the option to say 'No' to these developments. As a result, their communities depend on the goodwill of the government and multinational companies in the wake of rapidly encroaching industrial development of the interior.

The visions of Indigenous Peoples and Maroons concerning land rights are in several ways opposed to those of the government. A main point of disagreement forms the ownership of natural resources, which for native groups is inseparably related to rights to land. For the government, it is inconceivable that its citizens own subsoil resources, which contradicts the constitution. Secondly, Indigenous and Maroon pressure groups have argued for legal and real (collective) titles to land that are inalienable, imprescriptible, and intangible. The government, however, wants to leave the option open to attract large investors. Third, Indigenous and Maroon representatives strive for the withdrawal of concessions that are overlapping with the lands they live on and use for subsistence activities. The government is currently limiting the allocation of new concessions on traditional lands, but is not likely to withdraw existing concessions.

Despite these contested issues, there also are areas of agreement. Both Indigenous and Maroon groups and the government would like to see the land rights question resolved to the satisfaction of all stakeholders. Both parties also agree that such a solution requires legal change, either in the constitution or in national laws related to land use, mining, and forestry. These new legal arrangements should recognize and protect traditional rights to land, and prescribe procedures for consultation, compensation, and profit sharing where national development interests affect traditional livelihoods.

Despite its lack of concrete actions, the Suriname government has on various occasions emphasized its willingness to grant land rights to Indigenous and Maroon populations living in tribal societies. Legally binding national-level documents such as the Lelydorp Peace Accord (1992) and the Buskondre Protocol (2000) oblige the state to give out real land titles to Indigenous and Maroon societies. Moreover, Suriname has committed itself to respecting and protecting Indigenous and Maroon land rights by ratifying international agreements. Even though the phrasing of their stipulations is usually open to interpretation and there are few ways to sanction treaty violators, ratification shows intent and creates certain legal obligations under international law.

On various occasions the government has committed itself to demarcation of Indigenous and Maroon territories (e.g. Peace Accord, Buskondre Protocol), an activity that Indigenous and Maroon groups have now taken upon themselves. At least seven maps have been produced, and more are likely to follow. Furthermore, in line with the wishes of Indigenous Peoples and Maroons, high-ranking politicians have proclaimed they favor the installation of a commission to deal with complaints about violations of customary (land) rights. Finally, state officials agree

with Indigenous and Maroon representatives that their communities should benefit from resource extraction on the lands they have traditionally occupied. Such compensatory measures could be, for example, infrastructural improvements (e.g. roads, telecommunication), employment, educational and health care facilities, or a community development fund managed by the community itself. Most important is that the community participates in the design of these measures.

With the government showing reluctance to move forward, Indigenous and Maroon interest groups are increasingly pressing for change. They have sent petitions, organized workshops and meetings, built awareness, and mapped their territories. Moreover, with the positioning of the Maroon political party A-Combinatie in the government coalition, Maroons have gained political voice. In addition, the Organization of Saramakan Authorities has brought their case for the Inter-American Commission on Human Rights. Even though the mentioned efforts have not generated any government response, they have increased political consciousness and understanding of the land rights issue in Indigenous and Maroon societies. International and national NGOs are playing an important role by providing financial, logistic, and technical assistance.

A closer look at neighboring countries shows that traditional land rights for Indigenous peoples and Maroons exist along a continuum. This continuum moves from a situation where native groups have no legal rights to land and resources at all, to the other extreme, where Indigenous societies have rights to extensive stretches of land including everything that grows on it and lays underground, as well as a large degree of self governance. At this moment, Suriname is situated towards the negative side of the spectrum; government officials recognize that Indigenous and Maroon communities must be taken into account, but there is no legal recognition or protection of their rights. Negotiations between Indigenous and Maroons representatives and the Suriname Government should not be about moving Suriname to the other extreme side of the continuum. Rather, the purpose should be to come to agreement about what is a desirable position for the nation, and about the most effective strategy to reach this target.

Another lesson from the international analysis is that land rights are stronger when the legal system concurrently recognizes other rights over natural resources on Indigenous and Maroon lands, as well as the rights of peoples living in tribal societies to manage their own affairs. Finally, it is not enough to recognize land and resource rights. Without institutions to protect these rights and sanction violators, recognition remains an empty promise.

