

Republic of Suriname

Suriname Competitiveness and Sector Diversification Project (SCSD)

Rapid Social Assessment

(P166187)

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ABBREVIATIONS

ABO	Assistant Government Manager (<i>Assistant – Bestuursopzichter</i>)
AdeKUS	Anton de Kom University of Suriname
AoI	Area of Influence
BO	Government manager (<i>Bestuursopzichter</i>)
CPS	Country Partnership Strategy
DC	District Commissioner
DNA	The National Assembly (<i>De Nationale Assemblée</i>)
DR	District Council (<i>Districtsraad</i>)
EBS	Energy Company of Suriname (<i>Energie Bedrijven Suriname</i>)
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
GoS	Government of Suriname
IADB	Inter-American Development Bank
IACHR	Inter-American Commission on Human Rights
InvestSur	Institute for the Promotion of Investments in Suriname (<i>Instituut ter Bevordering van Investerings in Suriname</i>)
ITPPF	Indigenous and Tribal Peoples Planning Framework
Km	Kilometre
LVV	Agriculture, Animal Husbandry and Fishing, Ministry of (<i>Landbouw, Veeteelt, Visserij</i>)
MI-GLIS	Management Institute for Land Registration and Land Information System
MZ-PHC	Medical Mission Primary Health Care
NGO	None Governmental Organisation
NH	Natural resources, Ministry of (<i>Natuurlijke Hulpbronnen</i>)
NIMOS	National Institute for Environment and Development in Suriname (<i>Nationaal Instituut voor Milieu en Ontwikkeling Suriname</i>)
OP	Operational Policy
OWTC	Public Works, Transportation and Communication, Ministry of (<i>Openbare Werken, Transport en Communicatie</i>)
PAP	Project-Affected Persons
PIU	Project Implementation Unit
RO	Regional Development (<i>Regionale Ontwikkeling</i>), Ministry of
ROGB	Spatial Planning, Land and Forest management, Ministry of (<i>Ruimtelijke Ordening, Grond- en Bosbeheer</i>)
RR	Ressort Council (<i>Ressort Raad</i>)
RSA	Rapid Social Assessment
SCSD	Suriname Competitiveness and Sector Diversification
SME	Small and Medium scale Enterprises

SWM	Suriname Water Company
VIDS	Association of Indigenous Village Leaders (<i>Vereniging van Inheemse Dorpshoofden in Suriname</i>)
VSG	Association of Saamaka Traditional Authorities (<i>Vereniging van Saramaccaanse Gezagsdragers</i>)
WB	World Bank



GLOSSARY OF TERMS

Term	Definition
Area of Influence	The area likely to be affected by the project, including all its ancillary aspects, such as power transmission corridors, pipelines, canals, tunnels, relocation and access roads, borrow and disposal areas, and construction camps, as well as unplanned developments induced by the project (e.g., spontaneous settlement, logging, or shifting agriculture along access roads).
Basia (SUR)	Also: Basia. Assistant to the <i>granman</i> , <i>kapitein</i> or <i>hoofdkapitein</i> , responsible for administration and communication. Part of the traditional authority structures.
Community	Usually defined as a group of individuals broader than the household, who identify themselves as a common unit due to recognised social, religious, economic or traditional government ties, often through a shared locality.
District	Administrative Unit, comparable with a province. Each district has its own district government with limited powers of decision-making, headed by a District Commissioner (DC).
Domain Land Dutch: <i>domeingrond</i>	All land, to which third parties cannot prove land tenure rights is domain land, that is, property of the state.
<i>Granman</i> (SUR)	Also: <i>Gaanman</i> . Highest authority figure of a Maroon or Indigenous ethnic group. Part of the traditional authority structures.
Grievance Mechanism	This is a process by which Project beneficiaries or Project Affected Persons can raise their concerns and grievances to Project authorities.
<i>Hoofdkapitein</i> (SUR)	Also: <i>Ede-kabiten</i> . Head of a clan or group of families. Part of the traditional authority structures.
Household	A group of persons living together, who share the same cooking and eating facilities, and form a basic socio-economic and decision-making unit. One or more households may occupy a house.
Indigenous Peoples	In this report, the term Indigenous Peoples is applied to the first, original inhabitants, who populated Suriname prior to colonial times. They are also referred to as Amerindians.
<i>Kapitein</i> (SUR)	Also: <i>Kabiten</i> . Village head. Part of the traditional authority

		structures.
<i>Krutu</i>		Community meeting (Indigenous or Maroon); SUR
Livelihood		The term 'livelihood' refers to the full range of means that individuals, families, and communities utilise to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Maroons		Tribal people of African descent; the descendants of persons who escaped slavery, and established independent tribal communities in the forested interior of Suriname.
Project Persons	Affected	A person who has been affected due to loss of land, house, assets, livelihood or a combination of these due to project activities
Ressort		Administrative unit, subsection of a District.
Stakeholders		All individuals, groups, organisations, and institutions interested in and potentially affected by a Project or having the ability to influence a Project.
Vulnerable People		Distinct groups of people who might suffer disproportionately from project impacts such as people below the poverty line, the landless, the elderly or disabled, women and children, indigenous peoples, ethnic minorities, resettlement effects.

Figure 1. Suriname country map with districts

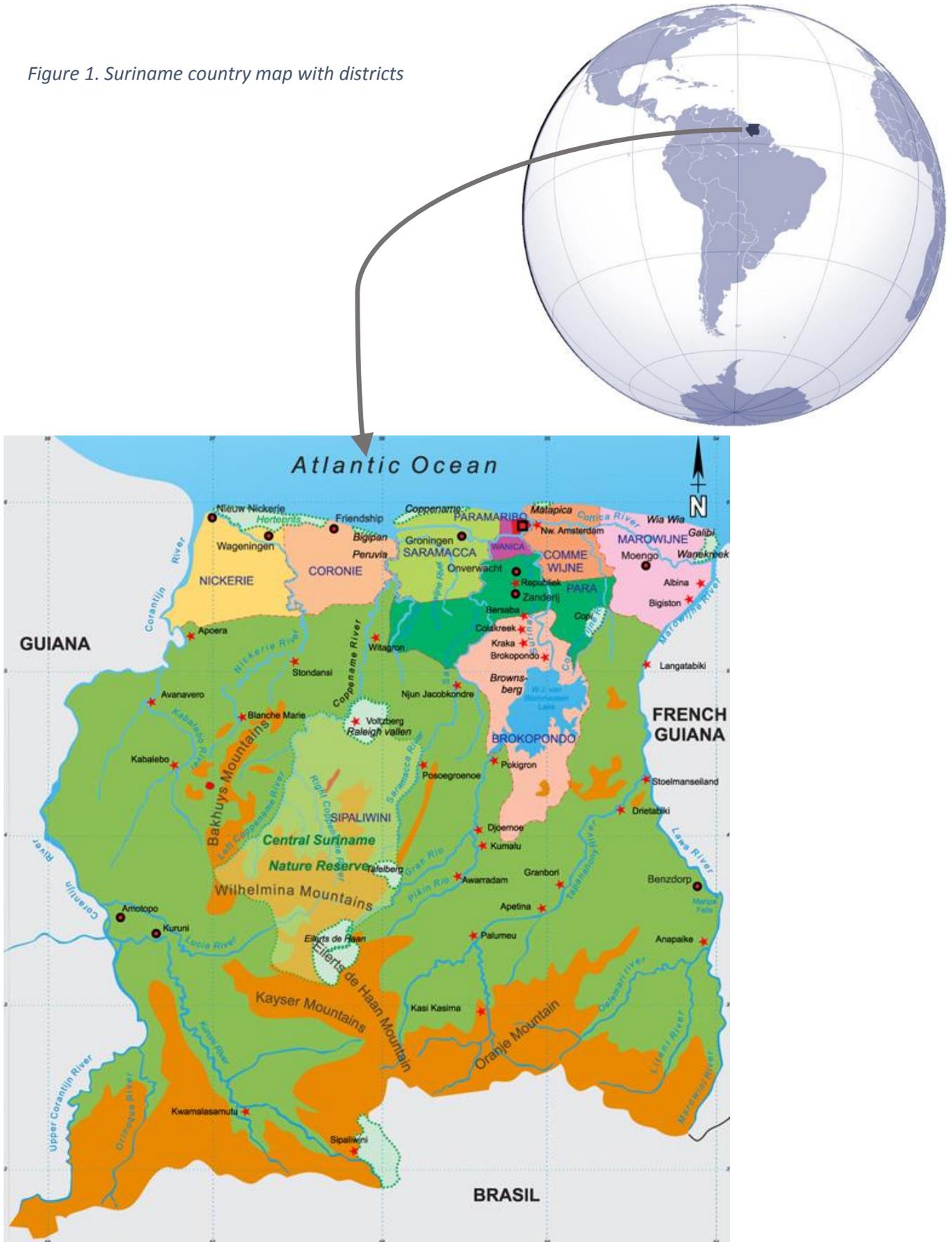


Table 1. Suriname Facts and Figures

Indicator	Value ¹
Land area	163,820 km ² (ABS, 2018)
Total population, 2016 estimate	575,700 (ABS, 2018)
Economy	
GDP (current SRD), 2016 figure	SRD 20,420 Mln (ABS, 2018) (USD 3,299 Mln)
GDP growth, annual, 2016 figure	-5.1 % (World Bank, 2018)
Per capita National Income, 2016 figure in SRD and USD	SRD 34,245 (ABS, 2018) (USD 5,532)
% of population living in poverty, 2016 data	26.2%, (IADB, 2018)
Hourly minimum wage	SRD 8.40 (USD 1.12), since July 1, 2018
Unemployment rate, relaxed definition. 2016	15% (ABS, 2018)
Annual remittances flow to Suriname	114 million (Multilateral Investment Fund, 2012)
Indigenous and tribal Peoples	
Indigenous groups	Lokono (also: Arowak); Kaliña (also: Carib); Trio (also Tiryo) and related ethnic groups; Wayana and related ethnic groups.
Maroon groups	Ndyuka (also: Okanisi, Aukaners), Saamaka (also: Saramaka), Paamaka (also: Paramaka), Matawai, Kwinti, and Aluku (also: Boni).
Indigenous Peoples, as a % of the national population, 2012 Census.	3.8 % (ABS website, censusstatistieken 2012)
Maroons, as a % of the national population, 2012 census	21.7% (ABS website, censusstatistieken 2012)
Number of Indigenous individuals living in tribal communities	Est: 12,000
Number of Maroons living in tribal communities	Est: 50,000
Mining industry	
Minerals mined	Gold and construction materials (diamonds?)
Large-scale gold mining firms	2 (Newmont, Iam Gold)
Est. # of Artisanal and Small-scale gold Miners (ASM).	12-15 thousand, including service providers (Heemskerk et al., 2016)
National gold production, 2014	30 tons (Central Bank of Suriname, 2016)
Government mining revenue in % of GDP	6,2%
ASM gold production as a percentage of total gold production, 2014	65.4% (Central Bank of Suriname, 2016)
Agribusiness	

¹ For SRD to USD conversions, an average rate of 6.19 was used for 2016; 7.5 SRD to 1 USD was used for 2018.

No of persons employed in agriculture, animal husbandry, forestry and fishing, ages 15-64, 2012 census	Total: 8,590 (4.6% of total working population) Male: 6,865 Female: 1,725 (ABS 2014)
Total industrial fisheries fleet, 2015 data	102 vessels (ABS, 2018)
Total coastal fishing fleet (SK)	418 vessels (ABS, 2018)
Total inland and estuarine fishing fleet	622 vessels (ABS, 2018)



1 SUMMARY

The Project: This report presents the Rapid Social Assessment (RSA) that was produced by the Government of Suriname (GoS) as part of the requirements for a lending operation with the World Bank. The proposed Project, fully named the *Suriname Competitiveness and Sector Diversification Project (SCSD)* contains three components:

- *Component 1:* Strengthening the mining sector governance, transparency, accountability, and administration, which finances technical assistance to support improvements to the legal, regulatory, and institutional framework governing mining in Suriname, including for environmental and social impact management.
- *Component 2:* Investing in small and medium-sized enterprises (SMEs) and value chains in targeted emerging industries. Activities include (a) SME support fund, financing business development services and matching grants for equipment or other investments, either at the individual firm level or for groups of firms working in a value chain; and (b) technical assistance and capacity support for investment climate and institutional reforms, especially for tourism and agribusiness.
- *Component 3:* Project management and evaluation

Within the GoS, the Ministry of Natural Resources (NH) is the main implementing partner for Project Component 1, and the Ministry of Trade, Industry and Tourism (HI&T) is the main implementing partner for this Project Component 2. Each Ministry will host a Project Implementing Unit (PIU).

World Bank safeguards and objectives of the RSA: In order to be eligible for World Bank funding, and in line with the objectives related to inclusivity and sustainability in the Government's National Development Plan, safeguards for the protection of Indigenous and Maroon Peoples rights', and for their fair and transparent consultation and participation in the Project must be in place. In this context, the World Bank and the Government of Suriname (GoS) commissioned a Rapid Social Assessment (RSA). The aims of the RSA are to:

- (a) Identify potential opportunities and key challenges and risks potentially posed by the SCSD Project,
- (b) Identify potential areas where the project might contribute to improving the protection of Indigenous and Maroon land rights, as well as their ability to meaningfully participate.
- (c) Inform the development of an Indigenous and Tribal Peoples Planning Framework (ITPPF).

Review of the national legal and regulatory framework: There is currently no legislative basis for the assessment of environmental impacts of development proposals in Suriname. Also, the national legal framework does not require public consultations in the context of development projects. Application of Free Prior and Informed Consent (FPIC) procedures with Indigenous and Maroon communities is not legally required. The Constitution makes no reference to Indigenous Peoples and Maroons, and the rights, function and obligations of their traditional authorities are not legally defined. Suriname's Indigenous Peoples and Maroons do not have unalienable rights to the lands they traditionally live on, use for their subsistence, and consider as their customary territory. Limited protection of those rights is provided in the Forestry Management Act, the Nature Protection Resolution and the draft law Protection Communities and Living Environment (*Concept Wet Bescherming Woon- en Leefgebieden*) – which is yet to be promulgated.

Area and Population description for the SCSD Project: The Area of influence (AoI) for the SCSD Project is the entire land area of Suriname, with PC 1 focussing on the Interior and PC 2 primarily –but not exclusively–targeting the coastal districts. Suriname’s population (0.6 Mln) is concentrated in the coastal districts. In the 2012 census, 21.7 percent of individuals self-identified as Maroons and 3.8 percent self-identified as Indigenous. Approximately 170-190 Maroon communities and 47 Indigenous communities are situated in the AoI; mostly in the interior districts and rural coastal areas. Most interior groups rely to a greater or lesser extent on goods and services from the coast. Notwithstanding, these communities continue to exhibit a large degree of cultural, socio-economic, and political autonomy from the nation state, and depend primarily on the natural environment for their livelihoods. As compared to other communities in Suriname, Maroon and Indigenous communities are, generally speaking, poorer and disadvantaged in terms of their access to education, health care, electricity, drinking water, and other public services.

Tangible heritage: Archaeological and tangible heritage sites will not be affected by PC 1, which is not expected to involve on-the-ground activities. Investment activities and expansion of area brought into cultivation related to PC2, could disturb known or yet unknown archaeological sites, or damage other places of cultural significance. To mitigate such impacts, Project activities should follow the guidelines of the ICOMOS (1990) charter for the protection and management of the archaeological heritage.

Challenges, risks and benefits associated with PC1: The mining sector is of great economic importance to Suriname. However, mining activities also have resulted in a loss of access to ancestral lands and traditional livelihood activities for Maroon and Indigenous communities. PC1 is not expected to cause any direct positive or negative Project impacts on Indigenous Peoples and Maroons. Potential indirect negative impacts of future mining sector development include forced resettlement, loss of livelihood, and environmental damage in traditional living and user areas of Indigenous Peoples and Maroons. These potential indirect impacts may be mitigated by the projected revision of the mining law (incl. making FPIC a legal requirement); withdrawal of mining concessions that violate national legislation (in line with ratification of EITI); and use of the yet-to-be-promulgated law Protection Communities and Living Environment as a (temporary) guideline. Potential indirect positive impacts of future mining sector development include formal employment in the mining sector, income from Artisanal and Small-scale mining (ASM), and community projects from mining multinationals.

Challenges, risks and benefits associated with PC2: Agribusiness and tourism are important sectors of Suriname’s economy. Indigenous and Maroon involvement in large-scale agribusiness/tourism is currently limited. The lack of secure collective land title for Indigenous Peoples and Maroons could pose a risk if agribusiness and tourism firms receive tenure title (*grondhuur*) for lands overlapping with Indigenous and Maroon customary territories.

Potential negative Project impacts for Indigenous Peoples and Maroons include loss and/or pollution of customary lands and resources, and appropriation of Indigenous Knowledge by third parties. These potential impacts may be mitigated by using an exclusion criterion for agribusiness and tourism projects by third parties on Indigenous and Maroon customary lands, unless they directly benefit those communities and those communities sign off appropriately. Other inclusion criteria in awarding value chain projects and selecting SMEs for financial support through the SME support fund should be: sound environmental management and environmental sustainability (incl. adherence to environmental and social safeguards), adherence to the WIPO-CARICOM guidelines for Intellectual Property (where applicable). Potential project

benefits include new economic opportunities for Indigenous and Maroon agribusiness and tourism SMEs. A prerequisite is that Indigenous and Maroon producers receive clear, transparent and complete information about SCSD project activities, about the terms and conditions, and about opportunities to participate, if necessary in their tribal languages. Training in business and marketing skills in accessible locations may enhance access to Project benefits for Indigenous and Maroon SMEs.

2 NEDERLANDSE SAMENVATTING

Het Project: Dit rapport bevat de Beperkte Sociale Analyse (BSA) die door de Overheid van Suriname (OvS) geproduceerd is als onderdeel van een leningsovereenkomst met de Wereldbank. Het voorgestelde Project, voluit genaamd het “Suriname Concurrentievermogen en Sectordiversificatie Project (*Suriname Competitiveness and Sector Diversification Project - SCSD*) bevat drie componenten:

- *Component 1:* Versterking van het bestuur van de mijnsector, transparantie, verantwoording en administratie, die technische bijstand financiert ter ondersteuning van verbeteringen aan het juridische, regelgevende en institutionele kader voor mijnbouw in Suriname, inclusief voor beheer van milieu- en sociale effecten.
- *Component 2:* Ondersteuning voor waardeketens, en voor Kleine en Middelgrote Ondernemingen (KMO's) in doelgerichte industrieën. De activiteiten omvatten (a) een KMO-ondersteuningsfonds, financiering van bedrijfsontwikkeling, en matching grants voor apparatuur of andere investeringen voor bedrijven of waardeketens; (b) financieren van overheidsinitiatieven die bijdragen aan het verbeteren van het algehele investeringsklimaat en de hiervoor noodzakelijke institutionele hervormingen, met name op het gebied van toerisme en agribusiness.
- *Component 3:* Project management en evaluatie

Binnen de OvS is het Ministerie van Natuurlijke Hulpbronnen (NH) de belangrijkste uitvoerende partner voor Project Component 1, en het ministerie van Handel, industrie en Toerisme (HI&T) de belangrijkste uitvoerende partner voor Project Component 2. Elk ministerie huisvest een eigen Project Implementatie Unit (PIU).

Wereldbank waarborgen en doelstelling van de BSA: Om in aanmerking te komen voor financiering door de Wereldbank, en in overeenstemming met de doelstellingen met betrekking tot inclusie en duurzaamheid in het Nationaal Ontwikkelings Plan van de OvS, moeten waarborgen voor de bescherming van de rechten van Inheemse en Marron volkeren, en voor hun eerlijke en transparante raadpleging en deelname aan het project, ontwikkeld zijn. Hiertoe hebben de Wereldbank en de OvS (GoS) opdracht gegeven voor het schrijven van een Beperkte Sociale Analyse (BSA). De doelen van de BSA zijn:

- (a) Identificeren van potentiële mogelijkheden die het SCSD-project zou kunnen bieden, alsmede uitdagingen en risico's die door het SCSD-project veroorzaakt zouden kunnen worden,
- (d) Identificeren van mogelijke gebieden waar het project kan bijdragen aan verbetering van de bescherming van de grondenrechten van Inheemse Volkeren en Marrons, en aan hun vermogen om zinvol deel te nemen.
- (c) Een basis leggen voor de ontwikkeling van een Inheemsen en Tribale Volkeren Planningskader (*Indigenous and Tribal Peoples Planning Framework - ITPPF*).

