SUPPORT FOR THE SUSTAINABLE DEVELOPMENT OF THE INTERIOR -COLLECTIVE RIGHTS

LAND RIGHTS, TENURE AND USE OF INDIGENOUS PEOPLES AND MAROONS IN SURINAME

FINAL REPORT
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THE AMAZON CONSERVATION TEAM

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LIST OF ABBREVIATIONS

ABS	Bureau of Statistics
ACTS	Amazon Conservation Team Suriname
CELOS	Center for Agricultural Research in Suriname
CI	Conservation International
CLIM	Commission Land Rights Indigenous Peoples Lower Marowijne
GOS	Government of Suriname
HKV	Wood cutting license
IACHR	Inter-American Court of Human Rights
IDB	Inter-American Development Bank
IICA	Inter American Institute for Cooperation on Agriculture
LVV	Ministry of Agriculture, Animal husbandry, and Fisheries
NARENA	National Resources and Environmental Assessment
NGO	Non-Governmental Organizations
NSI	North-South Institute (Canada)
NTFP	Non Timber Forest Products
NVB	National Women's Movement
OSIP	Organization o collaborating Indigenous Villages Para
PAS	Pater Albrinck Stichting
SBB	Foundation for Forest Management and Production Control
SEL	Foundation for Experimental Agriculture
SSDI	Support for the Sustainable Development of the Interior
VIDS	Association of Indigenous Village Leaders of Suriname
WWF	World Wide Fund for Nature

Executive Summary

Indigenous and Maroon communities in the interior of Suriname define their land borders by the watersheds of rivers. Allocation of land differs between these two distinctive tribal groups. The maroons, allocates plots when plots are cleared for agriculture of settlement by the matrineal heritage of the *lo*. These customary rights are well known to each Maroon that is part of the tribe and crossing *lo* boundaries is not permitted, unless permission has been given. In contrast the indigenous people are more flexible and allocate land according to a family based system. Within this system, the *kapiteins* play a more central role in allocation of land. In contrast with the southern indigenous groups, are the *Kaliña* and *Lokono* more aware of their customary rights and seem to draw sharp boundaries between their respective areas and the outside.

The majority of the tribal groups live a permanent or semi-permanent subsistence lifestyle. They use the land for hunting, fishing, construction materials, medicinal plants and agriculture, amongst others. However, the closer the village to the cities, the more they can obtain services and find markets to trade goods. The northern villages that are close to the road network are in the position to apply for wood cutting licenses and community forests, however, in practice the revenues from these often not reach the communities. The southern villages, which are only accessible through waterways and/or airplane have limited opportunities for trade and rely on the selling of bush meat, non-timber forest products and commercial agricultural products.

The Government has operated large scale mining operations since the 1930's. The gold and bauxite mining operations were pursued with minimal consideration for the rights and interests of local communities. Since the mid-1980's, small scale gold mining became a new source of income and land use for predominantly Maroon communities. Currently approximately a quarter of the Maroon community is actively involved in small scale gold mining, apart from the Brazilians and Chinese individuals. Small scale gold mining has an impact on the ecological balance of the land by mercury pollution and social disorders.

Another form of land use is tourism. The countries dedicated areas for national parks, national reserves, forest reserves and multiple use management areas covers nearly 14% of the land area, of which part falls in areas where indigenous people live. Some indigenous groups – *Kaliña, Trio, Ndjuka, Saramak, Matawai* and *Kwinti* are participating in tourism activities as an income generation activity. However, the impact of mining, tourism and logging causes a reduction of game animals, destruction of subsistence agricultural plots and restrictions to community access to hunting, fishing and cultivation areas.

In all these forms of land use there are no formal rights allocated to Indigenous communities and Maroons. The legal system for land tenure is the domain principles which states that all land belongs to the State as laid down in the L-Decrees of 1982. However, the L-Decree leaves room for respecting the tribal lands unless it is not contrary to the general interest of the State. Other legal instruments have a similar implication for respecting the rights to lands of tribal groups; the 1986 Mining decree and 1992 Forest Act. The 2000 Presidential resolution known as the Buskondre protocol set out the will of the Government

for demarcation, recognizing tribal rights and compensation for damages to land, however, none of these intentions are further developed into regulations.

Despite the lack of formal title under the current legal system, various legal instruments suggest some kind of obligation of third parties to respect the customary rights and obligations of Indigenous peoples and Maroons. First, there are peace treaties between the tribal groups and the Government. These treaties derive from the 18th century and declare the tribal land to be sovereign under the leadership of the chief. However, the treaties were not included in the legal framework of the Republic Suriname with its independence in 1975.

The lack of a formal land tenure system results in conflicts over land and resources. The north-south relationship developed from a "left alone" attitude into a growing need for exploitation of mineral and timber resources in the south. Conflict between tribal groups and the Government are occurring with the granting of large-scale gold mining and logging concessions. Also, the creation of national parks frequently occurs without local consultation and is a major cause of conflict between tribal groups and the Government.

A critical aspect of this man/land relationship is the assurance that resources will exist for future generations. Both indigenous peoples and maroons have been stewards to their lands and these are seen as collective ownership. However, with the growing acculturation, conflicts between members of different maroon groups, especially over mining rights and overlapping land use (*Ndjuka-Paramaka, Ndjuka-Aluku*). In particular, leaders of the *Matawai, Trio* and *Paramaka* group have collected revenues from concessions for their own benefit instead of the tribe.

Changes in the existing legislation should include survey standards for titling indigenous and Maroon lands. The legislation should be either amend existing legislation or create new standards for registration of group titled areas. One standard is boundary demarcation. Several organizations and now the Government have already in the process of creating resource use maps that serve as the first step in the delineation of boundaries of land claims. The Government can adequately make a legal description of 5, 7.5 or 10 km boundary from the center of the River in question.

This legislation should be accompanied with laws to give legal title to Indigenous and Maroon authorities. To be able to register property the Government needs to create legislation to define an owner to land, which can be a natural or legal person. The identification of an owner requires a process of adjudication. With the best available information available, the claims of different groups will be assessed and awarded an owner.

The formalization of the legal process of property right should be accompanied with extensive education and awareness campaigns on different levels. The indigenous and Maroon groups will need to receive information on land registration process, role and responsibility of individuals and leaders in the process. The Government officials need to be informed about the process and its implications for land titling in all levels of Government. The general public needs to be educated about the process and their required input

1. Introduction

Access to lands and having their own institutions to manage these lands are prerequisites for the proliferation of healthy, culturally vibrant, and resilient Indigenous populations[1]. Vice versa, examples from countries around the world show that loss of Indigenous peoples' lands is a main driver of the extinction of Indigenous cultures, including their ancient land management institutions. While increased integration into national societies is a major cause leading to the loss of Indigenous lands, acculturation processes also have made Indigenous peoples better informed and more vocal in their struggle for retaining rights to land and self-determination. Parallel to these processes, Indigenous peoples have become better organized and better connected to international support mechanisms, such as human rights lawyers and international courts, in seeking protection of their rights.

The Government of Suriname (GOS), with the support of the Inter-American Development Bank (IDB) and the Japan Special Fund (JSF), is undertaking the commitment articulated in the Government Declaration of 2006-2011 to improve the administration and development of the Interior. The GOS has recently embarked on a comprehensive approach for the planning and eventual implementation of a sustainable development program for the Interior named "Sustainable Development for the Interior" (SU-T1026). This approach includes a strong participatory methodology that ensures that the target beneficiaries are involved in the planning and implementation of their own development priorities and that the focus of the program is aligned around their rights and interests.

The land rights, tenure, and land use component of the larger work "Support for the Sustainable Development of the Interior" focuses on the preparation of a comprehensive study to identify and document land tenure regimes and land use by the Interior communities. This activity has been carried out in close collaboration with Indigenous and Maroon authorities and other stakeholders and includes information regarding current land use practices, changes in land use over the last twenty years and customary law relating to land tenure and use. The study includes recommendations for the legal framework necessary to support communal management and administration of traditional lands in the interior. Land use maps that have been developed by Indigenous and Maroon communities with the support of various non-governmental organizations arid the GOS's Central Bureau of Cartography will be used as the orientation point for this study.

For the purpose of this report, consultations have been held with the authorities of the Maroons tribes – Ndyuka, Kwinti, Matawai, Saramaka, Paramaka, Aluku – and the indigenous tribes – Trio and Wayana. However, the Kaliña and Lokono tribes did not participate in the project and their views have not been considered in the outcome of the study.

[1] Indigenous peoples are also known as natives, aboriginals, first nations, and other names.

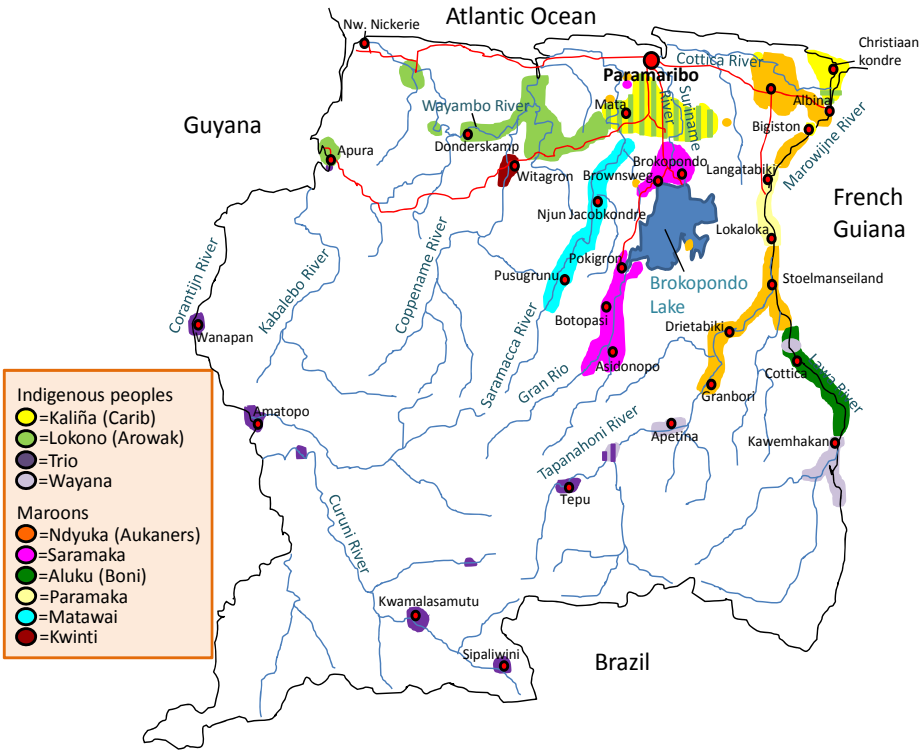
1.1 Suriname's Interior

The southern 80 % of Suriname land area (163,820 km2), popularly named the interior (*binnenland*), is covered with dense evergreen tropical rainforest. The complex creeks-, river- and rapids systems of this region drain the country towards the Atlantic Ocean. When going land-inward, the elevation increases from sea level to 1280 m in the Wilhelmina Mountain range. The forests have a high diversity of species, and new species are still being discovered. Over 5.800 species of mosses, ferns and seeds plants are found, of which an estimated 50% are endemic to the Guyana Shield region. Suriname is also rich in vertebrate wildlife, including at least 185 mammal species, more than 700 bird species, 152 reptile species, 95 amphibian species, 338 fresh water fish species and 452 marine fish species. Of this known species of vertebrates at least 3% are reported specific to Suriname (Alonso and Mol, 2007).

Suriname's small population (492.829) is ethnically diverse, being composed of Hindustani (people of East-Indian descent, 29%), Creoles (24.1%), Javanese (14.6%), Maroons (tribal people of African descent, 14.7%), people of mixed ethnic heritage (12.5%), Indigenous peoples (3.6 %), and smaller groups of Lebanese, Chinese, Brazilians, whites, and others (ABS 2005). The national language is Dutch but more than 16 other languages are spoken, including Sranan Tongo (the national lingua franca) and languages specific to the various ethnic groups.

Approximately 85 percent of Surinamers live on the 30-km wide Atlantic coastal zone, mostly in the capital city of Paramaribo. On the coastal plains outside of Paramaribo, a significant number of traditional Indigenous and Maroon communities are situated. Many more tribal communities, however, are found in the interior (Figure 1).

Figure 1: Tribal communities in Suriname



Today approximately 8,000 Indigenous peoples and 54,000 Maroons live in Suriname (Table 1). Both coastal and interior tribal groups live a largely traditional life, depending on subsistence agriculture, hunting, and fishing. For cash income, they depend on informal extractive activities such as the collection of non-timer forest products (NTFP) , small-scale gold mining, and wildlife trade.

Table1. Estimated numbers of Indigenous and Maroon peoples living in tribal communities in Suriname

Indigenous peoples	
Kaliña (Carib)	2,500
Lokono (Arowak)	3,500
Trio	1500
Wayana	500
Total	8,000

Maroons	
Ndyuka (Aukaners)	20,000
Saramaka	25,000
Paramaka	4,000
Matawai	3,000
Aluku (Boni)	1,500
Kwinti	500
Total	54,000

Sources: IDB 2004; ACT 2007a; ACT 2007b; CLIM 2006

The government is Suriname's largest employer, accounting for more than 60 percent of formal employment. Much employment in Suriname, however, is informal, meaning that it occurs outside of national regulations and is unrecorded in national statistics. According to the General Bureau of Statistics (ABS), the informal economy contributes about 20.2% to

real GDP. In Indigenous and Maroon communities, particularly those in the interior, as much as 90% of incomes may be from informal sources, but largely dependent on nature.

Suriname's infrastructure is concentrated in the coastal zone, in the region directly surrounding the capital city of Paramaribo. In the more remote areas of the coastal zone, as well as in most of the interior, access to public works and services is minimal. Most Indigenous and Maroon villages do not have access to the national electricity and water nets; are disconnected from public and private telecommunication networks; cannot receive mail, newspapers, or national broadcasting; and do not participate in national sanitary and waste disposal systems. In addition, the quality of educational and medical services in these remote villages does not meet national or international standards.

1.2 Land Tenure and Property Rights

Land tenure is the institutional (social, legal, and economic) arrangements through which individuals and communities gain access to the productive capabilities of the land. Land tenure literature often talks of a bundle of rights an individual holds in relation to access and utilization of land and land related resources. These rights would include, but are not restricted to such things as the right to cultivate land, use resources on (including beneath and over) the land, construct homes, transact (bequeath, sell, mortgage) land, bury dead, etc. This bundle can be broken up, redivided, passed on to others, and so on. Some rights will be held by individuals, some by groups, and others by political entities. For any tenure system each of these rights in the bundle will have at least three dimensions: people, time, and space. No one ever owns land in a totally exclusive way; others, the community, and the state always have rights that impinge to some degree on an individual's land use.

"Property" refers to a bundle of rights in the use and transfer (through selling, leasing, inheritance, etc.) of land and natural resources. Different rights (strands of the bundle) may be distributed in various combinations among natural and legal persons, groups, and several publics, including many units of government.

The term "common property" refers to a distribution of property rights in resources in which a number of owners are co-equal in their right to use the resource. This does not mean that the co-equal owners are necessarily equal in respect to the quantities of the resource each uses over a period of time. However, for effective common property regimes to function, they require the ability to define the boundaries of the resource, the criteria for membership of the group, and the ability to exclude nonmembers from access to the resource.

Two prerequisites for successful common property regimes are identified: the system must face significant environmental uncertainty, and there must be social stability in the group of owners/users. In such case, commoners must have "shared a past and expect to share a future." They must be capable not just of "short-term maximization but long-term reflection about joint outcomes." Environmental instability gives commoners an incentive

to share risks. Social stability allows or forces them to preserve resources for future generations."[2]

1.3 Framework for Land and Resource Use

Land economics is concerned with the economic use of the surface resources of the earth and the physical and biological, economic, and institutional factors that affect, condition, and control private and public decisions relative to the use of these resources. Programs must be physically and biologically possible, economically feasible, and institutionally acceptable if they are to work out in practice. Resource managers and policymakers must respect the constraints posed by each of the three frameworks if their programs are to prove successful.

The physical and biological aspects of this framework are concerned with the existing natural environment and with the nature and characteristics of the various resources in that environment. A highly significant feature of the physical and biological framework centers on the need for maintaining sound ecological relationships over time, i.e. resource use policies must be sound both in the short run and over time. Tempting as the prospect of short- run benefits from some types of resource exploitation may appear, society must oppose those actions that can destroy fragile and nonreplaceable resources or seriously disrupt normal ecological processes.

The economic component is concerned with an interest in developing productive input-output relationships that will maximize individual and group returns over time. In addition to a natural emphasis on production and marketing relationships, social welfare considerations must also be addressed. This component is concerned with the availability of land and other resources and their allocation to potential users. It is also concerned with the distribution of benefits and incomes that come from production among producers, workers, and others in the society.

The institutional component is concerned with the cultural environment and the forces that social and collective action play in influencing one's behavior as an individual and as a member of a family, various groups, and the community at large. To be workable land use programs and policies must pass the test of institutional acceptability; they must be politically acceptable and not conflict with accepted cultural attitudes, customs and traditions, or strong and widely held beliefs.

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[2] Ingerson, Alice E. "Urban Land as Common Property", Land Lines, Lincoln Institute of Land Policy: March 1997, Volume 9, Number 2

2. Customary Law on Land Tenure and Resource Use in Indigenous- and Maroon areas

The history of Suriname is essentially that of the development of two distinct spheres of influence. The Indigenous populations moved south as European settlers entered the north. These southern areas also became the home for escaped slaves who fled from the plantations and found refuge and security in the hinterland[3].

The land tenure systems of Indigenous and Maroon societies are based on the social organization of these societies. Among Indigenous and Maroon communities access to land is regulated through the extended family. While allocations of land areas have been made to these families and collective ownership is the norm, though individuals will secure access to specific pieces of the community land through their clan/family membership.

Indigenous societies continued with their traditional land use patterns. The interior offered unlimited access to land and resources necessary for sustenance and independent family groups were able to survive as they had for centuries before. This changed with the arrival of missionaries in the 1950's who promoted consolidation of dispersed populations, a gradual erosion of traditional life styles, but little interference in resource use.

2.1 Customary Law on Land Tenure and Resource Use in Maroon Communities

Among the Maroons, each group has a tribal territory that is formed by a watershed consisting of a principle river and its tributaries. The tribal area is usually an area where the ancestors settled at some point in history but not necessarily the area where they settled first. The Ndyuka, for example, first settled in the Djuka creek (a tributary of the Marowijne River); the Paramaka in the Paramaka creek (also a tributary of the Marowijne River); and the Kwinti along the Saramacca River. At present, however, these groups are living in, and considering as their traditional homelands, respectively, sections of the Tapanahoni, the Marowijne, and the Coppename Rivers.

It is in the traditional homelands that the real or ancestral villages are situated. In these ritually important places one finds a *faaka tiki* (flag pole, an ancestral worship place), and a house to mourn the death. Settlements without a flag pole are considered *kampus* (camps), even if they are very large. Furthermore, it is only on ancestral lands that burial places are created. Interviews and observations suggest that these rules are not as strictly obeyed by Christened Maroons. The original settlement places are often still visited for ceremonial purposes and considered part of the ancestral lands, even if Maroons do not live there today.

[3] Annex 8 of Buursink, International Consultants in Environmental Management in Association with Land Tenure Center, University of Wisconsin – Madison, "Proposal For Suriname Land Management Project, Suriname - Greenstone Belt Gold Mining, Regional Environmental Assessment, Annexes", May 2002.

In addition to their ancestral settlement area, Maroon groups may consider areas where they settled much later, and that are now occupied and used by them, as parts of their tribal lands. The ancestral villages of the Ndyuka, for example, are all situated along the Tapanahoni River where the tribe settled after the peace treaty of 1761. Through time, certain segments of the Ndyuka tribe have settled in other places such as along the Sarakreek (late-18th century); in the Cottica river region (2nd half of the 18th century); along the lower Lawa River (mid-20th century); and along the upper Marowijne River (various dates) (De Groot, 1963; Scholtens, 1994). Even though the Ndyuka have no direct contact with their ancestors in all of the mentioned regions, they do have a strong communal connection to the lands based on their long-term presence and use.

Within the tribal groups, matrilineal kinship relations are at the roots of detailed arrangements for access to land and resources, natural resources management, and resolving disputes about these matters. The main social unit is thelo/lö[4] or matriclan, a group of matrilineal related people and their close relatives. The exact definition of lo differs slightly from tribe to tribe. It generally refers to the descendants of a small group of runaways from the same plantation (De Groot, 1977). The members of one clan commonly trace their origins back to one (mythical) ancestor (Hoogbergen, 1990). Most villages are (predominantly) inhabited by one clan, though larger 'capital' villages such as Drietabbetje may host several clans that live in different segments of the village. The Ndyuka have fourteen lo, the Saramaka twelve, the Matawai four, the Paramaka four, the Aluku seven, and the Kwinti two.

Each clan is entitled certain plots of land, which not necessarily form one continuous area. Typically, land belongs to the *lo* that first cleared the land for agriculture or settlement. *Lo*-based territorial boundaries are generally based on natural borders such as rivers, creeks and mountains. Among the Matawai, the concept of lo/lö has lost its central importance, and issues such as land-use are determined by village membership instead.
Clans are divided in matrilineages (*bee* or *bére*) that trace their kinship relations to a common clan mother, often several generations back. The lands of the *lo* are subsequently subdivided in areas where each bee can plant. Other land uses such as collecting forest products and hunting tend to take place in the entire area allocated to the *lo*.

Kinship ties within the bee are typically strong and traditionally, the bee would also profit from the activities and gains of any of its members. Today, this tradition has largely vanished under influence of greater integration in the national economy and society, with is intrinsically linked to a greater degree of individualism. Such individualism is visible, among other, among the Matawai living near the Saramacca River gold mines. In communities such as Njung Jacobkondre, every Matawai villager searches for his 'personal Brazilian miner' in the forest to collect concession payments, regardless of where the miner is working. It is a silent agreement between the tribal members that a *garimpeiro* claimed by one Matawai will not be bothered by others. The incomes thus acquired are used for personal benefits rather than the common good.

[4] According to Hoogbergen (1990), the word 'lo' derives from the English 'row', a straight line of people. In the early days of Maroon society, it was the name given to a group of runaways who mostly came from the same plantation or region. Through the years, 'lo' obtained the meaning of matriclan.

In addition to matrilineal birth rights, one might earn certain rights of use from patrilineal kinship relations, from traditional marriage, and from settlement. In these cases, however, rights to land and resources typically require permission of the head of the lo/lö or village, and are more like a lease arrangement. For example, a woman from lo A settling in the village pertaining to lo B may obtain permission to plant near village B with the understanding that the land does not become her property. The land cannot be inherited by her children; the original owner may ask for the land to be given back if needed; and if woman A is to leave again, this lease arrangement is automatically terminated. The exact content of access and ownership rights obtained though kinship and other conditions differ from group to group, and village to village. Ndyuka tribal leaders, for example, indicated that children of a migrated lo-member, which are born and raised abroad, never visited the area, and cannot speak the tribal language, may anytime return to the Ndyuka River to claim access to *bee* or *lo* land. Paramaka kapiteins, by contrast, argued that it would be possible for a Paramaka descendant to lose ownership rights. Such might be the case if the person has no noticeable connection with the Paramaka land and culture, and has never provided support to the Paramaka communities in the interior.