## **8.2 Remaining Challenges**

Several conditions that characterize the Suriname situation are hindering progress in the establishment of secure land titles for Indigenous Peoples and Maroons. These challenges need to be faced and overcome in the coming few years.

- (1) Despite rhetoric suggesting the contrary, *land rights are not a government priority*. Because of its low ranking on the political agenda, actions taken to address the land rights issue have been more like rapid responses to quiet discontent rather than true efforts to provide tenure security for traditional societies. Various observations suggest a lack of government dedication. Among others, the reports from the various committees that have been installed to study the issue are nowhere to be found. Furthermore, politicians have not responded to petitions and other actions by Indigenous and Maroon groups. Without governmental dedication to institute change, nothing will happen.

- (2) *People from interior are fragmented*; there is no umbrella organization to represent their interests. Historic tension and distrust between the various groups complicates the selection of a group of representatives that is trusted and endorsed by all Indigenous and Maroon societies. Indigenous peoples are relatively better represented through VIDS and OIS, but even those organizations have tended to focus more on the coastal groups.
- (3) *Indigenous Peoples and Maroon do not have a unified action agenda*. Advancing the struggle for traditional land rights requires that the diverse Maroon and Indigenous communities in the coastal zone and the interior speak in one voice. At present, the development of a collective vision is hindered by the lack of unity (see #2) and financial resources, which are making it difficult to meet. If Southern Indigenous leaders want to get together, for example, they need to fly with small charter planes to the same location. Such an operation costs some thousands of dollars. Bringing all Indigenous and Maroon chiefs together for some days would cost several times that amount.
- (4) *Actions of both the government and Indigenous and Maroon groups lack a coherent, long-term vision*. Each new government abandons all activities initiated by its predecessors to revisit the problem from the start. Meanwhile protests by Indigenous Peoples and Maroons have tended to be sporadic, isolated outbursts rather than actions leading towards a clearly described goal.
- (5) *Policy makers have not been able to develop broadly supported policy principles on the basis of which demarcation of Indigenous and Maroon lands could take place*. There are a number of basic principles that have to be discussed and agreed upon: is permanent habitation a requirement for awarding title, or will areas that are intermittently used to secure productive resources, also qualify? How many hectares does a persons need to survive in a rainforest or savanna subsistence economy? How much land must be set aside to guarantee the preservation of the environmental resources necessary for the future well-being of the tribal communities? It could be useful if the responsible ministers in Suriname would meet with and learn from their counterparts in Brazil, Columbia, and other countries where demarcation has proceeded relatively successfully.
- (6) *Poor demographic data and outdated maps hinders policy making*. Current national maps tend to be old; they contain abandoned villages and exclude newer settlements. Government officials cannot be expected to make informed decisions if they do not know how many people live in the interior, where they live, and what land and resources they use. An inventory of Maroons and Amerindian villages with their exact locations, population numbers (accounting for seasonality), and livelihood activities is a necessary basis for a well-informed land rights policy.
- (7) *Transparency is lacking in concession allocation policy*, particularly where it concerns gold concessions. Conditions and time frames for obtaining gold concessions are inconsistent, and it is unclear why concessionaires who violate concession obligations can maintain their titles. Moreover, updated concession maps are not readily available to the public. This lack of transparency is feeding rumors that the GMD protects the personal interests of powerful individuals in Suriname society. Developing fair land rights policy requires that the public is fully informed about the mentioned procedures.
- (8) *A considerable share of the Suriname interior, including traditional lands, has already been given out in logging and mining concessions*. In addition, by signing long-term

agreements with multinationals (e.g. Brokopondo Agreement; Minerals Agreement), the Suriname government has committed itself to protecting the mining interests of these companies – even if those interests conflict with the customary rights of traditional communities. Withdrawing concessions and breaking these contracts could scare off future foreign investment and harm the national economy.

