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INDIGENOUS PEOPLES AND MAROONS IN SURINAME

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Policy Note
On
Indigenous Peoples and Maroons in Suriname

Prepared for the Inter-American Development Bank

by

Dr. Ellen-Rose Kambel

Foreword

The vast Interior of Suriname is inhabited primarily by four indigenous peoples who are descendants of the original inhabitants of Suriname and six Maroon tribes who have lived in the Interior since the 17th century. Together, they represent approximately 20% of the total Surinamese population.

Given their location in the vast Interior region, it is not surprising that these communities rely heavily on the area's rich natural resources. These resources – water, timber and wildlife in particular – are the foundation of the economies of these communities and the main influence on their social, cultural and spiritual lives. Complex systems of customary law regulate land use, and kinship remains a key determinant in accessing resources, including land. However, because of weak regulatory framework, these communities are increasingly vulnerable to pressures on land and resources from extractive industry and large infrastructure projects. This vulnerability extends to the social sector, where marginalization has resulted in lower than average social indicators, lower social spending and on-going social exclusion.

This study provides a concise analysis of the current challenges facing Indigenous and Maroon communities in Suriname and provides recommendations for possible Bank support. Despite the paucity of data and statistical information related to these groups, the findings suggest that the extreme geographical challenges and social exclusion experienced by the Indigenous and Maroon communities have affected negatively their general levels of social and economic development. Thus, the study recommends addressing some core regulatory gaps: land tenure, legal frameworks and regulations, and improving social indicators.

The results of this study were discussed with Indigenous and Maroon leaders and representatives of the Surinamese government during a consultation workshop held in December 2005. The workshop was a unique and historical event as it was the first time that an international donor organization had invited all Indigenous and Maroon leaders to provide input for the Bank's work in the country. It was also the first time in nearly ten years that the leaders had themselves assembled to discuss matters of mutual interest and concern. As a result, this study not only provides the author's perspective on the issues contained therein but also reflects part of the discussion and recommendations put forward by the Indigenous and Maroon leadership themselves.

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Table of Contents

	pg
<u>Introduction</u>	4
<u>Abbreviations</u>	5
<u>Executive Summary</u>	7
Map of Indigenous and Maroon Areas	9
<u>Part I: The Socio-Economic and Legal Status of Indigenous Peoples and Maroons in Suriname</u>	
<u>Population</u>	10
<u>1.2 Poverty Indicators</u>	11
<u>1.3 Land and Resource Rights</u>	13
<u>1.4 Education</u>	19
<u>1.5 Health</u>	21
<u>Part II: Donor Policy</u>	
<u>2.1 Lack of Participation of Indigenous Peoples and Maroons in Project Design</u>	27
<u>2.2 Overlap and Gaps in Funding</u>	27
<u>2.3 No Effective Institutional Mechanism to Mainstream Indigenous and Maroon Issues into Government and Donor Policy</u>	28
<u>2.4 IDB Portfolio</u>	28
<u>Part III: Consultation Processes with Indigenous Peoples and Maroons</u>	
<u>3.1 Representation</u>	30
<u>3.2 Costs</u>	31
<u>3.3 Stakeholders vs Rights holders</u>	31
<u>3.4 Communication</u>	31
<u>3.5 Conclusions</u>	32
<u>PART IV: Conclusions and Policy Recommendations</u>	
<u>4.1. Legislation on Indigenous and Maroon Rights Conform International Legal Obligations</u>	34
<u>4.2 Institutional Structure To Mainstream Indigenous/Maroon Issues in Government Policy</u>	35
<u>4.3 Community-Based Data Collection</u>	36
<u>4.4. Assist Indigenous and Maroon Communities to Formulate and Develop Own Development Priorities and Plans</u>	37
<u>4.5 Education</u>	37
<u>4.6 Health</u>	38
<u>Annex I: Policy Matrix Indigenous Peoples and Maroons in Suriname</u>	39
<u>Annex II: Donor Policy Matrix</u>	42
<u>Annex III: List of Interviewed Persons</u>	47
<u>REFERENCES</u>	49