Every Maroon knows exactly to which tribe, lo, or bee, has customary property rights to a certain piece of land, with its forests, fish, waters, and wildlife. As a general rule of thumb, members of a different tribal group or lo will not engage in activities within the area pertaining to another group without prior consent of the customary rights holders. Most groups do not strictly apply this rule to other Maroons or Indigenous peoples passing through their area on their way elsewhere, as long as they stick to traditional and personal use. For example, Ndyuka Maroons will not bother a Wayana family that is catching some fish in the Ndyuka part of the Tapanahoni River on their way to the coastal town of Albina. It is also understood that when traveling, one is always allowed to shoot an animal along the way, also in the area of another clan or tribal group.

To enter the area of another tribe or lo especially for the purpose of fishing or hunting is another story. In these cases, the need for permission and actions following unauthorized use depend largely on the *lo* or tribe involved, and the relations between the different individuals and groups. A Ndyuka hunter explained that some clans just do not like it when you enter their lands to hunt, and there you would not even try or ask. Others are flexible and you can always go there without having to ask each time.

Various respondents indicated that nowadays, as compared to the past, traditional rules of access are less strictly applied. The District Secretary of the Matawai area, for example, said that in the early days, if you were fishing in the territory of another village, you would hide your gear if you would notice someone from that village. After all, if the person would find out you were catching 'his' fish, the harvest would be confiscated. Today, as many villages have emptied and the downstream Matawai are more concerned with gold mining than with fishing, they care less about these issues. Another factor of influence is the presence of many foreigners, notably Brazilians, who do not know or care about customary rules for resource use and fishing where-ever they want. It is not possible to allow these outsiders to do so but restrict local Matawai, and thus the traditional concept of village-bound fishing zones is being abandoned. In the southern Matawai villages, which continue to live more traditionally, these rules remain in force.

2.2 Customary Law on Land Tenure and Resource Use in Indigenous Communities

As compared to the rather strict, hierarchical land tenure system among the Maroons, arrangements concerning access and property rights to land among Indigenous peoples are much more flexible. Neither the southern (Trio and Wayana) nor the lowland Indigenous peoples (Kaliña and Lokono) seem to draw sharp boundaries between their respective areas (ACTS, 2006a). Members of the different groups travel, live, and use resources in one another's area (Box 1). The area of the Trio and Wayana is seen as one, and the authorities of both groups will gather to discuss if there are important issues or problems. For example, Trio kapitein Pikoemi called kapitein Pesiphe (Trio) and Nowahe (Wayana) to come when a tour operator wanted to build a tourist camp at Kasikasima.

Box 1: Wayana Granman Nowahé explains his vision on the borders between themselves and the Trio: *There is not a real border with the Trio. Where the Wayana have old camps we call Wayana area, but we did not closed the border […], we go back and for between another's areas. For example in Palumeu both Trio and Wayana live, that place is of both peoples. There are so many Wayana in Kwamalasamutu and Tepu, and so many Trio at the Lawa. Every* village has both peoples. That is why we cannot close the border between the two peoples. [Granman Nowahé, Apetina, 3 February 2009]

Likewise, villages of the Lokono and Kaliña intermingle in the coastal area. Villages are typically composed of extensive kin-based groups, and members of one group do not frequently live in the village pertaining to the other group. Nevertheless, the groups do use the same general living and user areas and consider these areas as one entity. This mindset is evident in a 2006 study by the CLIM, entitled *Marauny Na'na Emandobo. Lokono Shikwabana* (Marowijne, our land). In this study, the common history and current land use and management practices are described in detail without speaking about territorial divides between the groups. The Lokono and Kaliña from the Lower Marowijne area also created one common land-use map.

Allocation of land

Also within the different groups, Indigenous communities do not have strong territorial dividing lines, though among some groups kin-based land allocations determine where one can plant. Land tenure rules are least visible among the Wayana. According to the Wayana authorities of Apetina, the Wayana area is not subdivided in clan or family areas. Any Wayana can go where he wants to cut agricultural land. It does not depend on where your family cut before, nor does one need to ask permission from the traditional authorities. Only if someone from outside would come, he or she needs to ask.

The Trio, by contrast, do allocate agricultural land according to a family-based system – though these areas are not as precisely demarcated as is the case with the Maroon *lo*. In Kwamalasamutu, agricultural plots are either prepared on land earlier used by one's family or in the primary forest. In the latter case, one can go anywhere as old-growth forest is not parceled out to family groups like among the Maroons. One has to inform the village authorities first though. Also if a Wayana or a Trio from another village would want to plant, this person would have to discuss this first with the customary authorities. Trios can freely hunt, fish, collect roof materials and medicinal plants, and cut a tree to make a boat

throughout the Trio area. The *hoofdkapitein* of Tëpu, however, said that in his village rules are somewhat stricter, and family-based land allocations also determine where one can collect timber and non-timber forest products.

Among the Kaliña and Lokono of the Lower Marwowijne river, each village has an own hunting zone behind the village and each hunter knows the boundaries of this area (CLIM, 2006). These village-based hunting zones are based on informal agreements and in principle Indigenous people can hunt where they want. In practice, hunters generally do not traverse the hunting zone of another village because distances are long and they could get lost in an area they are unfamiliar with. Also for practical reasons, agricultural lands are typically located close to the villages.

Perspectives on Land Use

Despite these resemblances, coastal and southern Indigenous groups differ on various points in their perspectives on land rights and tenure. These differences can be summarized as (1) coastal Indigenous groups are more pro-actively striving for land rights, (2) among the coastal Indigenous groups, the kapiteins play a more central role in land allocation, and (3) the interior groups are less acculturated and live a more traditional subsistence based life. We discuss these points below. The southern Indigenous peoples do not feel the same pressure on their land as northern groups.

In the first place, the coastal Indigenous groups are much more self-conscious about their customary rights, and regularly reach out to the press when they feel these rights are being violated. In part, the active struggle for land title among the coastal groups is a result of the much greater pressure on their lands from government and private industry. Examples are protests from the Indigenous peoples of Wit Santi and Hollandse kamp (District of Para) against extension of the Zanderij airport, and protests of the Indigenous peoples of Galibi against the creation of the Galibi Nature Reserve without their free prior informed consent.

The more pro-active attitude of the Kaliña and Lokono –as compared to the Trio and Wayana- in seeking formal rights to land may also partly be explained by their closer involvement with the Association of Indigenous Village Leaders of Suriname (VIDS) and the Canadian North-South Institute (NSI). Participation in trainings, workshops, mapping exercises, and studies have given the coastal Indigenous communities a greater knowledge and consciousness of Indigenous rights internationally.

A second difference between the coastal and the southern Indigenous groups is that in the coastal villages, the *kapitein* takes a larger responsibility in issuing land to villagers (ACTS, 2006). In the Apoera region, for example, local issues of access to agricultural, hunting, and fishing grounds are mostly dealt with by the *kapiteins* based on customary rules (Vlaenderen and Guicherit, 2006). The kapiteins also may grant permission to an outsider to come live in the village. This may occur in the case of marriage or when the person's presence is expected to yield economic benefits. Southern Indigenous villages families operate more autonomously. Only in the case that the land will be used for activities that affect the community, or if an outsider wants to exploit activities, a meeting will be held on the issuance.

A third important difference between the southern and coastal Indigenous societies is related to the much more traditional lifestyle of the former group and their lesser integration into the national economy, society, and politics. A recent Environmental and Social impact Assessment for a proposed bauxite mine in West Suriname, for example, finds that '[t]he traditional culture of the Arowak [Lokono] Indigenous peoples seems to have largely disappeared […] and pronounced expressions of the traditional religion are no longer noticeable.' (Vlaenderen and Guicherit, 2006). Given the close relation between culture and religion on the one hand, and land use and tenure on the other hand, this finding suggests that also perspectives on land rights and tenure may have changed.

This conclusion is strengthened by comments of the kapitein of the town of Apoera, indicating that his people would prefer having a plot to which they have land lease or ownership rights rather than communal rights to land (ACTS, 2006). This does not mean that the Lokono peoples in West Suriname have abandoned traditional forms of resource use such as planting according to a shifting cultivation system, hunting, and fishing. These subsistence activities are still practiced and many lands continue to be used communally. However, a dominant share of the Apoera regional economy is now cash based and many people live in a parceled residential area. In the context of socioeconomic and development of the region, individual titles to the land are for many coastal Indigenous peoples more attractive.

Finally, we noted that as compared to the Maroons, the southern Indigenous groups display a stronger conservationist attitude. In conversations about land and resources, the idea of saving certain resources for the generations to come is often explicitly expressed (box 2). The idea of gold resources as a 'savings account' for future generations was not only expressed by the Trio Granman but also by the Wayana *granman* of Kawemhakan. The latter explained how the Aluku want to move upriver where rich and shallow deposits are but the Indigenous people also have a right to this gold. In other words, every tribal inhabitant has a right to a certain amount of natural resources. Those who have greedily extracted all have nothing left now, but those who have been economical, such as the Wayana, have a buffer for difficult times.

Box 2: Wayana granman Ipomadi Pelenapin explains the agreement between Aluku and WayanaL:'The agreement [between the Aluku and the Wayana] was that we live here together; we will work [gold] together. That was the agreement. But now there are almost no places left to work, north of Benzdorp there is no forest left. So, my opinion is, this is from us, Indigenous people, [for] when Indigenous people want to work gold.' (Granman Ipomadi Pelenapin, Kawemhakan, May 2007, quoted in Theije and Heemskerk, forthcoming)

3. Historic Land Use of Indigenous Peoples and Maroons in Suriname

In this chapter we identify and document the land use categories and land use practices related to the ten traditional communities of Suriname. The chapter starts with the **built up lands** where village sites and transportation manners are discussed. This section is followed by the **use of the indispensable forests** that are found in the proximity of the settlements. The chapter continues with the **agricultural lands**, the **land use for mining**, and an opinion on **land use for tourism purposes**. We conclude this chapter with a short paragraph on **unsustainable land use**.

Land use categories

Since about 7.000 BC, from the moment the first Indigenous people came to the Southern Sipaliwini savanna, Suriname's land has been used by human beings. The total area of the Republic of Suriname covers 163,820 km^2 of which the most part still exist of undisturbed evergreen tropical rainforest. For the part used by the approximately half a million inhabitants[5], a "national land use plan" does not exist.

The land use descriptions below were produced mainly through a desk top study, based to a large extent of relevant documentation of recent origin, together with interpretations of satellite imagery and contemporary maps of NARENA[6]. Information gaps were as much as possible closed through field visits and direct consultation, this in particular to reproduce a more detailed input of the interior population.

In this chapter, the different land utilization by traditional communities is divided in five main categories. These are:

- built up lands (villages and transport facilities);
- forest use (wood production, communal forests, NTFP, fishing and hunting);
- agricultural lands (shifting cultivation, commercial agriculture and animal husbandry);
- land use for mining (gold, bauxite, hydropower) and
- land used for protected areas and for tourism purposes.

The chapter concludes with a short paragraph on unsustainable land use

3.1 Built Up lands

A clear discrepancy in infrastructure is present between the more rural North and the interior South of the country. Passable roads and access to physical infrastructures and public services are often lacking or much more expensive the further south one travels.

[5] CENSUS: total population (2005 est.): 492.829

[6] NARENA: National Resources and Environmental Assessment

Indigenous and Maroon Settlements/villages

The current road network, the presence of a nearby city, and/or a navigable waterway determines the location or choice of the village. Most villages lying south from the east-west connection road can only be reached by air (small planes) or by water (travelling hours or even days with motorized canoes).

In the more rural areas north of the country, Lokono and Kaliña Indigenous villages are found within the coastal zone, belo-Ndyuka- and Saramaka-Maroons live north of the hydropower lake.

Trio and Wayana Indigenous people, Matawai, opo-Ndyuka, Paramaka, Aluku, and the Saramaka are those living in the more remote regions of the interior. For these interior communities it is mostly landscape characteristics and the presence of fresh water rivers or creeks that determine the locations of their settlements.

Transport facilities

Transportation, one of the most important basic infrastructures, can basically be divided in road, water, and air transport. Seasonal conditions may determine the choice, but where present and possible road transport is the first choice.

The total **road** network of Suriname is claimed to be 4,500 km, of which 1,210 is classified as main road[7]. The northern East-West connection road, going from Nieuw Nickerie near the Guyanese border in the West to Albina at the French Guyanese border in the East can be seen as the most used main road of the country. Through this road the Lokono village Wageningen can be reached going west. Going east, several Cottica-Ndyuka villages are found, such as Ofia olo and Mungo tapu. The southern East-West connection road, going from Paramaribo to the Arowak village Apura leads us along the Indigenous villages of Mata (Lokono), Pikin Saron (Lokono), Bigi Poika, and Josephdorp (both Kaliña) and along both the Kwinti villages of Witagron and Kaimanston. This road was originally constructed for the forestry sector, to facilitate forest inventories and logging. The main road going from Paranam to Pokigron is presently in an intermediate state going from a gravelled lateriet road to a paved one. This road passes several Saramaka villages such as Marchallkreek and Klaaskreek. From Pokigron, more than 20 other Saramaka villages settled along the Upper Suriname River are reachable by boat, among which the granman's residence Asindonhopo.

Physical infrastructure in the south is poorly developed. In the rainy season, the unpaved roads get impassable and several villages become isolated.
Tribal people, and especially Indigenous people, used to walk long distances from one village to the other and walking trails are still present between the villages. Except for the Trios of the villages of Sipaliwini, Kwamalasamutu, and Tëpu who walk on a regular base to the Trio Brazilian villages Missão Tiriós en Kuusare, long walking trips seems to have been replaced by boat rides, car driving, or even air transport.

In the seventies a secondary road situated parallel the Corantijn River, connected the Lokono village of Apura through Avanavero up to the Trio village of Amatopo where an AT

[7] Chamber of Commerce, 1997

bulldozer is still present as silent evidence. Today, this unmaintained road to the South is overgrown by the surrounding forest.

In the eighties, as a result of damages caused during the interior war, the condition of several road connections and a number of bridges over creeks and rivers continued to deteriorate. For instance, on the primary road from Powaka (Lokono) to Patamaka, the most southern bridge over the Commewijne River, collapsed and was never repaired. As a result, nearly everybody left from the Ndyuka village of Java.

Inland **waterways** in Suriname cover as much distance as the total road network (approximately 4,500 km)[8]. During most of the year, this method of transportation is used by the majority of the tribes living in the Southern part of Suriname, because these villages are located along up-stream waterways. People travel by boats, constructed of hard wood species. Those canoes are now practically all equipped with outboard engines.

Starting in the South East of the country, the Lawa River (the so called "*Aluku-liba*), does its duty as transport facility for all Aluku villages, situated both in Suriname and in French Guiana. The Wayana village Kawemhakan (Anapaike) is also found on its border.

The Tapanahoni River is the home river of the Ndyuka, who shares this waterway with three Indigenous villages (Apetina, Palumeu, and Tepu). The Lawa as well as the Tapanahoni are the main tributaries of The Marowijne River, which is the largest river by volume for Suriname. Ndyuka, Paramaka people, and Carib populated the banks of this majestic Marowijne water way.

The upper Tapanahoni and the Corantijn River with its upstream branches the Curuni and the Sipaliwini River, are the homes of the Trio Indigenous people with Kwamalasamutu as the largest Trio community. None of the Aluku, Trio, and Wayana villages, apart from the relatively new settlement Sandlanding (Trio), can be reached by road, and waterways are by far the most important transport manner to go to fishing, hunting, and to go to cultivating areas. But, dry seasons can last for six months in the South of Suriname and the water level may become so low that exposed rocks and sand banks makes navigation very difficult and time consuming. In the Sipaliwini settlement (Trio), villagers indicate the months of October and November as those when the nearby Sipaliwini River is nearly impossible to navigate. Traveling to Kwamalasamutu, hunting activities, and recently developed tourism activities from Sipaliwini to the Vier Gebroeders Mountains are interrupted during this period. This is also applicable for Kwamalasamutu and its tourist attraction of Werehpai.

The Suriname River is of particular importance for dozens of Saramaka villages, accommodating a large part[9] of the total hinterland population.

The only Matawai village that can be reached by road is Kwakugron, but even that road can become impassable during the long rainy season, occurring from the end of April until mid August.

[8] Chamber of Commerce
[9] Approximately 30.000 Saramaka (est. 2005)

Some villages have a boat-making reputation. At the eastern side of the country, for instance, the village of Bigiston and the island Lemkibon (Kaliña/Paramaca) are known for their boatmaking. Wana (*Ocotea rubra*) and loksi (*Hymenaea courbaril*), which are particularly suitable for boat building, are harvested on both Surinamese and French Guyanese sides. At the Suriname River (Saramaka) the village Guyaba and Kajapati fulfill this role.

Air-transport facilities, often in the form of a grass-airstrip, are present in about 27 hinterland villages, where a high density of population is present. To date, regular flights are available to a few of them; other places can be reached by charters and are often designed for exploration or tourist purposes. Due to the high costs, air transport is no alternative for the largest part of the hinterland villagers.

3.2 Forest Use

The southern 80 percent of Suriname's land area is covered with mesophitic, dense evergreen tropical rainforest. Xerophitic forests in the white sand areas of the savanna belt further are present in the Sipaliwini savanna area in the far South of Suriname. Given the location of the hinterland-tribes, it is obvious that these communities heavily rely on the natural resources present in the forests around their living area. The forest is fundamental for their physical, cultural and spiritual existence where the majority of their subsistence resources are derived. Threats to the forest mean threats to the tribal people as well.

Logging and timber concessions

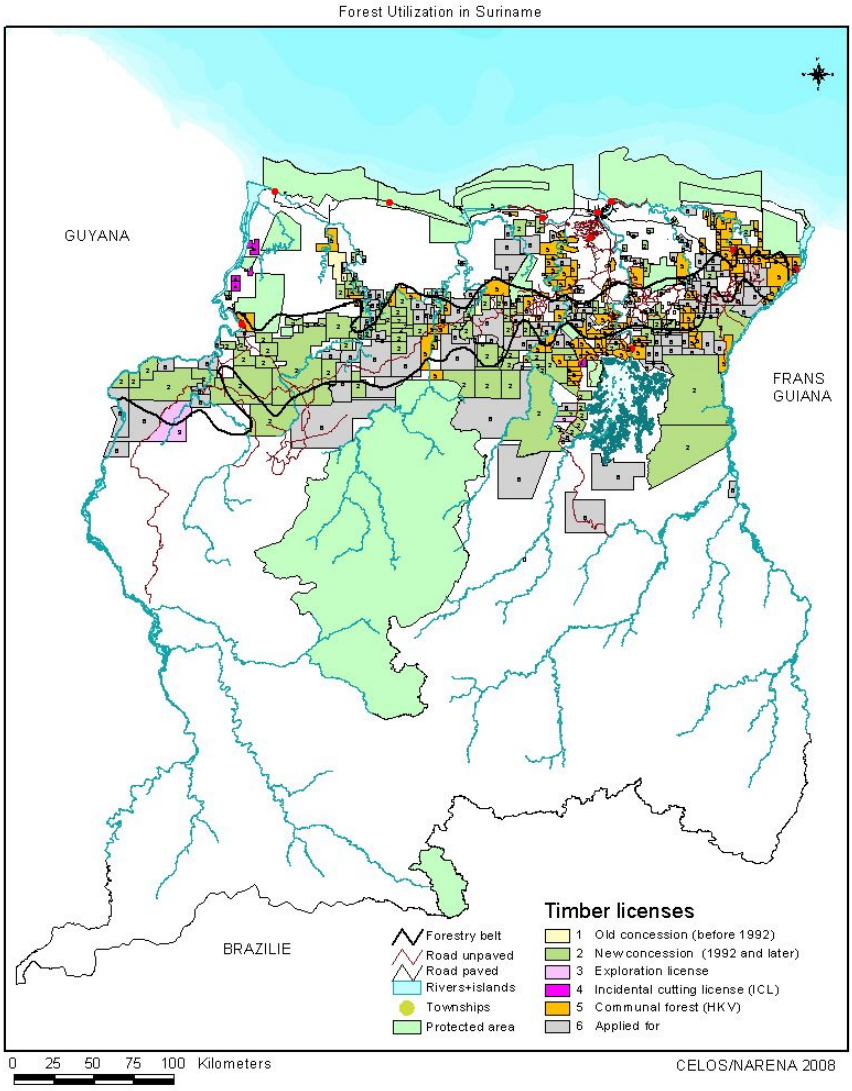
About two million ha of forest (12 % of the country's total area) has been granted as timber cutting concessions. Almost all commercial wood logging concessions are located in the coastal- and midland zones. In the past, interior forests were left largely untouched because of high exploration costs and also the fact that the environmental costs were considered too high. Since the interior forests are opened to (foreign) companies and individuals, an international uproar has occurred.

Figure 2 illustrates that concessions obtained after 1992, and moreover concessions presently applied for, penetrate more and more into the interior of the country. According to the Surinamese government statistics, Chinese loggers are the largest producers of round wood by far and their country is distinctively the largest export destination for Surinamese round wood. The majority of Indigenous and Maroon communities are not informed when concessions are granted in their living area. It is not unusual that tribal people only become aware of a concession in their territory when employees from the foreign logging (and mining) company arrive in the area and start their operations. In spite of the fact that 60% of Indigenous and Maroon communities are currently sited within a logging concession[10], background information and personal communications revealed that, in most cases, tribal communities living in the logging areas do not benefit from the logging activities.

[10] Inter American Development Bank, 2005. Country Environmental Assessment Suriname. Buursink International Consultants in Environmental Management.

Vast areas of Suriname's rainforest are still granted to multinational logging companies to operate in the country. The Surinamese Forestry Act's limits grants for concessions at 150.000 hectare[11] but larger companies register under the name of a variety of front companies, and by doing so, they can get up to 1 million hectares. Control and certification of logging is in hands of the Foundation for Forest Management and Production Control (*SBB*).

Figure 2: Forest Utilization in Suriname (Narena, 2008)



[11] A logging concession is granted to an individual or company and can be:
Short time (max 5.000ha, 5 year); medium term (max 50.000ha, 10 years) or long term (max 150.000ha, 20 years). For areas more than 150.000ha, parliament permission is required.

Wood cutting licenses and Community forests

Approximately 3% of Suriname's land mass (0.5 million ha) has been allocated to Maroon and Indigenous communities in the form of a wood cutting license or, since 1992, in the form of a community forest. Those forests areas in the proximity of their villages provides the inhabitants with food, construction materials for houses and canoes, household utensils, hunting and fishing equipment, medicines, poisons or repellents and for the daily used firewood and water.