- (9) *The government on one side, and Indigenous and Maroon representatives on the other side, tend to rigidly hold onto diametrically opposed positions.* An important source of disagreement concerns rights to subsoil resources. Suriname state officials oppose allocating rights to subsoil resources to any citizens. Interior populations argue that without the right to subsoil resources, land rights are feeble and the government “gives with one hand what it takes back with the other.” Also, according to Indigenous Peoples, they have no rights to land. Government representatives are convinced that these rights are guaranteed by various laws. These contrasting views complicate the creation of constructive dialogue.
- (10) *There is no place where Indigenous peoples and Maroons can go to protest and be heard if they feel their customary rights have been violated.*
- (11) *Poor historical and cultural awareness in Suriname society* is hindering mediation efforts. For example, politicians’ argument that other ethnic groups do not have special land rights either demonstrates a lack of understanding of the livelihood conditions of people living in tribal communities. It also shows little respect for Indigenous Peoples as the original inhabitants of the Americas, and for the historic treaties and agreements that recognize their rights to land and resources, as well as those of the Maroons.
- (12) *The inhabitants of traditional communities tend to be poorly informed about Suriname’s land rights policy.* Few Indigenous and Maroon individuals know about their rights, about the content of the Mining and Forestry laws, about land rights in surrounding countries, about the differences between customary and real land titles, and about many other relevant issuers. Greater land rights awareness will help Indigenous Peoples and Maroons develop the strategic action plan mentioned in (3).

As a result of the above challenges, the two main stakeholder groups (government versus indigenous Peoples and Maroons) have been unable to develop a target for the land rights question, or a strategy to lead them towards this target.

### **8.3 Recommendations**

Given the challenges stated above, it is recommended that:

- (1) The government *includes land rights on its list of priorities for the coming government term.* Such commitment should start with the installation of a committee (or strengthening of the existing ROB) that will define a target and strategy for Suriname’s land rights policy acceptable to the various stakeholder groups. It is recommended that this committee:
  - Obtains sufficient financial and logistic support to travel to the interior
  - Uses the consultancy services of International Indigenous Rights experts.
  - Is interdisciplinary. It could include jurists, geographers, anthropologists/sociologists, foresters, mining engineers, and mediator/conflict resolution experts.

- (2) *Maroons and Indigenous Peoples combine their forces* by organizing common meetings, defining a common statement of interests, and/or creating an umbrella organization to negotiate with government. NGOs could help with financial resources and logistic support to bring Indigenous and Maroon representatives together to discuss what level of cooperation they find desirable. Organizations working on behalf of Indigenous Peoples and Maroons also would gain from closer collaboration. A bi-annual joint meeting could help organizations learn from one another's experiences.
- (3) *People from the interior define a common action agenda* on the basis of accurate information and consensus decision-making. An action plan endorsed by all groups can provide useful guidance to the government.
- (4) Policy makers develop a coherent, long-term policy strategy, which defines (a) *a realist target* (e.g. where do we want Suriname to be on the land rights continuum?), and (b) *a long-term, durable strategy to reach this target* (What steps do we need to take to get to this stage?).
- (5) The government ensembles a team to *demarcate Indigenous and Maroon lands*. This demarcation team should be interdisciplinary, contain members from government as well as Maroon and Indigenous groups, and work in close cooperation with the committee mentioned under (1). It is recommended that this committee learns from demarcation processes in neighboring countries (e.g. Brazil, Colombia) prior to defining its own strategy. A workshop with government Ministers, mediation experts, and Indigenous representatives that were involved in this process elsewhere is likely to enhance learning.
- (6) *Accurate demographic and cartographic baseline data is gathered* to aid the design of any policy for the interior, including a sustainable land rights policy. It is recommended that the government contracts a consultant to map the areas that have not yet been mapped by Indigenous and Maroon groups. This mapping process should be participatory, following the model used by ACT, VSG, and the PAS, and link geographic data to data from the latest census. The draft map for Suriname as a whole, which combines the maps of all different Maroon and Indigenous societies, should be discussed in a common workshop prior to publication.
- (7) *Concession policies become more transparent*, particularly with regard to gold concessions. Selection and allocation processes must be clear, traceable, and equal to all citizens. It also is advisable that the government withdraws the concessions of title holders who fail to meet their concession obligations, regardless of the political liaisons of these concessionaires. Information about the location and status of concessions should be readily available to the public.
- (8) The government *stops giving out new concessions to traditional lands* until clear legal arrangements have been formulated about land rights and mechanisms of consultation, compensation, and participation of local communities. Existing concessions overlapping with the usufruct territories of traditional communities should not be renewed once their lease expires
- (9) *Both the government and Indigenous and Maroon representatives move away from a black-and-white vision on land rights policy*. Both groups will have to do concessions. For example, it is unlikely that the government will transfer the rights to subsoil resources to any group of citizens. Rather than demanding such rights, Indigenous and Maroon

representatives should research how they can strengthen their bargaining position for future cases of mine development on traditional lands. The government, in its turn, should not be place the management of traditional lands in the hands of traditional communities. Officials must understand that power sharing does not mean that all industrial development on in the interior will be halted. It does mean, however, that such development will have to occur with respect for local cultures and livelihoods.