Analyse van de nationale wet- en regelgeving: Er is momenteel geen wettelijke basis voor de beoordeling van milieueffecten van ontwikkelingsprojecten in Suriname. Ook vereist het nationale wettelijke kader geen openbare consultatie in het kader van ontwikkelingsprojecten. Toepassing van procedures om vrijwillige, voorafgaande en geïnformeerde toestemming (*Free Prior Informed Consent* - FPIC) van betrokken Inheemse en Marron gemeenschappen te garanderen, is wettelijk niet vereist. De grondwet verwijst niet naar Inheemse volkeren en Marrons; en de rechten, functie en verplichtingen van hun traditionele autoriteiten zijn niet wettelijk vastgelegd. De Inheemse volkeren en Marrons van Suriname hebben geen onvervreembare rechten op de gronden waar ze traditioneel leven, en die ze gebruiken voor hun levensonderhoud en beschouwen als hun eigendom volgens het gewoonterecht. Deze rechten worden in beperkte mate beschermd in de wet op het bosbeheer, de natuurbeschermingsresolutie en de Concept Wet Bescherming Woon- en Leefgebieden, die nog moet worden afgekondigd.

Beschrijving van het projectgebied en de bevolking: Het SCSD-projectgebied beslaat het gehele grondgebied van Suriname, waarbij PC 1 zich voornamelijk richt op het binnenland en PC 2 zich voornamelijk, maar niet uitsluitend, richt op de kustdistricten. De Surinaamse bevolking (0,6 miljoen inwoners) is geconcentreerd in de kustdistricten. Tijdens de volkstelling van 2012, identificeerde 21,7 procent van de bevolking zichzelf als Marrons en 3,8 procent als Inheems. In het projectgebied bevinden zich ongeveer 170-190 Marrongemeenschappen en 47 Inheemse gemeenschappen; voornamelijk in het binnenland en in de rurale gebieden van de kust-districten. De meeste tribale gemeenschappen zijn in meer of mindere mate afhankelijk van goederen en diensten uit het kustgebied. Desalniettemin onderscheiden deze gemeenschappen zich nog steeds op cultureel, sociaaleconomisch en politiek gebied in grote mate van de rest van Suriname, en zijn zij voor hun levensonderhoud afhankelijk van hun natuurlijke omgeving. In vergelijking met andere gemeenschappen in Suriname zijn de Marron- en Inheemse gemeenschappen in het algemeen armer, en gemarginaliseerd in hun toegang tot onderwijs, gezondheidszorg, elektriciteit, drinkwater en andere openbare diensten.

Materieel erfgoed: PC 1 heeft geen invloed op archeologische sites en tastbaar erfgoed omdat er binnen deze component naar verwachting geen activiteiten op de grond plaats zullen vinden. Infrastructurele activiteiten en mogelijke uitbreidingen van productiegebied in verband met PC2 zouden bekende of nog onbekende archeologische vindplaatsen kunnen verstoren of andere plaatsen van culturele betekenis kunnen beschadigen. Om dergelijke effecten te voorkomen, moeten de projectactiviteiten uitgevoerd worden volgens de richtlijnen van het ICOMOS-handvest (1990) voor de bescherming en het beheer van archeologisch erfgoed.

Uitdagingen, risico's en voordelen verbonden aan PC1: De mijnbouwsector is van groot economisch belang voor Suriname. Mijnbouwactiviteiten hebben echter ook geresulteerd in een verlies van toegang tot traditionele gronden en bronnen van levensonderhoud voor Marron- en Inheemse gemeenschappen. Nar verwachting zal PC1 geen directe positieve of negatieve gevolgen hebben voor Inheemse volkeren en Marrons. Mogelijke indirecte negatieve gevolgen van toekomstige ontwikkeling van de mijnsector zijn onder meer: gedwongen verhuizing, verlies van bronnen van levensonderhoud, en milieuschade in traditionele leef- en gebruiksgebieden van Inheemse volkeren en Marrons. Deze potentiële indirecte effecten kunnen worden gemitigeerd door de geplande herziening van de mijnbouwwetgeving (inclusief FPIC een wettelijke vereiste maken); intrekking van mijnconcessies die de nationale wetgeving schenden (in overeenstemming met de ratificatie van EITI); en gebruik van de Concept Wet Bescherming Woon- en Leefgebieden als een (tijdelijke) richtlijn. Mogelijke indirecte positieve effecten van toekomstige

ontwikkeling van de mijnsector zijn formele werkgelegenheid in de mijnbouwsector, inkomsten uit kleinschalige mijnbouw, en gemeenschapsprojecten van mijnbouwmultinationals.

Uitdagingen, risico's en voordelen verbonden aan PC2: Agribusiness en toerisme zijn belangrijke sectoren van de economie. De betrokkenheid van Inheemsen en Marrons bij grootschalige agribusiness/toerisme is momenteel beperkt. Het ontbreken van collectieve grondtitel voor Inheemse Volkeren en Marrons zou een risico kunnen vormen indien landbouw- en/of toerismebedrijven grondhuur of een andere gebruikstitel verkrijgen voor gebieden die overlappen met Inheemse en Marron leefgebieden.

Potentieële negatieve projectgevolgen voor Inheemse en Marron gemeenschappen omvatten het verlies en/of vervuiling van traditionele gronden en hulpbronnen, en onrechtmatige toeëigening van Inheemse kennis door derden. Deze potentiële effecten kunnen worden verzacht door een uitsluitingscriterium te hanteren voor agribusiness- en toerismeprojecten in het traditioneel leefgebied van Inheemsen en Marrons, tenzij deze Projecten direct ten goede komen aan die gemeenschappen en die gemeenschappen op passende wijze voor akkoord getekend hebben.

Andere inclusiecriteria bij het toekennen van waardeketen projecten en het selecteren van KMO's voor financiële ondersteuning via het KMO-ondersteuningsfonds zouden moeten zijn: goed milieubeheer en milieuduurzaamheid (inclusief naleving van milieu- en sociale waarborgen), en naleving van de WIPO-CARICOM-richtlijnen voor intellectueel eigendom (waar van toepassing). Potentiële projectvoordelen zijn onder meer nieuwe economische mogelijkheden voor Inheemse en Marron KMO's die zich richten op landbouw en het toerisme. Een voorwaarde is dat de Inheemse en Marron producenten duidelijke, transparante en volledige informatie krijgen over SCSD-projectactiviteiten, en over de algemene voorwaarden en mogelijkheden om deel te nemen, indien nodig in hun eigen taal. Opleidingen in bedrijfs- en marketingvaardigheden, aangeboden op toegankelijke locaties, kunnen de toegang tot projectvoordelen voor Inheemse en Marron KMO's verbeteren.

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3 INTRODUCTION

3.1 PROJECT BACKGROUND.

The World Bank’s program in Suriname is grounded in the Country Partnership Strategy (CPS) between the Bank and the Government of Suriname established in 2015. This CPS has the overarching goal of promoting sustainable, inclusive, and diversified growth in Suriname, including through an area of engagement focusing on creating a conducive environment for private sector development, and reducing vulnerability to climate change-related floods. Underpinning the CPS is a focus on strengthening environmental and social standards and impact management.

The Suriname Competitiveness and Sector Diversification Project (SCSD) is one specific lending operation being prepared under this CPS. The development objective of SCSD is to support sector governance improvements and increase competitiveness in targeted industries in Suriname, through three project components:

- Component 1: Strengthening the mining sector governance, transparency, accountability, and administration.
- Component 2: Investing in SMEs and value chains in targeted emerging industries.
- Component 3: Project management and evaluation

These components are explained in greater detail below.

3.2 PROJECT DESCRIPTION COMPONENT 1: STRENGTHENING THE MINING SECTOR GOVERNANCE, TRANSPARENCY, ACCOUNTABILITY, AND ADMINISTRATION

This Project Component aims to support improvements to the legal, regulatory, and institutional framework governing mining in Suriname. The purpose is to align Suriname’s framework to international best practice, and to provide its institutions with knowledge and tools to carry out their mandated functions. Foreseen activities under Component 1 include:

(a) **Strengthening the legal, regulatory, and institutional frameworks** governing the mining sector through support towards the revision of relevant legislation and regulations and the establishment of the Minerals Institute, which will integrate and strengthen mining cadaster, geological data management, and mining inspectorate functions. This includes defining a roadmap and implementing institutional reforms; supporting the development of required legal and regulatory frameworks; and supporting the establishment and operationalization of the Minerals Institute, including the collection of production and export statistics and setting up a Minerals Statistics Database.

(b) **Sector administration capacity building** to assist the GOS, in particular staff from the Ministry of Natural Resources, the Minerals Institute, and other relevant ministries including the Ministry of Finance, to build the required technical skills and managerial capabilities to regulate and monitor the mining sector.

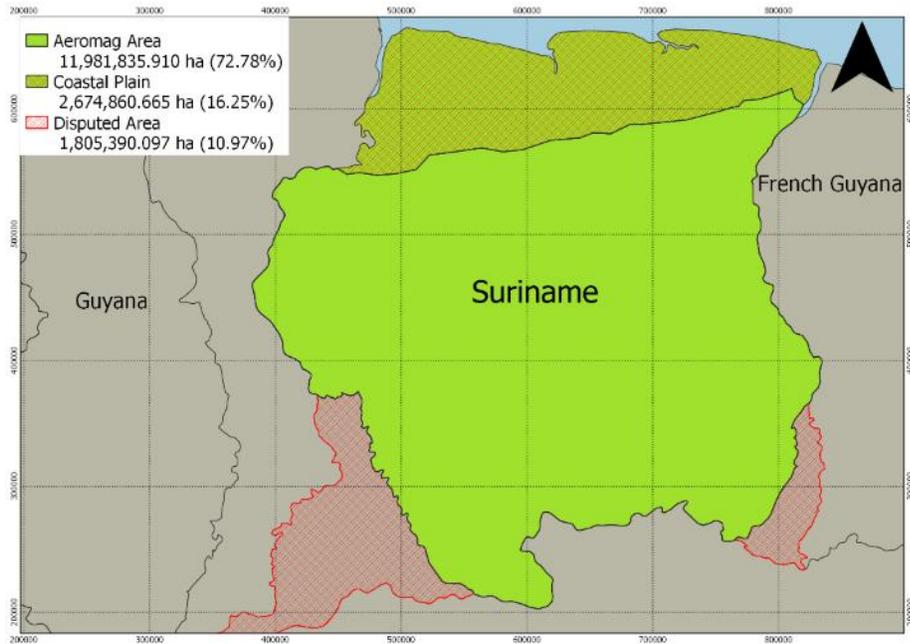
(c) **Strengthening revenue assessment, collection, and forecasting**, including through support to EITI and setting up systems to improve revenue collection in a transparent and accountable manner. This includes the development of documentation systems and standardized procedures for the submission and analysis of monitoring reports, in conformity with the Mining Decree and specific investment agreement commitments, as well as for the calculation of mining royalties and establishment of export controls.

(d) **Enhancing environmental, health, and social performance** of the mining sector, including:

- *Preparing a Strategic Environmental and Social Assessment (SESA)* covering mining. The SESA will entail a comprehensive sector-wide examination of potential impacts, both positive and negative, of future development in the mining sector and identify gaps in regulations, institutional capacity, and public consultation mechanisms that can be strengthened. It will be conducted as a priority activity early on in project implementation.
- *Capacity support to enhance social and environmental impact management*, including technical assistance for the implementation of select reforms recommended by the SESA. This support will be consistent with international standards such as the World Bank Group's Environmental, Health, and Safety Guidelines and REDD+ guidelines, and will promote improved mining practices that aim to reduce impacts on the forest, reduce the sector's vulnerability to climate change risks, help mitigate climate change - through improved water efficiency and substitution of inputs/enhanced energy efficiency to reduce GHG emissions in existing and future mining operations - and improve indigenous and tribal community engagement.

(e) **Building independent oversight capacity and stakeholder consultation mechanisms**, by providing support to non-state actors involved in the EITI process in Suriname (including indigenous and tribal peoples' representatives, non-governmental organizations, community-based organizations, technical experts, and other civil society representatives) to strengthen their participation in increasing transparency and disclosure in the mining industry.

Figure 2. Projected target area for Project Component 1



3.3 PROJECT DESCRIPTION COMPONENT 2: SUPPORTING VALUE CHAINS AND SMEs IN AGRIBUSINESS AND TOURISM

This Project Component will address constraints and strengthen targeted value chains, with a specific focus on promoting growth and diversification within agribusiness, tourism and other emerging sectors in Suriname. Foreseen activities under Component 1 include:

- SME support fund, financing business development services and matching grants for equipment or other firm-level investments.
 - This fund would provide direct support to SMEs that apply and are competitively selected. SMEs engaged in agribusiness or tourism activities will be targeted, but those engaged in other sectors would not be excluded for technical design reasons. The support would include business development services, to help firms improve their business plans and identify constraints in their operations; as well as co-financing for firm-level investments. Funds will also be available to groups of firms that apply as a value chain group, for shared assets to increase value chain competitiveness. These investments could illustratively include equipment for quality upgrading; small-scale on-site storage facility to enable increased purchases from farmers/suppliers; upgrades to fishing vessels to improve quality storage capacity; website upgrades to improve marketing; upgrades to boat vessels for river cruises; etc. Support is expected to average \$50k per SME, through business

development services or matching grant co-investments targeting about 160 beneficiaries, and average \$250k for group projects, targeting about ten to twelve value chain groups.

- Support for investment climate and institutional reforms.
 - This activity would finance technical assistance and capacity support for regulatory and institutional reforms to improve the business environment for tourism, agribusiness, and private sector growth across sectors of the economy.

3.4 PROJECT DESCRIPTION COMPONENT 3: PROJECT MANAGEMENT AND EVALUATION

This Project Component will finance project implementation unit staff to strengthen GoS capacity to implement the project. This capacity support will include social and environmental specialists to ensure compliance with safeguards instruments established for the project.

3.5 ALIGNMENT SAFEGUARD INSTRUMENTS WITH THE NATIONAL DEVELOPMENT PLAN 2017-2021 AND MINISTERIAL DEVELOPMENT PRIORITIES.

Pillar 3 of the National Development Plan 2017-2021 lists government objectives to achieve Social Progress. One of the aims under this development pillar is to reach equal development opportunities for each citizen. Safeguard instruments such as the Environmental and Social Management Framework, the ITPPF and the Resettlement Policy Framework support this aim by helping identify measures by which potential negative impacts of development projects may be avoided or mitigated, while positive project benefits will be maximized, specifically for the most marginalized populations. Indeed, the National Development Plan 2017-2021 explicitly poses that in projects related to biodiversity conservation, it must be ensured that “Indigenous and Maroons get a fair share of commercial and non-commercial benefits and revenues”. In line with these goals, the Ministry of Natural Resources advocates integration of FPIC requirements as part of Mining Decree revisions, which is in full agreement with World Bank safeguards.

Under Pillar 4, Utilization and Protection of the Environment, the National Development Plan 2017-2021 makes reference to the Environmental Act, which is yet to be adopted by Parliament. Once into force, the bylaws of this Environmental Act would make ESIA studies and meaningful consultation legal requirements in the context of development projects. Furthermore, after promulgation of the Environmental Act, draft bylaws make FPIC procedures for projects taking place on Indigenous and Maroon lands a legal obligation. Such procedures are fully aligned with the ITPPF developed in the context of the SCSD Project.

3.6 OBJECTIVES OF THE RAPID SOCIAL CHARACTERIZATION

Suriname does not have a strong legal and regulatory framework for ensuring Indigenous and Tribal Peoples' rights to land and natural resources. Also, the legal and regulatory framework does not provide much detail on processes for the consultation and participation of these populations in the awarding of exploration or exploitation concessions to mining, agribusiness or other types of companies. In order to be eligible for World Bank funding, and in line with the objectives related to inclusivity and sustainability in the Government's NDP, safeguards for the protection of Indigenous and Maroon Peoples rights', and for their fair and transparent consultation and participation in the Project must be in place. In this context, the World Bank and the Government of Suriname (GoS) commissioned a Rapid Social Assessment (RSA) of the potential positive and adverse effects of the SCSD Project on the Indigenous Peoples and Maroons of Suriname with particular attention to the key challenges and risks of the project.

The aims of the RSA are threefold:

1. The RSA will build upon previous social studies to identify and update what are the potential opportunities and key challenges and risks potentially posed by the SCSD Project.
2. Based on existing literature and available documentation, interviews with key stakeholders in government, civil society and industry, and in consultation with Indigenous and Maroon representatives, the RSA will identify potential areas where the project might be able to contribute to improving the protection of Indigenous and Maroon rights to land and natural resources as well as their ability to meaningfully participate in appropriate development opportunities.
3. The RSA will provide the basis for the development of an Indigenous and Tribal Peoples Planning Framework (ITPPF) for the SCSD Project. The ITPPF is provided in a separate document.

3.7 REPORT OUTLINE

The remainder of this report is structured as follows.

Chapter 2: Methodology used for data collection.

Chapter 3: Relevant Suriname legal and regulatory framework. Particularly, it focusses on laws, regulations and guidelines in Suriname with regard to Indigenous and Maroon rights to land and natural resources, as well as with regard to consultation processes in the context of development projects.

Chapter 4: Area and population description. This chapter specifically focuses on Indigenous Peoples and Maroons in terms of their living areas, culture, political organization, and socioeconomic aspects.

Chapter 5: Key challenges, risks and benefits for Indigenous Peoples and Maroons associated with the mining sector. Possible mitigation measures aimed at minimizing or annihilating negative impacts, and promoting positive project benefits, are also discussed.

Chapter 6: Key challenges, risks and benefits for Indigenous Peoples and Maroons associated with agribusiness and tourism, distinguishing the coastal districts and interior districts. Possible mitigation measures are identified and discussed.

Chapter 7: Brief summary of guidelines for meaningful engagement, consultation and grievance redress in planning and implementing development projects in Indigenous and Maroon traditional territories. A more extensive discussion of these issues is presented in the ITPPF.

Chapter 8: Concluding comments

4 METHODOLOGY

4.1 REVIEW OF EXISTING DATA

Consulted secondary data included books, consultancy reports, data from the Suriname General Bureau of Statistics (*Algemeen Bureau voor de Statistiek – ABS*), laws from the website of the National Assembly (*De Nationale Assemblée – DNA*), data from websites from international organizations (e.g. World Bank, Food and Agriculture Organization (FAO) and other UN organizations, and online news media.

This RSA specifically focusses on the potential positive and adverse effects of the SCSD Project on the Indigenous Peoples and Maroons of Suriname. Existing reports on these populations have focussed, among others, on land and resource rights, traditional authority structure, a variety of socioeconomic topics (education, demographics, social organization), and uses of natural resources. In addition, to reports on these population groups, documents with particular relevance for Suriname’s mining industry and the agricultural sector were reviewed.

4.2 STAKEHOLDER INTERVIEWS

The RSA started with a review of these existing secondary data. Information gaps and issues that remained unclear were completed and clarified through interviews with key experts and other stakeholders. These interviews also served to verify, modify and correct existing written information. Moreover, stakeholder interviews served to clarify stakeholder perceptions on the potential positive and negatives effects of the SCSD Project, and to more fully explore potential challenges and opportunities to benefit Indigenous Peoples and Maroons.