The original plan of the wood cutting license (HKV) allocation was to give local communities preferential access to their ancestral territories in order to safeguard their way of living. It was never the intention that these communal forests would be commercially exploited. But the fact that the leases were registered in the personal names of the community leaders and that these forests are often accessible through roads and waterways, made it interesting for outside loggers to close deals with tribal chiefs who were given permits to cut and remove timber. According to Tjon (CELOS), the amount of timber coming from the wood cutting licenses was in some years almost half of the national timber production. As a result most communal forests were seriously depleted or destroyed and left in a deplorable state. Several consulted persons also aimed that in the majority of cases revenues coming out of these transactions did not reach the communities. In 1992, the Forest Management Act was issued and from then forest areas around community lands were conferred to communities rather than to the head of the village.

Non Timber Forests Products (NTFP)

For the purpose of this document, NTFPs as products consisting of goods of biological origin other than wood, as well as services, derived from forests and allied land uses. For the subsistence living of all forest-dwelling hinterland communities the use of NTFP is a daily habit and skills have been developed to use NTFP for multi purposes: NTFP from plant provenance offer a great source for construction materials, for household utensils, for food, for hunting and fishing equipment, for resins and oils, for medicines, for poison or repellent, for body care and ornaments, for music instruments and finally, for the daily used firewood. NTFPs of animal origin contribute primarily to food needs. Animal teeth, skins and bones are sometimes re-used as tools, as hunting and fishing utensils, as medicines or as adornments and music instruments.

There is an increasing interest in NTFP's. In Paramaribo and surroundings several products such as bush-meat and fish, fruits and nuts, oils, ornaments, cultural requisites, and especially medicinal plants are sold regularly on the market. A small amount is even exported to Europe. Parts of forest plants are used in various combinations to treat a variety of sicknesses ranging from common headaches to serious cases like cancer.

A description of NTFP used for subsistence use by forest-based communities will lead us too far in this report. Extensive lists are found in, among others, Ostendorf, F.W. (1962), ACT's Wayana Ethno Ecological Survey (2006) and ACT's Trio Ethno Ecological Survey (2008). In this section we provide some commercial examples:

- Ndyuka peoples of Santigron are the producers of crapa-oil for JOMI cosmetics, a beauty centre in town. Crapa oil is widely used in the cosmetics industry and is a key ingredient in anti-cellulite and vanishing creams.
- Since 2005, 91% of the community of Alalapadu are involved in, and earn income through this activity. Recently the Trio communities of Kwamalasamutu in the processing of Brazil nuts.
- Another promising NTPF is Podosiri or Acai. Men harvest and women processing fruits collaboratively to make the juice that are known for its healthy character. IDB/PAS research (ATNME 10566 SU) developed eco-efficient production and waste management methods for Podosiri producers in Maroon and Indigenous communities were developed.

Hunting and fishing

Similar to the use of vegetable forest products, hunting and fishing has been a common practice of Indigenous people and Maroons since their arrival on Surinamese territory. Originally, all healthy adult men hunted and/or fished on a daily basis to provide a source of protein. The fished or hunted quantity was limited to the immediate needs of their family. However, throughout generations, hunting and fishing techniques have changed. Bow, arrow, spears and fish-trap or arrow are now replaced by fire arms, hand lines and nylon fishing nets. Long walking and the use of paddled dugout canoes were replaced by motorized boats and sometimes cars, which enables the tribal people to reach greater distances and to carry larger quantities of meat/fish. This means that the investments for hunting/fishing are also much higher nowadays. The unavailability of (expensive) fuel, bullets and fishnets, purchased in a nearby city is named as a primary problem for the hunters/fishers in previous researches within tribal communities. For the fishermen, absence or shortage was never named as a problem; it is assumed that the fresh water systems of Suriname still have sufficient fish resources to supply tribal villages at the edge of the rivers with protein.

Fish and bush meat is an important source of income for tribal people. Informal conversations with local residents suggest that commercial bush meat hunting or commercial fishing do occur primarily along the roads and rivers in the vicinity of areas with higher populations. In the vicinity of small-scale gold mining activities for instance, fishing and hunting is often a lucrative business. Miners are the first buyers, remnants are sold into town. The researchers did not encounter any evidence of aquarium fish's trade. Some examples of commercial bush meat hunt/fishing:

- People of Cassipora (Lokono) and Redi doti (Lokono/Kaliña) reported to sell bush meat on semi structural - commercial basis. In the western villages Apura and Section (both Lokono villages) more than 50% of the households hunt for subsistence *and* for sale[12]. Kalebaskreek is reported by several as a real fish-village.
- Trio villages Sandlanding and Wanapan deliver meat in Apura and Nickerie.
- The Ndyuka of Santigron, Marechalkreek and Baboenhol reported that in former days there were a lot of peccary and capybara herds that came towards the rice fields. One of the

[12] Van Vlaenderen, 2007

consequences of this was that jaguars also frequently visited these areas. Today, the rice fields have made place for cassava fields and the animals disappeared.

- Saramaka villages bring their bush meat and fish to Atjoni or to the capital, were they sell it at the Highway. Prices have doubled compared to five years ago due to higher investments and due to a shortage of meat[13].
- Within Paramaka area, hunting is done sporadically. Fishing is a daily matter, used for personal consumption and to sell in French Guyana.

What needs more attention is the fact that small-scale enterprises, mostly consisting of Indigenous communities or groups within these communities, are involved in wildlife collection on a regular basis. Most of the caught animals are sold to (registered) exporters. Over the past decades, the sales of wild life species, such as macaws, parrots and parakeets, songbirds and several reptiles and amphibians is an important source of income for especially the Trio. In the Sipaliwini village the sale of singing birds is the main source of income for more than half of all adult men (ACTS, 2007a), the price paid to the animal trappers is generally very low. Tëpu is nationally known as a centre for animal trade but a field survey whereby young men of Tëpu were interviewed gained different results. We assume that the informants did not respond completely honest about this matter. Control on poaching is almost impossible as these products do not pass through the custom services.

3.3 Agriculture

Shifting cultivation

The major part of the agricultural production within the traditional communities definitely comes from the proven system of shifting cultivation that provides more or less in their subsistence crops need. The shifting cultivation grounds are found scattered along the rivers or the main creeks in the vicinity (within 5 km radius) of the villages. This ancient land use system is based on slashing and burning of a small part of forest (approx. 0.2 - 1.0 ha). Useful plants, such as palms and fruit tree, are left untouched. Where in previous days, the clearing happened manually, the chain saw is now very common. During one to three years, the plot is then brought in cultivation until the fertility has decreased so much, also as a consequence of erosion and leaching, that the harvest becomes to meager to continue.

After some years, forest will take over and finally the land will be covered with secondary forest. Studies show that, to keep up a sustainable production system, it would be optimal to wait for about 15 years before the same spot can be used again. Families often have different cultivation grounds at the same time in order to minimize the risks. Natural boundaries are often used (creek, rock) to determine the frontiers of the cultivation areas. On average, Maroons clear larger areas than Indigenous people. Paramaka and Saramaka individuals called it "*a land collecting technique*" within their matrilineal system. After all, the more a husband clears for his wife, the more she can divide to her kids afterwards.

[13] Landveld, R. Personal Communication, 2008

The shifting cultivation, also called "slash and burn system" is a widespread land use of Surinamese grounds and covers, according to estimations of NARENA, about 250,000 ha of the total countries area (1.5 %). Based on the Seventh Population and Housing Census and based on NARENA area figures, the per capita land use of rural people for agricultural purposes is about ten times bigger (2.2 ha/person) then that of urban people (0.29ha/person) [14]. An explanation for this is twofold: First, urban people relay far less on their agricultural grounds for food consumption and second, interior soils are poor in nutrients, producing low yields. Years with extreme high rainfall, for example in 2006 and in 2007, resulted in flooding of some shifting cultivation areas, camps and lower parts of villages. In those cases, stocks diminish fast and food has to be sourced in the City.

The choice of varieties and the crop maintenance is often defined through the location, tradition and experiences but within Maroon and Indigenous communities, the crops in the fields are dominated by starch containing food such as cassava (*Manihot esculentum*), napi (*Dioscorea trifida*), yam (*Dioscorea alata*) and banana/plantain (*Musa sp.*). In addition, some sweets and spices are planted, such as peper (*Capsicum sp.*), ginger (*Zingiber officinale*) and sugar cane (*Saccharum oficinarum*). Pineapple (Ananas sp.), kasjoe (*Anacardium occidentale*), cotton (*Gossipium barbadense*) and the natural red pigment orella (*Bixa orellana*) are also common in and around the fields of Indigenous communities while Maroon communities grow more often peanuts (*Arachys hypogea*), rice (*Oriza sativa*), corn (*Zea mais*) and leguminous plant such as "wandu" (*Cajanus cajan*); crops that are also used for their cultural ceremonies. Overall, Maroon communities cultivate and consume more vegetables than Indigenous peoples.

Plant material is mostly obtained from old fields that function as a gene bank of countless varieties. Many crops and multiple varieties of crops are cultivated. During previous FAO-household surveys along the Marowijne river, dozens of different cultivars were named for cassava and last year (2008) CELOS recorded fourteen different pineapple varieties in the Arowak village Matta, all with different characteristics (sweetness, perishability) . Sadly, the numbers of cultivars are also reported being lost. Some decades ago, Aluku living at the Lawa River, cultivated more than twelve varieties of high land rice. Today, nearly all rice is obtained from the city's supermarket.

Commercial agriculture

Commercial agriculture covers about 110.000 ha. Nearly 95% of the permanent agricultural grounds are situated in the coastal zone besides some 2-3% in the Brokopondo district (among others the heavily neglected Victoria and Phedra areas), 3% in the Marowijne district (Patamacca) and less than 1% exploited by tribal societies where it is always in combination with traditional shifting cultivation. Permanent, commercially oriented agriculture is gaining in importance, especially within those communities that can easily reach the capital[15]. With good practices, it can represent a huge change in the financial

[14] NARENA: area agricultural crops in the Coastal zone: 110.000 ha; area shifting cultivation grounds: 250.000ha.
CENSUS: total population (2005 est.): 492.829; of which 23% rural and 77% urban.

[15] This include most of the Lokono and Kaliña villages, the below Ndyuka villages and the Saramaka villages along the roads of the Brokopondo district.

revenues of the communities. The total family consumption in these regions represents a small amount of their total agriculture production. Besides their mixed-cropping plots primarily designated for their own consumption, fields are cultivated exclusively for commercial purposes. Not commercial, but often permanent, are the school gardens; introduced in several tribal villages by the community and/or NGO's. We present some examples of commercial agricultural projects encountered in the field and during conversations below:

Kaliña/Lokono

- Widespread pineapple fields are found in Matta, Cabenda (Kaliña) and Powaka (Lokono) with most of the production sold in Paramaribo.
- Pineapple and cassava cultivated in Cassipora and Redi doti to be sold in the capital.
- In the Para district, Lokono Indigenous people sometimes sell part of their left-over crops (mainly roots and tubers) along the main road; others bring it to one of the markets in Paramaribo
- In Apura, more than a few Lokono were busy with the production of "pomtayer" for the food supply of workers that were involved in the Bakhuis/Billiton operations. Because of the recent developments on that matter, pomtayer fields are now abandoned and local people have shifted their activities to hunting in order to cover their income.
- A UNDP small grants program aims to improve land management and use in Powakka by providing support for soil research, inventory of non-timber forest products, extension, training and demonstration in sustainable agricultural practices, setting up a nursery and providing agricultural equipment.

Trio/Wayana

- In Tëpu, with the support of ACT – Suriname, dried pepper is processed.

Ndyuka

- In the Cottica area, tubers, rice and a small amount of vegetables are cultivated to sell at the market of Mungo and Paramaribo.
- Cassavafields along the Gonini river are brought in culture by the Opu-Ndyuka to produce "kwak" that is sold to Aluku in Maripasoela and Papaihston.
- About 10 km from Mungo, "Agnes kampu" is found. Mss Agnes Leewani purchases cassava from a lot of cassava fields in the upper Marowijne area. The final plan is to produce and export cassava crackers. This is already a popular snack in Southeast Asian countries where it is used as a complement to rice and noodles. Other possible cassava-derived products: are *goma*, cassava bread, cassava-pancakes and kwak.
- Ricanaumofo agriculturists have a regular customer in the capital since 1993. People from this village told us that the last years; there is a great demand for *pomtayer* in the Netherlands.

Saramaka

- The Saramaka from Asigron cultivate more than 30 ha of root and tuber crops (mainly cassava) for the employees of the mining company IamGold.
- The villagers from New Lombé, situated along the main road (onder construction) going from Paranam to Pokigron, sell their remaining crops to the Chinese road builders (DALIAN)
- In collaboration with Peace Corps and the United Nation Development program (UNDP), IICA initiated the process to support the Saramaka community of Balingsula in the Brokopondo district to establish a model farm to demonstrate improved sustainable commercial

agricultural production. Hopefully, the farm will be an alternative for the illegal logging and mining that occurs in that region.

- Interviewed people living in the Upper-Suriname River Basin, reported in increased cultivation for sale for ginger, peanuts and pomtayer.
- Women of Futunakaba invested with help of the NVB in urdi but the project collapsed as imported urdi is now cheaper.
- In Duwatra, agricultural techniques were introduced to improve the quality of life in these communities and first steps were made to develop a bio-diesel pilot project through the production of *Jatropha curcas*-oil in the Saramaka village Guyaba.

Matawai/Kwinti

- Conversations with the Matawai Maroons, living in the middle- and upper Saramaccan River, revealed that there are no agricultural activities that could be defined as being permanent.
- No data is available for the commercial agricultural activities within the Kwinti community

Animal husbandry

The Ministry of Agriculture, Animal husbandry, and Fisheries and several NGO's (STEPS, NVB) did try to introduce breeding programs within tribal communities without real achievements. For instance, the NVB introduces an agouti breeding program and a poultry farming project in the Ndyuka village Godo-olo.

Animal husbandry activities nowadays encountered throughout the communities can best be characterized as "backyard farming". Poultry is found in all villages but it must be reported that as a food supply, locally raised chickens have lost their importance and are more and more replaced by deep-frozen Brazilian import products. For Maroon communities however, poultry remains necessary for the production of eggs which are used in ceremonies.

Some cattle is found, for instance within the Aluku community, nearby the French village Maripasoula were there is a bigger market and more potential customers (Brazilian gold miners). In the past, a Matawai lady of Kwakugron did raise goats. Since she passed away, the breed stopped. The PAS reported that in Bigiston, inhabitants would like to introduce aquaculture.
Horticultural production in combination with animal husbandry (poultry) for touristic resorts can represent an increasing potential of income-generation for neighboring local communities.

3.4 Gold and Bauxite Mining

Suriname has rich resources of minerals and metals in geological deposits. Today, about 10.000 ha of Suriname's total area is used for the mining of bauxite and gold[16]. Mining has played and continues to play a central role in Suriname's economy. Most mining activities take place in interior areas.

[16] Estimation based on NARENA land use maps

Gold

Since the mid-1980s, a gold rush has occurred in Suriname and for many Maroon descendants it is still a main economic activity. Not only the seeking of the gold itself but transportation- and other mining related activities are a source of income. Gold deposits are abundant in the upper river basins of the Marowijne (Tapanahoni and Lawa) and the Saramaca River. Tribal communities living along those rivers have a long tradition in small-scale gold operations. Currently Ndyuka, Paramaka, Aluku and Matawai Maroon communities believe to represent a quarter of the country's small-scale gold miners besides a majority of originally Brazilian and some Chinese and Haitians individuals. Small-scale gold miners, who are active throughout Eastern Suriname, have not yet started exploitation and exploration activities in the Trio area. The main reasons for their lack of interest in this region include the difficult access to this area and objections of local authorities against gold mining.

Small-scale gold mining does not often take place without problems. These include disturbance of the ecological balance caused by erosion and mercury pollution and social disorders such as prostitution and violence.

Bauxite

Bauxite and the alumina production has been the country's dominant export since the 1930s. To date, it accounts for more than 15% of GDP and 70% of export earnings[17]. The total area land used for the winning of bauxite is approximately 8.000ha and was presently concentrated on the East side of the country, around Mungo (Coermotibo), Kaaimangrasi, Caramacca and Klaverblad.

To ensure a sufficient energy supply for this industry[18], a hydro dam was built in the 1960s that created the Afobaka reservoir, visible as a big blue mark on Surinam's current map. This reservoir flooded half of the Saramakas' territory and forced at least 6.000 Saramaka to relocate. Dialogues in the field showed us that the resettlement was very hard for many of them. Large numbers of Saramaka people abandoned their communities and moved into the cities. Others chose to be resettled in "transmigration villages" at the north side of the reservoir; others moved to the Southern margin of the new born lake. The building of the hydro dam led to the permanent loss of 150.000 ha of pristine forest.

In January 2003, the Government of Suriname and the mining companies BHP Billiton and SURALCO signed a memorandum of understanding for the exploration of 278.000 ha in the west of the country. The future of this exploration remains uncertain since, BHP Billiton announced in October 2008 it was withdrawing from Suriname. However, the Government of Suriname is still actively promoting the implementation of an integrated aluminum industry in West Suriname. For more in depth information on the impacts (environmental, social) resulting from bauxite mining we refer the reader to the voluminous specialist studies on this matter prepared for NV BHP Billiton and SURALCO regarding the proposed Bakhuis Bauxite project.

[17] Source: www.fco.gov.uk/en/about-the-fco/country-profiles/south-america/**suriname**

[18] Specially for the alumina smelter at Paranam

It must be noted that, as for logging, most mining developments were pursued with minimum consideration for the rights and interests of local communities[19]. Ndyuka Maroons near to the SURALCO concessions at Mungo, for example, have never been compensated for the loss of their lands that had to be cleared for the process. Pressure from large scale mining on the forest and interior people in their traditional livelihood and income generating activities has increased and conflicts between tribal groups and the Government of Suriname occurred more than once.

3.5 Land Used for Protected Areas and for Tourism

Protected areas

Figure 3 represents existing and proposed protected areas are Suriname. This figure shows us that Suriname has an outstanding nature conservation area covering nearly 14 % of the total land surface of the country. Those protected areas are subdivided in:

- National Parks (NP), of which there is only one, the Browns berg NP. To date, small-scale gold mining poses a big threat to the park;
- National Reserves (NR), of which the Sipaliwini NR, with a surface of 100.000ha and presented in figure 2, is the largest.
- Forest Reserves (FR), such as the Mac Clemen FR and
- Multiple Use Management Areas (MUMA), such as Bigi Pan. Rice cultivation, pesticides and uncontrolled fishing and hunting (for example on the scarlet ibis (*Eudocimus ruber*) pose a serious threat for this area nowadays.

Tourism

According to recent sources[20], the tourism sector has known an increase of 5% and more the last years, with Dutch tourist visitors being the most important target group (more the 75 %). Although the major part of these tourists comes to Suriname to visit friends and relatives, the country is nowadays internationally promoted as being a unique destination. The possession of the highest percentage of rainforest on earth, numerous large pristine river systems, unique coastal ecosystems and cultural and historic attractions gives the country a significant tourism potential. Countless tour operators have set up interior resorts offering from very basic to luxury tourist facilities. Some of them are located in a protected area; others are situated near a tribal village.
A random selection within the broad tourism scale:

- Within the Kaliña living area touristic attractions are, among others, the sea turtles nestling in Galibi, the tourist beach in Erowarte, and art- and craft makers in Bigiston.

[19] Other large scale mining activities in the country concern the winning of petroleum, sand, gravel and broken stones. A few consequences of these mining activities are listed below:

- Petroleum: disturbance of the hydro balance in the oil fields, as the major part of all wells are located in drained swamps of the coastal area (currently, a new technique of wet operations is implemented)
- Sand: disturbance of the savannah areas and demolition of the shell strips.

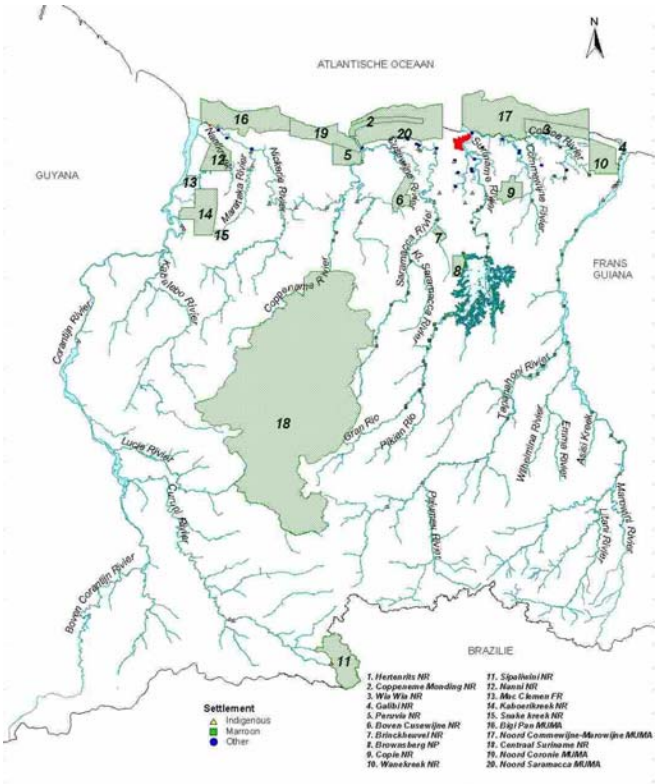
The interaction between these mining activities and tribal people is on a much smaller scale than for gold and mining activities.

[20] Sijlbing, H. A. (2007); Caldeira, W. R. (2006)

- Within the Trio community, CI and stichting MEU built some luxury tourist lodges near Kwamalasamutu. Tropical Gem Tours organizes tourism activities at Arapahu Island; about 13 km south of the Trio village of Amotopo.
- Along the Marowijne River and the upper Suriname River community individuals and groups have set up numerous (eco) tourism sites in Ndyuka and Saramaka villages.
- Matawai administrative officer[21] revealed that there are no touristic activities in Matawai territory.
- The tourism resort Raleighvallen in the Central Suriname Nature Reserve is nearby and provides employment opportunities for the Kwinti population in Witagron.

However, for nearly all of the hinterland touristic activities, it is the case that most of the obtained money flows back to Paramaribo, since many goods (even food and bottled water) and services are brought from town with the tourists.
There is a need to diversify the Surinamese economy from its heavy reliance on the mineral exploitation, and to choose a more sustainable development path. Tourism can provide this and bring substantial and sustainable benefits for the country. However, a lot of tourism specialties are located in the living areas of tribal people which mean appropriate policy measures should be taken in order to develop appropriate community-based.

Figure 3: Protected areas in Suriname (NARENA, 2006)



[21] Zamuel, pers. communication, 2009

3.6 *Unsustainable land use*

The above described Surinamese lands (forest, mining, agricultural and protected/tourism) and their traversing waters are more than ever under increasing stress. The use of resources and the systems associated with it are far from sustainable.

Large logging operations in the forests destroy the environment by bringing down majestic trees with their surrounding overgrowth, destroy the habitats of fauna and flora and increase the soil erosion, negative impacts that also could be listed for the mining operations.