- (10) An institute is set up as an *intermediary between government and Indigenous and Maroon groups*; recognized and respected by both parties. Maroons and Indigenous Peoples should be able to visit this Department for Indigenous and Maroon Affairs if they feel that their rights have been violated. The Department must be accessible, offer free legal advice, and provide a government response within a reasonable time frame, among other things. It could be funded by International donor organizations, either as an independent institute or as part of the Ministry of Regional Development.
- (11) NGOs support *awareness building* among government officials and other Surinamers. Educational programs should discuss both Suriname's legal history and traditional culture and international law. They also should be aimed at reducing prejudice against particularly Maroons in society. Preferably, any awareness campaign would involve primary schools. More secure lands and livelihoods can only be sustained once politicians, judges, and ordinary citizens are convinced that Indigenous Peoples and Maroons deserve special rights to lands and resources, and are dedicated to protecting these rights.
- (12) NGOs support *land rights policy training among Indigenous Peoples and Maroons*. Workshops may evaluate the activities currently exploited by the various Maroon and Indigenous Groups in Suriname as well as case studies on land and resource rights in other countries. Village heads have a particularly important role to play in mediating the interests of their communities with those of outside parties, such as the extractive industries. Hence there is a special need for training of village heads and their direct advisors in negotiation skills, Suriname land rights policy, and international human rights law. Educational campaigns from groups already working in this area, such as *12 Verenigingen (Lo's) der Aucaners*, *Stichting Tooka*, and the *Vereniging van Saramakaanse Gezagsdaggers*, should be supported. In addition, it would be useful to support exchange programs with native groups that have successfully negotiated land rights (e.g. Canada), and participation in international Indigenous meetings and conferences.

## SOURCES

ABS

2004 Statistical Yearbook 2003, Suriname. Paramaribo, Suriname: Algemeen Bureau voor de Statistiek.

—

2005 Preliminary Census Results. Paramaribo, Suriname: Algemeen Bureau voor de Statistiek.

Brana-Shute, Garry

2004 Suriname. An overview of indigenous and tribal people. Washington, DC: Inter-American Development Bank. Regional Operation Department 3, Country Division 6.

Buursink International Consultants in Environmental Management

2002 Diagnosis of Land Management Issues in Suriname. Final Report. Paramaribo: Inter-American Development Bank.

—

2003 Greenstone Belt Gold Mining Regional Environmental Assessment. Final Report. Paramaribo: Ministry of Labor, technology, and Environment and National Institute for Environment and development Suriname.

—

2005 Country Environmental Assessment (CEA) - Suriname. Final Report. Paramaribo: Inter American Development Bank.

Colchester, Marcus

1995 Forest Politics in Suriname. the Hague, Netherlands: International Books in collaboration with the World Rainforest Movement.

Commissie Rechten op Domeinland Inheemsen en Marrons

1997 Tussentijds verslag Commissie Rechten op Domeinland Inheemsen en Marrons (Interim report Committee Rights to Public Lands Indigenous Peoples and Maroons). Paramaribo, Suriname: Ministerie van Natuurlijke Hulpbronnen.

Ministry of Planning and Development Co-operation, Ministry of Transport Communication and Tourism, and European Commission

2004 Monthly Bulletin on Tourism Statistics, Vol. 2, no. 4.

De Kom, Julius F.M., Gijsbert B. Van Der Voet, and Fredrik A. De Wolff

1998 Mercury Exposure of Maroon Workers in Small-Scale Gold Mining in Suriname. Environmental Research 77(Section A): 91-97.

Healy, Christopher

1996 Natural Resources, Foreign Concessions and Land Rights: A Report on the Village of Nieuw Koffiekamp. Paramaribo, Suriname: Organization of American States (OAS), Special Mission to Suriname, Unit for the Promotion of Democracy.

Healy, Christoher, and Marieke Heemskerk

2005 Small-Scale Gold Mining in Suriname. Reforming the sub-sector to promote sustainable mining and increase the take of the miners and the Government. Paramaribo, Suriname: World Wildlife Fund - Guianas.