Consulted experts and key knowledge persons included relevant representatives from government, civil society and industry. Government representatives included staff from the Ministry of Trade, Industry and Tourism (*Handel, Industrie en Toerisme, HI&T*), the Ministry of Regional Development (*Regionale Ontwikkeling, RO*), the Ministry of Natural resources (*Natuurlijke Hulpbronnen, NH*), the Ministry of Agriculture, Animal Husbandry and Fisheries (*Landbouw, Veeteelt en Visserij, LVV*), the Ministry of Spatial

Planning, Land and Forest Management (*Ruimtelijke Ordening, Grond en Bosbeheer – ROGB*), and the National Institute for Environment and Development in Suriname (*Nationaal Instituut voor Milieu en Ontwikkeling Suriname, NIMOS*). Meetings also were held with Non-Governmental Organizations such as the Association of Indigenous Village Leaders (*Vereniging van Inheemse Dorpshoofden in Suriname, VIDS*); and the Association of Association of Saamaka Traditional Authorities (*Vereniging van Saramaccaanse Gezagsdragers, VSG*). A full list of consulted individuals is presented in Annex 1.



4.3 LIMITATIONS AND ASSUMPTIONS

The exact Project design was not finalized at the time of executing the social baseline study. For example, it has not yet determined what exact Agribusiness projects will be developed, where such projects will be developed, and who will be the main beneficiaries. As a result, a foreseen full range of potential Project impacts could not be assessed. This Project design is intentional, given the private sector nature of the Project. The plan for specific project interventions is to be determined during implementation; and hence this assessment is at a more general level.

This social specialist study and related ITPPF are based on a number of assumptions, which should be borne in mind when considering information presented in this report. In collecting interview data, it was assumed that interviewees answered truthfully to the questions and did not wilfully distort or hide information. Furthermore, it is assumed that traditional authorities and other representatives of the different Indigenous and Maroon ethnic groups are well informed and represent the best interests for the entire population in the area under their responsibility.

The social scientist is confident that these assumptions do not compromise the overall findings of the study.

5 LEGAL AND INSTITUTIONAL FRAMEWORK

This section presents a review and update of previous analyses of the legal status of Indigenous Peoples and Maroons in the context of development projects planned and/or executed on the lands that provide a living area and sustenance to these Peoples. Particular attention is paid to: consultation and participation processes for Indigenous peoples and Maroons in terms of development projects; juridical recognition of tribal identities; collective land regularization; and actual or potential access of these communities to basic services and development initiatives. Table 2 summarizes national legislation relevant to the status and rights of Indigenous and Tribal peoples. Assessments by international bodies such as the Inter-American Human Rights Court and the U.N. Committee on the Elimination of Racial Discrimination are also discussed.

5.1 NATIONAL GUIDELINES ON PUBLIC CONSULTATION IN THE CONTEXT OF DEVELOPMENT PROJECTS

There is currently no legislative basis for the assessment of environmental impacts of development proposals in Suriname. A draft Environmental Law, which does include guidelines for the assessment of environmental (including social) impacts, has been awaiting approval by parliament for the past 16 years. The National Institute for Environment and Development (NIMOS) published Environmental Assessment (EA) Guidelines (2005, updated 2009), and a guidance note was added in 2017. These guidelines are expected to be given legal effect shortly after promulgation of the Environmental Act². The EA guidelines are already applied by NIMOS as part of the project permitting process and project developers are expected to comply with the spirit of the guidelines.

The national legal framework does not require public consultations in the context of development projects. Nevertheless, the NIMOS ESIA Guidance Note (NIMOS, 2017) emphasizes that public participation is important for the project proponent to obtain a better understanding of the affected communities and other stakeholders. Meanwhile for stakeholders, participation is important to learn what a project comprehends and what impacts it might have on them (*ibid.*). NIMOS relies on World Bank, IDB and AIAI (International Association for impact Assessment) standards for consultation processes³. Neither the national legal framework, nor the NIMOS guidelines, refer to vulnerable populations.

In cases of development projects on lands where Indigenous and/or Maroon communities are situated, and lands that these peoples depend on for their livelihoods, Suriname legislation does not require the application of Free Prior and Informed Consent (FPIC). The draft Implementation Regulation (*uitvoeringsbesluit*) to the draft Environmental Law that deals with ESIA studies does indicate that in the case of consultations with Indigenous and tribal Peoples, FPIC procedures must be followed. The

² NIMOS, pers. com. 01/10/2018

³ NIMOS, pers. com. 01/10/2018

statement is intentionally not further defined, however, because from the side of the government various basic safeguards must first be put in place with regard to the position and rights of Indigenous Peoples and Maroons⁴. Sanctioning of this state decree depends on approval of the Environmental law.

The Inter-American Court of Human Rights has called the State of Suriname to account for failing to create mechanisms by which Indigenous and maroon Peoples can engage in consultation processes in the context of developments affecting their traditional territories, and for violating these Peoples' right to participate in government (see section 3.4). On October 10, 2018, representatives of all Maroon groups (Okanisi, Saamaka, Paamaka, Kwintie, Matawai, Aluku) and the Indigenous Peoples from the area around Apetina, presented the Diitabiki Agreement (Diitabiki Akkoord), which was signed by the Granman of the Okanisi and the Granman of the Matawai. In this agreement, the signatories expressed their discontent about the fact that traditional authorities are not acknowledged in negotiations with multinationals/firms that have obtained concessions in the interior (Issue no. 14).

5.2 NATIONAL LEGISLATION ON THE STATUS OF INDIGENOUS PEOPLES AND MAROONS, THEIR KNOWLEDGE, AND THEIR TRADITIONAL AUTHORITY STRUCTURES.

The Constitution makes no reference to Indigenous Peoples and Maroons (Table 2). Article 8 proclaims the principle of equality, which prohibits discrimination on the basis of ethnic background or any other status. Intellectual property rights, including Indigenous (and Maroon) traditional knowledge, are not yet protected under Suriname law.

In Suriname, traditional tribal leaders and village heads of Indigenous and Maroon communities are, as a group, generally referred to as “traditional authorities” (*traditionele autoriteiten*)⁵. According to the State Decree on the Job Descriptions of Departments (*Staatsbesluit Taakomschrijving Departementen*, S.B 1991 no. 58 as amended S.B 2005 no. 94), the Ministry of Regional Development is assigned the task of “Maintaining relationships of the central Government with traditional authorities and inhabitants of the interior”. Legally, however, the traditional authorities do not fall under any particular Ministry or government office and rather function as a separate entity.

Traditional authorities receive a public honorarium and are thereby accountable to the national government. However, because the national legal framework does not define the rights, function and obligations of traditional authorities, the form of this accountability remains unclear. The sections on state structure and organization in the Constitution (Art. 52- 54), for example, do not refer to the traditional

⁴ Ibid.

⁵ See chapter 4 for a more extensive description of these various authorities and their roles in the communities.

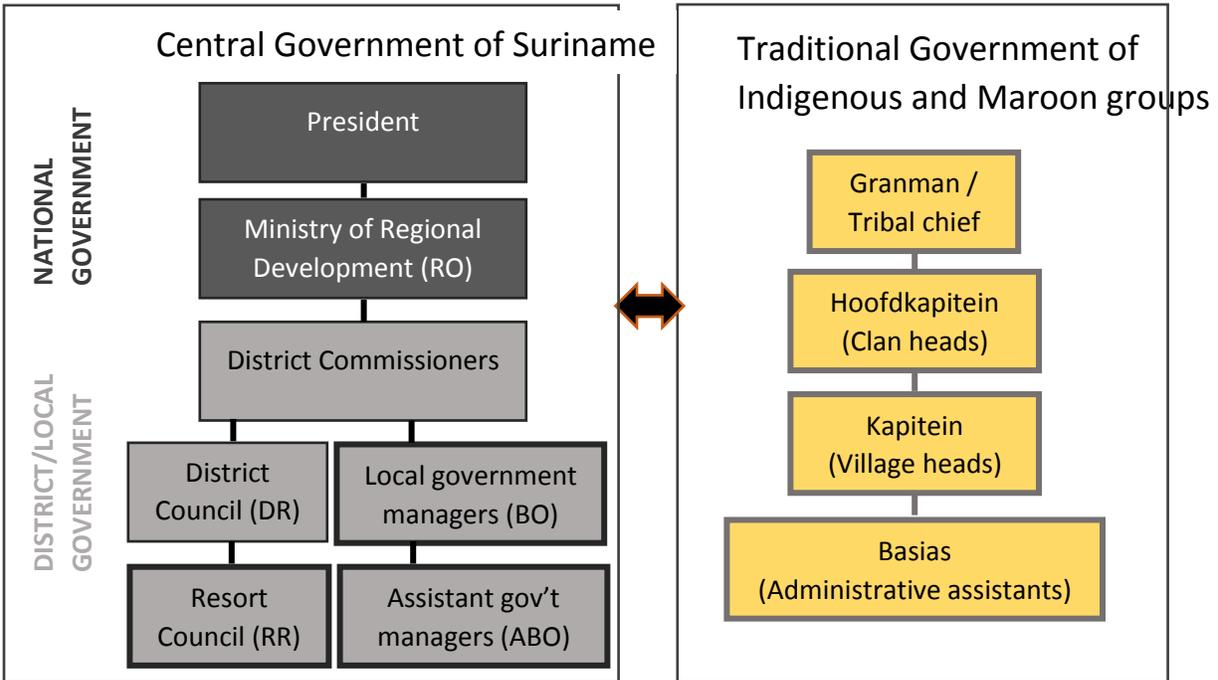
authorities and their roles and responsibilities. This situation creates confusion about who is responsible for the administration of day-to-day community affairs.

By law, local government is the main administrative body to represent the local interests of the inhabitants of the various districts at the national level. Each district is led by a District Commissioner who is appointed by the government and is vested in the Ministry of Regional Development. At the resort level, the District Commissioner is supported by a workforce of appointed Government Managers (*Bestuursopzichters* – BO's) and Assistant Government Managers (*Onder Bestuursopzichters* – OBO's) (Figure 5). Furthermore, each District Commissioner receives support from an advisory council comprised of elected civil servants at the District level (District Council members – *district raadsleden*) and at the resort level (Resort Council members – *ressort raadsleden*). The Law on Regional Bodies (S.B. 1989 No.44, S.B. 2000 no. 93, as last amended by S.B. 2002 no. 54.) regulates the power and operating procedures of these representative bodies.

In practice, however, national government functionaries treat the traditional authorities as de facto village and tribal leaders. Traditional authorities also have some actual power of authority in local matters such as minor offenses (e.g. theft). However, they do not have a budget, and hence they depend on the national government for investments in infrastructure, schools, medical care, and so forth. Moreover, because traditional authorities are not legally recognized, there is no consistent and transparent national government policy vis-à-vis traditional leadership.

Communication of the Indigenous and Maroon traditional authorities with the government frequently occurs by means of the District Commissioner, but it is not uncommon that the highest tribal authorities address the Minister of RO or even the President in person.

Figure 3. Relation between the central government and traditional leadership. Bold outlined boxes indicate positions that are typically fulfilled by members from the tribal group and/or village



5.3 LAWS GOVERNING MAROON AND INDIGENOUS RIGHTS TO LAND⁶

In Suriname, Indigenous Peoples and Maroons have not been granted unalienable rights to (part of) the lands they traditionally live on, use for their subsistence, and consider as their customary territory. This section describes what the various laws on land and resource rights say about the presence of Indigenous and Maroon communities, and how to engage with these peoples.

5.3.1 Constitution and L-decrees

The domain principle in the **constitution** declares all natural resources property of the state (*domeinbeginsel; dominium eminens*) (S.B. 1987 no. 116, modified S.B. 1992 no. 38). In the 1980s, the military government passed several land reform decrees that became known as the **L-Decrees**⁷. The Domain Decree of 1981 (S.B. 1981, no. 25) determines that any piece of land to which neither property

⁶ Sources for this section are: Heemskerk, 2005; Kambel, 2009

⁷ DECREET van 15 juni 1982, houdende vaststelling van algemene beginselen inzake het grondbeleid, gelijk zij luidt na de daarin aangebrachte wijziging

rights nor any other real title apply, “is part of the free domain of the state” (Art. 1, subsection 1). Because customary laws are not considered as real title, Indigenous and Maroon lands fall within the state domain.

In a 1983 amendment, the Decree Principles Land Policy (*Decreet beginselen grondbeleid*, S.B. 1982 no. 10⁸) states that: “The [customary] rights of Maroons and Indigenous Peoples living in tribal societies on use of domain land will be respected as long as these rights do not conflict with the national interest.” (Art. 4, subsection 1) In this context ‘national interest’ is defined as the execution of a project within the context of an approved development plan (subsection 2). The memorandum of clarification adds that people from the interior will be taken into account until they are gradually integrated into the national socioeconomic system.

5.3.2 Draft law Protection Communities and Living Environment

In 2018, a new law was drafted as an amendment on Decree Principles Land Policy, with the aim to more adequately protect the residency and living areas of Indigenous Peoples and Maroon communities. This law, entitled “Draft law Protection Communities and Living Environment (*Concept Wet Bescherming Woon- en Leefgebieden*)” applies to Indigenous and Maroon communities that have been listed by the Ministry of Regional Development. The Law will contain annexes with maps that depict the residential and living areas of Indigenous Peoples and Maroons as “indicative circles⁹ around the on the map indicated location of registered communities” (Art. 2.3).

Table 2. Suriname legislation relevant to the status and rights of Indigenous Peoples and Maroons

Constitution of the Republic of Suriname (<i>Grondwet van de Republiek Suriname</i>) S.B. 1987 no.116 last amended by S.B. 1992 no.38.	The Constitution makes no reference to Indigenous Peoples and Maroons. The domain principle in the Constitution declares all natural resources property of the state (<i>domeinbeginsel; dominium eminens</i>) (Art. 41)
L-Decrees, specifically Decree Principles of Land Policy (<i>Decreet Beginselen Grondbeleid</i>). S.B. 1982 no. 10, S.B. 1983 no. 103, as last amended by S.B. 2003 no. 8.	Art. 1 presents a founding principle of Suriname land policy, namely that “All land to which others have not proven their right of ownership is domain of the State.” The lands that Indigenous Peoples and Maroons consider as their traditional territories are part of the public domain

⁸ DECREET van 15 juni 1982, houdende vaststelling van algemene beginselen inzake het grondbeleid (Decreet Beginselen Grondbeleid) (S.B. 1982 no. 10), gelijk zij luidt na de daarin aangebrachte wijziging bij S.B. 1983 no. 103, S.B. 2003 no. 8.

⁹ The Explanatory Memorandum indicates that these circles are drawn with a radius of approximately 5 km around a central point within known locations of residential and living areas.

<p>Forest Management Act of 1992 (<i>Wet Bosbeheer</i>), S.B. 1992, no. 80.</p>	<p>Art. 41, subsection 1:</p> <ul style="list-style-type: none"> a. The customary law rights of the tribal inhabitants of the interior, with respect to their villages and settlements as well as their agricultural plots, will be respected as much as possible. b. In the case of violations of the customary law rights as mentioned under a., and appeal may be made to the President ... <p>Art. 41, subsection 2 proposes the allocation of community forest concessions.</p>
<p>The Nature Protection Resolution (<i>Natuurbeschermingsbesluit</i>), S.B. 1986</p>	<p>The rights of people living in Indigenous and Maroon communities in an area assigned as a nature reserve, will be respected. Notwithstanding, these rights only are valid if the national goal of the nature reserves is not violated.</p> <p>Traditional customs may be followed as long as they do not contradict other national laws, such as the national hunting law¹⁰.</p>
<p>Mining Code (<i>Decreet Mijnbouw</i>), S.B. 1986 no. 28)</p>	<p>The inhabitants of Indigenous and Maroon Communities are obliged to allow the holder of a mining right to carry out mining operations on their traditional lands. In such cases they must be compensated.</p>
<p>State Decree on the Job Descriptions of Departments (<i>Staatsbesluit Taakomschrijving Departementen</i>), S.B 1991 no. 58 as amended by S.B 2005 no. 94</p>	<p>Assigns the Ministry of Regional Development the task of “maintaining relationships of the central Government with dignitaries and inhabitants of the interior”.</p>
<p>Draft law Protection Communities and Living Environment (<i>Concept Wet Bescherming Woon- en Leefgebieden</i>), Proposed modification of Decree Principles of Land Policy Decree (S.B. 1982 no. 10, as</p>	<p>Once this law is implemented, no new tenure rights may be granted on government land that is part of Indigenous and Maroon residency and living areas, and no mining or other concessions will be granted overlapping with these areas. Development projects in these areas only may be executed after an FPIC procedure and community consent.</p> <p>This draft law has not yet been signed by the President and not yet been published.</p>

¹⁰ For example, the national hunting law includes prohibitions to hunt certain animal species during certain months, but Indigenous Peoples and Maroons have their own regulations about these matters, and those two sets of rules can be contradictory.

last amended by S.B. 2003 no. 8).	
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Once the law is promulgated, no new tenure rights may be granted on government domain land that is part of Indigenous and Maroon residency and living areas, and no mining or other concessions will be granted overlapping with these areas (Art. 2.5). Development projects in these areas only may be executed after an FPIC procedure and with community consent¹¹ (Art. 2.6 and 2.7).

With regard to tenure and concession rights that have already been granted, the draft law stipulates that these rights will expire in cases where the rights holder has not yet met the conditions associated with his title, that is, the obligation to bring land into cultivation (Art. 3). Granted tenure and concession rights will be maintained in cases where investments or economic activities have taken place on the land in question. The Explanatory Memorandum states that this law is meant as a temporary provision to provide stronger legal protection of Indigenous Peoples and Maroons, while a process to resolve the land rights issue of the inhabitants of the interior is ongoing.

The draft law “Protection Communities and Living Environment” has not yet been promulgated by the President of the Republic of Suriname, and hence is not yet a valid legal instrument. Indigenous and Maroon peoples appear to be divided over this law. Indigenous and Maroon rights organizations have expressed the concern that this Law considers the lands where Indigenous and Maroon communities are situated as part of the public domain (*domeingrond*), whereas they want recognition that this land is their territory¹². The 5 km radius around communities that would be protected under the Law “Protection Communities and Living Environment” is considered not in accordance with the true user areas of Indigenous Peoples and Maroons. Also, pollution of creeks beyond the indicated 5 km radius will still affect the communities. Another cause of discontent is that existing concessions would not be withdrawn¹³. Furthermore, VIDS fears that the Law reinforces “legal discrimination” of populations living in tribal communities, because it places the rights of third parties (individuals and companies) above those of Indigenous Peoples and Maroons.

¹¹ For these procedures, the draft Law refers to the procedure United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

¹² Association of Saamaka Traditional Authorities (VSG - Vereniging van Saamaka Gezagsdragers), pers. com 07/10/2018. Also statement of Association of Indigenous Village Heads in Suriname (VIDS - *Vereniging van Inheemse Dorpshoofden in Suriname*) entitled “Verklaring VIDS n.a.v. “Wet Beschermde Dorpsgebieden”, January 8, 2018

¹³ VSG, pers. com. 07/10/2018.

This statement is only partly correct; the Law states that concessions where investments and economic activities are already taking place are not withdrawn, those that lay idle will be withdrawn.

During consultations, both the Association of Saamaka Traditional Authorities (VSG - *Vereniging van Saamaka Gezagsdragers*) and the Association of Indigenous Village Heads in Suriname (VIDS - *Vereniging van Inheemse Dorpschoufden in Suriname*) expressed their discontent about the fact that Indigenous Peoples and Maroons were not consulted about this law, and that voiced concerns were ignored.

5.3.3 Forest Management Act

The Forest Management Act of 1992 (S.B. 1992, no. 80) stipulates in Art 41, subsection 1 that:

- a. The customary law rights of the tribal inhabitants of the interior, with respect to their villages and settlements as well as their agricultural plots, will be respected as much as possible.
- b. In the case of violations of the customary law rights as mentioned under a., and appeal may be made to the President, which appeal is to be drawn up by the relevant traditional authority of the tribal inhabitants of the interior, stating the reasons for the appeal. The president will appoint a committee to advise him on the matter.

The law does not define criteria to consider a complaint admissible. Neither does the law impose sanctions in case of violation of this Article. Indeed, the appeal procedure has not been working well in practice. Maroon and Indigenous representatives who have appealed to the president never received an answer (See below). Moreover, the committee that is to advise the president in such cases has never been installed. It also remains unclear what steps may follow after rejection or approval by this committee. The law does permit the government to either suspend exploitation activities or withdraw the concession (Art. 18, juncto 36.1.c).