Besides the construction of a network of muddy roads and the creation of smelly turquoise, green or brown pools, **gold mining activities** reveals an additional problem; the mercury pollution. Due to the process of (small-scale) gold mining, considerable amounts of mercury are spilled in creeks and rivers where it ends up in the bodies of fish. Because of the high level of fish consumption by inhabitants of the mining areas[22], the mercury can accumulate in people and affect their central nerve system. This can result in visual constriction, impairment of hearing, speech and gait and can result in a numbness of the extremities. Communications in the field revealed that, regarding the mercury poisoning, there is unsatisfactory awareness within communities regarding the mercury poisening. Even in intense gold mining areas, people are in general not afraid of mercury intoxication and fish is considered as a healthy, easy to catch meal.

A common characteristic for almost all lands used for **agriculture** is that the balance seems more or less disturbed. All consulted sources reported a declining soil fertility or/and an increasing pest problem (such as leaf cutting ants[23]). Longer fallow period (optimal would be 15 years) before using a certain plot again could be a first step towards improving agricultural lands.

The threats imposed by logging/mining activities do not safeguard the **protected areas**, as the negative ecological effects spread far out of the boundaries of the concession areas.
Within those lands, large amounts of tribal lands are affected. The impacts of the logging and mining causes a reduction of game animals, destruction of subsistence agricultural plots and restrictions to community access to hunting- fishing- and cultivation areas.

[22] In particular Matawai, Wayana, Aluku, Ndyuka and Paramaka; the mining areas are concentrated in the upper river basins of the Marowijne and the Saramaca River

[23] Literature and consultation revealed leaf cutting ants, followed by damage by birds (seed), agouti, peccary, caterpillars and snails as the most destroying plagues.

3 Rights to Land and Natural Resources

The rights of Indigenous and Maroon peoples to land in the Suriname legal system have been extensively described in books and reports. In this section we provide a brief summary of relevant issues addressed. We refer the reader to the original sources for more in-depth analyses.

4.1 Background to the Problem

The core of Suriname's national land tenure system is the domain principle. This principle was laid down in the L-Decrees of 1982, which state that: 'All land to which the right of ownership cannot be proven by other parties, is property of the State' (Art. 1, section 1) (Commission Land Rights, 2008). Indigenous peoples and Maroons never obtained personal or real titles to the lands they inhabit and use. Hence, they do not have any formal rights to these lands and related resources, which subsequently are all state property.

Despite the lack of formal title under the current Suriname legal system, various legal instruments suggest some kind of obligation on part of third parties to respect the customary rights of Indigenous peoples and Maroons. To start, in the 17th and 18th centuries the Dutch colonial government closed peace agreements with various Indigenous and Maroon insurgent groups they were unable to subdue. 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 (ACTS, 2005; Kambel and MacKay, 1999).

The treaties with the coastal Indigenous groups recognized Indigenous societies as sovereign nations with the freedom to settle where they wanted and live according to their traditional customs. Because no written treaties have ever been found, we do not know whether any territorial boundaries were defined. The 1760s peace treaties with the Maroons and particularly their renewals do define a territory for each one of the groups. Peace treaties were never closed with the Trio and Wayana Indigenous peoples, which remained isolated in south Suriname until the 19th century. Neither did the colonists sign treaties with the Kwinti and Paramaka Maroons, which were too small in numbers to be a real nuisance.

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. Nevertheless, certain national laws do include protection clauses that call for protection of the customary land rights of Maroons and Indigenous peoples. The nature of these rights, however, remains undefined. Within the 1982 L-Decrees this principle is formulated as such: 'In the disposal of government land, the rights of the tribal communities of Bushnegroes and Amerindians to their villages, settlements and produce plots will be respected, in so far as this is not contrary to the general interest'. (Art. 4, section 1) Furthermore, 'The general

interest is also understood to mean the execution of any project in the framework of an approved development plan' (Art. 4, section 2).

The 1992 Forestry Act uses similar phrasing, in stating that customary land and resource rights need to be respected 'as far as possible' and are subordinate to vaguely defined 'public interests'. Also typical is the 1998 Nature Conservation Resolution (*Natuurbeschermingsresolutie*) regarding the establishment of the Central Suriname Nature Reserve. In this Resolution, the protection clause reads (art. 2):

> 'Insofar as villages and settlements of the tribal people from the interior are situated in the areas designated by this State Decree as nature reserves, the rights acquired by force thereof shall be respected, unless: a. The general interest or the national goal of the reserve that has been established is impaired; b. Determined otherwise.' (Quoted in ACTS, 2006)[24]

This article again emphasizes that the rights of Indigenous and Maroon communities are subordinate to the national interest. It also minimizes protection of these rights because any arbitrary reason may be brought forward to 'determine otherwise'.

In other legal instruments, such as the Mining Decree 1986 (*Decreet Mijnbouw* 1986), customary rights are not even mentioned. The Mining Decree does oblige the concession holder to submit a list of all villages in and in the vicinity of the plot applied for. However, it is not stated when this list has to be submitted and violations remain without repercussions. For example, the government never questioned why the village of Nieuw Koffiekamp, which is situated within the Gross Rosebel gold mining concession, was not mentioned in the concession application.

After the interior war (1986-1992), different national governments committed themselves to resolving the land rights issue by signing legal documents such as the Lelydorp Peace Accord[25] (1992) and the Buskondre Protocol (2000). The Lelydorp Peace Accord was signed by government representatives and leaders of Indigenous and Maroon guerilla groups to formally end a civil conflict known as the interior war (*binnenlandse oorlog*, 1986-1992). Article 10 of the Lelydorp Peace Accord provides arrangements for the recognition of Maroon and Indigenous land rights, by stating that:

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. (Quoted in: ACTS, 2005)

Buskondre Protocol is the popular name for Presidential Resolution No. PO 28/2000 on the 'recognition of the collective rights on the lands they live on for Indigenous Peoples and Maroons'. 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

[24] This article agrees with article 4 of the 1986 Nature Conservation Decree, with a supplement of items a and b

[25] The formal name of the Lelydorp Peace Accord is: the Accord of National Conciliation and Development (*Accoord van Nationale verzoening en Ontwikkeling*)

> […], and that those territories later […] will be recorded on maps with coordinates and placed at the disposal of the respective traditional authorities.' (Quoted in ACTS, 2005)

This Presidential Resolution includes a disclaimer, stating that national interests prevail over collective rights. Such cases, however, would be preceded by consultative processes. The document also includes a clause about compensation for damage to individuals or collectives due to economic activities by third parties. The legal validity of the Buskondre Protocol is contested though. Many Maroon and Indigenous figureheads did not support the Protocol, and there are questions concerning President Wijdenbosch' constitutional authorization to implement it.

The promises made in the named documents have not been materialized. So far, no formal rights have been allocated to any of the Indigenous and Maroon groups, and the only maps that have been made were made on the initiative of NGOs and local people. We must comment that just now the Government of Suriname commissioned the Amazon Conservation Team Suriname to make participatory land use and occupancy maps of all Indigenous and Maroon groups in Suriname[26]. In addition, other preparatory studies are being conducted with regard to the possible allocation of certain collective land and resource rights to Indigenous and Maroon communities.

In addition to national-level laws, treaties, agreements, and resolutions, Suriname has ratified several human rights treaties and the treaties and declarations on protection of the environment in which it promises to respect Indigenous rights. Among these international conventions, treaties, and agreements are the *Convention on Biological Diversity* (CBD, ratified in 1996), the *United Nations International Convention on Elimination of All Forms of Racial Discrimination* (CERD, ratified in 1984), and the *American Convention on Human Rights* (ratified in 1986). It is important to note that in ratifying the latter convention, Suriname also accepted the compulsory jurisdiction of the Inter-American Court of Human Rights (IACHR).

From the above mentioned documents it appears that Suriname has substantial obligations under international law to recognize and respect the rights of the Indigenous and Maroon people. The Suriname constitution 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 (Kambel and MacKay, 1999). Practice shows, however, that even the basic rights such as the right to participate in decision making, rights to enjoy property, and other non-discriminating rights are often violated by both the Government of Suriname and private industry.

4.2 Competing claims for Resource Use

At present there are four major competing claims for resource use in the interior: traditional use, mining, forestry, and protected area/national park development. There are

[26] This task is part of a broader assignment named 'Collective Rights', which in turn is part of an even more extensive IDB-sponsored policy initiative 'Support for the Sustainable Development of the Interior' (SSDI). The present study is also part of the Collective Rights assignment that is being executed by ACT-Suriname.

also the beginnings of competing claims associated with tourism development initiatives. Further competing claims may arise for large scale agricultural schemes, though these are less likely in the near future given soil quality and other environmental constraints. There are also competing claims for resource use in the former plantation areas of the north for agricultural activities and the impacts of urbanization.

Forestry

The Forestry service established at that time was initially effective, but declined over the years and following the 1987 internal war, essentially collapsed with most infrastructure destroyed. The 1992 peace accord has allowed it to begin recovery and begin once more to manage the forestry resources of Suriname. The SBB (Foundation for Forestry Management and Control) was established in 1999 as a vehicle to monitor companies being awarded forestry concessions. The forestry service grants three types of concessions (SBB, December 2008):

1) Short term: individual and companies, <5000 ha., <5 years, renewable once, must be Surinamese or Surinamese company and have a record demonstrating capability
2) Mid-term: companies, <50000 ha., <10 years, renewable once, must have processing unit, and submit business and financial plan
3) Long term: companies, <150000 ha., <20 years renewable once, need to be vertically and horizontally integrated industry

Note: Short and mid-term concessions can be issued by Ministry of Physical Planning, long term are issued by the President. Those >150000 ha must get parliament approval.

In theory it should be relatively easy to determine competing land and resource use claims to these areas because the area of the forestry block is demarcated and mapped. If competing resource use claims exist these could be identified and negotiated prior to the granting of the forestry concession. The Forestry department has developed a detailed process for the awarding of forestry concessions (Annex 1). While the concession application needs to have written confirmation of the District Commissioner's review and advice it should be noted that nowhere in this process are there specific requirements for consultation with communities existing within the forest block or settled next to it that may be affected by concession activities.

The Forest Management Act establishes concept of community forests and villages have the option of applying for them. However, the Forestry Department reports that the community forests are poorly managed and oft times the community actually hires outsiders to exploit the forests. Community members indicate an alternative picture of lack of consultation and changing procedures. "It seems that the forestry department is always raising the bar to be able exclude local entrepreneurs" or "People requesting concession (and getting them) don't know where their concession is and rely on local people to show them."

Mining

The granting of a mining concession follows a three step process: reconnaissance, exploration, and exploitation. The general terms for each of these are presented in the

following table 2. Additional concessions are granted for: building materials (sand gravel, stone, clay) for up to 400 ha (2 km x 2 km), and small scale mining of areas to natural persons of up to 200 ha (2km x 1 km).

Table 2: Terms for granting mining concessions (GMD, December 2008)

Type of concession	Period of Concession	Area of Concession
Reconnaissance	3 years license 2+1	up to 200,000 ha or 2000 km^2 (50km x 40km)
Exploration	7 years license 3+2+2	up to 40,000 ha or 400 km^2 (20km x 20km) (area to be reduced by up to 25% at each renewal period—40,000 to 30,000 to 22,500)
Exploitation	0-20 years license	10,000 ha or 100km^2 (10km x 10km)

Mining concessions differ from the forestry concession in that the area to be eventually exploited is not defined at the outset. This obviously will present opportunities for conflict over resource use unless the entire area for reconnaissance has no existing resource use activities. At the same time there is little incentive for a prospective mining concessionaire to enter in to detailed compensation negotiations at this stage since there is no clear indication of areas where mineral exploitation will actually take place.

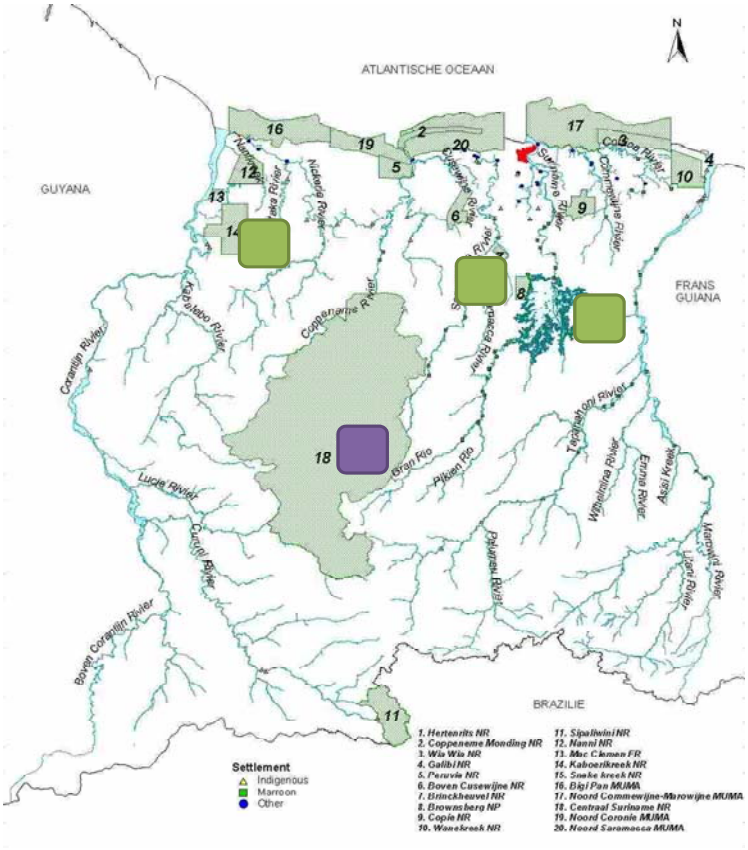
However, what is missing here (as with the forestry concessions) is the lack of local community involvement at the earliest stages of discussion and negotiations. While the reconnaissance stage does not involve extensive investments, the exploration stage does actually involve preliminary capital investments in the development of test sites, cut lines, track construction, etc.

Protected areas

A third competing claim for land and resources use is that of national parks and protected areas. These have been identified and designated in areas of environmental sensitivity, potential tourist development areas, etc. In these cases the designation of land areas was done by the central government with little or no consultation with the local population.

If these concession maps are then compared to a map of tribal areas there are a number of obvious resource use conflicts. Indigenous and Maroon lands boundaries will need to be more clearly developed and delineated, but the superimposition of concession maps over Indigenous and Maroon land areas will illustrate areas for renegotiation of existing concessions and negotiations for all future concessions.

Figure 4: Conflicting Forestry and National Park Concession Areas with Mining Concessions

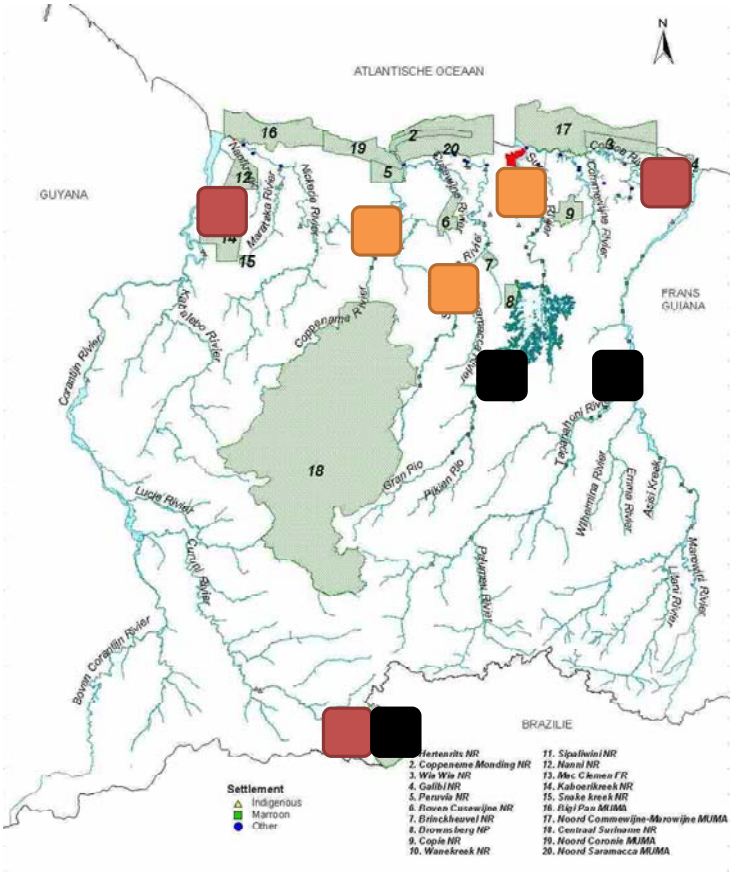


Overlapping Concessions:

Mining and National Park

Mining and Forestry

Figure 5: Conflicting Resource Use with Indigenous and Maroon Communities



Resource Use Conflicts

Mining

Forestry

National Park/Protected Area

4.3 Conflicts over Land and Natural Resources

Conflicts between tribal groups and the government

Conflicts between Indigenous and Maroon peoples and the Suriname government have two main causes. One source of conflict is the intrusion into Indigenous and Maroon lands by government and private interests. A second major cause of dispute is presented by prohibitions to Indigenous peoples to perform what they consider to be their traditional livelihood activities. These issues are often related, and examples are provided below.

In the mid-20th 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's concession policies legally permit large-scale mining and logging on traditional lands.

One example is the Gros Rosebel concession that was granted to Golden Star, and later acquired by Cambior and then Rosebel Gold Mines[27] in the brokopondo area. The Saramaka and Ndyuka Maroons living north of the hydropower lake, as well as the Matawai living west of the lake, are protesting against the presence this large-scale mining concession to lands that they are using for their survival. Particularly the inhabitants of Brownsweg (Saramaka) and Koffiekamp (Ndyuka) are discontent with the way that the different companies have been obstructing local people in their traditional livelihood and income generating activities. Violent protests have broken out more than once in the past decade between local small-scale gold miners associations (N.V. Gowtuman '94 of Brownsweg and Makamboa of Koffiekamp) versus the successive large-scale companies. Conflicts between Maroon miners and authorized concession holders are also regularly surfacing in the Benzdorp gold mining area and other gold mining places.

The creation of national parks, which frequently occurs without local consultation, is a regular cause of dispute. Today, approximately 12 percent of the area of the national territory is classified as protected areas. While this is a laudable accomplishment, it is less impressive that, 15 of the 22 existing and proposed protected areas are located within or near Indigenous and Maroon peoples' traditional lands and these peoples have not participated in decision-making about the creation of these protected zones and are not participating in their current management.

Of particular concern to the traditional area inhabitants are the restrictions placed on traditional land and resource uses. The Nature Conservation Act 1954 (Natuurbeschermingswet 1954), which forms the basis of the establishment of national parks and protected reserve areas, is felt to be culturally insensitive. It is prohibited to hunt and to fish in protected areas, and persons are also not allowed to have with them dogs, firearms, and any hunting or catching device, without the required license thereto. This is contrary to the tradition of the inhabitants of the interior who live off of hunting and fishing, and are not exempt of these regulations. The establishment of the Galibi nature reserve

[27] Rosebel Gold Mines is a daughter company of the mining giant Iam Gold. The same concession was earlier in hands of Cambior, and before that of Golden Star

without consent of communities, for example, continues to be source of conflict and resentment.
A recent case concerns the Central Suriname Nature Reserve in 1998 (CSNR, see 4.1). The accompanying legal document[28] states that 'the area is uninhabited and there are no settlements', thus disregarding the Kwinti communities of Witagron and Kaimanston, whose lands are located within and adjacent to the CSNR (MacKay and Pané, 2004).

Also in cases not-related to protected area management, government interference in, or prohibitions of, Indigenous and Maroon land use are generally not well-taken. Late last year (December 2008), for example, the State Forest Service prohibited the village of Powakka to cut wood. In a press release, the Organization of Collaborating Indigenous Villages Para (OSIP) voiced its discontent with this situation, and called again for the recognition of their traditional rights to land.

In numerous other places, protests have been voiced against the granting of logging and mining concessions and permits to tourism projects without the consent or even knowledge of traditional area inhabitants. Indigenous and Maroon communities are typically not consulted or compensated when these developments occur, and rarely share in the benefits. Along the Lawa River, for example, both Wayana Indigenous people and the Aluku Maroons claim Benzdorp and surrounding mine sites, among their ancestral lands. In their view, one should resort to traditional authorities for approval of mining activities. The fact that two firms, Nana Resources and the State company Grassalco, have obtained large concessions in the Benzdorp area without prior consultation with the Wayana and Aluku is not well-taken (Theije and Heemskerk, forthcoming).

Recently, different tribal groups have appealed to international organizations in seeking support for and protection of their customary rights. Among these groups were the Saramaka Maroons from the Upper Suriname River, which filed a case with the Inter-American Court of Human Rights to protest the violation of their traditional rights to ancestral lands (Box 3). In November 2007 the Court ruled in their favor, obliging the state to demarcate and grant collective titles over their lands. Today, the Saramaka are still waiting for these and other parts of the court ruling to be executed.

More recently, eight Kaliña and Lokono Indigenous communities of the Lower-Marowijne River also filed a formal complaint with the OAS Committee for Human Rights, following a series of formal petitions to the government requesting the initiation of dialogue aimed at recognition of their rights (Kambel, 2005). The Indigenous village heads of the district of Para are considering doing the same (Poetisi, 2009b).

[28] The 1998 Nature Conservation Resolution (Natuurbeschermingsresolutie) was established based on a memorandum of understanding between the State of Suriname and Conservation International Suriname regarding the establishment of the Central Suriname Nature Reserve (see 4.1 above).

Box 3. Saramakan people to the Inter-American Court for Human Rights

In the mid 1990s, the twelve Saramaka clans filed a complaint with the Inter-American Commission on Human Rights against the violation of their customary rights. In their court case, the Saramakans protested the absence of rights to and protection of their ancestral lands in the Upper Suriname River region, which they still use for subsistence. A concrete threat to their livelihoods was the issuance of logging concessions to two Chinese companies over lands belonging to them. Agricultural fields and shelters were destroyed by the Ji Shen and Tacoba firms without any proper compensation.

In November 2007, the Inter-American Court for Human Rights ruled in favor of the Saramaka people against the government of Suriname. In its landmark decision, the Court stated that 'The State shall delimit, demarcate, and grant collective title over the territory of the members of the Saramaka people, in accordance with their customary laws..' This title would include rights to decide about the exploitation of natural resources such as timber and gold within that territory. In addition, they were granted compensation from the government for damages caused by the Chinese logging companies, to be paid into a special development fund managed by Saramaka. To date, however, no such payments have been made.

Source: http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf

Conflicts about land rights and tenure among within and between Maroon and Indigenous groups

Conflicts about land rights and tenure within and between Maroon and Indigenous groups may occur on three main levels:

1. Between the members of different tribal groups. These conflicts typically concern the violation of land tenure boundaries.
2. Between the members of different segments of one tribal group. Like in case 1, these disputes are usually sparked by the unauthorized use of resources in the area pertaining to another kin-group.
3. Between the leader(s) of a group and his/their people. A perceived lack of responsibility or respect by the leader towards his constituency is usually at the roots of these conflicts.