Heemskerk, Marieke, and Rachael van der Kooye

2002 Social, economic, and political dimensions of small-scale gold mining in Suriname. *In* The Socio-economic Impact of Small-Scale Mining in Developing Countries: An Update. G.M. Hilson, ed, Chapter 32. Lisse, Netherlands: A.A.Balkema Publishers.

Heemskerk, Marieke, and Marilyn Oliveira

2004a Perceptions of small-scale gold miners on self organization and formalization in Suriname, South America. A project commissioned by the (GMD) of Suriname.

- Paramaribo, Suriname: Geology and Mining Department, supported by World Wildlife Fund.
- 
- 2004b Maroon perceptions of small-scale gold mining impacts: A survey in mining camps and affected communities in Suriname and French Guiana. Paramaribo, Suriname: World Wildlife Fund - Guianas.
- 
- 2003 Perceptions of small-scale gold mining impacts: Results from focus group discussions in mining camps and affected communities. Tapanahonie & Brokopondo Regions, Suriname. Paramaribo, Suriname: World Wildlife Fund - Guianas.
- Kambel, Ellen-Rose, and Fergus MacKay  
1999 The rights of indigenous peoples and Maroons in Suriname. Copenhagen, Danmark: IWGIA & Forest Peoples Programme.
- Kanhai, Irvin, and Joyce Nelson, eds.  
1993 Strijd om Grond in Suriname: Verkenning van het probleem van de grondrechten van Indianen en Bosnegers. (Struggle for land in Suriname: the problem of land rights of Amerindians and Maroons). Paramaribo, Paramaribo
- Maatschap van Geologen en Mijnbouwers (Consortium of Geologists and Miners)  
2003 Concept voor een nieuwe Mijnbouwwet en Mijnontwikkelings-overeenkomst voor de Staat Suriname (Concept for a new Mining Law and Mine Development Agreement for the Republic of Suriname). Paramaribo, Suriname.
- MacKay, Fergus.  
2003 United Nations Finds Serious Human Rights Violations of Indigenous and Tribal Communities in Suriname. Press Release. Forest Peoples Programme.
- MacKay, F., and R. Pané  
2004 50 Years of Disrespect: Protected Areas in Suriname. Cultural Survival Quarterly 28(1).
- Misiedjan, Martin  
1998 De rechten van inheemsen en in stamverband levende volken. Een analyse van de mensenrechtensituatie rond het dorp Nieuw-Koffiekamp, gebaseerd op nationale en internationale regelgeving (Rights of indigenous and tribal peoples. An analysis of the human rights situation around the village of Nieuw Koffiekamp, based on national and international law). Masters thesis, Anton de Kom University of Suriname.
- Misiedjan, Martin, and Misiedjan,  
1999 Wi Gôn na Wi Leti. Ons Woongebied is Ons Recht. Een grondenrechten educatie project in de marrongemeenschappen ter bevordering van de bewustwording omtrent grondenrechten onder het Surinaams en Internationaal recht en daarmee verbandhoudende vraagstukken (Our Land is Our Rights. A land rights education project in the Maroon communities for stimulation of awareness of land rights in Suriname and international law and related issues). Paramaribo, Suriname: Balance.
- Mol, Jan H., and Paul E. Ouboter  
2004 Downstream Effects of Small-Scale Gold Mining on the Instream Habitat and Fish Community of a Small Neotropical Rainforest Stream. Conservation Biology 18(1):201-214.
- Nahar, E.R., et al., eds.  
1988 Suriname Planatlas. Washington DC: National Planning Office of Suriname (SPS), Regional Development and Physical Planning Department HARPRO) / Organization of American States.
- Pané, R.  
2004 Protected Areas in Suriname: A Voice from Suriname's Galibi Nature Reserve. Cultural Survival Quarterly 28(1).