Subsection 2 of Art. 41 of the Forest Management Act states that certain areas will be declared community forest¹⁴ for the benefit of the Indigenous and Maroon communities of the interior, primarily for the harvest of timber wood products, and Non Timber Forests Products (NTFPs). The law does not dictate, however, the size of community forest concessions or the duration of their validity. Neither does it define what activities may or may not be executed in the community forest.

5.3.4 Mining Code

The 1986 Mining Code (S.B. 1986 no. 28) distinguishes the *Dominium Eminens* (ownership of mineral resources in and on the ground) and *Dominium Vulgaire* (ownership of the naked land), as stated in Art. 1: “Mineral resources in and on the ground are supposed to be separated from land ownership.” Ownership of mineral resources is in hands of the state (Subsection 2).

The only clause in the Mining Code that refers to people living in tribal communities is Article 25, which states that applications for exploitation licenses must include a list of all tribal villages located in or near the requested concession (subsection 1). The inhabitants of the mentioned villages are “obliged to allow the holder of [a mining] right to carry out mining operations ... on land owned or occupied by them: (a) provided that they have been notified on time ... (b) and have been compensated in advance or been

¹⁴ This land tenure title replaces the previous title of Wood Cutting License (*Houtkapvergunning*, HKV)

given assurance for such compensation.” (Art. 47). It is not required that affected communities are consulted about, participate in, or consent to the allocation of the concession in question (IDB 2004). Even these minimal provisions are often ignored; mining concessions are frequently granted on tribal lands without prior “notification”. Compensation is insufficient or non-existent. The limited legal protection of traditional communities vis-à-vis external mining interests has caused conflict in several locations, most notably in Nieuw Koffiekamp (Box 1) and the Paamaka traditional territory/Merian.

During consultations Ministry of Natural Resources representatives indicated that nowadays, cultural sites are taken into account in concession allocations. The advice from the Ministry of Spatial Planning, Land and Forest Management (ROGB)¹⁵, the Ministry of Regional Development (RO) and the District commissioners (DC) is requested prior to any allocation. The DC must conduct a field orientation, and deliver a report. Without these advisory documents, mining concessions will not be granted.

Box 1. Case study: IAMGOLD and Ndyuka Maroon community of Nieuw Koffiekamp

In 1992, the Suriname state granted the Canadian exploration firm Golden Star Resources (GSR), exclusive rights to the 17,000 ha Rosebel gold concession in Brokopondo district, 85 km south of Paramaribo city. The Ndyuka Maroon community of Nieuw Koffiekamp and the lands used by villages for subsistence activities were situated within this concession. The villagers were never consulted and only informed after the fact. Neither was the community of Nieuwe Koffiekamp mentioned in the application of Golden Star for an exploration concession, as required by law (IBP US, 2009).

It was proposed that the community would be relocated, but for the people from Nieuw Koffiekamp this was unacceptable. The community had already been relocated from its original community of Koffiekamp in the early 1960s, to make place for a hydropower dam. That incidence had been very traumatic, leading to the loss of traditional lands, livelihood, and important cultural heritage sites. The government constructed “trans-migration villages” were not constructed in line with the culture and customs of the Maroon people, and lacked basic infrastructure (drinking water, electricity).

Complicating the matter was that small-scale gold miners were already active in the area, many of whom from Nieuw Koffiekamp. These gold miners found –and find- it extremely insulting that they are considered “illegals” in their own home community. After the Rosebel concession was granted to GSR, even more small-scale miners moved to the area. GSR threatened to abandon the project if the miners were not removed and in response, the Minister of Justice and Police threatened with violence if the miners would not immediately vacate the area. Negotiations between the government and the community did not generate satisfactory results. According to human rights

¹⁵ This advice is particularly relevant because mining concession applications may overlap with logging concessions.

organization Moiwana '86, at least eight violations of the American Convention on Human Rights were committed due to company action and government inaction (MacKay, 2002).

In 2001, the Canadian mining company Cambior acquired the Rosebel gold mine and in 2006, lamGold took over Cambior and thereby became the owner of Rosebel Gold Mines N.V. Since the commencement of negotiations between the multinational mining companies, the Suriname government and the community, periods of relative calm have alternated with fierce protests, roadblocks and violent outbursts by community members -often small-scale gold miners- against Rosebel Gold Mines N.V. (Theije, et al., 2014). Apart from the fact that people's livelihoods had been affected, complaints included that a community forest area that was used to collect wood and Non-Timber Forest Products was confiscated; that dynamite blasting damaged homes and disturbed elders; and that the only access road to the village was regularly blocked by the firm (e.g. during blasting).

In late 2014, in an effort to finally resolve the conflict in Nieuw Koffiekamp, the Commission for Regulation of the Gold Sector (OGS), ordered small-scale gold miners to leave the IAMGOLD concession by Christmas. As an alternative, the OGS established a "small-scale gold mining reserve" several km from the village, and advised the Koffiekamp miners to apply for a legal concession. However, the Koffiekamp gold miners soon discovered that the available concession area was about half the size of the area that had initially been promised, and after prospecting they were convinced that the area did not have economically viable gold deposits (Plein, Makambo board member, pers. com. 24-02-2015). Moreover they found the area too far away. As a result, the gold miners did not move to the small-scale gold mining reserve.

In following years, the cat and mouse game between Koffiekamp small-scale gold miners and Rosebel Gold Mines N.V. continued. Inhabitants of the village still experience nuisance and damage as a result of the company's activities, including dynamite blasting, ever closer to the village. At the same time, the company faces difficult exploration conditions, with small-scale gold miners running into the exploration pit after every dynamite blast – creating an extremely hazardous situation.

In November 2017, lamGold and Makambo signed an agreement that allowed a selected group of Makambo members to mine for gold in a specific section of the Rosebel Concession, named Roma pit. This agreement has resolved problems for a small group of small-scale gold miners, but many others continue to venture onto other areas of the RGM concession. Moreover, the villagers still suffer from blasting near their community and severe restrictions on their access to the forest and its resources, including areas for subsistence plots, hunting, and collecting (e.g. medicinal plants).

5.3.5 Nature Conservation Laws

The different Nature Conservation laws have minimal provisions for the protection of Indigenous Peoples and Maroons. The **Nature Protection Law** of 1954 (*Natuurbeschermingswet*; G.B. 1954 no. 26 Gew. S.B.

1992, no. 80) regulates the implementation of protected areas such as nature reserves. The **Nature Protection Resolution** (*Natuurbeschermingsbesluit*) of 1986 adds that:

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

The law includes several restrictions to these rights, which only are valid:

- (a) If the national goal of the nature reserves is not violated;
- (b) For as long as the rationale for those traditional rights and interests remains valid; and
- (c) During the process of growing toward one Suriname nation.

Box 2. Case study: Kaliña Communities of Galibi and the Galibi Nature Reserve

Established in 1969, the Galibi Nature Reserve covers about 400 hectares in North-East Suriname. The Reserve hosts four important sea turtle species, and attracts a steady flow of national and international tourists. It is also an integral part of the ancestral territory of the Kaliña Indigenous people.

The Galibi Nature Reserve was established without Kaliña consent. Galibi community members remember that in 1968, a government delegation visited Galibi to discuss a sea turtle pilot project. The people from Galibi believe that these were false pretentions because some months later, the government declared their customary lands a protected area¹⁶. The kapitein of Galibi reports in an article that “the indigenous peoples had to relocate immediately and stop all activities in the area. The whole area was now claimed by government and the Forest Service (LBB).” (Pané, 2004)

During the Interior War, a civil conflict between the then military government and Maroon insurgents (1986-1992), government activity in the area stopped. When the Kaliña of Galibi reoccupied the area, and tourists did not visit the area anymore. In the early 1990s, the GoS and conservation organisations showed renewed interest in Galibi. Military staff were placed to serve as park wardens, and guns from Indigenous hunters were confiscated. In subsequent years, the Kaliña inhabitants of the area felt placed under pressure to negotiate and sign agreements with the GoS conservation organization STINASU.

In addition to the lack of meaningful participation in decision-making, the Kaliña of Galibi have protested against limitations on their traditional livelihood activities in the area. Furthermore, they feel that funds for nature conservation received by the GoS and conservation organizations does not benefit the community (Pané, 2004). A main source of concern and discontent remains the lack of legal recognition and protection of Indigenous land rights. With external support, and together with seven neighbouring communities, the Kaliña people of Galibi made a map of their

¹⁶ Information provided during consultation meetings with the Community Based Organisation STIDUNAL (Foundation for Sustainable Nature Management in Alusiaka) for a WWF Project on Coastal Management, pers. com. Basia Langaman and Basia Starian 16/10/2018.

ancestral lands and resources. This map and a number of petitions have been presented to the government, but not resulted in a satisfactory response.

In 2006, the Kaliña and Lokono Peoples in East Suriname filed a petition with the Inter-American Commission on Human Rights to protest the about the occupation and expropriation of their ancestral lands. The Galibi Nature Reserve was one of the examples mentioned. In its final judgment, the Court found Suriname in violation of the American Convention (See section 3.4).

The memorandum of understanding adds that people living in tribal societies will be allowed to continue their traditional customs as long as these customs do not contradict other national laws, such as the national hunting law.

In practice, several nature reserves have been established without any consultation with the Indigenous and Maroon peoples who considered these areas part of their traditional homelands. Examples are the Brownsberg Nature Park (1969, 12,000 ha), which overlaps with the usufruct areas of the Saamaka Maroons of the community of Brownsweg, and the Galibi Nature Reserve (1969, 400 ha), which overlaps with the customary lands of the Kaliña Indigenous Peoples (Box 2).

In 1998, the establishment of the Central Suriname Nature Reserve was made official by a Presidential Nature Protection Resolution (*Natuurbeschermingsresolutie*). Article 2 of the Resolution provides that the: “villages and settlements of tribal interior inhabitants will be respected, unless (a) the public interest or the national goal of the established nature reserve is harmed; or (b) it is provided otherwise.”

The resolution does not protect traditional agricultural, hunting, fishing, and gathering areas, or sites of religious and cultural significance.

5.3.6 Allocation of Agricultural Lands

The allocation of land lease titles for agricultural development is responsibility of the sub directorate Land Affairs of the Ministry of Spatial Planning, Land and Forest Management (*Ruimtelijke Ordening, Grond en Bosbeheer* – ROGB). If the sub directorate land Affairs doubts about allocation of land in a certain region/area, it will ask the Department for Spatial Planning for advice. The consulted interim Sub-Director Land Affairs (*Grondzaken*) acknowledged that before, land allocation was “out of control”¹⁷. Nowadays, however, in the case of an application for land lease for e.g. agriculture, a team from the ministry of ROGB pays a field visit. If they see that the land is already in use, for example for subsistence plots, this will be recorded in a report. During the field visits, the ROGB team will also conduct consultations. They already take the new not-yet-promulgated law “Protection Communities and Living Environment” into account in

¹⁷ Ms. Z. Eenig, interim Sub-Director Land Affairs. Ministry of Ministry of Spatial Planning, Land and Forest Management. Pers. com. 04/10/2018

their final decision. For example, a letter from the community stating “no-objection” is now needed prior to land title allocations near indigenous and Maroon communities.

5.3.7 Historic Peace Treaties

In their efforts to obtain legal rights to ancestral lands, Indigenous Peoples and Maroons often refer to the peace treaties that were signed between themselves and the colonial Dutch government in the 18th and 19th centuries. Between 1760 and 1837, eight peace treaties were signed between different Maroon groups and the contemporary colonial government¹⁸. Indigenous groups had closed peace with Governor Van Sommelsdijck about a century earlier (1686). Because no written agreements with Indigenous groups can be found, it is assumed that these early peace treaties were oral agreements (Kambel and MacKay, 1999). The Maroon peace treaties were written, and sealed with a blood oath. The treaty with the Ndyuka (10 October 1760) states that these Maroons:

“...will be free to live at the place where they now are or elsewhere if they would wish so, possibly at the headwaters of the rivers of this colony, after having informed and obtained permission from the government.” (Art. 2).

Peace treaties with other Maroon groups had similar content¹⁹. The renewed Peace Treaties of the 1830s, posed that the various Maroon groups had to stay in the areas where they were, and indicated for each group a territory.

5.4 RULINGS BY THE INTER AMERICAN COURT OF HUMAN RIGHTS

In the past decades, Indigenous and Maroon communities have repetitively protested against violations of their human rights, including the execution of mining, logging, nature conservation and infrastructural projects that have been executed on the lands they consider their ancestral territories, without their consent or even information. Given the limited responsiveness of the State of Suriname to such protests, different groups of Indigenous and Maroon Peoples requested assistance from the Inter-American Commission on Human Rights to help resolve these matters. Three such cases were eventually brought before the Inter American Court of Human Rights:

- Case of *Moiwana Village v. Suriname* (2005)²⁰
- Case of the *Saramaka People v. Suriname* (2007)
- Case of the *Kaliña and Lokono Peoples v. Suriname* (2015)

¹⁸ With the Ndyuka in 1760, renewed in 1809; with the Saamaka and Matawai in 1762; and with the Matawai in 1769. All of these were renewed in the 1830s; with the Saamaka (1835), the Ndyuka (1837) and the Matawai (1838). In 1860, a peace accord was signed with the Aluku Maroons.

¹⁹ No Peace Treaties were ever signed with the Paamaka and Kwinti Maroons.

²⁰ A detailed description is found in Forest Peoples Programme, 2005 (URL: <http://www.forestpeoples.org/en/topics/legal-human-rights/publication/2010/judgment-inter-american-court-human-rights-case-moiwana-v>)

5.4.1 Moiwana village v. Suriname

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 excuse, 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.”

To date, the following actions have been taken by the Government of Suriname:

- State fully complied with the Judgment’s order to hold a public ceremony of recognition and apology
- A monument has been delivered to the community of Moiwana
- The State made reparation payments to the victims, and also paid for costs to Association Moiwana and the Forest Peoples Programme
- The State located remains of the Moiwana Community members, and victims and their representatives have been able to perform burial ceremonies according to their traditional custom.
- Workshops and a national conference were held to raise awareness on land rights.

On other points, the State has been non-compliant. To date, the persons responsible for the massacre at Moiwana have not been brought to trial. Also, the State has not taken specific measures towards full compliance with the Court’s ruling to adopt legislative, administrative, and other measures necessary to ensure the property rights to the members of the Moiwana community.

5.4.2 Saramaka People v. Suriname

In 2000, The Saramaka people submit a petition to the Inter-American Commission of Human Rights alleging that the State of Suriname violated their people’s rights to property, cultural integrity, and due process. A main complaint concerned the issuance of logging and mining contracts in the Upper Suriname River and Saramaka Territory, often to foreign companies, without consulting the Saramaka people.

In 2002, the Commission requests the State to suspend all concessions, including permits and licenses for mining and logging activities, and other activities exploiting natural resources in the lands used and occupied by the Saramaka clans. In response, the State of Suriname argues that the petition is inadmissible because the Saramaka people have not exhausted all domestic remedies. In 2006, the Commission recommends that the State adopt domestic legislation and administration to protect the Saramaka people's right to communal property. In addition, it is recommended that measures are taken to provide judicial protection and recognize the collective and individual rights of the Saramaka people in relation to the territory they have traditionally occupied and used.

After the State failed to adopt its recommendations, the Commission submitted the case to the Court (2006). In its 2007 judgement, Court found unanimously that Suriname had violated:

- Article 21 (Right to Property). The Court ruled that indigenous peoples' right to communal property "applied to the Saramaka people as a tribal community because they share distinct social, cultural, and economic characteristics, and have a special relationship with their ancestral territories." The State violated the Right to Property "because it did not abide by the three mandated safeguards when granting concessions. First, the State did not ensure the effective participation of the Saramaka people. The State failed to consult the Saramaka people regarding development or investment plans in their territory and also failed to obtain their free, prior, and informed consent to large-scale projects with a major impact. Second, the State did not reasonably share the benefits of development or investment projects with the Saramaka people. Third, the State did not ensure that independent and capable entities performed a prior environmental and social impact assessment before issuing a concession." (IACHR, 2007);
- Article 3 (Right to Juridical Personality), because the State did not recognize the right of the Saramaka people to enjoy and exercise the use of their property as a community; and
- Article 25 (Right to Judicial Protection), because Suriname's Civil Code did not recognize the Saramaka People's legal personality nor their legal right to communal property.

The Court ruled unanimously that the State had the following obligations:

- Delimit, Demarcate, and Grant Collective Title Over the Territory of the Members of the Saramaka People
- Grant the Members of the Saramaka People Legal Recognition. That is, the State must adopt domestic legislation to protect and recognize the Saramaka people's right to hold collective title to their territory and resources.
- Consult the Saramaka people and, when necessary, ensure they have the right to give or withhold their free, informed, and prior consent regarding development or investment projects that may affect their territory.
- Review Concession's Environmental and Social Impact
- Publish the Judgement

- Pay compensation, in the form of Pecuniary Damages, Non-Pecuniary Damages (a \$600,000 community development fund), and Costs and Expenses

To date, the following actions have been taken by the Government of Suriname in compliance with the judgement in the Saramaka case:

- The judgment has been published and translated.
- Compensation has been paid in agreement with the Court’s ruling, including establishment of a Saamaka Development Fund.
- The government²¹, in collaboration with the Saamaka people, produced a land use map, which was approved by the VSG
- Demarcation was conducted by visiting all neighbouring Maroon groups to determine the borders between the Saamaka and their neighbours. For example, the Saamaka and the Matawai agreed that the borderline between their territories is the right bank of the Saramacca River and the left bank of the Suriname Rivier.
- Existing (logging) concessions have been withdrawn, and been transferred to “community forest”.

Some of the orders of the Court have not yet been carried out. The State has not complied with its duty to title Saamaka land. Neither have the Saamaka, or other Indigenous and Maroon groups, been granted legal recognition, including the right to hold collective title to their territory and resources. Furthermore, the State has thus far failed to adopt a legal structure recognizing the rights of the Saamaka (and other Indigenous and tribal) people to give or hold their free, informed, and prior consent regarding development projects on their territory.

5.4.3 Kaliña and Lokono Peoples v. Suriname²²

In 2007, a petition was submitted on behalf of the Kaliña and Lokono peoples in East Suriname, to the Inter-American Commission. In this petition, the Kaliña and Lokono objected to the occupation and expropriation of their ancestral land through, among others, the issuance of mining and logging concessions, the establishment of protected areas, and infrastructural and building activities.

In 2013, the Commission recommended that the State adopt legislation which: recognizes the Kaliña and Lokono peoples’ collective juridical personality and right of property, identifies and delineates ancestral

²¹ This map was produced by NARENA (Natural Resources and Environmental Assessment), the mapping department of the Foundation Center for Agricultural Research in Suriname (CELOS) at the Anton de Kom University of Suriname (ADEKUS)

²² Kaliña and Lokono Peoples v. Suriname. IACHR website, cases. URL: https://iachr.ils.edu/sites/default/files/iachr/Cases/garcia-salas.kalina_and_lokono_peoples_v._suriname.pdf

territory, reviews non-indigenous third-party land titles and mining concessions for modifications or nullification, and remedies environmental damage to the land²³.

In 2014, the Commission submitted the case to the Court after the State failed to adopt its recommendations. In 2015, the Court judged that the State of Suriname had violated:

- Article 3 (Right to Juridical Personality), by failing to recognize the Kaliña and Lokono peoples' collective juridical personality.
- Article 21 (Right to Property) by violating the Kaliña and Lokono peoples' right to property in the following three ways: (a) granting property titles to non-indigenous third parties; (b) restricting the Kaliña and Lokono peoples' access to the nature reserves for conservation purposes where protection could be obtained by less injurious measures; and (c) issuing mining and logging concessions.
- Article 23 (Right to Participate in Government) because the State made no effort to consult with the Kaliña and Lokono peoples prior to making decisions affecting the ancestral territory.
- Article 25 (Right to Judicial Protection), because the State did not implement the Saramaka judgment despite its obligation to do so. Ministries, and domestic courts. The Court concluded that the State's unjustified failure to respond to the Kaliña and Lokono peoples' numerous inquiries, petitions, and complaints placed the indigenous communities at a disadvantage.