Conflicts between members of different tribal groups

Conflicts between members of different tribal groups seldom involve Indigenous peoples and are most common between the Maroons, which attach relatively more value to precise territorial borders (ACTS, 2009). Particularly among the eastern Maroon groups, tensions about overlapping land-use claims at the confluence of the Marowijne, Lawa, and Tapanahoni Rivers regularly surface. One such case occurred in early 2006, when Ndyuka youngsters cut several large trees to make boats on Aluku lands, near the Wayana community of Lensidede[29]. Someone notified the authorities of the nearby Aluku village of Cottica, upon which its kapitein and basia's went to talk with the Ndyuka youngsters. When the Aluku authorities arrived on the spot, the Ndyuka had been warned and dragged away most of the boats. Only one boat was encountered in the forest, and this one was confiscated and taken to Cottica, where it now serves as a community boat. The Aluku Government representative who told this story added: 'We (Aluku) never enter their territory to do something like that; they [the Ndyuka] would instantly get violent'.

[29] Lensidede, is a Wayana community that is situated on Aluku lands, with permission of the Aluku people

Another contested area is the upper Marowijne River. The Paramaka are claiming that the Marowijne River, from the Pulugudu falls downstream, is Paramaka territory. The Ndyuka who are living along the Marowijne River between Pulugudu and the Ndyuka settlement of Moisanti contest this view, arguing that there is no single Paramaka village in this area. Neither are there any signs that the Paramaka ever lived here. Generally this situation does not create problems, as both the Ndyuka and the Paramaka tolerate the presence and resource use activities of members of the other group in this contested border zone. For example, local Ndyuka gold miners do not pay 'concession' fees to the Paramaka[30], and vice versa. The status quo is fragile though, and particularly the Paramaka are easily feeling overrun by the more numerous and politically influential Ndyuka.

Recently Ndyuka and Paramaka miners did get in conflict over mining rights in the Grankreek watershed, at the border of the Paramaka and Ndyuka living areas along the Marowijne River. For years, gold miners of both groups have been working along the creek and its tributaries side by side on the basis of equal rights. Tensions arose when the Ndyuka firm Brothers Goldmining N.V. obtained gold mining concession rights to the Grankreek watershed. The application, which was signed by the District Secretary and the District Commissioner, states that the area belongs to the Ndyuka. The situation got heated when the Ndyuka firm demanded concession payments from the Paramaka miners working at the Grankreek. The Paramakans refused to pay and filed a formal complaint with the District Commissariat against the concession allocation. In the end, the Ndyuka recognized that the Paramaka also have certain rights to this area. Brothers Goldmining NV has had to put its activities on hold until an agreement is reached with the kapiteins of Paramaka.

Box 4: The Moiwana Case

On November 29, 1986, members of the armed forces of Suriname attacked the Ndyuka Maroon village of Moiwana. Militaries allegedly massacred over 40 men, women and children, and burned the village. Those who escaped the attack fled into the surrounding forest, and then into exile or internal displacement. In 1997, a petition was filed with the Inter-American Commission for Human Rights. As the government of Suriname neglected Inter-American Commission requests for investigation and compensation, a court case against the State of Suriname was filed with the Inter-American Court of Human Rights (IACHR) in 2002.

In June 2005, the IACHR ruled in the Case of Moiwana village, among others, that the State of Suriname must investigate the case, offer a public apology, build a memorial for the victims, pay compensation for moral damages, and establish a community development fund. The Court also ordered that: 'The State shall adopt such legislative, administrative, and other measures as are necessary to ensure the property rights of the members of the Moiwana community in relation to the traditional territories from which they were expelled, and provide for the members' use and enjoyment of those territories. These measures shall include the creation of an effective mechanism for the delimitation, demarcation and titling of said traditional territories,' [my emphasis]

Source: The Forest Peoples Programme. URL: http://www.forestpeoples.org/documents/law_hr/suriname_iachr_moiwana_judg_jun05_eng.pdf

[30] It is common practice that gold miners working on the lands of a certain lo –regardless of whether they are Brazilians or tribal members from another lo- pay an (informal) 'concession-fee' of 10 percent of their earnings to the head of the *lo* or tribal group. The recipient may be, but usually is not, an authorized concession holder.

Even though conflicts between Maroon and Indigenous groups are uncommon, they may surface when more concrete proposals for the issuance of land title are being brought forward. One example is the Moiwana case (Box 4). In this Inter-American Court of Human Rights case against the Government of Suriname, the State was ordained to demarcate and title the lands of the (former) Ndyuka Maroon settlement of Moiwana.

A complicating factor is that the Wanekreek, where the Ndyuka of Moiwana lived, is generally considered the customary user area of the Lokono Indigenous group. A group of Ndyuka from the village of Moengotapu had cut their agricultural fields and settled along the Wanekreek with permission from the Indigenous peoples of Alfonsdorp (Den Boer, 2006). The Lokono consider it unjust that Maroons are now obtaining titles to the land while they, the rightful owners, do not. Activities such as the placing of a monument, which take place on lands belonging to Alfonsdorp without the consent of its villagers, are also a source of resentment.

Conflicts between members of different segments of one tribal group

Conflicts similar to those described above may exist between different lo or families within one ethnic group. Again, it is among the Maroons, where kin-based territorial boundaries are strictly applied, that these conflicts are most likely to occur.

A Maroon tribal member who wishes to use resources on the land pertaining to a *lo* other than his own, needs approval from this *lo*. If logging is exercised or fish are caught without permission, the logs or fish may be seized within the system. These rules tend to be relatively stricter in the coastal area, where land is less abundant and competition for resources stronger. Recently in the Cottica Ndyuka area, for example, a kapitein of village A confiscated the bundle of *kumbu* (palm fruit) that had been gathered by a boy from the neighboring village in the area pertaining to village A. In another recent case in the same region, the kapitein of one village confiscated the agouti that had been shot by a young man from the same lo but a different village.

Individuals that are violating tribal resource use regulations, such as hunting or fishing rules, will typically first be addressed and, if they do not listen, they may be punished. The form of punishment will be decided in the *krutu* with the traditional authorities, and differs from group to group. Most common are payments in money or goods to the aggrieved party, fines to the community and/or ancestors (typically liquor), or corporal punishment.

Again, conflicts seem to occur mostly in places where small-scale gold mining and the related services economy create divisions between those who do, and those who do not, earn from these developments. Among the Wayana at the Lawa River, for example, we noted growing feelings of resentment between (mostly Suriname) Wayana with direct financial interests in the mining sector and French Wayana involved in nature conservation programs. Not only are the French Wayana increasingly experiencing and becoming aware of the adverse health effects of small-scale gold mining, they also are receiving additional support from the French State for collaborating with the *Parc Amazonien de Guyane* -and hence banning gold mining from their lands. Suriname Wayana, by contrast, do not receive

public personal allowances[31] or basic government services such as electricity, running water, and education. Instead they rely on the gold miners to alleviate their needs. In addition to paying money (gold), miners working on the Suriname Wayana lands regularly bring fuel that is used to provide the village with electricity. According to the Wayana's, the indifferent attitude of the Suriname government towards its Lawa citizens forces the local people to close such deals. In the absence of strong central Wayana leadership or tight group cohesion, individual Wayana are earning from the mining economy as they please, with little regard for others.

Conflicts between the leader(s) of a group and his/their people

Indigenous peoples and Maroon heads are responsible for the common good of their community. Not always, however, do leaders fulfill their function with integrity. Inner-tribal disputes may arise when group members feel that their customary leaders are working for themselves rather than for the group benefit.

One land tenure issue that has been a source of much conflict is the so-called communal forest (HKV), which was introduced in the Forest Management Act 1992 (*Wet Bosbeheer* 1992). The law prescribes that these community forests are allocated in name of the village *kapitein*, for the well-being of the entire village. Problems regularly arise when the *kapitein* 'leases' part of the HKV to larger-scale loggers or uses the communal forest in another way commercially, without sharing information or gains with the villagers.

Other disputes have been related to large and small-scale mining interests. Customary concession fees paid by miners to Indigenous and Maroon heads belong, in theory, to the entire group (*lo*, village, or tribe). In practice, traditional leaders often take the money for themselves and their immediate family, without much regard for others. One example is late Paramaka granman Levi's collection of concession payments from Brazilians working on a mining raft in the Marowijne River, across from the village of Langetabbetje. While all villagers were suffering from increased water turbidity and the noise of stamping machines throughout the night, only the former *granman*'s kin group benefited financially. This behavior was openly disapproved of by several Paramaka *kapiteins* and villagers. Also Wayana *granman* Ipomadi Pelenapin -better known as *kapitein* Miep- in Kawemhakan collects taxes from gold miners working within a radius of 15 km from the village. Part of the money is used for community projects, such as the construction of a central meeting space. For a large part, however, its destination is not transparent.

In May 2008, the ambiguous relation of tribal authorities' vis-à-vis mining companies gained public attention when Trio *granman* Asongo first signed an agreement with the Suriname firm C-Mining to allow diamond reconnaissance on Trio lands, and later withdrew his permission (Leeuwin, 2008). The villagers, who had not been informed or consulted by the *granman*, were furious when they found out about the letter of consent. In lengthy *krutus*, the Trio were unusually virulent in stating their disappointment and distrust in the *granman* and his support staff who had advised him in this matter. The Trio population decided that the permission had to be withdrawn, and that failure to do so would lead them to no longer

[31] Wayana (and others) living in French Guiana who are French citizens receive substantial government allocations in child benefits, unemployment wages, and other social security payments. These payments may add up to several hundreds of Euro each month.

recognize Asongo as their *granman*. They argued that they were not against the economic activities of outsiders in the area per se but they did not want to be fooled. Moreover, permission from the Trio could only be granted after they had obtained rights to the land. In response to pressure from his people and NGOs, granman Asongo revoked his earlier decision, stating that the agreement had not been made according to international standards and that he had been misled by his advisors.

4.4 Access to Resources and Land Stewardship

The access and stewardship of resources is mainly dependent on the nature and capacity of the populations that are living in and from the land. Below we will address some of the intercommunity relationship that makes up the character of our interior communities.

North South relationships

Suriname's history is invariably linked with the evolution of two distinct populations, the colonial, settler north and the Indigenous south. Treaties between the two groups into the 19th century effectively partitioned the country evolving over time to two countries within a single country. Until recently these two populations have essentially coexisted with Suriname, but have survived relatively independently of one another.

This changed in the 20th century with the growing exploitation of mineral and timber wealth in the interior and growing incursions by investors into these areas. Resource use conflicts came to head with the interior war of 1986. The 1992 Peace Accord ended that conflict but did not resolve the issues which precipitated the rebellion in the first place. Numerous commissions have addressed the issue, but have not been able to implement any lasting solution. Ultimately this stalemate has given rise to the Moiwana and Saramakan cases before the Inter-American Court of Human Rights and the Commission on Land Rights.

Intercommunity relationships

Intercommunity relationships are less complicated as these tend to be on a much smaller scale and involve fewer people. Most intercommunity issues revolve around access to and use of resources—individuals wishing to secure agricultural plots for short term use, or hunters wishing to hunt game in land areas held by other groups. Both Indigenous and Maroon societies have procedures for an outsider to follow to gain access to another community's land or other resources. There is little evidence that these requests are denied without just cause.

Three issues will have a direct impact on the long term relationship between these populations: 1) autonomy, 2) access to resources, and 3) viability of traditional societies.

- **Autonomy**: Indigenous and Maroon communities have existed relatively independent of the Suriname nation state. While the government has increased its emphasis on decentralization programs and greater involvement in the interior, it is not clear what the impact of this effort will have on day to day administration of these societies. Initial government emphasis will be on the provision of services and security, but the relationship between the government and tradition authority structures is continuing

to evolve and it is not clear how much autonomy will remain with traditional leadership structures. It may be appropriate to consider legislation that clearly spells out the role of traditional authorities relative to government structures.

- **Access to Resources**: The most contentious issue revolves around the control of resources found in the interior. Constitutional provisions stipulate that all natural resources belong to the State, with the State having the 'inalienable right' to take possession of land for the benefit of the nation.[32] However, what is not been addressed is the process through which this 'taking' can occur. There is no discussion on issues related to consultation, compensation, resettlement, impact on local communities, sharing of benefits of the resource exploitation, etc. This is discussed at length in the recommendations section of this report.
- **Viability of Traditional Societies**: A critical factor that also needs to be addressed relates to the future of Maroon and Indigenous societies. Maroon societies, in particular, appear to have the greatest threat to their survival. This is manifested in the proximity of the communities to urban areas, employment opportunities (including local small scale mining, educational opportunities for the youth (who are less likely to return to the villages), etc. all of which have a negative impact on the viability of traditional subsistence based life styles. It was apparent in all Maroon villages visited that there would be little incentive for the next generation to remain. Indigenous societies appear, at this point, less impact upon by these influences, but will nonetheless need to find options to retain the younger generation. As increasing number leave principally for educational opportunities, there will be less incentive to return.

Stewardship

Land fulfils many roles in society from the physical space in which the society exists and derives is food and water, to the economic sense where it is the source of wealth for individuals and groups within the society, to the legal sense where property rights are recognized and protected, to the social and cultural perspective that provides a sense of identity. Societies develop institutions to determine how these roles are fulfilled and who or what has responsibility for doing so.

A critical aspect of this man/land relationship is the assurance that the land resources that exist today will be available for future generations. Customary land is inalienable and the living must use it so that the interests of the future unborn generations are not jeopardized. In the light of this, each member of the community has a right to occupy and use part of the land for his livelihood and no individual could alienate these rights to another (Ollenu, 1962).[33]

[32] Article 41 of the Constitution of Suriname: Natural riches and resources are property of the nation and shall be used to promote economic, social and cultural development. The nation has the inalienable right to take complete possession of its natural resources in order to utilize them to the benefit of the economic, social and cultural development of Suriname.

[33] Ollenu, J. 1962 - Traditional Customary Practices in Ghana.

Pre market societies often have a different relationship to land and natural resources than market societies where the access to and exploitation of land is individualized. This complex man/land relationship is complicated in countries where both societies exist and tend to maintain their separate natures. There is a growing body of literature that is addressing these issues.[34]

As has been discussed earlier, land and resources are seen within the context of 'collective' ownership—belonging to the group—with individuals having access to the land as a result of belonging to the group. The question of stewardship comes into play as population pressures place increasing demands on the resource base and the group has to address how it responds. Traditionally this meant moving to new locations. Population pressures are not serious as more and more children leave the village and migrate to Paramaribo for educational opportunities, and then employment. However, as that opportunity declines, pressures will increase on the fixed resource base.

Each community visited indicated problems with access to resources. This was most frequently manifested in distances need to travel for hunting, but also was evident in distances needed to travel for access to new agricultural lands. However, differences are apparent between Maroon and Indigenous communities in this respect, and opportunities may exist for improving land stewardship. Land allocations made to families in Maroon communities appear to be more 'permanent' than in Indigenous communities. Children who have left Maroon communities are entitled to 'family' land whenever they (or their descendants) return to the village and wish to claim their birthrights. Land can be loaned out to non family members in the interim period. In Indigenous villages there appears to be greater flexibility over long term land use—abandoned land is available to anyone.

In both societies responsibility for the land ultimately rests with the Granman. However, day to day land and resource management is passed on to his subordinates. Most decisions are made at this secondary level. Similarly, dispute resolution occurs at this level as well. Sanctions against individuals are imposed and enforced as appropriate. However, these authorities retain their power at the will of their subjects and there is always the possibility of a Granman being deposed by popular assent.

[34] Adams, Martin and Turner, Stephen, "Legal Dualism and Land Policy in Eastern & Southern Africa". This paper identifies tenure dualism as a central issue for countries that seek to modernize their land systems as they pursue sustainable development.

5. Demarcation of Lands

5.1 Introduction

Throughout the Americas, growing recognition of indigenous rights, as well as practical economic and socio-political concerns, are motivating states to demarcate and title indigenous and tribal lands. Also in Suriname, the Government of Suriname (GOS), Non Governmental Organizations (NGOs), and indigenous peoples and maroons are increasingly calling for the mapping and demarcation of ancestral lands. Accurate boundary delineation is seen as a crucial first step towards land titling.

Ambiguity about the borders of ancestral lands, and about the (customary) rights and obligations of local peoples within those territories, is creating social problems and impedes economic development. Suriname's Brokopondo area, for example, is repetitively plagued by violent clashes between maroon communities and a large-scale mining concession holder. Meanwhile the Saramaka maroons of the Upper Suriname filed and won a court case against the state of Suriname, obliging the state to demarcate and title their lands and pay the communities compensations for lost property and court expenses. At a local level, uncertainty about title deters local people from protecting and investing in their lands. Clarity about the boundaries of indigenous and maroon lands and the allocation of titles to these lands could prevent many of the mentioned problems.

Demarcation is the 'setting or marking of boundaries or limits. We are concerned with the marking of boundaries of the traditional homeland of indigenous and maroon groups in Suriname. In *Chief Kerry's Moose guidebook to land use and occupancy mapping, research design and data collection* (2000), Terry Tobias explains how such territorial boundaries may be defined by members of a certain native ethnic group:

> *In the pursuit of the resources that continue to be the foundation of their cultures, people leave traces over the landscape, evidence that they have been there. Many of their activities leave no visible evidence, however. Instead, they etch themselves in the minds of those who travel their homeland in search of physical and spiritual sustenance (2000:1)*

In other words, the boundaries of what a certain group considers to be its homeland are not merely marked by settlements, old plots, or other visual markers of human occupancy. Instead, these boundaries are partly drawn along invisible sites, such as the spot where a (mythical) ancestor fought against a supernatural or human enemy, or a hilltop where people go periodically for worship. It is the task of map-makers to detect and mark both observable features of human occupancy as well as part of homelands that are carried in people's minds.

Territorial boundaries are intrinsically linked to customary and/or formal rules about what may or may not happen within these boundaries. Customary land use regulations typically recognize multiple user areas where different rules apply about what types of resources may be used, by whom, and how. Demarcation, then, also is related to questions such as: How stringent or flexible are territorial boundaries? In who rests the power to decide about

land use and management? And where and when is a formal demarcation process most likely to create conflict?

Because a significant share of mapping information is carried in people's heads, mapping requires –in addition to marking places where people plant, fish, hunt, live and used to live- the recording of oral histories and the study of myths and tales. Before one gets to the recording of oral histories and collection of GPS way-points, three important questions need to be answered: WHY, WHAT, and WHEN.

Community mapping and Demarcation

In the context of this report and the Suriname situation, the main purpose for the demarcation of indigenous lands is negotiation or litigation of title and rights. In such a process maps are a discussion tool in ultimately defining borders of indigenous territories. They provide visual evidence of the historic and present occupation and use of certain areas, and of self-perceived territorial boundaries. In addition, they help negotiators on the other side of the table understand indigenous peoples' way of life, and the size and type of area that these peoples need access to in order to sustain that life.

Maps also may be used as tools to negotiate strategies for co-management, inspection, and protection of vulnerable areas near or overlapping with places where indigenous peoples live. This process is already ongoing in Suriname, as Trio and Wayana indigenous peoples are being trained as state-licensed park guards. In addition, the Suriname army has expressed interest in the training of indigenous peoples as military servants on location, to assist in the protection and vigilance of (contested) border areas. In both cases, ethnographic land use and occupancy maps are an important tool in deciding where and with whom such programs might take place.

Land use and occupancy maps also may be used for economic purposes. For example, for the development of a tourism project it may be interesting to know the location of existing trails or rare ecological resources. Meanwhile the development of an income generation project based on the production of Brazil nuts requires knowing where stands of these trees may be found and how accessible these stands are.

An additional effect of mapping and demarcation is that the people themselves become more aware of the area they live in and are connected to for sustenance of their daily livelihoods. Also, by being a joint effort of the entire community, where the traditional knowledge of elders (e.g. oral histories) is at least as important as the technical knowledge of youngsters (e.g. use of GPS), the process of making maps may strengthen community cohesion and create a stronger feeling of self-esteem.

Clearly, defining WHY a map is being made also determines WHAT is on the map. Clearly defining the purpose of demarcation should help one resist the temptation to just 'map everything'. A map defining the areas where indigenous peoples might assist in the co-management of wildlife resources will look different from a map of historic human settlement and movements. Likewise, a map designed to enter negotiations with the

government about indigenous land titling and rights should display only those items relevant for that purpose. Such maps should depict boundaries between indigenous territories that are known by the all members of the community and neighboring communities. Good maps are well-defined, well referenced, and indicate possible overlaps with other land claims and tenure regimes. Good maps also take a lot of effort, dedication, and resources to make (ACT 2009).

Defining the content of demarcation

In proceeding with the demarcation of indigenous lands, it is important to make a distinction between *land occupancy* and *landuse* (Tobias 2000: 3). Use areas are places where people harvest and collect traditional resources. They include:

- Places where animals are harvested for food, clothing, medicines, tools, and other purposes
- Places where plant materials are harvested for food, clothing, medicine, tools, shelter, fuel, musical instruments, and beauty products
- Places where people have their agricultural fields
- Places where rock, minerals, and soils are collected for making tools, conducting ceremonies, and other purposes
- Travel routes between villages and trails to fields and harvest sites
- Ecological knowledge of habitats and sites critical to the survival of important animal populations

Land occupancy refers to an area to which the group claims customary rights on the basis of 'continuing use, habitation, naming, knowledge, and control.' Maps of occupancy may display:

- Locations named in oral histories and myths, e.g. *Samuwaka*, the place where Trio first assembled as a larger group, or Kumaku, the first place where Saramakan people build a settlement after running away
- Habitation sites such abandoned and current villages, *kampus*, and burial sites.
- Places with a special religious or spiritual meaning such as the Tëpu top; and places about which the group has specific ecological knowledge.
- Spiritual or sacred places such as ceremony sites, rock paintings, areas inhabited by non-human or supernatural beings, and birth and death sites. An example is *Werephai*, a site with pre-historic indigenous rock paintings near the Trio village of Kwamalasamutu.
- Boundaries between different groups.

Many of the above mentioned items of both types of maps have already been marked on existing ethnographic land use and occupancy maps in Suriname. Geographic areas of use and occupancy will have some overlap but are not the same. Use areas are typically larger, and more likely to change over time as certain harvest places become exhausted and new sites or resources are discovered. It is important to make this distinction clear to all stakeholders because mapping land use and occupancy areas may bring tension. Conflicts not only may arise between different indigenous and maroon groups who believe that their neighbors want to take-in part of their lands, but also between peoples living in tribal

societies and outsiders. The land use area of the Trio indigenous group, for example, is huge, even though their occupancy areas consist of small islands in a sea of green. In discussing land rights, urban citizens and government officials may not take the maps seriously, as they believe that particular ethnic groups, which use extensive areas, consider the entire interior of Suriname as theirs (ACT 2009).

Finally, we must acknowledge that territory that will be ultimately demarcated will not be a copy of the territory the group uses or considers to be its homeland. Interests of third parties –government, business, non-indigenous settlers, and other indigenous groups- will be at least as important in drawing the boundaries as records of actual use and occupancy.