END NOTES

52

List of Figures and Tables:

<u>Fig. 1 Indigenous Peoples & Maroons: Communities and Their Location</u>	10
<u>Fig. 2 Population by Ethnic Background</u>	10
<u>Fig. 3 Population by District</u>	11
<u>Fig. 4 Estimated number of Indigenous Peoples and Maroons by Ethnic Group</u>	11
<u>Fig. 5 Primary Education Urban/Rural/Interior</u>	20
<u>Fig. 6 Exam results primary schools in 2004</u>	20
<u>Fig. 7 Health Problems Districts Sipaliwini & Brokopondo</u>	23
<u>Fig. 8 Mercury contamination of Surinamese rivers</u>	24
<u>Fig. 9 Donor Activities</u>	26
<u>Fig. 10 IDB Portfolio Suriname</u>	29

INTRODUCTION

The main objective of this Policy Note on Indigenous Peoples and Maroons is to provide input for the new Inter-American Development Bank (IDB) Country Strategy for Suriname. The recommendations are intended to inform the dialogue between the IDB and the new Government of Suriname, which will in turn inform the Country Strategy for Suriname and provide a strategic focus for the Bank's activities as they relate to these groups.

As agreed in the Terms of Reference, the Policy Note includes: a brief description and analysis of the issues related to the current socio-economic and legal status of indigenous peoples and maroons (part I); analysis of the Bank's existing portfolio and the portfolio of other international donors including the Dutch Treaty Fund and the EU (part II); analysis of consultation processes being developed, or having been carried out, with these groups (part III); policy recommendations regarding how to address the most important issues that affect the indigenous and Maroon population (part IV). A Policy Matrix and Donor Policy Matrix are annexed.

Methodology

Information for this Policy Note was gathered in Suriname during two trips (2-17 August and 17-27 October 2005), and includes a review of relevant reports (see bibliography) and interviews of key persons from the government, the donor community, indigenous and maroon representatives and NGOs (see annex, list of persons interviewed). The objectives of the interviews were to gather data (existing reports, statistics etc), to cross-check information and to seek the informants' views on policy recommendations regarding issues affecting indigenous peoples and maroons.

About the Author

Ellen-Rose Kambel obtained a law degree and a PhD in Social Sciences from the University of Leiden (the Netherlands) and works currently as an independent human rights trainer and consultant. She has ten years of experience working with indigenous peoples in Suriname and has (co) authored several books and a PhD thesis on indigenous rights to land in Suriname.

ABBREVIATIONS

AFD	French Development Agency Group
BOG	Bureau for Public Health
CBD	Convention on Biological Diversity
CBO	Community Based Organization
CBS	Central Statistics Bureau
CDFS	Community Development Fund Suriname
CERD	UN Committee on the Elimination of Racial Discrimination
CI	Conservation International
CLIM	Land Rights Commission Of the Lower-Marowijne Indigenous Communities
CSNR	Central Suriname Nature Reserve
DGIS	Netherlands Directorate General for International Cooperation
EU	European Union
FFEM	French Fund for Global Environment
FPP	Forest Peoples Programme
GEF	Global Environment Facility
GLIS	Land Registration and Information System
GOS	Government of Suriname
HRC	United Nations Human Rights Committee
IDB	Inter-American Development Bank
ISDB	Islamic Development Bank
LISP	Foundation Low Income Shelter Program
MATE	French Ministry for Environment
MDG	Millennium Development Goals
MICS	Multiple Index Cluster Survey
MINOV	Ministry of Education
MZ	Medical Mission
NGO	Non-Governmental Organization
NIKOS	NGO Instituut voor Kaderontwikkeling en Onderzoek in Suriname
NPS	National Party Suriname
NSI	North South Institute
NUES	Non-Urban Environment Sector Plan
NVB	National Women's Movement
OAS	Organization of American States
PAHO	Pan American Health Organization
PAS	Father Ahlbrinck Foundation
PCOS	Foundation Protestant-Christian Education Projects
PL	Pertjajah Luhur
RGB	Ministry of Physical Planning, Land and Forest Policy
RGD	Regional Health Service
RO	Ministry of Regional Development
ROB	Council for the Development of the Interior
SCF	Suriname Conservation Foundation
SLMP	Suriname Land Management Program