- Quik, J.A.M., J.F.M. de Kom, and P.E. Ouboter  
 1999 Monitoring mercury pollution due to artisanal gold mining in Suriname. Paper XIIth Caribbean Conference of Chemistry and Chemical Engineering, St. Augustine, Trinidad, 1999.
- Suralco/BHP Billiton  
 2005 Report Kabalebo.
- Regering Republiek Suriname, Jungle Commando, and Tucayana Amazonas  
 1992 Akkoord van 8 augustus 1992 (This agreement is frequently cited as : "Agreement for National Reconciliation and Development", "Peace Agreement", or "Vredes-akkoord"). Pp. 16 pp + 15 pp appendices (3 protocols). Paramaribo, Suriname.
- Regering Republiek Suriname  
 1986 Mining Decree E-58 of May 8, 1986, Containing General Rules for Exploration and Exploitation of Minerals. Paramaribo, Suriname.
- 2004 Jaarrede van de President van de Republiek Suriname 2005, en bijlage. Paramaribo, Suriname.
- 2000 5-jaren ontwikkelingsplan. Paramaribo, Suriname.
- Veiga, Marcello M.  
 1997 Artisanal Gold Mining Activities in Suriname. Vancouver: UNIDO (United Nations Industrial Development Organization).
- Vernooij, Joop  
 1995 Recht voor Een, Recht voor Allen: Grondrechten in Suriname (Rights for One, Rights for All: Land Rights in Suriname). Paramaribo, Suriname: Stichting Wetenschappelijke Informatie.
- Versteeg, A. H.  
 2003 Suriname before Columbus. Paramaribo, Suriname: Libri Musei Surinamensis.
- World Bank  
 1998 Environmental Assessment of Mining Projects. Assessment Sourcebook Update, number 22. Washington DC: Environment Department The World Bank, Environmental.

## **APPENDIX 1. CI AND WWF POLICIES WITH REGARD TO DEALING WITH INDIGENOUS PEOPLES**

CI's "Principles for Partnerships" with Indigenous Peoples, which under its definition includes Maroons, contains the following statements related to land rights:

"... We will openly inform, consult, and obtain the informed consent of formal representatives of indigenous groups prior to undertaking any actions that are directly tied to indigenous peoples, their territories or natural resources" (Art. 3)

"... we support efforts by indigenous peoples to gain legal designation and management authority over ancestral lands and their resources, while respecting issues of national sovereignty." (Art. 4)

"We recognize and support 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." (Art 6.)

"Our actions and activities with indigenous peoples should ... take ... into account ... their individual and communal or collective rights to use and develop the lands they occupy and to be protected against encroachment..." (Art. 7)

"We recognize that there are often overlaps between lands set aside for legally designated parks and protected areas and lands customarily owned or used by indigenous peoples. ... In legally designated parks and protected areas, CI will work with protected area and indigenous authorities to support collaborative management initiatives that recognize customary uses while ensuring that natural resources are not depleted and that actively involve indigenous communities in planning, zoning, and monitoring." (Art. 9)

In 1996, *WWF-International*, the IUCN World Conservation Union, and the World Commission developed a joint policy statement with "Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas", which states in its First Principle:

"Indigenous and other traditional peoples have long associations with nature and a deep understanding of it. Often they have made significant contributions to the maintenance of many of the earth's most fragile ecosystems, through their traditional sustainable resource practices and culture-based respect for nature. Therefore, there should be no inherent conflict between the objectives of protected areas and the existence, within and around their borders, of indigenous and other traditional peoples. Moreover, they should be recognised as rightful, equal partners in the development and implementation of conservation strategies that affect their lands, territories, waters, coastal seas, and other resources, and in particular in the establishment and management of protected areas."

This principle is the basis for principles 2 through 5. Principle 2 declares that the rights of indigenous and traditional peoples should be respected in the establishment and management of protected areas affecting their territories and resources. Principle 3 prescribes that principles of decentralization, participation, transparency and accountability are taken into account in all matters pertaining to the mutual interests of protected areas and indigenous and traditional peoples. The fourth principle refers to benefits associated with protected areas, which should be

fully and equitably shared by indigenous and other traditional peoples. Last, the Principle 5 declares the rights of indigenous and other traditional peoples in connection with protected areas an international responsibility. Each of these principles is followed by a set of guidelines, which provide detailed directions for conservation organizations, governments, and other stakeholders.

In its organization-wide statement on Principles on Indigenous Peoples and Conservation, WWF declares that:

“WWF will not promote or support, and may actively oppose, interventions which have not received the prior, free and informed consent of affected indigenous communities, and/or would adversely impact –directly or indirectly- on the environment of indigenous peoples territories, and/or would affect their rights.”<sup>43</sup>

---

<sup>43</sup> Its definition of “Indigenous Peoples” follows that of the ILO Convention 169 (See Box 1, Chapter 1), and includes Maroons.