Defining the historic timeline for demarcation

Answering the WHY question also is linked to the question of WHEN: how far should a map go back in its documentation? Are places where people hunted twenty years ago but now rarely visit still relevant? Should ancient settlements be on the map and if so; how ancient? And what about the places where previously nomadic peoples, such as the Akurio, used to track?

We give the example of the Aluku Maroons, who traditionally consisted of three bands of runaways who had escaped from Suriname plantations in the first half of the 18th century. Trying to avoid encounters with Dutch and French colonial military troops, these different groups lived at various locations on the East and West side of the Marowijne and Lawa Rivers. They joined forces in the late 18th century, as they were driven further Southward under military pressure. It was only in the late 19th century that the Aluku settled in the area that they currently consider theirs. For a map trying to understand Aluku history and their relations with other peoples they encountered on their ways, these historic settlements are relevant; For the purpose of negotiation about territorial rights, however, these historic tracks and settlements are not relevant. Moreover, in this case virtually all the places where Aluku lived during their travels are currently occupied by Ndyuka Maroons, Paramaka Maroons, and Wayana indigenous peoples (ACT 2009).

5.2 Demarcation in Suriname

Demarcation of tribal lands in historic treaties

When Europeans set foot on land in the Guianas by the mid-17th century, an estimated 60,000 to 70,000 indigenous people were living in the area that covers current Suriname. The colonists developed a plantation economy based on the forced, free labor of thousands of African slaves. As soon as these slaves arrived in Suriname, they started running off into the dense tropical forest, where they formed maroon communities. Thus, in the early 18th century, the Dutch shared the territory with both indigenous societies and maroon bands. The Maroons formed several larger and more stable societies by the 1700s.

Throughout the colonial period, indigenous and maroon groups fiercely fought for their right to live in freedom on, and use a part of, the land. The Kaliña, who had initially collaborated with the newcomers, started a guerilla against the colonial rulers in the coastal zone of former Dutch Guiana in the late 17th century, allowing more slaves to flee the plantations. Meanwhile the maroons, once organized, built well-defended enclaves in the forest. Their continuous attacks on plantations remained a source of fear and frustration. Unable to subdue them, the Dutch closed peace agreements with both indigenous and maroon groups, allowing the various groups to inhabit and use parts of the country that were not deemed interesting for plantations or European settlement (Buddingh' 1995).

Based on Lord Willoughby's 'discovery' of Suriname and his 'agreement' with the local indigenous peoples, England became –according to then valid international laws- the rightful sovereign of Suriname. According to Kambel and MacKay (2003), territorial sovereignty gave a right to govern the colony, but did not provide the English crown with property rights to the land. European sovereignty claims, they argue, only were applicable to relations between colonial rulers, and could not affect the property and other rights of indigenous peoples living in these territories (ibid: 5). We will see in following chapters that by the second half of the 20th century, various former British colonies affirm this point, by explicitly recognizing in their national laws the existence of indigenous title, based on ancient indigenous occupancy and use of the land (e.g. Canada, USA and Australia).

Reconciliation efforts with the Kaliña of the Corantijn and the Marowijne Rivers resulted in peace treaties with these two groups in 1680. Six years later, following more aggressive military attacks against the Kaliña in the Saramacca, Coppename, and Suriname River basins, the Dutch closed peace deals with the remaining indigenous groups. While it remains unclear whether these peace treaties were oral or written ordeals, they were taken seriously and considered binding for both parties. It is worth noting that peace treaties were never closed with the Trio and Wayana indigenous peoples of South Suriname. It was only in the 18th century that these groups migrated from Brazil across the Tumucumaque Mountains into Suriname. First contact with colonists did not occur until the 19th century and was inspired by curiosity (explorers) and missionary zeal rather than conquest.

The treaties with the coastal indigenous groups recognized indigenous societies as sovereign nations with the freedom to settle where they wanted and live according to their traditional customs. They mostly 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. Because no written treaties have been found, we do not know whether any territorial boundaries were defined in these documents.

Almost a century later, peace treaties were signed with different Maroon societies, starting 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 Boni or Aluku. Peace treaties were never signed with the Kwinti and Paramaka. The Kwinti were too small in number to be a real nuisance, hence reducing the necessity to start negotiations with them. The Paramaka only became a formal group in the 19th century. Both the Paramaka and the Kwinti were recognized by the colonial government as independent maroon groups in the 1880s.

The first treaty with the Ndyuka (1760) states that these maroons could continue to live where they were living or elsewhere in the interior, as long as 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). Treaties with the Saramaka (1762) and Matawai (1769) contained similar regulations on land occupancy and use. The renewed treaties (1830-1838) stated that each Maroon group had to stay where they are, and defined the territory for each one of the groups. These areas were:

- For the Saramaka: the Upper-Suriname River on a distance of at least two days boat travel from post Victoria
- For the Ndyuka: the village of Auka on the Suriname River, and
- For the Matawai, the Upper Saramacca River on at least two days boat travel from post Saron

The territory of the Kwinti's was mapped and demarcated in 1894 (Kambel and MacKay 2003).

In their legal analysis of the rights of indigenous peoples and maroons in Suriname, Kambel and MacKay state that the dominant opinion –though not shared by the maroons- is that the peace treaties do not provides rights to the land, but rather tolerated their presence in the area where they were living at the time. Based on the fact that the various territories were defined and considering the wording in the treaties, the mentioned lawyers disagree with this view (ACT, 2009).

Inter-tribal customary territorial boundaries

Discussions about customary territorial boundaries with traditional authorities and community members suggest that indigenous groups view territorial demarcation differently from maroons. Historic forms of geopolitical organization and current pressure on available land explain many of these differences.

<u>Southern indigenous groups</u>

To southern indigenous peoples, territorial boundary is a rather fluid concept. Their perception on territory has likely developed from a history of living in small, (semi-)nomadic

groups on abundant land. Before contact with colonists and missionaries, Amazonian indigenous groups lived in family-based bands, which regularly split up following internal conflicts or converged when this was favorable for warfare, hunting, or other reasons (ACT 2007). In this context of continuously changing living and user spaces, the Trio and Wayana of South Suriname did not develop a strong attachment to fixed territorial boundaries. This sense of fluid boundaries is still noticeable among the Trio and Wayana.

This is not to say that territory is not important to the Trio and Wayana. In the past decade, in response to increasing outside industrial interests in Trio lands, Granman Asongo Alalaparu has been encouraging his people to disperse again over a larger area. In order to mark the borders of the Trio territory, he has sent several of his kapiteins with their extended families from Kwamalasamutu to strategically located villages that mark the boundaries of the Trio territory: to Wanapan (1998) - also named Arapahtë pata after its kapitein and main family head-, Alalapadu (1999), Sipaliwini (2000), Kuruni (+ 2001-2), Kasuelen (Guyana; + 2002), Amotopo (2003), and Lucie (2004). Some of these places, such as Alalapadu, are old Trio settlements that either had been abandoned or had only a few people left. Others, such as Wanapan and Kuruni, are places where the Dutch colonial government was present in the 1960's and '70's (ACT 2007).

Northern Indigenous groups

The Kaliña (also: Carib) and Lokono (also: Arowak) Indigenous peoples populate Suriname's coastal plains. Like the southern Indigenous groups, these lowland indigenous groups do not seem to draw fixed boundaries between their respective areas. The Kaliña in Marowijne district were historically more likely to establish their communities along the sea coast, while the Lokono lived further land inward (CLIM 2006). Especially the Wanekreek watershed used to be an important settlement site for the Lokono. In the 1930's, most Lokono left this creek and settled in the current Alfonsdorp and Marijkedorp. Nowadays, the two groups share one traditional living and user area in northeast Suriname. This area is delineated by the Atlantic Ocean (north), the Armina falls (south), the Marowijne River (east; if only considering Suriname villages), and an imaginary line from the Armina falls to the fishing camp Waldi-kampu (west).

A similar situation exists in the central and western coastal area. In the coastal area between the Corantijn River (west) and the district of Para (east), the Lokono and Kaliña both have their villages, with the Lokono dominating in the west and the Kaliña being more numerous in the district of Saramacca (Wayambo and tibiti Rivers). Particularly in the district of Para, we also find maroon communities intermingled with the indigenous villages. We have not heard about conflicts about territorial boundaries in these areas (ACT 2009).

Eastern Maroons

As compared to Suriname's indigenous groups, the maroons attribute much more value to territorial borders. Their vision on territoriality may partly be attributed to their African heritage. In the slavery period, a vast number of smaller and larger centralized states had formed in West Africa. These states competed for better parts of the limited fertile lands, natural resources, and –later on- human slaves for trading. In this setting, territorial

expansion and occupation was much more important than in Amazonia. For another part, the stronger emphasis on fixed frontiers may be a result of the larger population density in the areas where Maroons live today.

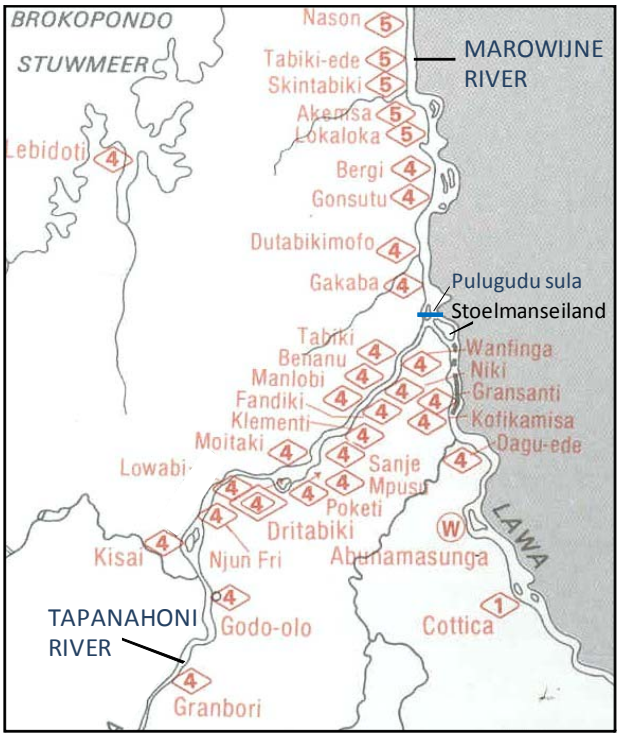
This sense of territoriality is most noticeable in the area where the Lawa, Tapanahoni, and Marowijne Rivers meet (Figure 6). Both the Paramaka and the Aluku complain that the Ndyuka, who originally lived primarily at the Tapanahoni River, are encroaching onto their territories and claiming parts of what they perceive to be their ancestral lands.

The Aluku, for example, claim that the traditional border between the Ndyuka and the Aluku is the confluence of the Lawa and the Tapanahoni rivers. In their view, the entire Lawa river –locally named *Aluku liba* (Aluku river)- is theirs, starting from the Pulugudu falls up to where the Wayana indigenous peoples live. The traditional system to demarcate one's area is to establish camps along the borders, yet because the Aluku do not have many people they have not been able to do so. The Ndyuka, contrariwise, are with so many that they are slowly taking in more and more of the traditional Aluku territory. Hence in today's understanding, Stoelmanseiland and Gonini mofo are Ndyuka territory.

The Ndyuka, on their turn, argue that the Aluku never occupied the lower Lawa River. In the mid-1900s, Ndyuka from the lower Tapanahony river (*belo*) started establishing agricultural camps along the Lawa river in agreement with the Aluku. Aluku Granman Defu († 1967), for example, gave the Ndyuka of the village of Tabiki permission to clear land for agriculture along the Gonini Creek. During the interior war (1986-1992), many belo-Ndyuka made these camps to their permanent homes. As French integration policies intensified and it became economically more attractive to be French, there was little incentive for them to return to their villages in Suriname, where much infrastructure had been destroyed. Despite their permanent settlement along the Lawa River, current Aluku granman Adoichini is very clear about the status of the Ndyuka:

> We lent the land to the Ndyuka so that they can eat, but we never sold it to them. The ancestors gave the Ndyuka permission to plant there, but now they are claiming everything; they are greedy …. The Ndyuka argue to us that the Lawa is their backyard (*baka goon*), saying that where you are is your property. … [But] we will not sit down with the Ndyuka to divide the river. At the Lawa river they do not have their (traditional) hunting grounds. They have their own river; they are from the Tapanahoni. (Granman Adoichini , Maripasoela, 10 February 2009)

Figure 6. Confluence of the Tapanahoni, Lawa, and Marowijne Rivers



Source: adapted from the Suriname Plan Atlas 1988
Legend: 4=Ndyuka village or kampu; 5=Paramaka village or kampu; W=Wayana village or kampu

It must be noted that even though some Ndyuka settlements along the Lawa have grown very large (up to about 2,000 people in Grand Santi), these places never became 'real' villages. That is, they do not have a *faaga-tiki (*litt: flag stick; ancestral worship place) or a funeral home (*dede-oso*) – which are the two characteristics of real traditional villages. Because there is no close contact with their ancestors at the Lawa, the Ndyuka living here often return to their ancestral villages at the Tapanahoni River for important ceremonial events, such as burials, the *aiti-dei* (mourning period eight days after a death), and *puu-baaka* (formal ending of a mourning period). For the same reason, the Lawa Ndyuka have not established many burial places along the Lawa River. The Ndyuka living at Grand Santi (French Guyana) may burry their death at a local cemetery, but according to the Aluku this place is an ancient Aluku burial place. There is a burial place used by the Ndyuka near Gonini mofo, but only small children are buried here.

Elderly Ndyuka confirm that the area was originally Aluku territory. Yet youngsters, many of whom were born at the Lawa, feel that the Lawa River up to the village of Dagoe-ede is Ndyuka land. The fact that the French Government placed a border sign just upriver from Dagoe-ede at the Abunanu creek to delineate the border between the *Commune de Grand Santi* (a main Ndyuka settlement) and the *Commune de Papaïchton* (a main Aluku village), only affirms their vision.

On the Marowijne River similar tension exists between the Ndyuka and the Paramaka. Like the Aluku, the Paramaka claim that the dividing line between the Ndyuka and themselves is

Pulugudu falls (Figure 6). According to their ancient stories, the Paramaccans used to live at Pulugudu, but through time went further downriver. Because the Ndyuka are more numerous, they have been moving further and further down the Marowijne River. According to both groups, an oral agreement was made between the former granmans of the Ndyuka and Paramaka, allowing the Ndyuka to settle along the Marowijne river. It was clear though, that the area was given in lease and would not become Ndyuka property. Today Ndyuka are numerous at the upper-Marowijne river, primarily at Ampomatapu and surroundings. The Pedrusungu *sula* just downstream of the last Ndyuka settlement of Moisanti is today the practical border between the living areas of the respective tribal groups.

According to the Ndyuka, there is no proof that the Paramaka ever lived so far up the Marowijne River. They argue instead that the Paramaka Maroons currently live in an area that was 'given' to them by the Ndyuka, when the former were leaving their original settlements along the Paramaka Creek. Nevertheless, also along this river the Ndyuka do not establish 'real villages' with a *faaga tiki*. The Ndyuka do have about six burial grounds along the Marowijne but these are only used in special cases. Two of them are especially for small children, one for people that are somehow considered evil, and the remaining ones for people who for some reason cannot be buried at the Tapanahoni. Generally the contesting territorial claims are not a problem. For example, both Paramakans and Ndyuka can hunt and fish in the area between the Pedrosungo and Pulugudu sulas - though Paramaka will seldom go there. Ndyuka also are mining for gold in this area without paying to Paramaka, which they would do if they felt that the Paramaka had a strong claim to the area.

From time to time, the slumbering tensions between the Eastern Maroon groups surface. This occurred recently at the Grankreek, at the border of the Paramaka and Ndyuka settlement areas. This creek, which is rich in gold, has two side branches; one of which runs through the area claimed by the Ndyuka. Both Ndyuka and Paramakans are mining for gold here. Problems arose when a Ndyuka company Brothers Goldmining N.V. was granted a legal gold mining concession in the Grankreek watershed. Their application, which was signed by the District Secretary and the District Commissioner, stated that the area belongs to the Ndyuka and that the operation was endorsed by Ndyuka Granman Gazon. With their legal documents in hand, Brothers Goldmining N.V. now started to ask the Paramaka working on their concession for payment. The Paramaka refused, reasoning that the area belongs to the Paramaka people. In the end, the Ndyuka have recognized Paramaka rights to the area. The concession permit had to be withdrawn and the issue is still being discussed between Paramaka kapiteins and Brothers Goldmining N.V. (ACT 2009).

Central Suriname Maroons

Between the remaining Maroon groups –Matawai, Kwinti, and Saramaka- tensions as described above are rare or non-existing. This is not to say that these groups do not have a strong sense of customary territorial rights. In 2007, the Saramaka Maroons from the Upper Suriname River filed a case with the Inter-American Court of Human Rights to protest the violation of their traditional rights to ancestral lands (Box 3).

Also the Saramaka (and Ndyuka) people living north of the hydropower lake have protested the granting of concessions to lands that they are using for their survival. Particularly the inhabitants of Brownsweg (Saramaka) and Koffiekamp (Ndyuka, but situated on Saramaka lands) are discontent with the way that the large-scale gold mining company Rosebel Gold Mines is obstructing local people in their traditional livelihood and income generating activities. Violent protests have broken out more than once in the past decade between local small-scale gold miners associations (N.V. Gowtuman '94 of Brownsweg and Makamboa of Koffiekamp) versus Rosebel Gold Mines. At the moment (February 2009) independent facilitators are negotiating with both parties about how to make the situation livable. In the meantime NV Gowtuman '94 has filed a lawsuit against the large-scale mining company demanding compensation of destroyed property.

Also part of the Matawai traditional territory overlaps with the Rosebel concession. At the time of granting the concession, this created a lot of upheaval. Today a rather peaceful status quo has been reached between the company and the Matawai. The share of the Iam gold concession that overlaps with Matawai lands is being supervised by a neighboring mining concession holder, named Sarafina. The villagers are allowed to work the alluvial gold or close deals with others (i.e. Brazilians) to mine this gold against a fee. These fees are being deposited on the bank account of a village Foundation and used for village development projects or emergencies.

On part of the Matawai there is still much discontent about the fact that a large logging concession has been granted on their lands. Problematic is that former Granman Oscar Lafanti signed off on the deal in name of his people without proper consultation. The Matawai are angry that it was very easy for this large company to obtain a concession, while they have to go through a lengthy bureaucratic process to obtain and exploit a small-scale community logging license, the so-called HoutKap Vergunning (HKV). To date, only the village of Nieuw Jacobkondre has such a HKV and with the presence of the large logging concession, there is little room for other villages to obtain one.

With neighboring Maroon groups, conflicts over land are rare. Several Ndyuka communities are situated along the Sarakreek, on lands that are generally considered part of the Saramaka territory. In the 1950's, former Saramaka granman Aboikoni brought the matter to the attention of Ndyuka granman Gazon, and the two agreed that these village would fall under jurisdiction of the Saramaka granman. Some Ndyuka are of the opinion that the Sarakreek is actually Ndyuka land, because the Ndyuka moved from that area to their current living area. Long ago, when the Ndyuka settled along the Sarakreek, no-one was living there, they say. Despite these conflicting views, we have not heard of tenure conflicts between the Saramaka and the Sarakreek Ndyuka. Members of the latter group are typically just considered as a special group of locals.

Also between the Saramaka and the neighboring Matawai relations are good. The border between these two groups is formed by the division of the watersheds of the Saramacca River (Matawai) and the Suriname River (Saramaka). Saramakans will not easily make a fuss when a Matawai hunts in their territory, and vice versa. There is still a lot of wildlife for few people. Occasionally there have been complaints when people from Pokigron and surroundings (Saramaka) come to the Kleine Saramacca River (Matawai area) to hunt, but

generally problems do not arise. The Matawai accept that the Saramaka people are more numerous and may need to occasionally enter their lands to find food.

In the middle of the nineteenth century, the Kwinti people also lived for a while along the Saramacca River, near the Matawai villages. They were formally being governed by the Matawai granman. Most of them eventually left this area and after a period of wandering settled along the Coppename River, where they now live in the villages of Witagron and Kaimanston. Being with few people and having no close neighbors, territorial conflicts with other groups are not an issue. The group has voiced protest against establishment of the Central Suriname Nature Reserve, which overlaps with the lands they traditionally use for subsistence (ACT 2009).

Maroons and Indigenous Peoples

Conflicting interests about land between Maroons and Indigenous groups are virtually non-existent in South Suriname but do surface in the coastal area.
In the South, the Wayana living areas border those of the Aluku of the Lawa, and the Ndyuka of the Tapanahoni. Aluku Granman Adoichini explains about this relation: 'We (Aluku) and the Indigenous people understand one another well. Neither one of us can claim that the river is exclusively ours; it is of both of us.' (Granman Adoichini, Maripasoela, 10 February 2009). Occasionally there are tensions with small-scale gold miners going up the Lawa river to work in Wayana territory. Typically though, these cases are peacefully resolved.

The Wayana living on the Tapanahoni argue that they lived along the Tapanahoni River before the Maroons settled here, but indicate that they do not have any problems with their Ndyuka neighbors downriver. Typical is Wayana Granman Nowahé's memory of his discussion with Ndyuka Granman Gazon about the borders between their territories. According to Nowahé, it was Ndyuka Granman Gazon who decided that the border should be at the Doemasingi *sula* (falls). From these falls upriver belongs to the indigenous peoples and the Ndyuka will not establish their camps beyond Doemasingi *sula*. Granman Gazon also decided that the Pimba creek, a Ndyuka ancestral place near the Wayana settlement of Tutu kampu, should be accessible to both groups. Wayana granman Nowahé apparently never questioned the authority of the Ndyuka granman in deciding upon these matters.
Yet, the Wayana do not attribute much importance to a fix frontier with the Ndyuka. There also is little need to do so as in practice, Ndyuka will not easily travel this far upriver to cut ground. Meanwhile the Wayana can go hunt and fish in Ndyuka area freely. They would not be able to have an agricultural plot there but there is also little reason to do so as land is abundant.

At the coast, especially in Marowijne district where land is less abundant territorial boundaries are more contested. At the time of colonization, the current district of Marowijne was inhabited by Kaliña, Lokono and Warou indigenous peoples (SOFRECO and NIKOS 2007). In the 18th century, bands of runaway slaves were hiding out and attacking plantations from the Cottica River region. These bands, which later formed part of the Ndyuka maroons, settled here by the mid-18th century. Today Ndyuka dominate the population in the district and consider the Cottica region as part of their ancestral lands.

The mingling of indigenous and maroon peoples in the area usually does not constitute a problem, as the various ethnic groups are used to living alongside one another. In mapping and talking about rights to land, however, relations may become tense. One example is the current discussion about execution of the Moiwana court ruling (Box 4). In this case, the Inter-American Court determined that the Moiwana community should obtain property rights to the traditional territories from which they were expelled. Indigenous inhabitants of the area, however, argue that the territories from which the inhabitants of Moiwana were expelled were never part the traditional Ndyuka territory but are Indigenous lands. The Lokono had given the Ndyuka permission to settle here and feel it is unjust that the Maroons are granted rights to the Wanekreek area while they are not. Even members of the Ndyuka community confirm that technically, the Wanekreek watershed is indigenous territory (ACT 2009).