SPA	Suriname Labour Party
TC	Technical Cooperation
UN GFATM	UN Global Fund Against Aids, Tuberculosis and Malaria
UN	United Nations
UNDP	United Nations Development Programme
VHP	Verenigde Hervormingspartij
VIDS	Vereniging van Inheemse Dorpshoofden in Suriname (VIDS)
VVOB	Flemish Association for Development Cooperation and Technical Assistance

EXECUTIVE SUMMARY

This Policy Note on Indigenous Peoples and Maroons in Suriname provides input to the new Country Strategy of the Inter-American Development Bank for Suriname. The Note consists of four sections:

I. Socio-Economic and Legal Status of Indigenous Peoples and Maroons in Suriname

This section provides a brief description of the current socio-economic and legal status of indigenous peoples and maroons in Suriname, in particular regarding population, poverty indicators, land and resource rights, education and health. The main conclusions are that:

- There is a lack of accurate basic information regarding indigenous peoples and maroons. Such information is critical for any strategic planning, both by the government and by the communities themselves. It is therefore recommended that the Bank provide technical assistance to the Government of Suriname to disaggregate or collect such basic information, preferably within the framework of the Millennium Development Goals and with the full participation of indigenous and maroon peoples and their communities and organizations.
- There is an urgent need for legislation securing the rights of indigenous peoples and maroons to their collective lands and resources, their right to meaningful participation in decision making, particularly with regard to resource exploitation and establishment of protected areas; and effective domestic legal remedies for violations of indigenous and maroon rights. Recent decisions by the Inter-American Human Rights Court and the UN Committee on the Elimination of Racial Discrimination have underlined this urgency. It is recommended that the Bank promote and provides financial assistance to draft and/or implement a framework law and implementing regulations that recognize and secure the rights of indigenous peoples and maroons.
- Considering the myriad of problems in education for indigenous peoples and maroons, the Bank should promote and assist the government of Suriname with the development of a comprehensive Indigenous and Maroon Education Strategy, based on successful experiences in other countries and designed with the full participation of indigenous and maroon communities.
- Regarding health, it is proposed that the Bank engage the government in a dialogue about establishing an effective strategy on the health effects of mining, particularly mercury contamination of indigenous and maroon people and to assist with the development of an effective complaints procedure and monitoring system on health care provision in indigenous and maroon areas.

II. Donor Policy

In this section, an overview is provided of the programmers that are currently funded or in the pipeline by the IDB, the Dutch government, the EU and other international donors, and which may impact on indigenous peoples and maroons, with a view of identifying overlap, and missed opportunities.

The analysis shows that, despite improved donor coordination, there is still considerable overlap in donor activities, particularly in the areas of health, education, housing, community development and nature conservation, while few programmers support the priorities indicated by indigenous and maroon representatives, particularly capacity building and support for design and implementation of

self-defined development priorities and strategies. This is partly due to the lack of an effective institutional mechanism to mainstream indigenous and maroon issues into government and donor policy. It is recommended that the Bank provide technical and financial assistance to the government to establish such a body.