The Court ruled unanimously that the State had the obligations to, among others:

- Recognize collective juridical personality of the Kaliña and Lokono peoples, thus ensuring their ability to enjoy and exercise communal rights, including the right to own property.
- Identify and delineate the ancestral territory belonging to the Kaliña and Lokono peoples and grant collective property title. Further, the State must negotiate with non-indigenous third-party land owners to recover all wrongfully granted ancestral land.
- Establish a Community Development Fund for the advancement of the Kaliña and Lokono peoples' general welfare and development (\$1,000,000).

Moreover, it was ruled that the State must develop and conduct "permanent and mandatory programs" directed toward law enforcement officials whose functions affect the human rights of the indigenous inhabitants of Suriname. Such programs must address "modules on national and international standards concerning the human rights of the indigenous and tribal peoples" with emphasis on the guaranteed protection of collective property ownership.

As per October 2018, the only action the Government of Suriname had taken in compliance with the judgement in the Kaliña and Lokono case has been translation of the judgment in Dutch and Sranantongo, and its publication in national newspapers.

²³ Kaliña and Lokono Peoples v. Suriname, Merits Report, Inter-Am. Comm'n H.R., Case No. 12.639, "Recommendations" ¶ 168 (1)-(8) (Jul. 18, 2013).

5.4.4 Petition for the Community of Maho

In 2009, the Kaliña Indigenous Community of Maho, in association with VIDS, submitted a new petition to the Inter-American Commission of Human Rights to protest violation of land rights and lack of consultation prior to concession allocation. Of particular concern in this case are the sand mining concessions, which have been allocated and are mined all around the community. It is also alleged that at times, the invaders have destroyed the community's crops and threatened its members' physical integrity²⁴.

In response, the Inter-American Commission asked the State of Suriname to take the measures necessary to ensure that the Maho Community can survive on the 65 hectares that have been reserved for it free from incursions from persons alien to the community, until the Commission has decided on the merits of the petition. This measure has not yet been complied with.

5.5 UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION CONCERNS

In 2006, the United Nations Committee on the Elimination of Racial Discrimination drew the attention of competent UN bodies to the “particularly alarming situation” in relation to the rights of Indigenous peoples and Maroons in Suriname. In 2012, it observed that, despite its “numerous recommendations and decisions regarding the rights of indigenous peoples in Suriname, the marginalization of indigenous people, which constitutes violation of the human rights protected by the International Convention on the Elimination of All Forms of Racial Discrimination, continues in the State party.” (VIDS, VSG and Forest Peoples Programme, 2015).

In its detailed April 2014 report on Suriname, the United Nations Committee on the Elimination of Racial Discrimination expressed concern about the fact that the State had “not adopted an adequate legislative framework to govern the legal recognition of the rights of indigenous and tribal peoples (Amerindians and Maroons) over their lands, territories and communal resources” (Item 190; CERD 2004). Other issues of concern included reports substantiating that consultation of Indigenous Peoples and Maroons prior to awarding forestry and mining concession to their lands was rare, and the fact that “Indigenous and tribal peoples cannot as such seek recognition of their traditional rights before the courts because they are not recognized legally as juridical persons” (Item 193). Furthermore, the Committee found that the Indigenous peoples and Maroons receive substandard health care and education, and was disturbed about reports of growing sexual exploitation of Indigenous and Maroon children in regions where mining and forestry operations have developed (ibid.).

In 2015, the Association of Indigenous Village Leaders in Suriname (VIDS), the Association of Saramaka Authorities (VSG) and the Forest Peoples Programme notified the CERD that all of these conclusions

²⁴ See OAS summary of cases in the stage of “Precautionary Measures”: URL: <http://www.oas.org/en/iachr/indigenous/protection/precautionary.asp#395-09>

remained valid in 2015 and that the “serious violations” ascertained by the Committee persisted undiminished (ibid).

In 2016, UN CERD restated its concern about the continued marginalisation of Indigenous Peoples (incl. Maroons) in Suriname, which constitutes a violation of the human rights protected under the Convention on the Elimination of all Forms of Racial Discrimination (See RSA for more detail).

5.6 INTERNATIONAL LABOUR ORGANIZATION

Suriname has not ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989



6 AREA AND POPULATION DESCRIPTION

6.1 AREA DESCRIPTION

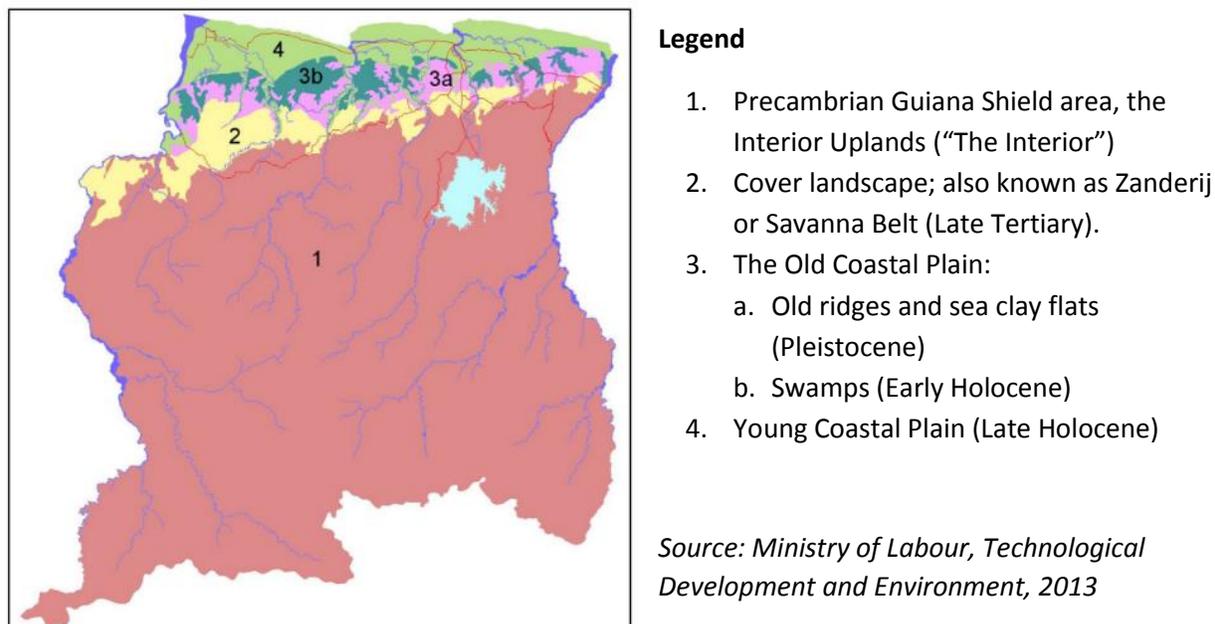
The Area of influence (AoI) for the SCSD Project is the entire land area of Suriname, with PC 1 focussing on the Interior (Figure 2) and PC 2 primarily –but not exclusively- targeting the coastal districts (Figures 1 and 3).

6.1.1 Coastal area

The natural landscape in the coastal area is customarily subdivided into four main zones. The landscape zones that are collectively known as “the Coastal Plains” are of marine-estuarine origin and cover the Northern 20% of the country (Figure 3).

The young and old coastal plains are almost flat or only elevated by a few meters, and generally have heavy textured and badly drained marine clay soils interspersed with sandy areas. Forests in the young coastal plains consist of low swamp forests, including mangroves, covering about 3% of the land area. Tall swamp forest mainly occurs on the old coastal plains and covers about 2% of the country. Tall seasonal swamp forests may occur on poorly drained soils, low ridges and plateaus of the coastal plain, as well as along creeks and rivers in the Savanna Belt and the interior (NIMOS et al., 2016).

Figure 4. Landscape types in the Area of Influence.



6.1.2 Interior

The Southern 80 percent of the country is generally referred to as “the interior” (*binnenland*). This is a mountainous region; the highest point is the Juliana-top at 1230 m above sea level. Most of Suriname’s mineral resources are found in this interior region, which is part of the Guiana shield; a 1.7 billion-year-old Precambrian formation that covers parts of French Guiana, Suriname, Guyana, Brazil, Venezuela, and Colombia. The most important mineral mined in Suriname in terms of contribution to GDP, export volume and number of people employed is gold. In addition to two large-scale mines operated by multinational firms, an estimated 12-15 thousand individuals work in the –mostly informal- Artisanal and Small-scale gold mining (ASM) sector (Heemskerk et al., 2016).

Suriname’s interior forests also form part of the Amazon Biome, the largest tropical rainforest on earth, which houses at least 10% of the world’s known biodiversity (WWF 2017). With more than 85% of forest cover and historical rates of deforestation below 0.1%, Suriname is classified –with only a five other countries in the world- as a High Forest cover, low Deforestation rate (HFLD) country (Rahm et al. 2015). Mining –particularly gold mining – is the single largest threat to conservation of Suriname’s forests. Even though gold mining does not account for a large absolute amount of deforestation, between 2000 and 2015, on a national level, it accounted for 73% of total deforestation (59,554 ha) and 95.5% of mining induced deforestation (NIMOS et al, 2017). Other causes of deforestation include forestry and, to a very limited extent, agriculture.

6.2 POPULATION

Suriname’s population is concentrated in the coastal districts (Pop: 463,964, 2012 census), primarily in Paramaribo (Pop: 240,924) and Wanica (Pop: 118,222) (Table 5). The interior districts (Sipaliwini, Brokopondo, Para) and well as the rural areas of several other districts provide a home and livelihood to various Indigenous and Maroon ethnic groups. A map of the approximate living areas of Indigenous peoples and Maroons in Suriname appears in figure 4.

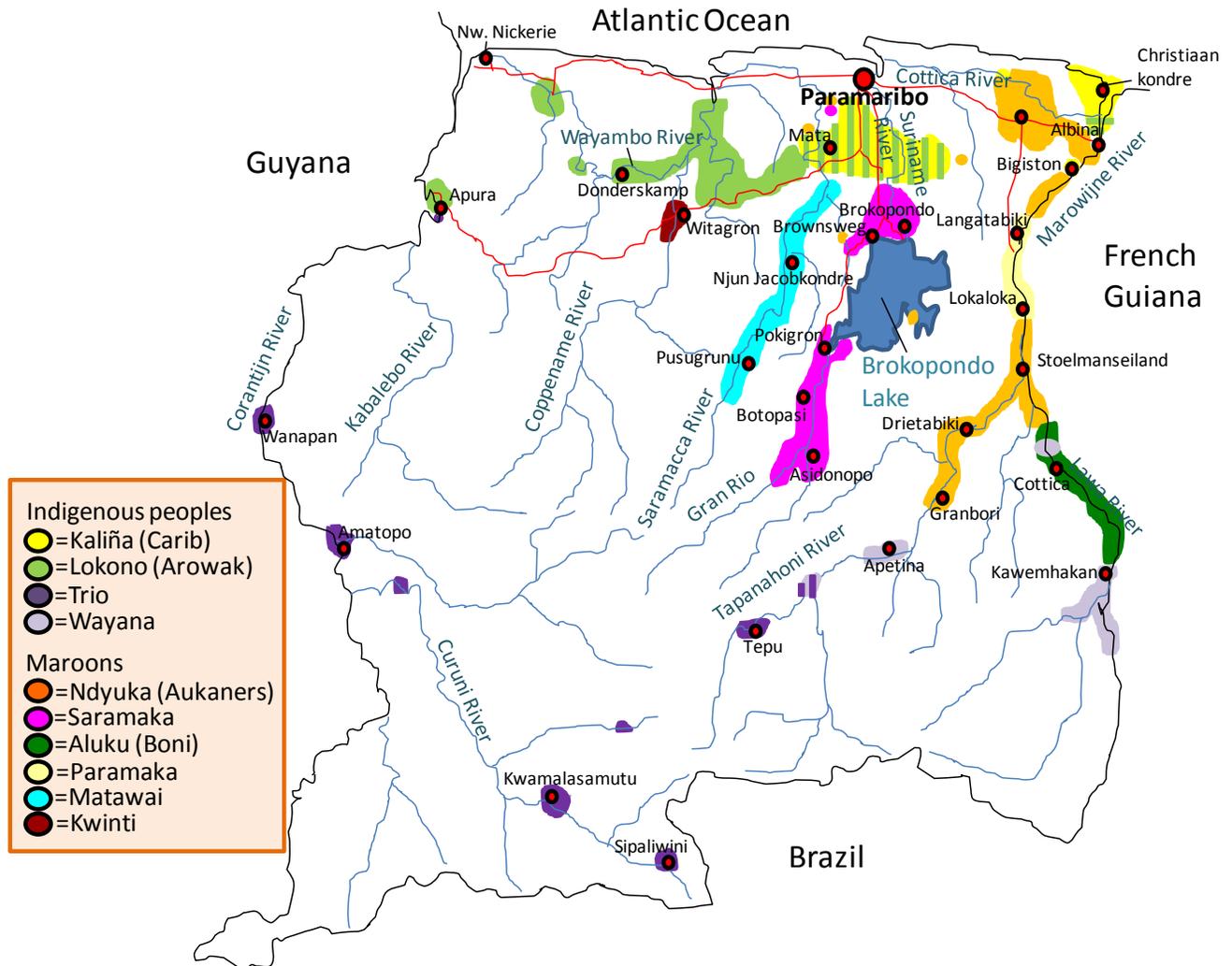
The 2012 national census counted 117,567 individuals who self-identified as Maroons and 20,344 persons who self-identified as Indigenous, representing respectively 21.7 percent and 3.8 percent of the total Suriname populations (Table 5). Informed estimates suggest that roughly half of these people live in Maroon and Indigenous communities in their traditional territories (Table 1), while the remaining half live elsewhere in Suriname, mostly in the urban centres of Paramaribo, Wanica and Marowijne districts.

Approximately 47 larger and smaller highland Indigenous communities, and some 170-190 Maroon traditional villages and camps²⁵ are located in the AoI (Table 3). According to the national census, 10618

²⁵ Maroons distinguish traditional villages, which were established during times that the ancestors escaped slavery, from camps (named “*kampu*”), which are usually –but not exclusively- smaller and less permanent settlements. Traditional villages have specific cultural structures and (supernatural) meaning, which may not be present in the *kampus*.

Indigenous persons and 46565 Maroons live in the interior districts of Sipaliwini, Brokopondo and Para, representing respectively 13.7 percent and 59.9 percent of the population of these interior districts (Table 3). In the coastal districts, 2.1 percent of persons self-identified as Indigenous and 15.3 percent reported to be Maroons.

Figure 5. Map of Suriname with the approximate living areas of the various indigenous and maroon groups and some of the main communities.



Note: This map depicts the approximate areas where people live, not the user areas or ancestral territories.
Sources: Suriname planatlas 1988; ACT map of southwest Suriname 2001.

Table 3. Estimated numbers of Indigenous and Maroon peoples living in Indigenous and tribal communities in Suriname (interior and coastal area)

Indigenous peoples		Maroons	
Kaliña (Carib)	3750	Ndyuka (Aukaners)	20000
Lokono (Arowak)	5250	Saramaka	22000
Trio	2250	Paramaka	3700
Wayana	750	Matawai	2700
		Aluku (Boni)	1200
		Kwinti	400
Total	12,000	Total	50,000

Source: Heemskerk, 2009 – based on IDB 2004; ACT 2007; ACT 2006; CLIM 2006; ABS 2012

Table 4. Number of Indigenous and Maroon communities in the Aol

	Number of communities	Location
Kaliña (Carib)	14	Districts of Nickerie, Saramacca, Wanica, Para, and Marowijne
Lokono (Arowak)	15	
Mixed Kaliña-Lokono	2	
Wayana	5	Southeast Suriname, along the Lawa and Tapanahoni Rivers
Trio	10	South Suriname; one community (Sandlanding) in the northwest.
Mixed Trio-Wayana	1	Tapanahoni River, South section
Total indigenous	47 villages and camps	
Saamaka	70-80	Upper-Suriname River; District Brokopondo
Ndyuka (Aukaans)	70-80	Mostly Tapanahoni, Lawa, Marowijne and Cottica Rivers; a selected few in Brokopondo district.
Paamaka	11	Marowijne River
Kwinti	2	Coppename River
Matawai	17	Upper-Saramaka River
Aluku (Boni)	1 (in Suriname, but more in Fr. Guyana)	Lawa River
Total Maroons	~ 170-190 villages and camps	

Sources: Suriname Plan Atlas, 1988; Kambel, 2006; ACT, 2007; ACT, 2006.

Table 5. Number of persons who self-identified as Indigenous or Maroon during the 8th national census, 2012

District	Indigenous		Maroons		Other		Total	% of total population
	N	% in District	N	% in District	N	%	N	
INTERIOR DISTRICTS								
Sipaliwini	5364	14.5%	28183	76.0%	3518	9.5%	37065	6.8%
Brokopondo	120	0.8%	13172	82.8%	2617	16.4%	15909	2.9%
Para	5134	20.8%	5210	21.1%	14356	58.1%	24700	4.6%
TOTAL IN INTERIOR	10618	13.7%	46565	59.9%	20491	26.4%	77674	14.3%
COASTAL DISTRICTS								
Nickerie	734	2.1%	242	0.7%	33257	97.1%	34233	6.3%
Coronie	15	0.4%	18	0.5%	3358	99.0%	3391	0.6%
Saramacca	1028	5.9%	172	1.0%	16280	93.1%	17480	3.2%
Paramaribo	4087	1.7%	38450	16.0%	198387	82.3%	240924	44.5%
Wanica	1766	1.5%	18039	15.3%	98417	83.2%	118222	21.8%
Commewijne	423	1.3%	978	3.1%	30019	95.5%	31420	5.8%
Marowijne	1673	9.1%	13103	71.6%	3518	19.2%	18294	3.4%
TOTAL IN COASTAL DISTRICTS	9726	2.1%	71002	15.3%	383236	82.6%	463964	0.85659426
Total in Suriname	30962	5.7%	164132	30.3%	424218	78.3%	541638	100%

Source: Data from 8th national census, 2012 (ABS, undated data tables)

6.2.1 Acculturation and cultural heritage

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

The inhabitants of Maroon communities and highland Indigenous communities (Wayana and Trio) still virtually exclusively speak their traditional Indigenous and Maroon languages in communication among themselves. In communication with outsiders, people tend to use Sranantongo, or else Dutch. In the coastal Indigenous groups (Kaliña and Lokono) communities, it is more common for people to speak either Sranantongo (national Creole) or Dutch within the family.

6.2.2 Education

The 2010 Situation Assessment and Analysis of Children’s Rights in Suriname identified extreme disparities in education results between the coastal areas and the interior, where the majority of Amerindians and Maroons live. The generally worrisome state of education in Indigenous and Maroon communities was reiterated in the 2013 Situation Analysis Indigenous and Maroon Education achievement (Heemskerk and Duijves, 2013). This report concluded that: “Children from the interior often attend poorly maintained schools, are taught by unqualified and under-qualified teachers, and obtain little educational support in their home environment”. Moreover, it was found that in several visited schools, there was a lack of teachers and as a result, school-aged children were staying at home.

The report suggested that the various general problems of education in the interior are interrelated. Due to the poor quality of teachers’ housing and the lack of basic facilities such as electricity and running water in many interior communities, most qualified teachers chose for a job in the city and refuse to teach in the interior. Because children are taught in large classes, by unqualified and underqualified²⁶ teachers who may not have the necessary pedagogic and didactic background or required language and math skills, children perform poorly in school and repetitively repeat class. Children who often repeat class may

²⁶ Unqualified teachers were considered all teachers who were teaching without a nationally valid diploma recognized by the Suriname Ministry of Education, Science and Culture. By these standards, all teachers with a “*boslandakte*” or “*districtskweekeling*” diploma were considered unqualified (they are not allowed to teach in Paramaribo). Teachers who were teaching a class that they did not have the qualifications for (for example, teaching grade 5 of elementary school with a pre-school diploma (*Kleuterakte*)) were considered underqualified.

become unmanageable in class and have higher chances to eventually drop-out. These conditions trap children in a vicious circle, where they will have later difficulties in helping their own children in school.

