

SURINAME

Special Action or Decisions Taken Re: Reporting, Including Urgent Action Procedure

CERD A/58/18 (2003)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

A. Decisions adopted by the Committee at its sixty-second session

...

Decision 3 (62)

Suriname

1. The Committee notes that the Republic of Suriname, which ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1985, has so far not submitted a report to the Committee.
2. Although the Committee considered the situation in Suriname in 1997 under the review procedure (without a report), the Government of that country has continued to disregard its obligations under article 9 of the Convention.
3. According to information obtained from the consideration of the situation in Suriname by the Human Rights Committee in October 2002 and from a report submitted to the Committee on the Elimination of Racial Discrimination by a group of non-governmental organizations representing indigenous and tribal peoples (the Association of Indigenous Village Leaders in Suriname, Stichting Sanomaro Esa, the Association of Saramaka Authorities and the Forest Peoples Programme), serious violations of the rights of indigenous communities, particularly the Maroons and the Amerindians, are being committed in Suriname: in addition to discrimination against these communities in respect of employment, education, culture and participation in all sectors of society, there have been cited, in particular, the failure to recognize their rights to the land and its resources, the refusal to consult them about granting forestry and mining concessions to foreign companies and the fact that the mining companies' activities, especially the dumping of mercury, are a threat to their health and the environment.
4. In view of the fact that these problems faced by the indigenous communities call for immediate attention, and referring to its general recommendation XXIII (51) of 18 August 1997 on the rights of indigenous peoples, the Committee requests the State party to submit to it as a matter of urgency, by 30 June 2003, a report containing any information that might be useful in this regard for consideration at the Committee's sixty-third session in August 2003.
5. The Committee decides that, if no report is received by the above-mentioned date, it will

consider the situation in Suriname under its review procedure at its sixty-third session in August 2003.

*1568th meeting
12 March 2003*

CERD CERD/C/DEC/SUR/1 (2005)

FOLLOW-UP PROCEDURE

DECISION 3(66)

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" (A/59/18, paras. 190 and 192).

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.

"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." (A/59/18, para. 193)

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

CERD, A/60/18 (2005)

CHAPTER II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

...

19. The following decision was adopted by the Committee under the early warning and urgent procedures at its sixty-seventh session:

Decision 1 (67) on Suriname

1. The Committee recalls that in its decision 3 (66) of 9 March 2005, it expressed concern about the fact that a revised version of the draft Mining Act, which was approved by the Council of Ministers of Suriname at the end of 2004, may not be in conformity with the Committee's recommendations adopted in March 2004 following the consideration of the first to tenth periodic reports of Suriname.¹
2. The Committee deeply regrets that it has not received any comment under the follow-up procedure from the State party on the above assessment of the draft law, as requested in decision 3 (66).
3. The Committee expresses deep concern about information alleging that Suriname is actively disregarding the Committee's recommendations by authorizing additional resource exploitation and associated infrastructure projects that pose substantial threats of irreparable harm to indigenous and tribal peoples, without any formal notification to the affected communities and without seeking their prior agreement or informed consent.
4. Drawing once again the attention of the State party to its general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urges the State party to ensure that the revised draft Mining Act complies with the International Convention on the Elimination of All Forms of Racial Discrimination, as well as with the Committee's 2004 recommendations. In particular, the Committee urges the State party to:
 - (a) Ensure legal acknowledgement 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;
 - (b) Strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions;

¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 18 (A/59/18), paras. 180-210.*

(c) Ensure that indigenous and tribal peoples are 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.

5. The Committee recommends once again that a framework law on the rights of indigenous and tribal peoples be elaborated and that the State party take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for that purpose.

6. The Committee recommends to the State party that it extend an invitation to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

7. The Committee urges the Secretary-General to draw the attention of the competent United Nations bodies to the particularly alarming situation in relation to the rights of indigenous peoples in Suriname and to request them to take all appropriate measures in this regard.

CERD, CERD/C/SR.1781 (2006)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1781st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 2006, at 10 a.m.

...

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES
AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

Suriname

1. Ms. JANUARY-BARDILL (Chairperson of the working group on early warning and urgent action procedures) recalled that the Committee had adopted decision 1 (67) (CERD/C/DEC/SUR/2) in August 2005 following consideration of Suriname under its early warning and urgent action procedure. On reconsideration of the case during the current session, the working group had recommended that the Committee should prepare a draft letter to Suriname, recalling its last decision, drawing attention to general recommendation XXIII concerning indigenous peoples and requesting that detailed information should be included in the country's next periodic report due on 14 April 2007. The working group had also considered that the situation was grave enough for the information to be shared with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Human Rights Council, as it was felt that the Committee had exhausted its means of dealing with Suriname. It was therefore proposed that the Chairperson should send letters to both OHCHR and the Human Rights Council.

2. The CHAIRPERSON said that he took it that the proposal concerning the two draft letters could be approved.

3. It was so decided.

...

CERD, A/61/18 (2006)

...

CHAPTER II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

19. The following decisions were adopted by the Committee under the early warning and urgent procedures at its sixty-eighth and sixty-ninth sessions:

...

B. Decision 1 (69) on Suriname

1. The Committee, recalling its decisions 3 (66) of March 2005 1/ and 1 (67) of August 2005 2/ on Suriname, reiterates its deep concern about information alleging that the State party has authorized additional resource exploitation and associated infrastructure projects that pose substantial threats of irreparable harm to indigenous and tribal peoples, without any formal notification to the affected communities and without seeking their prior agreement or informed consent.

2. Drawing once again the attention of the State party to its general recommendation 23 (1997) on the rights of indigenous peoples, the Committee strongly recommends the State party to:

(a) Ensure legal acknowledgement 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;

(b) Strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions;

(c) Ensure that indigenous and tribal peoples are granted the right of appeal to the courts, or any independent body specifically 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;

(d) Elaborate a framework law on the rights of indigenous and tribal peoples and take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for that purpose;

(e) Extend an invitation to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to visit its territory.

3. The Committee requests that detailed information on the above-mentioned issues be included in the eleventh to thirteenth periodic reports of the State party, to be submitted in a single document on 14 April 2007. The Committee also wishes to receive, as previously requested, detailed information on the current status of the revised draft Mining Act and its compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, as well as with the Committee's 2004 concluding observations.

4. The Committee draws the attention of the High Commissioner for Human Rights as well as the competent United Nations bodies, in particular the Human Rights Council, to the particularly alarming situation in relation to the rights of indigenous and tribal peoples in Suriname, and invites them to take all appropriate measures in this regard.

*1785th meeting
18 August 2006*

Notes

1/ CERD/C/66/SUR/Dec.3.

2/ See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, chap. II.