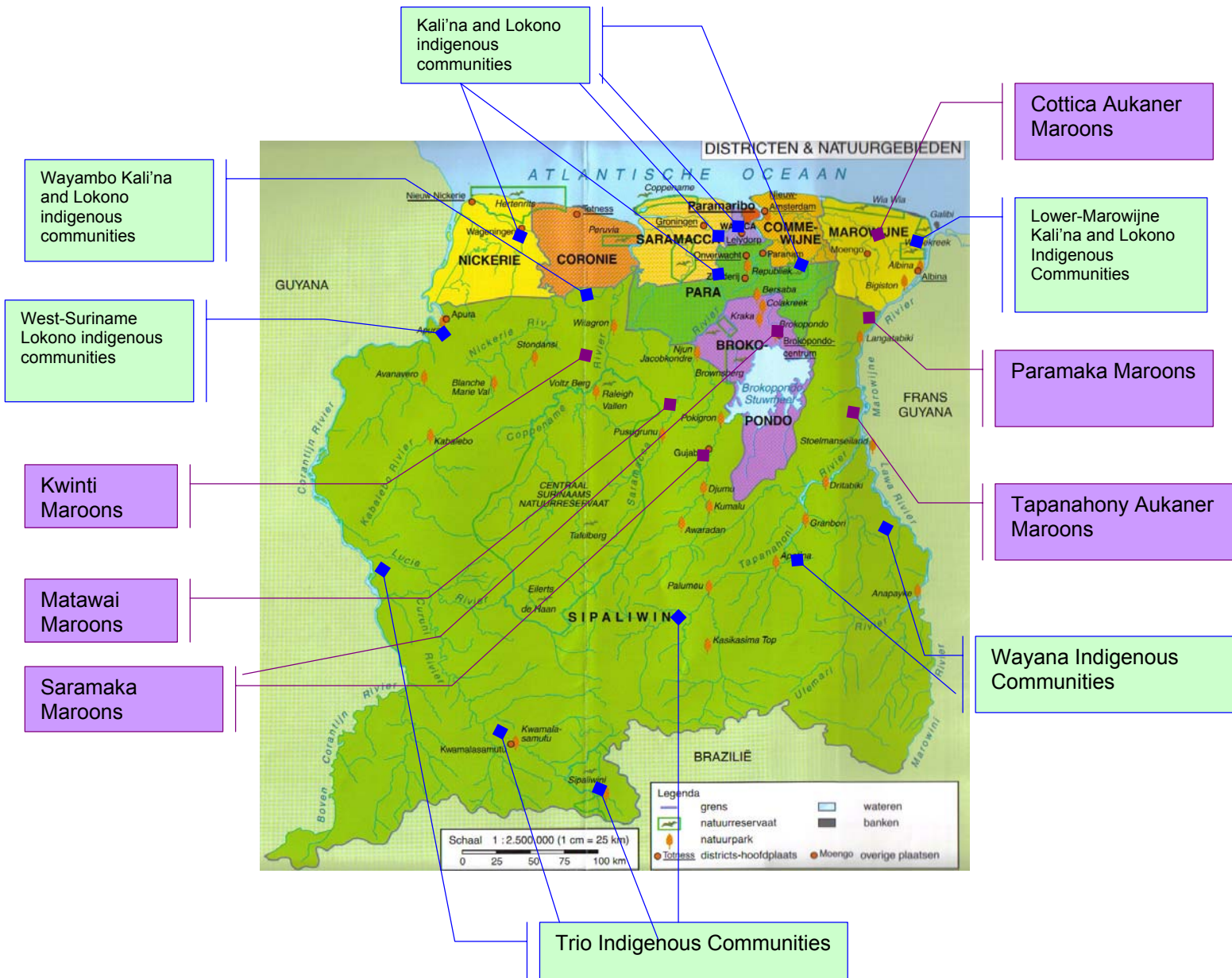
III. Consultation Process

Indigenous peoples and maroons are increasingly included in consultation processes about issues that may affect them. There are a number of problems however that limit the extent to which they are really able to participate in such processes. This section addresses some of these problems.

IV. Policy Recommendations

The final section provides six strategies for possible assistance by the Bank: (1) legislation on indigenous and maroon rights conforming with Suriname's constitutional and international legal obligations; (2) institutional structure to mainstream/coordinate indigenous and maroon issues in Government policy; (3) community-based data collection; (4) assistance to communities to formulate and develop their own development priorities and plans; (5) indigenous and maroon education strategy; (6) mining & health strategy and complaints and monitoring system of health services provided to indigenous peoples and maroons.