The researchers also found that the home situation did not help to provide the educational stimulus needed by children. Many parents in Indigenous and Maroon communities have not completed elementary school and a significant proportion of parents in the study indicated that they had not been to school at all. These parents do not speak (fluently) Dutch and they feel unable to help their children with homework. In addition, teachers and principals complained that school is not a priority for certain parents. A significant share of parents do not attend parent mornings, do not send the child to school with the adequate materials, and take children on unauthorized leave or absence – for example to work on an agricultural plot or to visit family in another village. These factors contribute to the unacceptably high repetition rates and shockingly low average grade figures for math and Dutch language education.

As a result of the listed challenges in elementary education, children from the interior are disadvantaged in their chances to do well in school. Added to this general situation is the gap between the language spoken at home and the instruction language at school. Moreover, in many communities there is no school. Where a school is nearby, the government provides school transportation, which generally manages to get children to school in time apart from disruptions due to heavy rainfall, a lack of subsidy, and strikes. Children from the most isolated communities either have to live with family elsewhere, or do not attend school at all.

Because there are very few secondary education facilities in the interior, few children from the interior enjoy higher education. In order to attend secondary education, children have to move to Paramaribo to live with family or in a boarding school, which is not economically feasible for all parents. Moreover, many parents are simply not keen on sending these young children (ages 11 and up) to the city, where they cannot look out for them.

6.2.3 Access to health care and other public services

Health care in the interior is the responsibility of Primary Health Care Suriname, better known under its local name Medical Mission (Medische Zending), a non-governmental organization. The Medical Mission receives 80 percent of its annual budget from the Ministry of Health and 20 percent from other donors such as the European Union (STD prevention program), PAHO (Roll Back Malaria), Rotary International (bed netting project), WHO, Dutch Treaty Funds, Stichting Lobi, and Family Health International (reproductive health) among others. The organization operates a network of more than 40 clinics throughout the interior. Due to inadequate funding, however, these forest clinics are consistently short of beds, personnel, equipment, and medications.

Registered inhabitants of interior communities receive free health care at Medical Mission clinics. Outsiders, including Brazilian and urban Suriname miners, are required to pay a small fee. For people from the more isolated communities, however, the nearest clinic may be several hours or days of travel away.

In the capital city of Paramaribo and, and in the coastal communities, the Regional Health Service (RGD) provides public health care. In addition, a broad network of family doctors and five hospitals (four in Paramaribo, one in Nickerie) service the population in the coastal area. In the past couple of years, however, health services have become severely underfunded. In June 2018, the five Suriname hospitals sent a warning signal to the media, expressing their fear that shortages of medication, user items, equipment and skilled staff were threatening the delivery of quality hospital care. For people from the more isolated Indigenous and maroon communities in the coastal areas (e.g. Wayambo area), getting to a hospital may take several hours.

6.2.4 Drinking water and electricity

Access to drinking water, electricity and public services is suboptimal in many Indigenous and Maroon communities, particularly in the interior. As a general rule of thumb, the further away from the city, the worse access to public services. In Brokopondo district, most communities have 24/7 access to electricity, and typically free of charge. In further away locations, communities often have a village generator and depend on government supply of fuel. In practice, these communities may be without electricity for months in a row, though in some cases communities have organized their own fuel supply.

Access to good quality drinking water is a problem in most interior Indigenous and Maroon communities, with the exception of villages near a larger urban center, for example in the Moengo area. In some communities, either the government (Service for Water Provision – DWV) or Non-Governmental Organizations, has constructed stand-alone water systems, but these systems often are short-lived and in many cases the water is not optimally filtered. Hence most interior households rely on rain water that is collected from roof tops, and in the dry season they may supplement this with creek or river water.

6.2.5 Livelihoods, main sources of cash income, and poverty

On a national level, 26.2 percent of the population lives in poverty²⁷ (IDB, 2018). Poverty is not evenly distributed across the country though, but has a clear bias towards the rural areas where most Indigenous Peoples and Maroons live. In the interior, for instance, poverty affects 47.9% of the population (ibid.).

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

²⁷ Result of a 12-month survey (2016-17) throughout Suriname, which measured different dimensions of living conditions. Poverty was measured by a composite variable that takes different dimensions of poverty into account, including health, education, food, consumption, and house value. For more information see: <https://blogs.iadb.org/caribbean-dev-trends/2018/08/22/9006/>

groups collect fruits and nuts in the forest, and Indigenous Peoples also gather insects for consumption (Heemskerk, 2005).

Changing lifestyles, clustered settlement pattern, and rising life expectancies are affecting the sustainability of traditional subsistence strategies. People now have to travel longer distances from their home villages to find land that is suitable for agriculture. Those who cannot travel far tend to shorten the fallow periods of abandoned fields closer to home. Nevertheless, especially in the interior districts of Sipaliwini and Brokopondo, use of forest resources –including minerals- is still the main and virtually only source of subsistence and cash income. Particularly in Maroon communities of East Suriname, small-scale gold mining is the motor behind the village economies and main source of livelihood for many families. Furthermore, many Indigenous and Maroon communities are participating in tourism activities as an income generation activity. Particularly active in tourism are the Kaliña and Lokono Indigenous communities in Para district, the Kaliña of Galibi, and the Saamaka Maroon communities along the upper Suriname River.

6.2.6 Institutional and political organization

Generally, following customary tribal regulations, the highest authority function in Maroon ethnic groups is that of *Granman* (also: *Gaanman* or *Gaama*); the paramount chief (ACT, 2010c). Among the Indigenous Peoples, only the Trio are headed by a government-recognized paramount chief or Granman. Nevertheless, the Indigenous leaders of Apetina, Tepu and Kawemhakan are locally considered and named “chief” (*stamhoofd*). The chiefs are assisted by a council of elders, *hoofd-kapiteins* (also: *ede-kabiten*; head of the clan/primary village chiefs) and *kapiteins* (also: *kabiten*; village chiefs). Many villages have two or three *kapiteins*. The *granman* and (*hoofd*)*kapiteins* are assisted by *basias* (also: *basia*, *bassia*), who are administrative assistants. To date female *granmans* have not existed but *kapiteins* and *basias* can be women. It is common to have two male and two female *basias* per *kapitein*.

The above-mentioned traditional authorities play crucial roles in the traditional communities; political and administrative (e.g. governance), socio-cultural, juridical (enforcing –traditional- law and order) and as land stewards and managers. In addition, the traditional authorities are instrumental in contact of the communities and tribal groups as a whole with the Central Government and other outsiders.

Maroon political organization is organized around the *lo* (matri-clan), which is made up of various *bee* (lit.: belly), a group of descendants of one living mother or grandmother. Traditional leaders are locally appointed, usually after spiritual consultation and according to traditional descend-rules. Indigenous societies tend to be more loosely organized around kinship, sex, and residence.

In both Maroon and Indigenous societies, decision-making about issues affecting the entire village is based on consent and may take days of gatherings or *krutus*. Traditional authorities and elderly facilitate these meetings, but usually anyone may speak out. Maroons *krutus* also frequently serve to solve conflicts between different village members. In these cases, the captain or head-captain serves as a judge on respectively the village and *lo* levels, assisted by *basias* and village elderly. Discussions, negotiations, and sometimes divination are employed to seek solutions, which may include a public beating, a fine, or an

arrangement with the aggrieved party. Indigenous societies tend to place more emphasis on conflict avoidance.

6.2.7 Customary rules and regulations on land and resource use among the Maroons

Among the Maroons, access to land is arranged at the clan (*lo/lö*) level. Clan land is parcelled out to its constituent bee or family groups, who allocate pieces to their various members. Matrilineally related women often plant near one another and work their agricultural plots collectively. Though the village captain regulates land use, individual members have rights to its resources including game, fish, and forest products. These rights are temporary and land returns to the bee upon the death or departure of the user.

Between different Indigenous and Maroon groups, as well as between different clans and families within this groups, there is generally a clear understanding of what land belongs to whom, and what are the rules and regulations for accessing and using this land and related resources²⁸. For example, when a Maroon woman selects a location for a new subsistence plot, she will know where in the forest she will find land available to her and her extended family (her mother, her sisters).

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* 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 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 differs from group to group, and village to village (ACT, 2010b).

Generally, the members of a certain *lo* are allowed to hunt or collect forest products for own consumption in the area claimed by another *lo*, but official permission is required if larger quantities are extracted or more intensive land-use (e.g. gold mining) is taking place. Small pieces of land for (temporary) outside visitors are usually readily granted after a village meeting. Decisions about larger-scale mining and logging, either by tribal members or by outsiders, require more extensive *krutu* (community meeting) sessions at the village or even tribal level.

²⁸ Even though land boundaries generally do not pose a problem or generate conflict between different Indigenous and Maroon communities, at times of mapping Indigenous and Maroon land areas, it has come forward that some border areas are disputed.

See for a more detailed review of customary land and resource rights: Heemskerk, M. (2005). Rights to Land & Resources for Indigenous Peoples & Maroons in Suriname, Amazon Conservation Team, Paramaribo, Suriname

6.2.8 Customary rules and regulations on land and resource use among the indigenous peoples

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 (ACT, 2010). Members of the different groups travel, live, and use resources in one another's area.

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. The community of Palumeu is a mixed Trio-Wayana community, but also in other communities where one of the groups dominates, members of the other group are often living freely. In October 2018, Trio kapitein Sapa commented that he was establishing a new community named Krin Kasaba at a location that is considered the border between the Ndyuka Maroon traditional territory and the territory of the Indigenous Peoples. The fact that this area has traditionally been inhabited by Wayana Indigenous peoples was not considered an issue.

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. The 2006 report by the Commission for Land Rights of the Indigenous Peoples of the Lower Marowijne Area suggests that the Lokono and Kaliña consider their living and user areas as one entity, with a shared history, shared cultural traditions and common land use and management practices (CLIM, 2006).

Indigenous and Maroon groups also abide by traditional rules for natural resources management. For example, the tribal group may have as a rule that one may not kill some type of bush meat in the dry season; that one should not catch certain fish when the river is high; or that one cannot use a specific type of tree in a certain period. Such customary law rules are well-known and generally respected by the members of the various Indigenous and Maroon societies. Southern indigenous groups do not formally sanction violation by their members, but such behaviour is considered rude and strongly disapproved of. Among the Maroons, violations of customary law rules are usually discussed in a *krutu* with members from both parties, and sanctions such as payment of some sort to the aggrieved party may follow (Heemskerck, 2005). It has been noted that nowadays, as compared to the past, these traditional rules of access are less strictly applied.

6.3 ARCHAEOLOGICAL RESOURCES, TANGIBLE HERITAGE, AND OTHER PLACES OF CULTURAL SIGNIFICANCE

The UNESCO 2001 Convention of the Protection of the Underwater Cultural Heritage is the foremost international legal reference for the protection of underwater cultural heritage. Suriname has not ratified this convention.

The national register of cultural heritage sites (Versteeg, 2003) identifies 262 archaeological sites dispersed over the Aol. Most of these sites contain tangible heritage finds from pre-Columbian Indigenous cultures. It must be taken into account that lack of national register status does not mean that sites do not exist in the project footprint, as few places have been excavated.

In addition to these archaeological sites, the various Indigenous and Maroon communities in the Aol feature numerous structures and locations that belong to tangible heritage, including ancestral shrines, a variety of places of worship, places to bury and honour the deceased, and other locations that are relevant to the traditional cultures²⁹. During a visit to the Maroon community of Companiekreek in Brokopondo district, the following sacred /spiritually loaded structures were listed:

- Two “faaka tiki”; shrines to honour deities and ancestors
- Twelve “Tjufunga tiki”; traditional entrance to the community, to keep out evil spirits
- Two “kee oso” (litt: “crying house”); house for rituals for the deceased
- About eight “obia oso”; a hut with a shrine and spiritually loaded artifacts inside
- Two “moon oso”; houses where women go into menstrual seclusion
- One “sweli oso”; a place where a “sweli” is prepared and performed; a ritual or consultation of an oracle and sacred bundle to investigate the supernatural cause of an accident, illness or death.

Furthermore, the various Maroon Different areas have different taboo days (kina-dee). On these days, one is not allowed to perform hard physical labour. For example, men cannot work in the forest or cut and/or burn agricultural land. Women should not shovel and weed in their gardens, but they can harvest or perform household tasks that do not require too much effort. Places in the forest and creeks also involve many taboos, both location specific and common. Common creek taboos include a prohibition of women who have their menstrual period to bathe in the creek, a prohibition to defecate in the creek, and the prohibition to throw certain items in the creek such as lime, rice, pepper and soap. When a project is developed in a location on Indigenous or Maroon customary lands, such traditional beliefs must be recorded for the place in question, and taken into account.

Given the absence of on-the-ground activities related to Project Component 1, these archaeological and tangible heritage sites will not be directly affected by this Project Component. Likewise, while Project Component 2 will not directly fund agricultural and tourism projects, improvements to the marketing and value chains, and micro financing support for SMEs in these sectors, may cause expansion of areas brought into cultivation. Without mitigation, such expansion could cause disturbance of known or yet unknown archaeological sites, or damage other places of cultural significance.

²⁹ The Cultural Resources studies for the Brokopondo Maroon communities and the Caroline Indigenous communities, which were conducted in the context of the Newmont/Sabajo ESIA study, describe such structures in detail for various villages. See: <https://www.newmont.com/operations-and-projects/south-america/merian-suriname/reports/default.aspx>

Given the absence of Suriname national guidelines in the case of archaeological finds, any direct Project activities and activities indirectly resulting from the Project activities in the longer run, should be consistent with internationally recognized good practice as described in the ICOMOS (1990) Charter for the Protection and Management of the Archaeological Heritage. In addition, Project stakeholders must comply with the Government of Suriname (GoS) Monument Law of 2002 for immovable archaeological resources found during the course of the project.

Article 20.1 stipulates that monuments found in excavations and on which no one can prove the right of ownership are owned by the state. 2. The owner of the land in which the monuments have been dug up is required to transfer the found monuments to the State and is entitled to a reimbursement amounting to half the value of those monuments. 3. Monuments found in an investigation...may be transferred to a place suitable for their custody on the instructions of the Minister [of Education, Science and Culture].

Article 21. States that the finder..., within thirty working days after the discovery must indicate the exact location, time, monument and particulars of the discovery to the District Commissioner (DC) of the district in which the discovery has been made who shall immediately notify the Minister.

World bank procedures, notably OP 4.11 on Physical Cultural Resources, dictate that “[t]he borrower identifies physical cultural resources likely to be affected by the project and assesses the project’s potential impacts on these resources as an integral part of the EA [Environmental Assessment, ed.] process, in accordance with the Bank’s EA requirements.” Impacts on such cultural heritage resources must be avoided or mitigated. National and international requirements on cultural heritage of indigenous peoples per OP 4.10 will also apply.

The Project activities also should comply with Foundation for Forest Management and Production Control (SBB - Stichting Bosbeheer en Bostoezicht) 2011 Code of Practice that includes a zoning standard for places of cultural importance and archaeological sites. This Code of Practice stipulates that if archaeological or cultural historical findings are made, relics and locations have to be reported immediately to the ministry of Education, Science and Culture (MINOWC - Ministerie van Onderwijs, Wetenschap en Cultuur). The licensee and their staff, contractors or representatives will refrain from interfering in any way with such sites and / or relics. National guidelines are still in review phase by the government Directorate of Culture of the MINOWC and are not available for distribution.

7 KEY CHALLENGES, RISKS AND BENEFITS ASSOCIATED WITH MINING FOR INDIGENOUS PEOPLES AND MAROONS.

7.1 NATIONAL ECONOMIC SIGNIFICANCE OF MINING

Mining has been the pillar of Suriname’s economy for over a century. Corporate income taxes, royalties and dividends applied to gold and oil continue to be a major source of government revenues (World Bank, 2015). In the past decade, mining products have contributed 80 to 90% to the value of national exports (Central Bank of Suriname, 2016). Since 2009, gold has become the economically most important export product, surpassing bauxite/alumina. Due to its economic dependence on mineral extraction, Suriname is highly vulnerable to changes in volatile commodity prices (ibid.).

Risks, challenges, and opportunities for indigenous Peoples and Maroons related to the sector supported by Project Component 1 - mining – are summarized in Table 7.

7.2 LARGE-SCALE MINING

Suriname had a thriving bauxite industry for decades, but the main company Suriname Aluminum Company (Suralco) closed its aluminium smelter in 1999 and in 2015, alumina production in the refinery was stopped. It is uncertain if and how Suriname’s bauxite industry will continue to produce in the near future (World Bank, 2015).

At the moment, two large-scale industrial gold mining projects are in operation; the Rosebel Gold mine operated by IamGold, and the Merian Gold Project lead by Newmont. Both multinational firms also are involved in exploration activities, and likely exploit new deposits in upcoming years.

On the positive side, quite a number of Maroons, and a limited number of Indigenous individuals, from nearby local communities have found either long-term or contractor-based employment with Iam Gold and Newmont Suriname. In addition, some individuals from local communities have obtained production or services contracts with the large-scale mining firms as independent entrepreneurs. They deliver, among others, sand, wood, and agricultural produce. Also, through their Community Relations programs, large-scale gold mining firms have invested in community projects and infrastructure.

On the downside, Maroon communities have lost access to their ancestral lands and traditional livelihood activities (see section 4). In fact, even though there are formally only two locations where large-scale gold mining takes place, a large share of east Suriname has been allocated in (large-scale) exploration and exploitation gold mining concessions (Figure 3). These gold mining concessions largely overlap with traditional Maroon communities and territories of East Suriname, and to a lesser extent with traditional living and user areas of Indigenous peoples (Annex 2). In most cases, the communities in questions have

not been consulted prior to concession allocation. World Bank standards, notably Operational Policy 4.10 on Indigenous Peoples (or similar guidelines), have not guided any of the mining activities in Indigenous and Maroon traditional territories in the past.

