

**Observations on the State of Indigenous Human Rights in Suriname
In Light of the
UN Declaration on the
Rights of Indigenous Peoples
Prepared for
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CULTURAL SURVIVAL

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC since 2005. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

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UPR Report Submission Indigenous Rights Violations in Suriname

I. Executive Summary

In 2011-2015, Suriname has continued to inadequately serve the Indigenous and tribal peoples of the country, who make up 3.8% of the population. Suriname has no legislatively established Indigenous recognition, rights, or land rights. Without a presence in Suriname's constitution or laws, progress in the area of Indigenous human rights is almost impossible. While various strides have been made in international human rights courts in terms of Indigenous land rights, the implementation of these verdicts has been stagnant or nonexistent in the country. The country does not recognize Indigenous peoples or their land, granting them no access to the protection of their land from foreign companies, government projects, or conservation organizations. However, in 2007, Suriname voted for the UN Declaration on the Rights of Indigenous Peoples.

Suriname's forefront issue in the realm of Indigenous rights is the lack of constitutional and legislative recognition of the status, presence, and rights of Indigenous and tribal peoples in the country, especially the collective rights to lands. According to domestic law, Indigenous Peoples do not have rights over their land, as all land is demarcated as public territory by the Suriname constitution. This makes Indigenous land unprotected, and is often usurped through government concessions to companies interested in building large-scale projects, natural resource extraction, or eco-tourism projects work that do not obtain Indigenous Peoples free, prior and informed consent before in the regions that Indigenous Peoples have traditionally occupied. Indigenous land rights are necessary in order for the communities to maintain their lifestyles and communities, and must be granted legally by the Suriname constitution.

An open dialogue between the government and Indigenous Peoples, which could be done through their system of traditional leaders, should be a priority of the Suriname government, as this dialogue would allow Indigenous peoples a voice in the legislation, laws, demarcation, and use of their lands and establish a process of Free, Prior, and Informed Consent, which should be required before anyone can work with the Indigenous groups or their land. While two organizations, Association of Indigenous Village Leaders in Suriname (VIDS) and Organisation of Indigenous People in Suriname (OIS), are fighting for Indigenous rights in the country, there remain many obstacles to their success and progress. A lack of legislative recognition, land rights, and open dialogue halt the progress of Indigenous human rights and Indigenous land rights in the country.

II. Background

Indigenous peoples make up roughly 3.8% of the population in Suriname. The four largest Indigenous groups are the Kali'ña (Caribs), Lokono (Arawaks), Trio (Tirio, Tareno), and Wayana. In addition, many smaller Indigenous groups live to the south of the country, in the Amazonian region, including the Akurio, Apalai, Wai-Wai, Katuena/Tunayana, Ma-wayana, Pireuyana, Sikiyana, Okomoyana, Alamayana, Maraso, Sirewu and Sakëta. Maroons, the descendants of Black Africans brought as slaves to the area by the Europeans, also make up an important minority group whose traditional cultures and rights to land should be recognized. The country's economy relies on export of materials like bauxite, aluminum, gold, and timber, which are found in the country's interior forests

which, as are rich in natural resources as well as being the home of Indigenous Peoples. The constitution of Suriname does not formally recognize Indigenous and tribal peoples and has no legislation relating to Indigenous peoples. Suriname has not signed the ILO Convention 169. The government and international companies proposing projects for resource extraction or building in the country have little respect for Indigenous and Maroon peoples' rights to free, prior, and informed consent. Despite multiple efforts to implement Indigenous rights laws and legislature, Suriname's lack of recognition of Indigenous peoples has resulted in a lack of timely and effective action.

III. First UPR Cycle

Five recommendations from the past UPR review cycle in 2011 regarding Indigenous peoples were accepted by Suriname, but still have not been implemented fully:

- Continue to work on the Special Rapporteur on the rights of Indigenous persons (United States)
- Take expeditiously efficient steps to improve access to free basic education to all children, with particular focus on those living in the interior areas and those belonging to Indigenous and minority groups (Slovakia)
- Continue dialogue with Indigenous persons (United States)
- Adopt and implement efficient measures to eliminate discrimination on any grounds and against all vulnerable groups, with particular care on Indigenous population in terms of socio-economic development, health status, and access to health care (Slovakia)
- Establish the legal conditions that are necessary in order to avoid discrimination of Maroons and indigenous peoples in terms of socio-economic development, health status, and access to health care (Germany)

These recommendations were "noted" but not accepted by the Suriname state and continue to be relevant during this cycle:

- Ratify the International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries (Norway and Ecuador)
- Continue efforts to recognize and uphold the collective rights of Indigenous peoples (Trinidad & Tobago)
- Recognize the collective rights of Indigenous peoples to their lands and resources, giving the matter priority when the issue of land rights is raised in Parliament as indicated in the Government's statement in October 2010 (Canada)
- Acknowledge legally the rights of Indigenous and tribal peoples to own, develop, control and use their lands, resources and communal territories according to customary law and traditional land-tenure system (Hungary)
- Take the necessary steps to act in compliance with the verdict rendered in 2007 by the Inter-American Court of Human Rights in the Saramaka People case and to respect the right of Indigenous people and Maroons to land (Norway and Ecuador)
- Ensure that its Indigenous communities, as far as possible, benefit fully from the provision of public services and that their land rights are legally recognized, including via implementation of the 2008 decision of the Inter-American Court of Human Rights (United Kingdom)
- Execute fully the judgement of the Inter-American Court of Human Rights regarding logging and mining concessions in the territory of the Saramaka people and enshrine land rights of Indigenous and Maroon groups in the Surinamese legal framework (Netherlands)

IV. Rights Violations

A. Indigenous Constitutional Recognition (UNDRIP Articles 6, 26, 27, 33)

A primary issue preventing the further promotion and protection of Indigenous rights is the lack of recognition of Indigenous Peoples in Suriname's constitution. As a country that gained its independence from Holland in 1975, Suriname still operates under a colonial legislature that does not

acknowledge or define the presence of Indigenous groups in the country. The lack of recognition of Indigenous and tribal peoples denies 3.8% of the population of their status, rights, and land rights. Indigenous peoples have made many efforts domestically and alongside international human rights groups to advocate for their rights, but before rights, land rights, or proper legislation involving Indigenous peoples can be achieved, Indigenous peoples must be recognized in the Suriname constitution.

B. Land Rights for Indigenous Peoples (UNDRIP Articles 10, 11, 19, 28, 29 and 32)

Indigenous land rights continue to lack recognition from the Suriname state. The Suriname constitution states that natural resources are property of the country as a whole and does not acknowledge communal land rights. Indigenous lands are not demarcated and no domestic legislation exists surrounding the issue. Government concessions to extractive industries have appropriated 40% of the lands in Suriname. As a result, land concessions are threatening Indigenous Peoples, whose as their land and water resources are appropriated for economic benefit of others.

Since the 1950s, Indigenous Peoples have been displaced for major industrial projects. In the late 1950s the Brokopondo Dam displaced communities when it flooded 1500 sq km, or 1% of the country's land. A 2010 case with the Saramaka Maroon group versus Suriname state in the Inter-American Court of Human Rights ruled that the legislature of the state needs to take action to adopt national legislation to legally recognize the legal status the Saramaka people have over their land and their right to Free, Prior, and Informed Consent. Although the case made it to international court and was an official recommendation in the previous UPR Report cycle, no legislative action has been taken since the ruling to establish Indigenous land rights.

In December 2014, the Conference of Trio and Wayana, two prominent Indigenous groups, took place to discuss ways to protect the Indigenous groups' regions and look at forms of sustainable development. The conference was a major stride in recognition of Indigenous peoples' rights in Suriname, but was funded by international environmental organizations instead of by Suriname's government. In 2013, the position of Presidential Commissioner on Land Rights in Suriname was established. The commissioner's objectives are to promote work on legislation and recognition of Indigenous rights and land rights. Thus far the commissioner has made little progress in these areas.

Numerous construction projects have taken place on Indigenous land without the consent, recognition, or approval from Indigenous groups living in these regions. International companies in a variety of projects such as mining, oil extraction, hydroelectric power, highway and railroad construction, and housing developments, have made attempts to build and extract resources on Indigenous land over the past four years. On several occasions, such as a railroad project from Paramaribo to the Suriname international airport and a highway from through the Amazon to Brazil, Indigenous groups living in the regions of these projects were not made aware of the plans until bulldozers arrived in their neighborhoods.

Indigenous communities reside mainly in the interior rainforest area of Suriname. Their livelihoods and culture are based on freshwater fishing, hunting, and small scale farming and are inextricable from their lands. "The river is where we get our water. The forest is our supermarket and pharmacy," explained a Commissaris Kondre community member. Yet Indigenous communities are regularly evicted from their lands due to their lack of land titles and a lack of respect by the government for communal land rights. According to Joan Vande Bosch, 'Capitan' of Pikin Poika Indigenous village explained: "When it comes to our forest, the government does not take us into account at all. Without our say they make decisions, give title to people behind our back. This has been happening since the 70's. I

don't want to receive title or a lease. I want collective land rights. Not to divide the land, because our ancestors did not know that...They cannot come and force us to live that we because we live differently, we live in nature. They should not come and change us how they want us to be. We have a right to live.” She continued, “If they find gold here, or oil or whatever, Indigenous leaders need to come to the table, together with the people, and decide if we agree or not. Then we can tell the government what we want and then they can make a decision. But they can't make it on their own.”