Map of Indigenous and Maroon Areas¹



¹ Source: Hebri Scholierenkaart Republiek Suriname, 2004.

PART I: SOCIO-ECONOMIC AND LEGAL STATUS OF INDIGENOUS PEOPLES AND MAROONS IN SURINAME

This section provides a brief overview of the socio-economic and legal status of indigenous peoples and maroons in Suriname. The section is kept as succinct as possible, focusing only on the most recent information.¹ It should be emphasised however, that statistics providing basic information on indigenous peoples and maroons in Suriname, such as population, health, including access to safe drinking water, sanitation and education, are either not available, or not disaggregated to the level of indigenous and maroon communities. Generally, the lowest level of analysis that is used, is the district level, which, as will be discussed more fully in section 1.1, does not adequately reflect the situation of indigenous peoples and maroons. More often, however, indigenous peoples and maroons disappear completely in the statistics, which claim to represent the national situation but are in reality based on urban areas. This clearly makes planning or programming for policies on indigenous peoples and maroons extremely difficult.

1.1 Population

Suriname is inhabited by four indigenous peoples and six Maroon tribes, who live in approximately 230 villages spread across Suriname (fig. 1). According to the latest census, the total number of indigenous persons living in Suriname is 18.037 (or 3,7% of the total population) and 72.553 Maroons (14,7%). This means that indigenous and tribal peoples now make up almost **20% of the population** (see figure 2).

Fig. 2 Population by Ethnic Background (census 2004)

	<i>No.</i>	<i>%</i>
Amerindian	18.037	3,7
Maroon	72.553	14,7
Creole	87.202	17,7
Hindustani	135.117	27,4
Javanese	71.879	14,6
Chinese	8.775	1,8
Kaukasian	2.899	0,6
Mixed	61.524	12,5
Other	2.264	0,5
Doesn't know	1.261	0,3
No answer	31.318	6,4
Total	492.829	100

Fig. 1 Indigenous Peoples & Maroons: Communities and Their Location²

INDIGENOUS PEOPLES		
	communities	location
Kali'na (Carib)	14	Coast/ savannah belt
Lokono (Arowak)	15	
Mixed Kali'na/Lokono	2	
Trio (Tiriyó)	10	South
Wayana	5	
Mixed Trio/Wayana	1	
Total # indigenous communities	47	
MAROONS		
Saramaka	70-80	Upper-Suriname River / District Brokopondo
Ndyuka/Aukaners	70-75	Tapanahony & Cottica River
Paramaka	11	Marowijne River
Aluku (Boni)	1	Lawa River
Matawai	17	Upper-Saramaka River
Kwinti	2	Coppename River
Total # Maroon communities	171-186	

1.1.1 Data available on indigenous and tribal population

The census indicates the total number of indigenous persons and maroons, including those living in Paramaribo. Consequently, there are no reliable statistics on the number of indigenous peoples and maroons living in tribal communities. This is mainly because the data presented in the 2004 census is

limited to the district and *ressort* (sub-district) level and indigenous and maroon tribal boundaries do not coincide with the district or resort boundaries. Whereas a majority of the Maroons live in the district of Sipaliwini (often referred to as the “Interior District”), there is a significant number of indigenous and maroon communities in the districts of Brokopondo, Marowijne and Para.³ Para for example is home to almost 30% of the indigenous communities. However, these districts are not exclusively occupied by indigenous peoples, so no reliable data can be extracted from the census-results about the number of indigenous peoples and maroons living in certain districts (see fig. 3).