Existing maps

There are currently 6 organizations that are or have been making (participatory) land use and occupancy maps indigenous and maroon territories, namely: Amazon Conservation Team-Suriname (ACT-Suriname), Pater Albrinck Stichting (PAS), Vereniging van Inheemse Dorpshoofden Suriname (VIDS), Vereniging van Saramakaanse Gezagsdragers (VSG), Tropenbos Suriname, en Conservation international. Table 3 provides an overview of these organizations, the peoples and areas they have mapped, year of production, and availability of the maps.

In February 2009, ACT-Suriname has started to work with the various interior peoples living in tribal societies to produce living and user maps of all Indigenous and Maroon groups in Suriname. This work is part of a consultation assignment from the Ministry of Regional Development of the Government of Suriname, entitled 'Collective Rights', which in turn is one element of the broader project 'Support for Sustainable Development of the Interior'. The different maps, as well as a map covering entire Suriname, are expected to be completed by early 2010.

Table 3. Existing living and user maps of indigenous and maroon communities in Suriname

Organisation	People	Area/Communities
ACT-Suriname	Trio	Southwest Suriname; Corantijn River, Lucie River, Kuruni River, and Sipaliwini River watersheds
ACT-Suriname	Trio and Wayana	South-Central Suriname; Upper-Tapanahoni River watershed
ACT-Suriname	Wayana	Upper Lawa River watershed
PAS	Ndyuka	Marowijne district; Cottica River area
CI	Saramaka	Central Suriname Nature Reserve; [Pikin-Rio/Gran-Rio]
VIDS	Lokono	North-West Suriname
VIDS	Kariña and Lokono	Lower Marowijne, incl. Wanekreek watershed
VSG	Saramaka	Upper Suriname River, Pikin Rio, Gran Rio
Tropenbos Sur.	Lokono and Kariña	Carolina landscape, incl. Copie Nature Reserve (in process)

Inner-tribal customary boundaries

The tribal areas of the various maroon groups are subdivided in smaller segments. These subdivisions are based on membership of a certain lo (Saramaka: lö)- a matrilineal descent

group or matriclan-, a village, or a combination of the two. The exact definition of lo differs slightly from tribe to tribe. Among the Ndyuka, it generally refers to the descendants of small groups of runaways from the same plantation (De Groot 1977). Among the Saramaka, the lö is a group of relatives who are descendants of an apical ancestress. In both cases, lo/lö typically derive their names from the plantation from where the people had runaway, or its owner. Among the Matawai, inner-tribal territorial boundaries are based on village membership, not the lo.

Clan and village land boundaries are usually based on natural markers such as watersheds, and dictate where one can or cannot cut agricultural land and use other resources. Rights to this land are inherited through the female lineage, though among some groups the father-line also may provide certain resource rights. In order to cut a tree to make a boat, search roof material for a camp, or to cut a field on the land of another lo, one needs to formally ask permission from the kapitein of that lo or village. Clan land, in turn, is parceled out to its constituent family groups or *bee*.

While some lo or villages may be rather flexible in allowing other tribal members to hunt or collect forest products in their area, in other cases these dividing lines are more strictly applied. The latter is especially the case in the coastal area, where land is less abundant and competition for resources stronger. Recently in the Cottica Ndyuka area, for example, a kapitein of one village confiscated the bundle of *kumbu* (palm fruit) that had been gathered by a boy from the neighboring village in his area. In yet another case, the kapitein of a Cottica village confiscated the agouti that had been shot by a young man; the kapitein and the hunter were from the same lo, but not from the same village.

Indigenous communities do not have such strong inner-tribal territorial divides. According to the Wayana authorities of Apetina, the Wayana area is not subdivided in clan or family areas. They conveyed that any Wayana can go where he wants to cut agricultural land. It does not depend on where your family cut before, nor does one need to ask permission from the traditional authorities. Only if someone from outside would come, he or she needs to ask.

The Trio, by contrast, allocate land according to a family-based system, which determines where one can plant, collect roof material, or cut a tree to make a boat. These areas tend to be not as precisely demarcated as among the various maroon groups though. The kapitein of Tëpu explained that village people living in different sections of town will plant in different areas around the village. These land-allocations are transferred though the female lineage. Also in Kwamalasamutu, family-based land allocations determine where one can cut an agricultural field. Likewise the newer satellite villages, such as Wanapan and Sipaliwini, are composed of kin groups. To take a pineapple, sugar cane, or cassava root from someone else's land would be impolite. However, if you cannot find the resource you need on your own land, you can ask the other family to take it from their land. Hunting and fishing can be done throughout the area.

Among the Kaliña and Lokono of the Lower Marwowijne river, each village has an own hunting zone behind the village and each hunter knows the boundaries of this area (CLIM 2006). These village-based hunting zones are based on informal agreements and in principle

indigenous people can hunt where they want. In practice, hunters generally do not traverse the hunting zone of another village because distances are long and they could get lost in an area they are not familiar with. Also for practical reasons, agricultural lands are typically located close to the villages (ACT 2009).

5. 3 Guidelines to Demarcation

In the previous pages, we approached the issue of demarcation from different angles and geographical locations. We started by defining demarcation, discussing its significance, and providing methodological pointers in carrying out a demarcation project. Next we analyzed the perceptions of territorial boundaries among the various indigenous and maroon groups and identified both benefits of demarcation and possible sources of conflict it might generate in this small Latin American country. The main characteristics of Suriname are:

- The boundaries of the various indigenous and maroon territories have never been properly demarcated or defined by national authorities. The colonial treaties do speak about maroon living areas but these areas are not clearly defined and do not reflect current living and user areas.
- Indigenous peoples –particularly those from south Suriname- and maroons have very different perspectives on territoriality, whereby the maroons attribute much more importance to fixed borders than indigenous peoples do. These differences must be taken into account in any demarcation exercise in the Suriname interior.
- The various maroon groups have a very clear vision of the borders of their respective territories, and are adamant about their customary rights to these areas. Unauthorized infringement upon their territories by members of other maroon groups and industrial interests has led to conflicts and violent protests.
- Highland indigenous groups do recognize and actively mark the borders between their areas as opposed to those of non-indigenous peoples (maroons, government, industry). Between themselves, however, they prefer open borders that allow people from the different indigenous groups to live, plant, and hunt in the village areas pertaining to other indigenous groups.
- To date, traditional authorities and customary rules remain effective in averting land and resource conflicts and in resolving such conflicts if they do occur.
- Demarcation of lands and clarity about the rights and obligations of local people within those territories will many problems between traditional societies and concession holders that are now plaguing the Brokopondo area. It also will deter indigenous and maroon groups from filing cases against the state of Suriname with the Inter American Court of Human Rights. Such court cases cost the state of Suriname a lot of resources and damage its international reputation.

The next section provides guidelines and points of attention for the demarcation process in Suriname, based on lessons learned from the various cases. We discuss the reasons for of demarcation, its actual -legal and practical- meaning, guidelines for government actions, methodological issues, and conflicting stakeholder interests. This report ends with a brief concluding statement.

Government procedures in the demarcation process

Without demarcation, legal acknowledgement of indigenous rights to traditional lands in the constitution and national laws is no guarantee for adequate protection of such rights. In the past three decades, several countries have de facto and by law recognized indigenous and tribal rights to ancestral lands. Yet in none of these states do all indigenous peoples have land. Nor are all self-proclaimed indigenous territories legally demarcated.

There are various actions the Government of Suriname (GOS) can take to facilitate the demarcation and titling of indigenous and maroon lands. In the first place; all countries with a sizable population of indigenous and tribal peoples have (a) special political body(s) to address their issues. While these political bodies differ in their power, tasks, and relations with the peoples involved, they usually offer a place to file complaints against the violation of indigenous rights. In Suriname there is no such office. There is no public office where indigenous and maroon communities can go to protest the intrusion of ancestral lands, to seek advice in the case of local tenure disputes, or to find legal support in the case of violations of their rights. As a result, indigenous and maroon peoples often are sent to different offices in different Ministries, while these government offices react haphazardly and arbitrarily in the case of problems affecting these tribal groups.

Secondly, the process of demarcation and titling of indigenous lands should be accompanied by legal changes that enable the titling of communally owned or managed lands. In Suriname, obtaining communal land tenure is not possible. The closest to communal rights to land may be the *allodial property* titles which, until 1937, were issued to several former plantations in the district of Para. Another communal title, the *Houtkapvergunning* (HKV) is a community logging license. In practice, this title is issued to the village kapitein and not truly communal.

Third, once obtaining indigenous or maroon land title becomes possible, it is important to clearly describe the procedure to do so. An integral element for e.g. Australia's Native title process, for example, is the requirement that a map and a worded description of the claim area be supplied as part of the application. In Colombia, a management plan needs to be submitted and a responsible indigenous political body must be appointed to be considered for communal land title. Similarly, if maps are to be used in indigenous and maroon land tenure applications, (legal) guidelines need to be established for the creation of these maps. Such guidelines may or may not include the map scale; geographic coordination system; and what features must be minimally depicted and how. Fourth, once a legal system for the legitimization and registration of indigenous titles is in place, it is useful to establish a supportive political body to help local people with advice and in administrative procedures related to title claims.

And, finally, we cannot expect the processes of demarcation and titling for al ten indigenous and maroon groups in different parts of Suriname to be resolved within one government term. We have not heard of any one nation where the demarcation and registration of indigenous lands have been executed all at once. Instead, the delineation of indigenous and tribal lands and the subsequent issuance of title tend to occur on a case by case basis.

Communities will have to prove their claims to the land and this will be negotiated with the designated Government office. International examples suggest that such a process may take at least 20 to 30 years. It is a task of the government to prepare its citizens for this lengthy process and to avoid creating expectations that will not be met (ACT 2009).

Mapping and demarcation methods

Indigenous peoples do not have to await their government in order to make maps marking the boundaries of their territories. Various international institutions may help therein by providing funding and practical expertise. However, the process for recognizing these territories can include extensive negotiations.

Mapping participants need to consider that indigenous home lands do not only consist of visible markers such as human structures (e.g. homes) and geophysical markers (e.g. mountain). They also are defined based on invisible and spiritual elements, such as now overgrown ancient worship places. Geographic markers that define this spiritual connection may be collected from traditional myths, stories, and cultural expressions. Judgment of how important this connection continues to be for the group remains subjective.

In order to produce a map that accurately depicts the indigenous or maroon area boundaries, demarcation must be a truly participatory process. The various organizations that are involved in mapping in Suriname (ACT, VIDS, PAS) are using such a participatory approach, combining community forums and actual geographic fieldwork by indigenous and maroon individuals. These exercises must take into account that indigenous peoples and maroons have very different perspectives on territoriality, whereby the maroons attribute much more importance to fixed borders than indigenous peoples do. Not only between but also within groups there may be different interests and perspectives. It is the task of the communities and mapping facilitators to most accurately portray these various views. If done well, the demarcation process may actually lead to increased social cohesion and interest in the traditional culture.

While international organizations and courts may exert pressure to demarcate and recognize indigenous lands, it is ultimately the national government who takes a decision about these issues. A ruling from the Inter American Court for Human Right, for example, may summon the government to respect customary indigenous rights but cannot force the state to take action. Hence working with the government, and convincing both public officials and civil society of the value (humanitarian, ecological, etc.) of indigenous rights to land is important (ACT 2009).

Conflicting stakeholder interests

Maps depicting tribal boundaries are seldom acceptable to all stakeholders, such as the various indigenous and tribal groups, different government offices, local citizens, and NGOs. When ideas of customary ownership and rights from one group challenge those of others, demarcation exercises may intensify old tensions and incite new conflicts.

In many cases, demarcation creates friction between different indigenous and tribal groups who claim the same areas as part of their ancestral lands. The identification and settlement of such overlapping land claims should be part of any demarcation process. In Suriname, (potentially) conflicting boundaries exist, among others, at the upper Marowijne River area (Paramaka and Ndyuka), at the lower Lawa River (Aluku and Ndyuka), and in Marowijne district (Ndyuka maroons and indigenous groups). Traditional authorities must play a key role in resolving land and resource conflicts during a demarcation process.

In south Suriname and along the coast, indigenous communities peacefully intermingle in the same general area. Demarcation of the lands of the Kaliña and Lokono in the north, and the Trio and Wayana in the south may best occur without drawing dividing lines between these groups. Shared areas have the added benefit of forming larger ecological zones for the conservation of wildlife and other resources.

Stakeholder conflicts also may arise due to the presence of private and state interest in valuable mineral resources on indigenous lands. These outside parties may see indigenous title as a hindrance to their economic activities and, if compensations are to be paid, a factor raising their costs. Demarcation and titling processes need to include measures to deal with non-indigenous peoples who reside or have interests in (parts of) the indigenous territory. Such measures may include continued residence in the indigenous territory or compensatory measures. In Suriname, this situation is particularly relevant in the coastal areas, and the districts of Para and Brokopondo (ACT 2009).

6. Recommendations and conclusion

The preceding chapters have provided a discussion on land use and land tenure and the role of traditional authorities among Indigenous and Maroon populations in Suriname. A number of issues were raised addressing current land and future land use, tenure rights, and the changing role of the traditional authorities and their relationships to their peoples and to the state. Three broad conclusions may be drawn from the discussion and will be discussed in detail below. These address changing land use, land rights, and tenure relationships; the sustainability and survivability of Indigenous and Maroon societies within the Suriname context; and the changing role of traditional authorities relative to their people and in relation to the nation state. The latter will be addressed in a separate report.

To conclude, we content that the demarcation of indigenous and other tribal lands is an often difficult, lengthy, and expensive process. This process is never completely finished, as new political developments, migratory movements, economic interests, and environmental processes may affect the places where people live and change the ways in which they use their resources. Planning maps depicting expected or desired human movements and resource use can help anticipate such changes and be used to develop better demarcation maps.

Even though territorial boundaries are subject to changes over time, the fabrication of occupancy, use, and demarcation maps is an indispensible step in the process towards the recognition of indigenous and maroon land titles in Suriname. Numerous agreements have been reached (though not implemented) to provide title to Indigenous and Maroon communities to the land that belongs to them. The political will to provide a solution for land right of tribal is stated in the Government Policy Statement (2005-2010). Two considerations need to be addressed in this process: modification of existing legislation to enable this to happen and the actual process of titling the land.

Modification of existing Legislation

Legislation exists for the titling and registration of land In Suriname. However, changes in existing legislation will likely need to be made to accommodate boundary descriptions and the identity of the 'owner'. These changes relate to the precision of **boundary descriptions** and how they are measured and recorded. The legal description of the property provides evidence of the boundary. The boundary is the surface that defines where one landowner's property ends and the next owner's begin. This has to be defined in survey legislation. Within a registration system these boundaries can be defined as 'fixed' or general: 'fixed' boundaries are either accurately surveyed or beaconed in some fashion on the ground; 'general' boundaries the precise line of the boundary is left undefined (one side or the other of a hedgerow or down the middle, or the line of high tide, etc.) and ownership is only guaranteed up to the edge of the boundary feature. Fixed boundaries may be appropriate for urban, peri-urban, coastal, and former plantation areas, while general boundaries may be acceptable for the Interior. Land value, potential for conflict, competing land use, etc.

will dictate the level of precision needed for boundary demarcation in a given location and the law should be drafted to allow for this flexibility. Given the current situation in Suriname, survey legislation may need to be drafted providing alternative standards for different location s within the country.

To be able to register property an '**owner**' has to be identified. This 'owner' can be a natural person or a legal person. All individuals are natural persons and have legal identity, though they may not be able to exercise those rights until they reach a certain age. A legal person is a legal entity through which a single person can have a legal personality other than their own natural legal personality or through which groups of natural persons to act as if they are a single individual. This allows them to act as a person for certain purposes, most commonly to enter into contracts, own property, and sue or be sued. Thus, elected or appointed officials may acquire legal identity when they assume office. Within government the law will determine to which level of decentralization such legal identity exists.

A legal person that is comprised of a group of individual presents a more complicated situation. In this case there needs to be the appropriate legislation to determine which types of groups can be recognized as legal persons. Also, under a collective rights regime it is not possible to transfer the right of land to others. Thus processes need to be established through which group identity is established. There is no legal experience with community titles or village titles in the Netherlands and presumably not in Suriname either[35]. Groups can own titles by establishing themselves as foundations, legal partnerships, companies, etc.

Recommendations:

1. Legislation needs to be developed to determine survey standards for titling Indigenous and Maroon lands.
   This legislation should either amend existing legislation for survey standards or create new standards for registration of group titled areas. For example, if current legislation only deals with fixed boundaries and it has been decided to adopt general boundaries for Indigenous and Maroon lands then separate legislation may be appropriate.

2. Legislation needs to be developed to give legal identity to Indigenous and Maroon authorities to permit land to be titled to them.
   There are a number of options here that need to be considered. First, can Indigenous and Maroon authorities be given legal status? If so, would they have the same legal status as any other elected official? If not, what needs to be changed? How are those rights and responsibilities defined?
   Second, can the Indigenous or Maroon group be given legal status? If so, how are these groups legally defined? Who participates in the decision making process? Who does not? Third, do other alternatives need to be explored such as foundations, trusts, etc.? As with groups, how are these entities established, managed, held accountable, etc?

[35] personal communication with Paul van der Molen, Director Kadaster International, Professor at the International Institute for Geoinformation Science and Earth Observation ITC, and Chair of FIG Commission 7.

Land titling

Land titling consists of two basic activities, the identification and demarcation of the boundaries of the piece of land being titled; and the identification of the entity (individual or group) have rights over that piece of land. The legal aspects of these issues have been discussed in the previous section. However, there are also the practical aspects to be considered.

Once a standard for **boundary demarcation** has been established then the process of actual demarcation and mapping can begin. The difficulty of simply taking this process to a community titling exercise lies in the ability to distinguish community land and property from individual land and property. This is not a problem if all property is classed as community property other than ability of the community to define the boundaries of their land relative to the boundaries of neighboring communities or individuals. The difficulty lies in cases where there may be individual lands in the midst of community lands, and thus the need to exclude these 'island' from the larger community parcel of land.

Several organizations and now the Government are already in the process of creating resource use maps for Maroon and Indigenous populations. These maps may serve as a first step in the delineation of 'boundaries of land claims. If these resource maps are accepted as a methodology for determining the boundaries for purpose of titling then a decision would need to be made on what would be legally accepted for defining the boundary for registration purposes. A fixed boundary approach to boundary demarcation would require survey and beaconing of 'corner points' for the entire boundary. A general boundaries approach could be more efficiently applied by defining the boundary to be x km from the center of a watercourse.

The following figures represent options that may be used in the demarcation and mapping of communal land holdings.

Figure 7 presents a base map showing areas of resource use at present. This mapping exercise is underway and will define the extent of Indigenous and Maroon resource use for relevant communities. The identification of resources used by the community presents the furthest reaches of community resource use and can define the broad areas of resource/land claims. These resources are presented on the map.

Using the stream/river bed as the point of departure, maps can be drawn to represent distances from the stream/river bed that would indicate areas of resource use or access. The boundary can then be defined as 2 km or 4 km from the center of the stream river. Similar measurements are used in calculating road reserves (50, 100, or 200 m from the center point of the road). All land within this area is considered part of the road reserve and thence belongs to the state. A similar definition of area could be used saying that all land 10km or 15km from the stream/river bed belongs to the relevant community. These are presented in Figures 7-9.

Once such a definition is agreed upon and this entered into relevant legislation, there is no need to formally demarcate the land on the ground. The legal description (10km or 15km from center of stream/river) is adequate to define the property.

Figure 7. Base map of resource use

Figure 8. Resource Use Map with 10 km Boundary

Figure 9. Resource Use Map with 15 km Boundary

If a general boundaries approach is accepted maps can be based on geographic features rather precise survey processes. In the northern parts of the country, aerial photography and/or satellite imagery can be of use in creating the necessary index maps. In the southern interior a fixed distance from river and stream beds may be more appropriate.

The identification of the '**owner**' requires a process of adjudication. This is procedure through which all possible claimants have an opportunity to register their claim and the one with the strongest claim is awarded the title. In the case of the Indigenous and Maroon rights these conflicting claims will, for the most part, be between the Indigenous and Maroon groups and the State. The adjudication process generally involves recording the best available information to substantiate a claim followed by an opportunity (within a fixed period of time) for anyone to dispute this information. At the end of that time period the title is awarded to an 'owner'.

Recommendations:

1. A methodology needs to be developed for the implementation of a boundary demarcation program on the ground.
   The methodology will include the development of procedures manuals, staff training, and data recording processes. Different methodologies may need to be developed for different demarcation standards.
   The methodology needs to be attuned to the standards set by the Geographic and Land Information Systems (GLIS). It can build on the approach for defining landmarks in the coastal zone, with appropriate landmarks. The GLIS is the authority who should supervise the surveying, including the development of a methodology (manual) and training of local people to conduct the actual boundary demarcation.

2. A methodology needs to be developed for the creation, storage, and updating of all map data.

Further work needs to be done to create the necessary maps for land titling, including data standards, maps scales, etc.; mechanisms for the storage of the map information, including necessary archival/back-up records; and procedures for updating the information as boundaries change.

The Ministry of Regional Development should have a GIS unit to keep track of all information regarding the interior. With the Sustainable Development of the interior project, sufficient GIS information is gathered to set up a active database. The database can be easily maintained by the support of the trained local mapping experts. Also, amendment to existing maps can then be easily made. The Ministry of Regional Development can use the GIS information for planning purposes and any other development focus.

3. A methodology needs to be developed for adjudication of land rights.
   Adjudication methodologies will address mechanisms for the determination of ownership (and in the case of group titling who is and most importantly who is not a member of the group and dispute settlement procedures (will this include the establishment of land tribunals, special adjudication courts, etc.).
   Collective land rights can only be given to people who live and work on the piece of land. The "owners" of land should be registered within the tribe, and live and work on the land on a daily basis. Collective right owners cannot rightfully transfer rights to another rights holder. Similar to Brazil, if they give up the right to the land, they cannot go back and obtain the rights he/she had declined. Ownership is therefore linked to use of land.

4. A methodology needs to be developed for the recording of 'ownership' rights.
   Registration methodologies will address the procedures for recording ownership rights. These should include the development of registration forms, registry books, and methodologies for modifying records over time, and procedures for the safekeeping of records.
   Registration of ownership is centrally done in the Ministry of Physical Planning, Land and Forest Management. Under the central registration system, a method needs to be developed to make registrars of people that are members of tribes live in the villages and therefore require obtaining collective rights. The traditional authority system should be able to keep track of the persons that are obtaining the rights. Also, the land use maps can become the basis for more detailed recording of families and individuals who are obtaining collective land titles.

Expectations:

The formalization of property rights is only part of the equation. The more difficult issues are related to "what does this mean?" Property refers to the bundle of rights that an individual or group holds in relation to access to and utilization of land and natural resources. The rights holder holds those rights within the context of space (location), time, and other members of society. But rights are only one side of the coin. With rights come responsibilities—at the minimum the responsibility to honor the rights of others. There is also the responsibility to manage these rights for the immediate benefit of the rights holder as well as other future beneficiaries of those rights. One should not expect that your rights are going to be respected if you do not show respect for the rights of others. Traditional

societies have mechanisms to deal with this issue and this has been discussed at length in this paper with respect to access to land, hunting, fishing, and other natural resources.
However, as the traditional system gives way to a system of more formally recorded property rights there will be a need to restate these traditional relationships within the context of the new 'world order".