C. Hazardous Waste (UNDRIP article 29)

As a result of the extensive gold mining industry in Suriname, Indigenous communities have been left with high levels of hazardous industrial mining waste contaminating their lands, rivers, and food sources. Communities in the interior, including Indigenous Peoples and Maroons, have no alternative than consuming food that is contaminated with mercury. Investigations conducted community run studies show they are dealing with contaminated water supplies as a result of the mining industry increased E-coli from mine workers polluting water, from barges dredging rivers, and cyanide releases from large scale mining, and absolutely no action is being taken to protect the health of communities. A study conducted by the Wayana Amerindian tribe found that 100% of the 159 community member participants in Alpatina in the Amazon River Basin had dangerous levels of mercury found in their hair samples. Children as young as 1-2 years old already have dangerously high levels of mercury in their systems, putting them at higher risk for a multitude of health problems associated with mercury poisoning. A 2012 report from Suriname's Anton de Kom University, revealed that 45 percent of mercury used in mining remains in the nation's aquifers. Between 30-60 tons of mercury is deposited in the interior of the country every year. This violates Article 29 of the UNDRIP which states that “States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands of territories of indigenous peoples without their free, prior, and informed consent.” In 2012, Indigenous women living near Mindrineti Creek reported that animals of prey were washing up dead along the creek where they go for water. The community brought cyanide test kits and were trained on how to test daily river water samples for cyanide chart them over time. Eventually they were able to bring Iamgold Corporation to admit to dumping cyanide waste directly into the river during the rainy season, in violation of their plans according to the 2002 Environmental Impact Assessment. IAMGOLD eventually did install wells in Kwakoe Gron, but did not engage in a process of consultation with Indigenous community members to do so and so the wells did not function to meet the needs of the community and access to clean water continues to be a problem.

D. Right to Development, REDD+, and Conservation (UNDRIP Articles 25 and 26, 29, 32)

Conservation organizations have taken interest in Suriname, as multiple projects have caused much natural resource extraction and deforestation without the recognition or collaboration with people who live on these lands or legislation regarding conservation. However, the lack of rights surrounding their land has also alienated Indigenous communities from conservation projects in Suriname. Although conservation projects in the country are essential, they have often failed to achieve the free, prior informed consent of Indigenous Peoples before moving forward, excluding the voices and opinions of Indigenous Peoples who have been stewards of these lands. In 2014, the Reduced Emission from Deforestation and Forest Degradation (REDD+) program was proposed in Suriname. The program would pay nations to support long-term reforestation projects. The project has been opposed by many, including VIDS, because of the continued lack of legislation regarding Indigenous land, land rights, and legal use of

land. Under REDD+, traditional agriculture methods of many Indigenous groups would be in jeopardy, as no land is demarcated as specifically for Indigenous groups. Until legislation is made regarding Indigenous land and rights, REDD+ implementation will most likely continue to be opposed by VIDS. VIDS is currently working to develop strategies to spread information about REDD+ by creating a toolkit for “rights-based, culturally sensitive information” on the program.

V. Questions

1. What steps has Suriname taken to recognize the country’s Indigenous population?
2. What steps has Suriname taken to implement the 2007 and 2008 verdicts by the Inter-American Court of Human Rights that grant Saramaka peoples and Indigenous peoples throughout the country land rights, protection, and legal recognition?
3. What steps has Suriname taken to address the dumping of hazardous waste in Indigenous lands?

VI. Recommendations:

Cultural Survival urges the government of Suriname to:

1. Revise the constitution to include recognition of Indigenous and tribal peoples, their human rights, and their rights to their land.
2. Formally recognize of the demarcation of Indigenous lands that belong to specific Indigenous groups and laws and legislation surrounding use of these lands and acknowledge legally the rights of those Indigenous and tribal peoples to own, develop, control and use their lands, resources and communal territories according to customary law and traditional land-tenure system.
3. Ratify the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and establish formal protocols on obtaining FPIC.
4. Ensure legislature achieves the Free, Prior, Informed Consent of Indigenous peoples while establishing any laws and legislation regarding Indigenous peoples, and that all national laws reflect the minimum standard of the UNDRIP.
5. Form a joint commission or platform for consultations regarding Indigenous land and rights that will further monitor Indigenous rights and legislations and their implementation along with the implementation of international human rights legislature
6. Implement 2007 and 2008 verdicts by the Inter-American Court of Human Rights that grant Saramaka peoples and Indigenous peoples throughout the country land rights, protection, and legal recognition.
7. Take operational steps to implement the United Nations Declaration on the Rights of Indigenous Peoples, adopting a national action plan on its implementation to ensure Indigenous peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country as provided under UNDRIP.
8. Implement the World Conference on Indigenous Peoples Outcome Document, beginning with drafting a National Plan of Action to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples.
9. Take steps to prevent and remediate the effects of mercury contamination on Indigenous lands.

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