

SURINAME

Follow-up - State Reporting Action by Treaty Bodies

CERD, A/60/18 (2005)

...

Chapter IV. Follow-up to the consideration of reports submitted by states parties under article 9 of the Convention

...

417. At its 1700th meeting, on 11 March 2005, the Committee adopted the following decision:

Decision 3 (66) on Suriname

1. At its sixty-fourth session, which took place from 23 February to 12 March 2004, the Committee considered the first to tenth periodic reports of Suriname and welcomed the opportunity to engage, for the first time, in a constructive dialogue with the State party.
2. In the concluding observations which it adopted following examination of these reports, the Committee recommended “legal acknowledgement by the State party of the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in the exploitation, management and conservation of the associated natural resources”, and that “the State party strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions”.¹
3. The Committee also adopted the following conclusion and recommendation:

“The Committee notes that, under the draft Mining Act, indigenous and tribal peoples will be required to accept mining activities on their lands following agreement on compensation with the concession holders, and that if agreement cannot be reached, the matter will be settled by the executive, and not the judiciary. More generally, the Committee is concerned 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.

¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 18 (A/59/18)*, paras. 190 and 192.

² *Ibid.*, para. 193.

“The Committee recommends that indigenous and tribal peoples should be granted the right of appeal to the courts, or any independent body specially created for that purpose, in order to uphold their traditional rights and their right to be consulted before concessions are granted and to be fairly compensated for any damage.”²

4. The revised version of the draft Mining Act, which was approved by Suriname’s Council of Ministers at the end of 2004 and is likely to be scheduled for adoption by the National Assembly within the next few months, may not be in conformity with the Committee’s recommendations.

5. The Committee therefore invites the State party to comment on the above assessment of the draft law, and recommends that such comments be submitted to it before 11 April 2005.

6. The Committee wishes to draw once again the attention of the State party to its general recommendation XXIII (1997) on the rights of indigenous peoples. It also reiterates the conclusions and recommendations it adopted following the examination of the first to tenth periodic reports of Suriname. It recommends to the State party that it ensure the compliance of the revised draft Mining Act with the International Convention on the Elimination of All Forms of Racial Discrimination, as well as with recommendations formulated by the Committee.

7. The Committee wishes to pursue the constructive dialogue it has engaged in with Suriname in 2004, and stresses that its request for clarification is made with a view to ensuring the implementation of the Convention in cooperation with the State party.

*9 March 2005
1696th meeting*