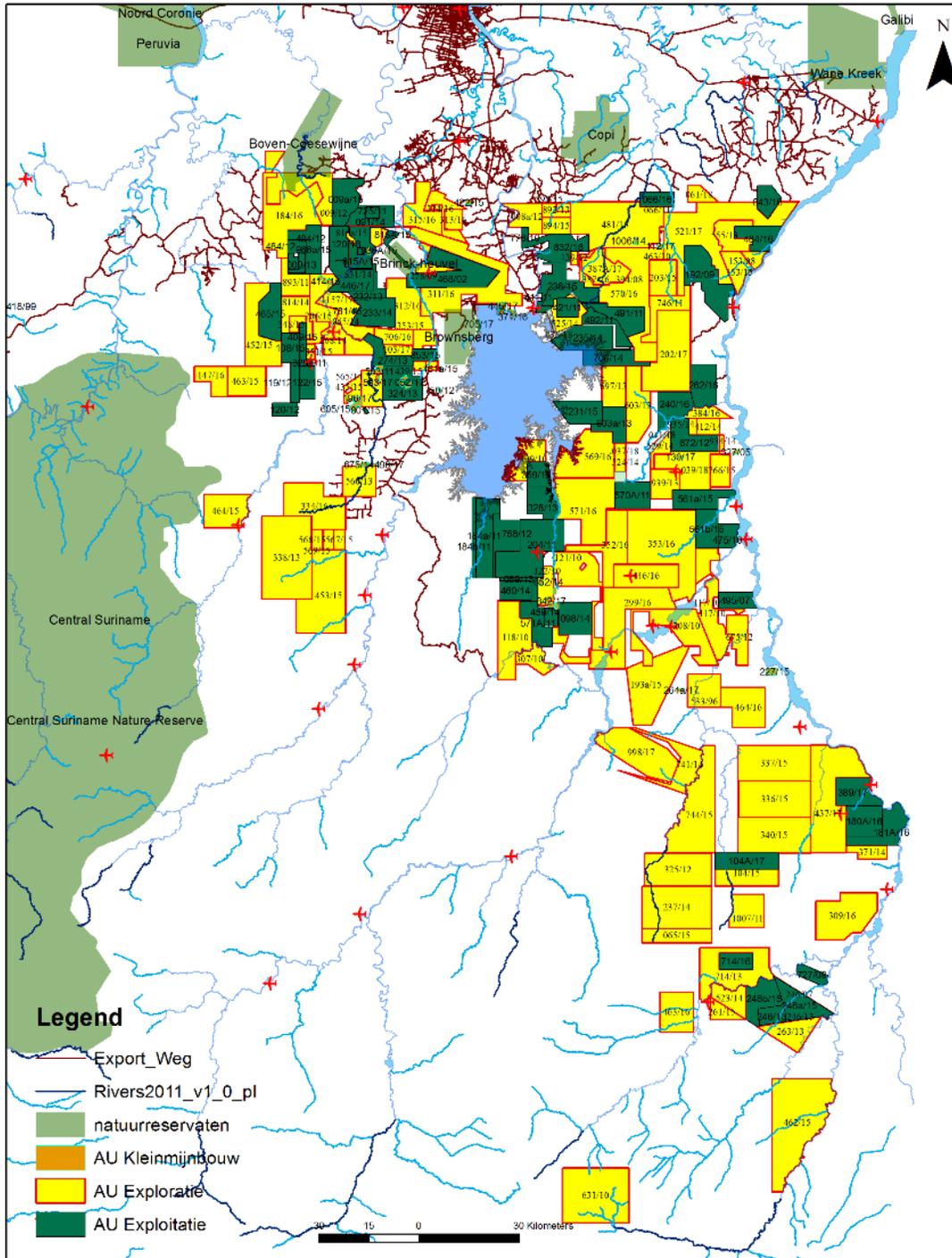
Table 6. Benefits provided to local communities by large-scale gold mining projects

	Newmont Suriname	IAMGOLD
Mine name & location	Merian, Sipaliwini	Rosebel Gold Mines, Brokopondo
Start production	2016	2004
GoS share	25%, through Staatsolie	5%
Annual production	±513,000 oz. (2017)	8.93 tons (2015)
Employment	Total Newmont employees 1242, of which 236 Pamaka Maroons, and 849 other Suriname Nationals (Dec 2017)	371 from Brokopondo (Mostly Maroons), and 1291 other Suriname Nationals (Dec. 2016).
Total earnings GoS (income tax, tax on wages, dividend and royalties)	USD 291.0 million of economic value distributed throughout the Suriname economy, incl. USD 26.9 million paid in employee wages and benefits, USD 16.1 million in taxes and USD 38.6 million in government royalties	USD 37.4 million
Community projects	Community projects: USD 321,000 (2017)	1. Donations: US\$ 62,586 2. Community Development: US\$ 146,358 (2016)

Source: Data for Newmont obtained from Newmont, pers. com. 04/09/2018, and "Beyond the Mine, 2017; data on Iam Gold from Heemskerk and Duijves, 2017

Suriname's history of concession allocation and mining activity suggests that future mineral exploration and exploitation could pose a risk to the cultural integrity and rights of Indigenous Peoples and Maroons. Mitigation measures must be developed with the aim that future mining developments will not adversely affect Indigenous and Maroon communities. It is foreseen that such mitigation measures will be part of the activities supported by Project Component 1, including providing support for improvement of the regulatory framework for future mining sector development, and strengthening institutional capacity to manage social and environmental impacts of mining activities. In this context, the present project may represent an opportunity for the GoS to obtain World Bank support in the design of legal revisions to ensure that development of the mining sector does not cause serious harm to Indigenous and Maroon communities at a later point in time.

Figure 6. Map of gold exploration and exploitation concessions in East Suriname



Source: Geology and Mining Department, received by e-mail 10-08-2018

7.3 SMALL-SCALE GOLD MINING

In the 1990s, Artisanal and Small-scale gold Mining (ASM) became an attractive income generating activity for Maroons in East Suriname; the area that had been hit hardest by the interior war and hosts the country's gold deposits (Heemskerk, 2000). Around the same time, increasing numbers of Brazilian miners (garimpeiros), who were confronted with more stringent restrictions on small-scale gold mining in their own country, moved into Suriname (ibid.). Nowadays Brazilian garimpeiros and Maroons dominate the work force in the ASM sector (Heemskerk et al., 2016). The areas where they work include areas that Maroons, and to a lesser extent indigenous peoples, consider as their traditional homelands, to which they claim customary rights.

Nowadays much ASM takes place on legal mining concessions (Figure 4) but under illegal circumstances. In many cases, for example, title holders of an exploration or reconnaissance right allow ASM mining teams to work on their concession in exchange of a percentage share of their earnings (typically 10-12.5%), a practice that is not legally allowed without explicit permission from the Minister of Natural Resources and under specified conditions. Moreover, few concession title owners comply with the legal reporting requirements (NIMOS et al., 2017).

Providing support for improvement of the regulatory framework for new investments in mining (Project Component 1) could result in a reduction of (informal) ASM activities. ASM is the main source of income for a significant share of Maroon communities (and some Indigenous families) in especially East Suriname. Indirect adverse effects on household incomes in interior communities must be considered when advocating changes to the regulatory framework for the mining industry. Alternatively, options must be considered to regularize ASM in a way that it is able to co-exist with others within the mining industry.

Table 7. Summary of risks, challenges, and opportunities for indigenous Peoples and Maroons in Project Component 1: mining industry

Risk/Challenge	Potential direct and indirect Project impacts	Mitigation measures ³⁰
No secure rights to ancestral lands for Indigenous Peoples and Maroons	<ul style="list-style-type: none"> ▪ Concessions are allocated overlapping with Indigenous and Maroon communities and customary territories. ▪ Mining industry activities may cause forced resettlement, without legally established rights on compensation. ▪ Loss of livelihood due to reduced access to land and forest resources. ▪ Environmental damage to traditional territories, thus reducing future livelihood options for Indigenous Peoples & Maroons. 	<ul style="list-style-type: none"> ▪ Consider making FPIC a legal requirement during projected revision of the mining law. ▪ In line with ratification of EITI, consider withdrawal of mining concessions where activities take place that violate national legislation. ▪ Include Indigenous and Maroon communities and Settlements on data layers and maps in any future geophysical data collection efforts. ▪ Use yet-to-be-promulgated law Protection Communities and Living Environment as a (temporary) guideline to determine whether mining industry development takes place on Indigenous and maroon customary lands.
No strong national legal requirement to conduct meaningful consultation or FPIC	<ul style="list-style-type: none"> ▪ Mining concessions are allocated on traditional territories without proper consultation with local communities. ▪ Indigenous Peoples and Maroons are poorly informed. ▪ Mining industry activities cause conflict, divisions and economic inequality in traditional communities. ▪ Traditional leaders incidentally strike deals with mining and logging firms for personal benefit. 	<ul style="list-style-type: none"> ▪ In the context of mining law revision, consider making FPIC a legal requirement in the concession application process, and clearly define the associated procedures in association with Indigenous and Maroon interest groups. ▪ In the context of mining law revision, consider making it a legal requirement that Indigenous and Maroon communities obtain independent international expert support in negotiations with large-and medium scale mining firms, paid for by those firms. ▪ In the context of public sector capacity building, provide training to relevant policy makers in meaningful consultation and FPIC.

³⁰ Mitigation measures are measures that help minimize or annihilate risks and challenges, and maximize benefit for Indigenous Peoples and maroons.

		<ul style="list-style-type: none"> ▪ Use the Strategic Environmental and Social Assessment (SESA) to identify ways to make consultation and engagement processes more inclusive ▪ Provision of technical assistance to Indigenous peoples/Maroon groups to help implement some of the recommendations of the SESA.
Poor quality educational infrastructure in the interior and limited average educational achievement in Indigenous and Maroon communities	<ul style="list-style-type: none"> ▪ Maroons and Indigenous Peoples in areas are not hired for well-paying jobs in the mining sector. ▪ Maroons and Indigenous Peoples from interior communities have limited options to provide goods and services to standards requested in large-scale mining sector. ▪ Maroons and Indigenous Peoples are easily “tricked” into signing agreements with mining industry that do not maximize benefits to the community 	<ul style="list-style-type: none"> ▪ In mining law revision, consider making it a legal requirement that an annually fixed share of mining royalties will be used to strengthen educational performance in communities where these mining activities take place. ▪ In mining law revision, consider making it a legal requirement that Indigenous and Maroon communities obtain independent international expert support in negotiations with large- and medium-scale mining firms, paid for by those firms.
No national rules and regulations for mining firms with regard to contributing to community development	<ul style="list-style-type: none"> ▪ Community development programs are entirely dependent on the goodwill of mining companies. 	<ul style="list-style-type: none"> ▪ In future mineral agreements, more explicit regulations on community development contributions may be included. ▪ In mining law revision, consider making it a legal requirement that Indigenous and Maroon communities obtain independent international expert support in negotiations with large- and medium-scale mining firms, paid for by those firms.
Weak environmental laws, and limited independent environmental	<ul style="list-style-type: none"> ▪ Immediate mining-induced pollution and depletion of natural resources harms traditional subsistence activities ▪ A longer-term legacy of pollution of Indigenous and Maroon customary lands 	<ul style="list-style-type: none"> ▪ In the both the new Environmental Act, and in proposed revisions of the Mining Law, consider inclusion of the “polluter pays” principle. Under such legal revisions, mineral agreements may oblige mining firms to pay a fee

monitoring of mining activity	may cause negative health effects and render the area unsuitable for traditional livelihood activities.	for independent environmental monitoring (e.g. by NIMOS). <ul style="list-style-type: none"> Establishment of the Minerals institute, as proposed by the SCSD project, can help generate income for independent environmental and social monitoring of mining industry development.
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Opportunities /Benefits	Potential direct and indirect Project impacts	Mitigation measures ³¹
Employment	<ul style="list-style-type: none"> Mining firms have potential to hire Indigenous and Maroon labourers in areas with limited employment opportunities, in fixed jobs and as contractors. Maroon and Indigenous labourers of mining multinationals learn transferrable skills and reap secondary benefits that provide livelihood security. 	<ul style="list-style-type: none"> In the context of development of the Minerals Institute, reserve portion of generated income for provision of Technical and Vocational Training relevant to the mining sector.
Income from ASM	<ul style="list-style-type: none"> Maroons and IPs find employment as ASM miners and providers of auxiliary services, typically in areas with few employment opportunities. The ASM sector offers jobs that demand minimal entry requirements in terms of education, skills, and investment. 	<ul style="list-style-type: none"> Through the proposed Minerals Institute, support services may be provided to ASM in terms of geological and technical support.
Community projects / Community Development Funds	<ul style="list-style-type: none"> Mining multinationals often have a Corporate Social responsibility or Community relations programme that benefits local communities. To date, benefits have been minimal though. 	<ul style="list-style-type: none"> In the context of revision of the mining law, consider making it a legal requirement in new mineral agreements, that a certain % of large-scale mining proceeds in a specific area, directly benefit that local area.

³¹ Mitigation measures are measures that help minimize or annihilate risks and challenges, and maximize benefit for Indigenous Peoples and maroons.

8 KEY CHALLENGES, RISKS AND BENEFITS FOR INDIGENOUS PEOPLES AND MAROONS ASSOCIATED WITH AGRIBUSINESS AND TOURISM.

8.1 NATIONAL SIGNIFICANCE OF AGRIBUSINESS AND TOURISM

Agriculture is the second most important sector of Suriname's economy, accounting for 10 % of total export earnings and employing approximately 8% of the labour of the total force. About 1.5 million hectares are theoretically suitable for agricultural activities³², of which 85% are located in the coastal plains and 15% on the river terraces in the interior (NIMOS et al., 2017). In 2016, the export value of Agribusiness amounted to USD 93.5 million (Table 8).

Table 8 Export value of agribusiness

Sector	USD value (* 1000 USD)
Fish, crustaceans and molluscs	31,431
Plants and horticulture products	58
Vegetables, plants, roots and tubers for consumption	1,187
Fruits, orange peels, and rinds of melons	20,408
Rice and grain sorghum	40,445
Total	93,529

Source: ABS Statistical Yearbook 2016/2017

In 2015, 67,711 ha in Suriname was cultivated area of commercial crops, while grass lands for cattle stocks covered 16.329 ha (ABS, 2016). Virtually all commercial agricultural activity takes place in the coastal districts. The amount of land used for crop cultivation is largest in Nickerie district, Followed by Saramacca and Wanica (Figure 7). Because land used for the cultivation of subsistence crops was not recorded, there are no figures for the districts of Sipaliwini and Brokopondo.

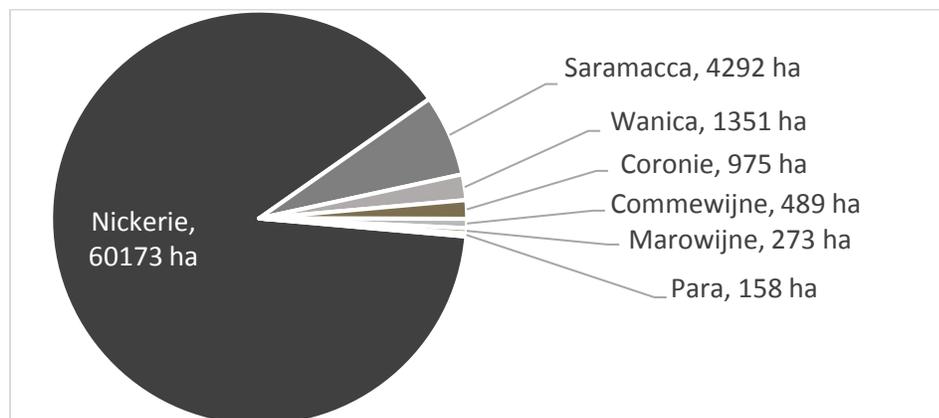
Rice and bananas are the main crops, followed by fish and shrimp and then vegetables and fruits. The agricultural sector consists of approximately 10,000-12,000 small holders who produce rice and bananas, poultry, cattle, pigs and small ruminants, providing employment and income to some 17% of the economically active population (Suriname Agriculture Market Access Project (SAMAP), 2017).

In 2015, 99.7 tons of rice, 66.2 tons of banana and 32.4 tons of fish/fish products and shellfish were exported (ABS, 2016). A main barrier for exporters and/or the processing industry to purchasing more local produce is the limited ability of local farmers to deliver the required quantity and quality of produce in a timely, consistent, and competitive manner (SAMAP, 2017). Most farms are small and lack the inputs,

³² Assuming an estimated 16 million total area, this equals roughly 9% of total.

equipment, infrastructure, and farm management skills (including production planning, crop management knowledge, and post-harvest handling capacity) to become reliable suppliers (World Bank 2016).

Figure 7. Amount of land used for crop cultivation by district



In its 2017 report on Suriname, the World Travel and tourism Council (WTTC) reports that the total contribution of travel & tourism to GDP was SRD 770.0 million (USD 114.9 million), 2.7% of GDP in 2016. In that same year, travel and tourism directly supported 2,500 jobs, representing 1.1% of total employment (WTTC, 2017). The number of international tourist arrivals in Suriname was reported at 256,000 in 2016.

Table 9 summarizes risks, challenges, and opportunities for indigenous Peoples and Maroons related to Project Component 2 –Agribusiness.

8.2 COASTAL DISTRICTS

Indigenous and Maroon communities in the coastal districts are hardly involved in large-scale commercial agricultural production. One exception is the Kaliña Indigenous community of Redi Doti (Pop: ~170 persons, ~55 households), where the commercial production of pineapple has increased substantially in recent years. In 2016, Redi Doti farmers harvested 20,000 kg pineapple, in 2017 the harvest doubled to 40,000 kg and for 2018 the harvest has been estimated at 100,000 kg (Ministry HI & T, 2018). The pineapples are mostly sold in Paramaribo and other urban areas. On a small scale, Redi Doti inhabitants also make pineapple products.

Other commercial agricultural activities of Indigenous Peoples and Maroons in the coastal area include:

- Water melon production (Moengo region)
- Sale of fruits, vegetables and fish in French Guiana (Indigenous and Maroon communities of Northeast Suriname).
- Sale of cassava and cassava products (all areas).
- Sale of various kinds of palm fruits and berries, including Açai (e.g. Marowijne, Cottica area).

For Indigenous Peoples and Maroons, fishing is an important source of subsistence but commercial fishing is limited. For example, the Kaliña and the Lokono of the Lower Marowijne mostly fish for personal consumption but if a lot of fish is caught, one portion of the catch is sold across the river in French Guiana, in Albina, or locally to other villagers (CLIM, 2006). An exception is the Kaliña Indigenous community of Galibi, where fishing is among the main sources of income. Nevertheless, the amounts of fish produced in this community are, on a national level, negligible, and programs to facilitate river fish or shrimp exports are not likely to benefit Indigenous fishers. On the other hand, efforts to stimulate fish and shrimp exports could negatively affect Indigenous and Maroon fishers, both subsistence and commercial, if such activities increase catch levels, especially in the absence of quota for the fisheries sector. In front of the coast of Galibi, a no-fishing-zone has been established, which seasonally restricts fishing by non-Indigenous fishers. However, there has been little government enforcement and Indigenous fishers complain that outside fishers regularly enter the no-fishing-zone despite restrictions³³.

Within SCSD project Component 2, efforts to improve market access for agricultural products could benefit Indigenous and Maroon fruits and vegetable producers. A prerequisite is that Indigenous and Maroon producers receive clear, transparent and complete information about SCSD project activities, the terms and conditions, and opportunities to participate, if necessary in their tribal languages. Quantities of vegetable and fruits produced by Indigenous and Maroon households may be very small though, and for a buyer it is costly in time and effort to deal with a large number of small-producers. The development of production groups such as cooperatives could lower this barrier. Also for tourism providers, working jointly could allow SMEs to offer clients a complete tourism experience and market this more professionally. Training programs and logistic support could help Indigenous and Maroon producers establish and formally register such cooperatives or producer/service groups.

Earlier experiences of Maroon producers with large-scale mining companies that are active in their traditional territories suggest that consistency of supply of agricultural products is often a problem. The firms need to feed a certain number of employees each day, and without guarantee that agreed upon amounts of vegetables, fruits, eggs, and other farm products can be delivered, buying from local Maroon producers is not an attractive option. Similar considerations could be a constraint in contracts with exporters or agribusiness middlemen. Improved local storage and processing conditions could help Indigenous and Maroon producers deliver a more consistent supply.

The lack of secure collective land title for Indigenous Peoples and Maroons could pose a risk if agribusiness and tourism firms receive tenure title (*grondhuur*) for lands overlapping with Indigenous and Maroon customary territories. The Ministry of Spatial Planning, Forest and Land Management (ROGB) already takes these issues into account and performs field visits to ensure that land lease applications do not conflict with existing land use. Nevertheless, in the context of the SCSD project, an exclusion criterion may

³³ Comments made by Galibi fishers during consultations for Marine management project, pers. com. 16 and 17 Oct. 2018

be included to exclude support for agricultural and tourism projects on government domain that is part of Indigenous and Maroon customary lands, without explicit community consent.

8.3 INTERIOR DISTRICTS

In the Interior region, commercial agribusiness is hardly practiced. Virtually all agriculture in this region is swidden or shifting cultivation, also referred to as slash- and burn agriculture, practiced by local Maroon and Indigenous populations. Produce is primarily used for auto-consumption, though surpluses may be sold to members of the same or nearby communities.

Hunting and fishing also mostly occurs for subsistence purposes, though surplus may be sold in the same or surrounding communities. Occasionally, people sell bushmeat or fish –fresh or smoked- in Paramaribo city. Particularly in the southern Indigenous communities, live animals are caught for sale on the domestic and international markets. Particularly popular (and profitable) are singing birds, other tropical birds, exotic frogs, and reptiles, but also mammals may be sold (Heemskerk and Delvoye, 2007). Live animals that are sold commercially are often protected species, whose export is prohibited. These products will not be considered in the context of agribusiness projects.

In interior communities, keeping livestock is rare, though in most communities there are households that hold a couple of animals, mostly poultry. In a few selected locations, individuals have experimented with commercial cattle ranching but these operations remain relatively small and are presently not economically sustainable. In at least two locations (Nw. Koffiekamp and Tumatu) Maroons are producing and selling eggs for nearby large-scale mining firms.