The project for community mapping of traditional Het karteringsproject voor het in kaart brengen van traditionele gronden[36] toonde aan dat het grondgebruik van zowel de Inheemsen als Marrons zich uitstrekt tot 10 km vanaf elke rivier. Dit geeft aan dat een 10 km grens voldoende zou zijn om al het huidige grondgebruik te beslaan. Toekomstig grondgebruik dient echter berekend te worden met de input van sociale experts die bekend zijn met de zeden en gewoonten van de gemenschappen in kwestie.
De totale grondoppervlakte die door alle stammen (behalve de Kaliña en de Lokono) gebruikt wordt is in de tabel hieronder berekend op basis van het in kaart gebracht gebied als resultaat van het participatoire karteringsproject.

Table 4: Percentage of land used by indigenous peoples and maroons with a 5, 7.5 and 10 km boundary from the rivers

	Boundary of 5 km		Boundary of 7.5 km		Boundary of 10 km	
Tribe	**Area (Km2)**	**Percentage of total area (%)**	**Area (Km2)**	**Percentage of total area (%)**	**Area (Km2)**	**Percentage of total area (%)**
Trio	14003.11	8.54%	20654.84	12.60%	26976.11	16.45%
Wayana	6346.60	3.87%	9416.98	5.74%	12473.51	7.61%
Ndyuka	2944.81	1.80%	4480.65	2.73%	6041.88	3.69%
Ndjuka (Java)	720.98	0.44%	1045.93	0.64%	1391.24	0.85%
Ndjuka (Moiwana)	194.13	0.12%	350.09	0.21%	545.33	0.33%
Paramaka	978.84	0.60%	1575.59	0.96%	2250.60	1.37%
Aluku	1391.80	0.85%	2182.19	1.33%	3040.34	1.85%
Saramaka	4804.62	2.93%	7079.38	4.32%	9158.16	5.59%
Saramaka (Santigron)	679.77	0.41%	1042.79	0.64%	1434.20	0.87%
Kwinti	3200.35	1.95%	4819.09	2.94%	6441.90	3.93%
Matawai	1579.30	0.96%	2418.40	1.48%	3288.62	2.01%
Lokono and Kaliña	Not Available	Not Available	Not Available	Not Available	Not Available	Not Available

[36] Gemeenschapskaarten van de Aluku, Saramaka, Paramaka, Kwinti, Ndjuka, Trio, Wayana gepresenteerd met het daarbij behorend activiteitenverslag "Participatory Mapping in Lands of Indigenous Peoples and Maroons in Suriname" binnen het component Collectieve Rechten.

Recommendations:

1. Extensive public education campaigns will have to be developed for a number of audiences:
   a. Indigenous and Maroon societies: Education campaigns will need to focus on the changing property rights within the context of formalization. This will include information on the land registration process, roles and responsibilities of individuals, and leaders in that process, the roles and responsibilities of individuals and leaders following the land titling exercise. If group titling is used, extensive work will need to be done to clarify the role of the 'group' relative to the formalized property rights. This will address rights and responsibilities of 'group' leaders as well as issues of transparency, accountability, etc.

   b. Government officials: Information campaigns will need to be developed within government structures to ensure that all levels of government fully understand the implications for a land titling exercise. What is the role and responsibility of government before, during, and after the exercise? What is the relationship before, during and after of government to Indigenous and Maroon societies, vis à vis land and natural resources found within 'titled' lands?

   c. The public at large: Further information campaigns will need to be developed for the public at large. These will explain the process being undertaken, its history and justification, and the implication for other segments of society. Most importantly, there should be targeted campaigns for the investment communities-potential investors, domestic and foreign, who will continue to be interested in exploiting land and natural resources within the Indigenous and Maroon land areas.

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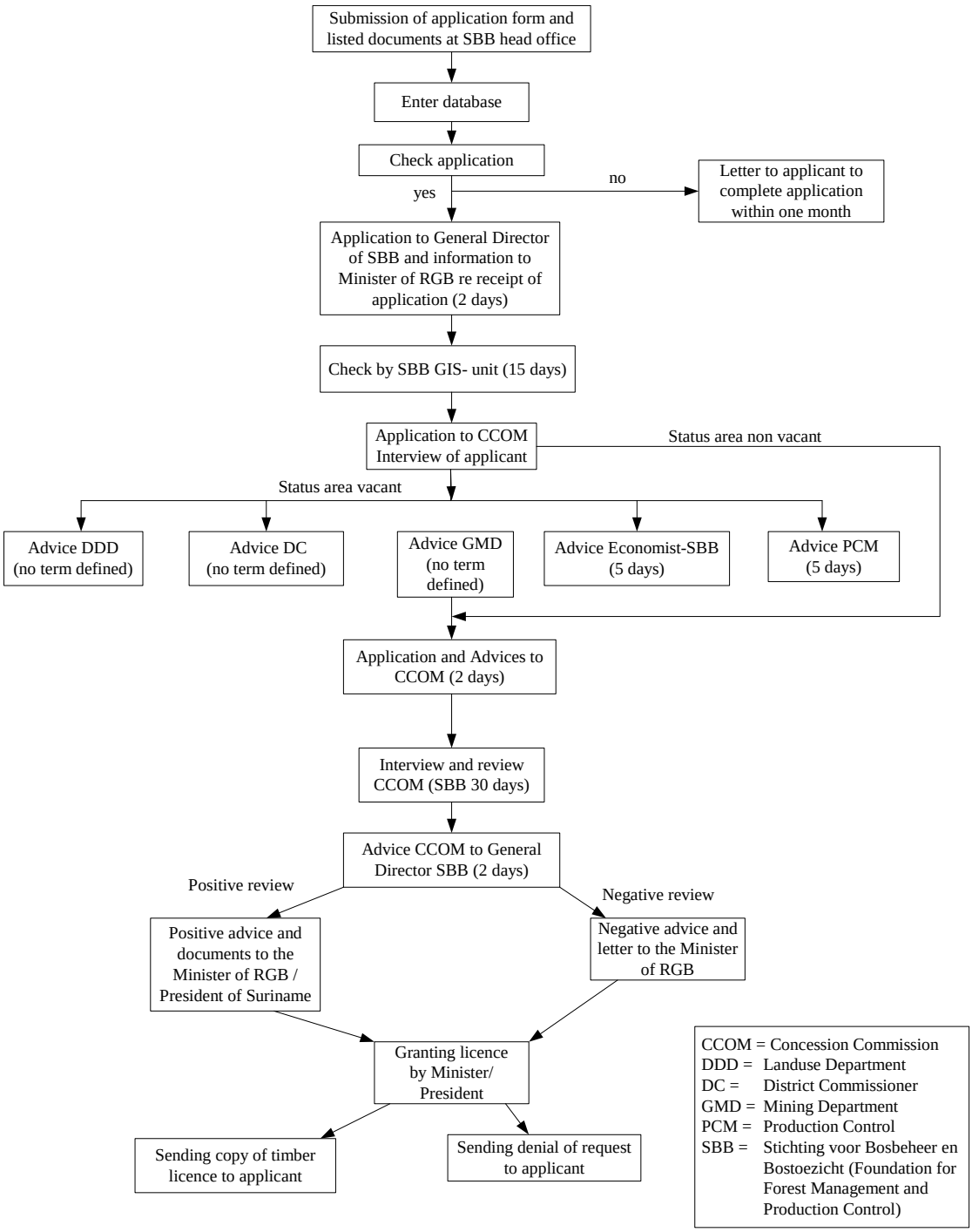
Annex 1: Forestry Application Process

ADMINISTRATIVE STEPS TO OBTAIN A TIMBER LICENCE



Annex 2: Consulted stakeholders

Date	Person
2006-2007	- Granman Miep, kapiteins, villagers (households, fishers/hunters and cultivators) of Kawemhakan (Wayana) - Villagers (households, fishers/hunters and cultivators) of Wanapan, Sandlanding, Amotopo, Kuruni, Lucie, Kwamalasamutu, Sipaliwini, Alalapadu and Tëpu (Trio)
2008	- Vereniging voor Inheemse Dorpshoofden Suriname (VIDS) - Granman Gazon and kapiteins of upper Tapanahoni River (Ndyuka) - R. Awenkina, traditional healer Goninimofo (Ndyuka) - R. van Kanten, Tropenbos Suriname - M. Waterval, Grondenechten commissie - Karwafodi, Ministry of Physical Planning, land and forestry Management - Pansa, Geological and Mining Department - M. Playfair, forestry dep. CELOS - L. Landveld, NVB - E. Schalkwijk, Geological and Land Information Systems - R. Somopawiro, SBB - H. Jabini, Association for Saramacan leaders - National Institute for Environment and development in Suriname - A. Vrede. Government land keeper - Celine, informant Saramaka village Jaw jaw - R. Landburg, District Commissioner Sipaliwini
2009	- Hoofdkapitein Jacobi of Cottica on the Lawa (Aluku) - B.O. Asaiti, Paramaka - B.O. Waneti, Aluku - D. Noordam, environmental consultant - K. Tjon, NARENA, CELOS - M. Callebaut, Agr. Department CELOS - Hoofdkapitein Pikomi of Tepu (Trio) - Granman Nowahé and captains of Apetina (Wayana) - Granman Adoichini and captains of Maripasoela (Aluku) - Kapiteins and village notables of Papaïchton (Aluku) - Johan, informant Aluku village Maripasoela - District Secretary Zamuels , Matawai - R. Paansa, Sub-director Department of the Interior, ministry of Regional Development - Granman Asongo (Trio) - J. Mol, fish ecol. department CELOS - Anwar, informant Saramaka village Njun Lombe

Annex 3: Team of Consultants

Gwendolyn Emanuels-Smith MSc.	Team Leader
Marieke Heemskerk Phd.	Cultural Anthropologist
Mark Marquardt Phd.	Land Right, Use and Tenure Specialist
Katia Delvoye MSc.	Land Use specialist
Sahieda Joemratie Bsc.	Community mapping field coordinator
Melvin Uiterloo	GIS expert

Annex 4: Methodology to the study

Data were collected through a combination of primary data collection and the study of secondary sources. Because the many existing reports and studies covered most relevant areas, a limited number of field trips were made. Field visits were made to the villages of Drietabbetje, Apetina, Kwamalasamutu, and Maripasoela.

In addition, the team drew on data that had been collected during earlier research trips to other locations, including Kawemhakan, Langetabbetje, various gold mining sites, and a large number of Trio villages. In the various field sites, meetings were held with traditional authorities. In addition, the researchers relied on observations, informal conversations, and key informant interviews with representatives of particular occupational groups (e.g. hunters, gold miners, etc.).

In addition to interviews with local experts on location, we also conducted interviews with Indigenous and Maroon representatives in Paramaribo. These included people (partly) living and working in the interior such as the *bestuursopzichters* and *district secretarissen.* Other informants included staff members of the Ministry of Regional Development, particularly from the departments 'Interior' and 'Agricultural Development'. These consultations with key persons in the various cultural regions served to fill gaps in the written sources and existing knowledge.

In terms of existing documentation; books, reports, internet documents, satellite imagery and contemporary maps were reviewed and analyzed. For the subject area of land rights and use, a lot of relevant documentation of recent origin proved available. Relevant written sources included governmental documents such as the National Development Plan (MOP, 2006-2011), the National Forest Policy of Suriname (2005), the Agricultural Sector plan (2005-2010), the National Biodiversity Strategy (2006-2020), and field reports of various NGO's, such as ACT, PAS, NVB, IICA, VIDS, and Commission Land Rights Indigenous Peoples Lower Marowijne (CLIM). In addition, we relied on sources available on the internet, including on-line newspaper archives (e.g. De Ware Tijd) and electronic reports, papers, and conference proceedings. Information on the historic, current, and foreseen roles of traditional authorities was harder to obtain. Secondary information about these issues was mostly obtained from historic and anthropological publications.

Annex 5: Terms of Reference for the Assignment

TERMS OF REFERENCE

SUPPORT FOR THE SUSTAINABLE DEVELOPMENT OF THE INTERIOR

(SU-T1026)

CONSULTING FIRM – COLLECTIVE RIGHTS

I. BACKGROUND

1.1 The Government of Suriname (GOS), with the support of the Inter-American Development Bank (IDB) and the Japan Special Fund (JSF), is undertaking the commitment articulated in the Government Declaration of 2006-2011 to improve the administration and development of the Interior. The GOS has recently embarked on a comprehensive approach for the planning and eventual implementation of a sustainable development program for the Interior. This approach includes a strong participatory methodology that ensures that the target beneficiaries are involved in the planning and implementation of their own development priorities and that the focus of the program is aligned around their rights and interests. The IDB is providing preparation and design support through a technical cooperation project financed by the Japanese Special Fund (JSF), a trust fund managed by the IDB.

1.2 The technical cooperation project will have three major components including:

a. Component I: Development Planning for the Interior. This component will include: (i) an assessment of current activities; (ii) a community planning and consultation process; and (iii) support for stakeholder coordination.

b. Component II: Collective Rights. This component will include: (i) Land Rights; and (ii) Support for Traditional Authorities.

c. Component III: Institutional Strengthening. This component will include support for the: (i) Ministry of Regional Development; (ii) Traditional Authorities; and (iii) Local organizations and NGOs.

II. CONSULTANCY OBJECTIVES

2.1 The primary objective of this consultancy is to provide technical assistance regarding the activities included in Component 2 – Collective Rights as outlined in the Plan of Operations for this project.

2.2 In addition, the consultants will develop a detailed recommendation, based on their work for this consultancy, for a collective rights component to be included in the anticipated loan operation.

III. CHARACTERISTICS OF THE CONSULTANCY

3.1 Type of consultancy: The work will be carried out by a consulting firm, association of firms or an association of individual consultants. The consultants comprising the team may be national and/or international. The contract is a Lump Sum Contract[37]. The payment schedule is presented in Chapter V of these Terms of Reference.

3.2 Starting date and duration: All activities are to be completed and reports to be submitted within 8 months from the signature of the contract. Consultants are asked to submit a proposed calendar of personnel activities as part of the technical proposal.

3.3 Place of work: All work by all consultants will be carried out in Suriname. This consultancy will require some travel outside of the capital, Paramaribo.

3.4 Qualifications of the consultants: The core team for this consultancy should consist of a minimum of three (3) national and/or international consultants and one (1) national assistant: The consultants have the option of including additional team members within the limits of the available budget, if they consider these appropriate for the satisfactory completion of the required work.

3.5 All consultants comprising the team must have a strong educational and professional background in their area of specialization, with a minimum of 5 years experience in carrying out the type of work described in the Plan of Operations, which is required for the present consultancy. Consultants must have demonstrated experience in working effectively with Indigenous and/or Maroon communities and leaders or similar communities and leaders in other countries, and have strong interpersonal and communication skills, As a team, the consultants must be able to express themselves fluently in both Dutch and English, and have at least some members proficient in Sranan Tongo and one or more Indigenous or Maroon languages. In addition, familiarity with sensitivities and challenges related to the thematic areas of the project; prior knowledge of ongoing initiatives related to Interior development in Suriname; experience with Indigenous and Maroon land rights and tenure under similar circumstances in other countries; and knowledge of the procurement rules and guidelines of the IDB would all be considered assets.

3.6 Travel to and stays of several consecutive days in various parts of the Interior are required as part of this consultancy. Given the inaccessibility and lack of infrastructure in the Interior, such travel and stays can be challenging. All relevant members of the consultant team must be willing and able to undertake the required trips in a manner that allows them to fulfill their assigned functions.

IV. ACTIVITIES

4.1 This consultancy includes five main activities: (i) Land Rights, Tenure and Use Study; (ii) Community land use mapping for the Interior; (iii) One comprehensive land use map of the Interior; (iv) Support for the implementation of the Moiwana decision; and (v) Support for Traditional Authorities. With respect to these elements the consultants will, at a minimum, carry out the activities described in paragraphs 4.2 – 4.5 below.

4.2 Land Rights, Tenure and Use Study

[37] As defined in paragraph 4.1 of the IDB's Policy for Selection and Contracting of Consultants Financed by the Inter-American Development Bank.

a. The consultants will prepare a comprehensive study to identify and document land tenure regimes and land use by the Interior communities. This activity will be carried out in close collaboration with Indigenous and Maroon authorities and other stakeholders and will include information regarding current land use practices, changes in land use over the last twenty years and customary law relating to land tenure and use. The study will include recommendations for the legal framework necessary to support communal management and administration of traditional lands in the Interior. Land use maps that have been developed by Indigenous and Maroon communities with the support of various non-governmental organizations and the GOS's Central Bureau of Cartography (GOS-CBL) will be used as the orientation point for this study.

4.3 Community Land Use Mapping

a. The consultants will also undertake a community land use mapping process for those Indigenous and Maroon communities that do not already have a GIS-compatible map[38]. This activity will follow the methodology already established which includes hiring and training of community members to assist with data gathering and community relations.

b. Once all relevant information has been gathered, the consultants will produce one map for each community as identified. These maps will be presented to the communities for their approval prior to the final presentation to the Government of Suriname.

4.4 Comprehensive Land Use Map

a. Building on the activity outlined above, the consultants will be responsible for developing one comprehensive land use map for the whole of the Interior. This comprehensive map will combine the land use maps developed by Indigenous and Maroon communities in collaboration with the GOS-CBL with the land use maps produced under this project (see above section 4.3). The comprehensive map will identify any overlaps between and among communities, as well as with government sanctioned nature reserves, protected areas and existing commercial natural resource concessions for the purpose of identifying community boundaries.

b. The consultants will be required to propose a methodology for community engagement to complete this task and will be required to work with Indigenous and Maroon community leaders to implement this methodology.

4.5 Support for Moiwana Decision

a. In addition, planning support for the implementation of the Moiwana decision will be provided to the Moiwana Commission. This support will include technical assistance to draft a land tenure and sustainable development plan for the Moiwana community in eastern Suriname in accordance with the judgment of the Inter-American Court of Human Rights.

4.6 Support for Traditional Authorities

[38] These communities are: the Saamaka of the Suriname and Saramacca Rivers; the Aukaan of the Tapana-hony, Marowijne and Cottica River areas; the Paamaka of the Marowijne River area; the Matawai of the Saramacca River area; the Kwinti of the Coppename River area; the Aluku of the Lawa River area; the Kalinha and Lokono of the Wayambo/ Coppename area; the Kalinha and Lokono of the Saramacca River areas; the Kalinha and Lokono of the Zanderij/Para/Wanica area and the Lokono of the Wageningen area.

a. Within the context of the work outlined above and after consultations with the Traditional Authorities and other stakeholders, the consultants will develop recommendations for the legal framework that will be required to formally recognize the rights, duties and responsibilities of Indigenous and Maroon traditional authorities as they relate to land, natural resource management and use and national representation.

V. REPORTS & PRODUCTS

A. Type and Content of Reports and Products

5.1 The Consultant will deliver six (6) reports:

a. **Initial Report**. This report includes a summary of all preparatory activities undertaken, any questions or points for clarification that have arisen, a brief discussion of any issues that are likely to affect the satisfactory completion of the work, basic methodology for the activities and community engagement and an up-dated work plan. The Initial Report should be no more than 10 pages in length, and must be submitted within 30 calendar days of the consultancy start-up date.

b. **Draft Report on Land Rights, Tenure and Use Rights**. This report presents the results of the study to identify and document land rights, tenure and land use by the Interior communities including all elements described in section 4.2 in a well-argued, concise and clear manner. The report (including annexes, figures, tables and other supporting materials) should be no more than 40 pages, and must be submitted within 90 calendar days of the consultancy start-up date.

c. **Final Report on Land Rights, Tenure and Use Rights.** This is a revised version of the draft report, incorporating feedback received from the Ministry of RO, other relevant stakeholders identified by the Ministry and the IDB. Depending upon the nature of the feedback received, the Ministry and the consultants will agree on a reasonable timeline for submitting the final report.

d. **Final Report on Community Land Use Mapping process and copies of the maps produced under this project.** This report will include a summary description of the process used to develop the new community land use maps and copies of the maps themselves. The maps will be at least one square meter in size, on appropriate paper and laminated. The maps will also be submitted in digital format on CD ROM. The report with all annexes must be submitted within 6 calendar months of the consultancy start-up date.

e. **Final report on Moiwana Land Tenure and Sustainable Development Plan.** The report with all annexes must be submitted within 4 calendar months of the consultancy start-up date.

f. **Final report and recommendations for the Traditional Authorities legal framework.** This report presents the recommendations for the legal framework described in section 4.6 in a well-argued, concise and clear manner. The report (including annexes, figures, tables and other supporting materials) should be no more than 40 pages, and must be submitted within 8 months of the consultancy start-up date.

5.2 In addition to the reports discussed in the previous paragraph, the consultants will prepare and deliver presentations on their findings and recommendations for one or more of the national-level stakeholder workshops. The Ministry of RO, in coordination with the consultants, will agree during project execution on the number, type, content and format of these presentations, as well as the time and place of their delivery.

B. Format and Presentation of Reports

5.3 Each report must be produced in both English and Dutch and submitted as (i) two printed and bound hard copies; (ii) an electronic file in a Microsoft Word-compatible format that contains the complete version of the respective reports (including, as applicable, executive summary, cover pages, table of contents, appendices, figures, graphics and tables); and (iii) an electronic file in PDF of each complete report. These reports and files should be sent to the PEU at the Ministry of Regional Development to the attention of the Project Officer responsible for this Component (see Section VI) within the time spans indicated in paragraph 5.1.

C. Payment Schedule

5.4 The consultant firm(s)[39] will be paid according to the following schedule: (i) 25% upon signing of the contract; (ii) 25% upon delivery of the Draft Report on Land Rights, Tenure and Use; (iii) 25% upon delivery of the Draft Report on Community Land Use Mapping; and (iv) 25% upon approval by the Ministry of Regional Development and the no-objection of the IDB of all delivered reports (initial, draft and final) and products listed in Section V.

VI. COORDINATION

6.1 Responsibility for the technical and administrative coordination for this consultancy rests with the Ministry of Regional Development (RO). The consultant firm or association of firms will coordinate their work with the relevant Project Officer in the Project Execution Unit (PEU) for the "Support for the Sustainable Development of the Interior" project. The consultants should be in regular contact with the Project Officer throughout the consultancy in order to provide informal updates on the progress of the work, and to discuss any issues that may need to be resolved for its successful completion.

6.2 In addition, all members of the consultant team shall foster good coordination – and, where applicable, collaboration – with the consultants carrying out the activities financed by other Components of the TC, entities and stakeholders involved in the execution of this TC, thereby facilitating the delivery of high-quality products in an effective and timely manner.

[39] If the winning proposal was presented by an association of firms, the contract for the consultancy requires these firms to specify how the payments listed here will be distributed among the associated firms.