In the context of agribusiness, several smaller production projects have been developed, usually with NGO support. Examples include:

- Brazil nut harvesting; Trio Indigenous community of Alalapadu
- Biological pepper production; Trio indigenous community of Tepu
- Production of handicrafts, such as Indigenous jewellery from seeds and beads; all highland indigenous communities.
- Production of honey from wild bees; Trio Indigenous community of Kwamalasumutu

A main barrier to the marketing of these products is the relatively isolated location of the communities, and associated costs of transportation. Moreover, because travel to the named communities is mostly with (small) planes, it is difficult to transport voluminous and/or heavy quantities of produce. To date, most products from interior Indigenous and Maroon communities are produced in very small quantities for niche markets.

8.4 INFRASTRUCTURE, INTELLECTUAL PROPERTY AND WOMEN'S PARTICIPATION

Infrastructure in the forested interior of Suriname is minimal. The furthest south one may drive by car is just south of the hydropower lake; about 200 km from the capital city Paramaribo. The paved road network stops some 50 km prior to that point, at the community of Pokigron/Atjoni. To the west and east of that point, unpaved roads through the forest have been constructed, mostly by ASM operators. Some of these roads are now maintained by the large-scale gold mining firms that perform exploration and /or exploitation activities in these areas. Isolated Indigenous and Maroon communities further south can be reached either with small planes, by dugout canoe, or a combination of these travel options.

The Department for Agricultural development of the Interior from the Ministry of Regional Development (RO) and the VIDS named market access as one of the primary obstacles for Indigenous and Maroon agribusiness producers. For example, the Wayambo area is known for its agricultural produce, but without road access, it is very expensive to get products to the market.

In developing agribusiness and tourism products, it must be taken into account that intellectual property rights, including indigenous knowledge, are not yet protected under Suriname law. In the context of the SCSD project, an exclusion criterion could be included to ensure that financing is not provided to projects that use traditional Indigenous and/or Maroon knowledge, without explicit consent of the knowledge bearers. As an example, the Centre for Agricultural Research in Suriname or CELOS (*Stichting Centrum voor Landbouwkundig Onderzoek in Suriname*) is currently conducting pilot projects with a gene bank for different varieties of cassava and other plant species. This project takes place in one Indigenous area and two Maroon communities. The project used FPIC procedures to obtain consent from local communities, and has taken measures to ensure protection of Indigenous traditional knowledge (VIDS, pers. com. 11/10/2018).

For Indigenous and Maroon women to participate in agricultural projects, such projects must not only allow them to work around their daily household chores, but also permit these women to work their own gardens³⁴. In practice, this means that women should be allowed to work shifts that allow them to spend sufficient time at their subsistence plots

³⁴ VIDS, pers. com, 22/10/2018

Table 9. Summary of risks, challenges, and opportunities for indigenous Peoples and Maroons in Project Component 2: Agribusiness

Risk/Challenge	Potential direct and indirect Project impacts	Mitigation measures ³⁵
No secure rights to ancestral lands for Indigenous Peoples and Maroons	<ul style="list-style-type: none"> ▪ Land lease concessions for agricultural purposes may be allocated on traditional Indigenous and Maroon territories. ▪ Value chain development activities may affect Indigenous and Maroon customary lands 	<ul style="list-style-type: none"> ▪ In defining eligibility of SME for financial support under PC2, add exclusion criterion for agribusiness and tourism projects by third parties on Indigenous and Maroon customary lands, unless they directly benefit those communities or those communities sign off appropriately. ▪ Apply Resettlement Policy Framework. ▪ Use yet-to-be-promulgated law Protection Communities and Living Environment as a (temporary) guideline to determine whether mining industry development takes place on Indigenous and maroon customary lands
No strong national legal requirement to conduct meaningful consultation or FPIC	<ul style="list-style-type: none"> ▪ New agribusiness activities may be allocated on traditional territories without proper consultation, or even information of the local communities. ▪ Value chain development activities may affect Indigenous and Maroon customary lands, 	<ul style="list-style-type: none"> ▪ In line with the yet-to-be-promulgated law Protection Communities and Living Environment, use FPIC procedures in cases where project activities, including infrastructural developments, take place on Indigenous and Maroon customary lands. ▪ As part of the results-based financing institutional reforms, consider financing a training for relevant policy makers in environmental and social safeguards.
Weak environmental laws; no national standards for Agricultural production (e.g. with regard to use chemicals,	<ul style="list-style-type: none"> ▪ Excessive use of chemicals on agricultural lands on/near indigenous and Maroon communities may pollute land, water, and other natural resources. ▪ Products cannot be exported because they do not meet EU/US standards. 	<ul style="list-style-type: none"> ▪ Regulate pesticide use with project financing. ▪ Adhere to guidelines of environmental safeguards presented in the ESMF. ▪ Make sound environmental management and environmental sustainability a top criterion in selecting

³⁵ Mitigation measures are measures that help minimize or annihilate risks and challenges, and maximize benefit for Indigenous Peoples and maroons.

processing, packaging, hygiene)	<ul style="list-style-type: none"> ▪ Long-term chemical use in agriculture could produce health problems. Indigenous peoples and Maroons may not have access to adequate information about such risks. 	SMEs for financial support through the SME support fund.
No regulations for Individual fishing quotas (IFQs) and total allowable catch (TAC) in the fisheries sector.	<ul style="list-style-type: none"> ▪ Promotion of fish and shrimp export could cause overfishing and thus harm fish stocks. Such trends can harm Indigenous peoples and Maroons who depend in fish for subsistence, and as a source of income. 	<ul style="list-style-type: none"> ▪ Make sound environmental management and environmental sustainability a top criterion in selecting SMEs for financial support through the SME support fund.
No protection of Intellectual property Rights	<ul style="list-style-type: none"> ▪ Indigenous traditional knowledge is not protected under Suriname law. As a result, ITP may miss out on project benefits. 	<ul style="list-style-type: none"> ▪ In selecting enterprises for financial support through the SME support fund, adherence to the WIPO-CARICOM guidelines for Intellectual Property, where applicable, can be an added criterion.
Poor quality educational infrastructure in the interior and limited average educational achievement in Indigenous and Maroon communities. Very few tourism SMEs with a degree (Bachelors or above) in tourism.	<ul style="list-style-type: none"> ▪ People from interior communities may not have the resources and capacities to develop a microfinance application ▪ Indigenous and Maroon SMEs may have difficulty developing a solid business plan. ▪ Limited book keeping records of Indigenous and maroon SMEs may limit access to micro-finance. ▪ Difficult for Indigenous and Maroon entrepreneurs in the tourism sector to market their product internationally, and directly attract international tourists. 	<ul style="list-style-type: none"> ▪ Provide support for, and training in, business plan development, book keeping and other business management skills for SMEs through the Ministry of HI&T and the Ministry of RO. The SCSD project may help cover travel expenses to provide such training in interior communities.

Opportunities /Benefits	Potential direct and indirect Project impacts	Mitigation measures ³⁶
Certain communities already involved in commercial agriculture (e.g. Redi Doti, Moengo Area)	Increased demand and improved marketing chain can create new economic opportunities and increased incomes for small farmers, including Indigenous Peoples and Maroons.	<ul style="list-style-type: none"> ▪ Ensure that Indigenous and Maroon producers have access to timely, full and understandable information about opportunities generated by the SCSD Project.
Indigenous and tribal Peoples are recognized as experienced farmers	<p>If production increases and farm jobs are created, Indigenous Peoples and Maroons could provide farm labour.</p> <p>It must be taken into account that providing daily (farming) wage labour may be difficult for particularly Indigenous and Maroon women, who will need time to work their own subsistence gardens.</p>	<ul style="list-style-type: none"> ▪ In selecting enterprises for financial support through the SME support fund, consider prioritizing activities that include a Technical and Vocational Education and Training component for Indigenous and Maroon farm hands. ▪ In selecting enterprises for financial support through the SME support fund, consider prioritizing agribusiness and tourism projects that facilitate Indigenous and maroon women by allowing for flexible working hours or rotations that will allow women to work their own subsistence plots.
Certain communities already involved in commercial fishing (e.g. Galibi). Galibi also has a fishers' cooperative	<ul style="list-style-type: none"> ▪ Increased demand and improved marketing chain can create new economic opportunities and increased incomes for fishers, including Indigenous Peoples and Maroons. 	<ul style="list-style-type: none"> ▪ Ensure that Indigenous and maroon producers have access to timely, full and understandable information about opportunities generated by the SCSD Project. ▪ In the context of value chain support, consider assisting Indigenous communities with commercial fishing potential with improved storage facilities.

³⁶ Mitigation measures are measures that help minimize or annihilate risks and challenges, and maximize benefit for Indigenous Peoples and maroons.

9 CONCLUSIONS AND RECOMMENDATIONS

Development of the **mining sector** can cause significant risks and challenges to Indigenous Peoples and Maroons. This is particularly the case for Indigenous and Maroon communities in areas with mining potential. Current knowledge suggests that for gold mining, these areas cover particularly east and central Suriname (Greenstone Belt area). It is possible that the SCSD project, indirectly, promotes future mining sector development in other areas. Because actual on-the-ground mining activities are not part of the World Bank loan agreement with the GoS, the World Bank cannot guarantee that its safeguards will be applied in the context of future mining sector developments.

Theoretically, the SCSD project has some potential to reduce negative impacts of mining industry development on Indigenous Peoples and Maroons. This may happen foremost through support for revision of the mining law. In line with international best practice, the Ministry of Natural Resources has expressed its support for legal revisions that will oblige mining title applicants to conduct an Environmental and Social Impact Assessment. This requirement would include mining of building materials. The Ministry also is in favour of making FPIC procedures a legal requirement in the case of concession applications overlapping with Indigenous and Maroon customary lands. Suriname's recent adoption of the Extractive Industries Transparency Initiative (EITI) standard is another measure that can help avoid, minimize and/or mitigate negative impacts of the mining industry on Indigenous and Maroon communities. Direct or Indirect positive impacts of SCSD Project Component 1 on Indigenous Peoples and Maroons will be minimal.

Development of the **agribusiness and tourism** sectors may cause risks and challenges, but also produce benefits, to Indigenous Peoples and Maroons. Foreseen risks are primarily related to paucities in Suriname's legal framework; weak environmental laws, limited legal protection of Indigenous and Maroon land rights, absence of laws that protect traditional knowledge, and absence of laws that oblige project developers to engage and consult with local communities. Challenges are produced by the relatively isolated nature of many Indigenous and Maroon communities, which affect access to markets, information, and education.

Given the small number of communities involved in commercial agricultural production and tourism, and the relatively small scale of production of households that are involved, positive effects of agribusiness and tourism developments will most likely be limited. Nevertheless, in the context of the SME support fund under PC2, limited yet targeted support could be extended to Indigenous and Maroon SMEs, particularly to those already involved in commercial fruits and vegetables production (e.g. Marowijne, Wayambo) and in the tourism sector (e.g. Para and selected areas in Sipaliwini district). It is unlikely that development of the agribusiness and tourism sectors affects Indigenous Peoples and Maroons in the far Interior, either negatively or positively.

Enabling mechanisms to facilitate Indigenous and Maroon participation in agribusiness and tourism projects under PC 2, based on lessons with earlier agricultural projects³⁷, include:

- Trainings and workshops must be held in a location that is accessible to them. If such activities only take place in the district capital, few ITP may be able to attend.
- In developing microcredit schemes, develop measures that allow people to participate without collateral in the form of a land or property title. In the past, the National Development Bank (NOB) has been willing to provide loans without collateral³⁸.
- For Indigenous and Maroon SMEs from isolated areas, it is very expensive to pay monthly instalments on a loan because there are no banks or financial institutions in these communities to deposit the money. More flexible payment schemes could help these entrepreneurs take part in micro-finance programmes.
- Because of the small scale of most Indigenous and Maroon Agribusiness producers, and the relatively limited capacity of tourism facilities in Indigenous and Maroon communities, the establishment of cooperatives or other forms of producer groups could help business development. The SCSD Project could provide incentives to motivate interested SMEs to develop such groups.
- Many Indigenous and Maroon SMEs could benefit from training in business and marketing skills including the development of a business plan, budgeting, financial management, and reaching out to clients. The Ministry of HI&T is already involved in such training and workshops, which could be intensified and closely aligned with the SCSD Project.

In order for Indigenous Peoples and Maroons to have equal access to Project benefits (mainly under Component 2), and to avoid, minimize and mitigate negative impacts of the SCSD Projects, the guidelines from the Indigenous and Tribal Peoples Planning Framework must be followed (ITPPF). The ITPPF has been produced as a separate document, linked to this RSA. Its guidelines include a suggested engagement and communication approach and the establishment of a grievance redress mechanism. Furthermore, the ITPPF prescribes that for any sub-component developed within the SCSD loan agreement in an area populated and/or used by Indigenous Peoples and Maroons, a separate Indigenous and Tribal Peoples Plan (ITPP) must be developed. The ITPP will define policies and procedures applicable to the specific location, activity, and affected community/communities, in line with World Bank Operational Policy (OP) 4.10 indigenous Peoples.

³⁷ Ibid.

³⁸ For example, after the large floods of 2012, the NOB was willing to provide loans to tourist operators in the interior (mostly from Saamaka maroon communities) who had lost property or experienced damage to their lodges, if the government could serve as a guarantee. This worked well.

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ANNEX 1. CONSULTED STAKEHOLDERS

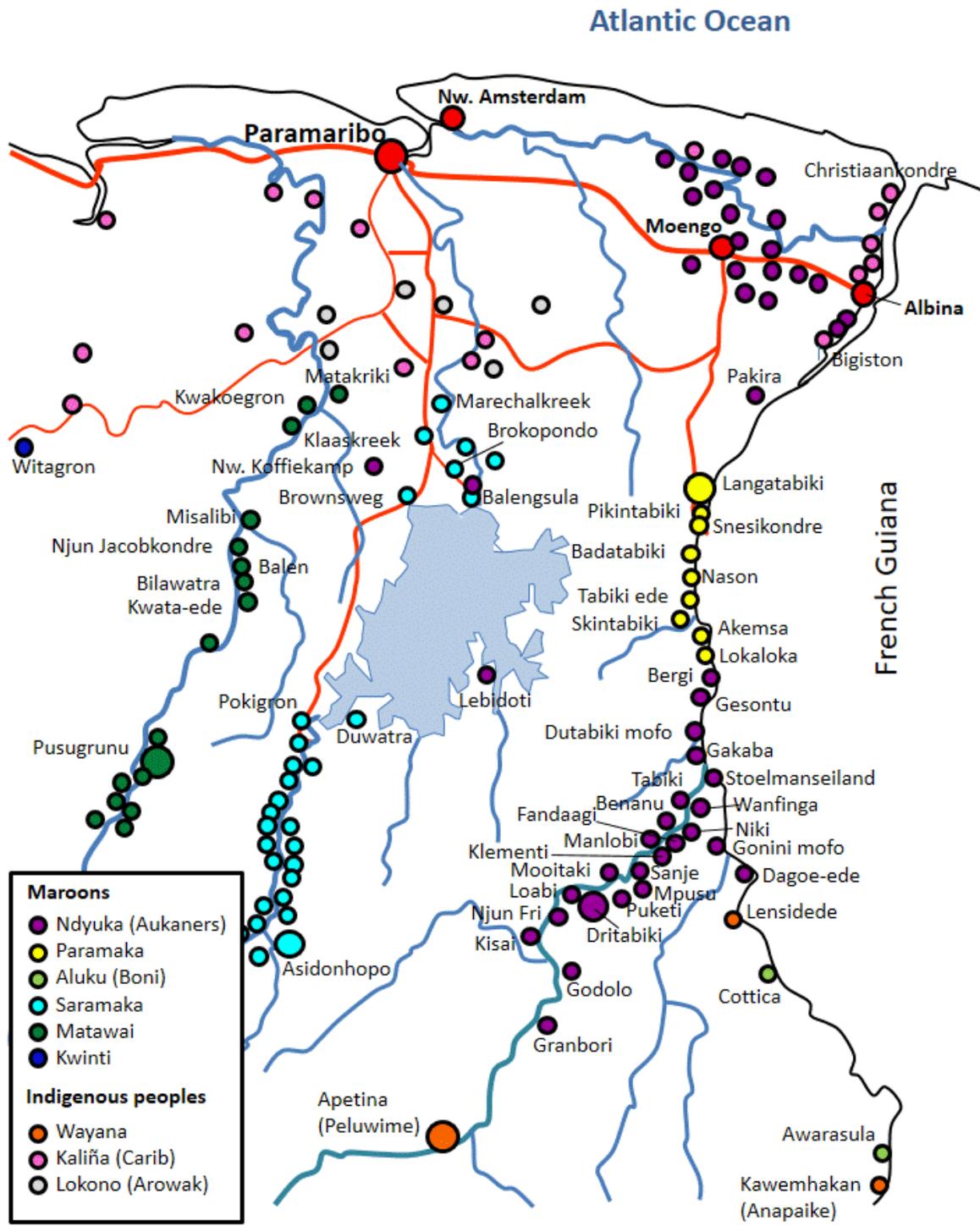
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Mr. Thoman Gazon		Basia		
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Faria Sapa, and Jonathan Sapa, (son & translator)	Traditional authority of Palumeu [Only discussed preferred consultation strategy]	Kapitein	07/10/2018	
Mr. Meterie, and Edward Meliwa from Apetina (son & translator)	Traditional authority of Apetina [Only discussed preferred consultation strategy]	Kapitein	07/10/2018	+597 8879972 (Edward Meliwa)

ANNEX 2: MAP OF EAST SURINAME WITH INDIGENOUS AND MAROON COMMUNITIES



Source: Heemskerk, 2009

ANNEX 3. LAND TENURE TITLES IN THE AOI

Tenure Title	Tenure Title (Dutch)	Description
Absolute Ownership (Civil Code); also referred to as "BW Property"	<i>Eigendom (Burgerlijk Wetboek)</i>	Property is the absolute, most complete tenure title available in Suriname. There are no limitations imposed by the State, the owner has full and unlimited enjoyment of the land within the context of the law. Only a limited amount of land was issued under this title, due to the fear that the land would be used for speculation or would be left uncultivated.
Allodial ownership and inheritable property (Known as "Allodial ownership").	<i>Allodiaal Eigendom en Erfelijk Bezit ("Allodiaal Eigendom" or AEEB)</i>	Allodial property is a land tenure title typical for Suriname, that has its origin in the colonial period. This title was issued by the Dutch during the colonial period under the conditions that the land would be developed and kept in cultivation. The owner also had the responsibility to contribute to other services that would promote the welfare of the nation, including security. Land not cultivated could be returned to the domain of the State. In practice today, the Suriname legal structures treat "allodial property" as the equivalent to absolute ownership, even though this may not be legally accurate.
Land lease (since 1982; Land reform Laws of L-Decrees, 1982)	<i>Grondhuur (Landhervormingswetgeving 1982)</i>	This is the only title that can be issued after the 1982 land reforms and it is issued for land to be used for habitation, agriculture and animal husbandry, industrial purposes and for special purposes. The nature of the use is specified in the title and permission must be obtained from the government to alter the intended use of the land. Land lease is extended for a period of 40 years, and can be renewed for another period of 40 years. The tenant pays an annual fee to the state.
Leasehold (prior to 1982)	<i>Erfpacht</i>	This was the most common title issued between 1937 and 1982. The term was for a period of 75 years and the owner had to pay an annual fee. Separate leasehold titles were issued for agricultural land. Leasehold provides a similar tenure status as Land Lease and is treated as such. Persons with a leasehold title who wish to keep title to this land must file a request for transferal to a land lease title (grondhuur) prior to expiration of the leasehold.
Domain land	<i>Domein-grond</i>	"All land, to which third parties cannot prove land tenure rights, is property of the state". The Decree on the issuance of Domain Land 1982, also called the Land Reform Decree of 1982 (Decreet Beginselen Grondbeleid (SB 1982 no 10); Art. 1, Lid 1). In accordance with the general provisions (Article 1) of this Act, the Minister responsible for land policy is authorized

		to have the disposal over domain land. Currently, the Ministry of ROGB has control over the land.
Occupation (Penal Code, Art. 441a)	<i>Occupatie</i>	The use of, or residency on, land without having legal tenure title to that land. Article 441a of the Penal Code (<i>wetboek van Strafrecht</i>) penalizes the occupation of land and buildings.