	No.	%
Paramaribo	242,946	49,3
Wanica	85,986	17,4
Nickerie	36,639	7,4
Coronie	2,887	0,6
Saramaka	15,980	3,2
Commewijne	24,649	5,0
Marowijne	16,642	3,4
Para	18,749	3,8
Brokopondo	14,215	2,9
Sipaliwini	34,136	6,9
Total	492,829	100

1.1.2 Other data sources

The **Medical Mission (MZ)**, which is responsible for health care for indigenous peoples and maroons in the districts of Sipaliwini, Brokopondo and part of Para (see below, para 1.3) gathers data based on the patients registered at their clinics. This data is disaggregated to the community level. However, MZ does not cover all indigenous and maroon territories

(Marowijne, for instance, is excluded), nor

are there clinics in every community where they do work, so significant gaps remain.

The Association of Indigenous Village Leaders (VIDS), an indigenous peoples’ organization, is currently working on a database that will contain basic information about all indigenous villages, however this has yet to be completed.

The Ministry of Regional Development (RO), which is responsible for paying the traditional authorities of indigenous and tribal peoples a monthly stipend, should be a good source of data, but neither possesses nor collects basic disaggregated data on indigenous and tribal villages, such as population statistics.

Trio	1,845
Wayana	497
Kali’na & Lokono	ND
Total indigenous peoples	ND
Saramaka	34,482
Aukaner	22,943
Paramaka	2,169
Matawai	1,537
Kwinti	131
Aluku	374
Total Maroons	61,636
Total indigenous & Maroons	ND

Fig.4 shows the estimates if the data collected by the census, MZ and VIDS, are combined.

1.2 Poverty Indicators

According to the IDB Suriname Poverty and Safety Net Assessment, ‘household surveys in Suriname are representative of Greater Paramaribo and Nickerie only, which (. . .) are the wealthiest areas in the country in absolute terms, so that poverty estimates do not take into account the population in “the interior”, which anecdotal evidence suggests is the poorest.’⁴ The Assessment itself excludes the Interior and only provides poverty indicators based on Paramaribo, Wanica and

Nickerie. The same is true for the preliminary assessments of the Millennium Development Goals in Suriname.⁵

At the International Workshop on Data Collection and Desegregation for Indigenous Peoples, held in 2004 at the request of the United Nations Permanent Forum on Indigenous Issues, it was highlighted that:

“the lack of reliable disaggregated data constitutes a severe limitation in terms of measuring the impact of development programmes on indigenous peoples’ quality of life. At the same time it is acknowledged that data collection and desegregation concerning indigenous peoples poses unique challenges in terms of developing data for global comparative purposes as well as developing data that is useful and relevant for indigenous peoples at a micro level.”⁶

The Inter-Agency Support Group on Indigenous Issues, which includes the IDB, also underlined the fundamental importance of collecting data that is disaggregated by gender and by ethnic identity to gain “an accurate understanding of indigenous peoples’ poverty situation, to qualify policies, and to develop appropriate programmes and monitor impact”.⁷ Moreover, poverty indicators used for ethnic groups living in an urban setting may not be relevant for indigenous peoples, and indigenous peoples may have different concepts of poverty themselves: “For indigenous peoples, poverty may be expressed as a lack of political participation, or as a loss of territorial integrity and spiritual values.”⁸

That indigenous peoples do not immediately qualify as ‘poor’, should not lead to the conclusion that the MDGs are not relevant to indigenous communities. This, according to the IASG-report, ‘is the double challenge posed to the MDGs by indigenous peoples; on one hand they have the right to be fully included and to benefit from the global efforts to achieve the MDGs, while on the other, their rights to define their own development path and priorities, must be respected, in order to ensure that the MDGs contribute to the full realisation and strengthening of the potential of these peoples.’ The Inter-Agency Support Group recommends that

Partnerships with indigenous peoples would build on the human rights approach to development followed by the United Nations, with the aim of empowering indigenous institutions, building on indigenous knowledge, practices and systems and strengthening indigenous economies in the process and the capacity of indigenous peoples to engage in local and national planning processes and in global policy advocacy.⁹

So far, there seems to be little discussion in Suriname that there may be a variety of views regarding poverty. For example, the poverty ranking system developed by the Community Development Fund Suriname (CDFS),¹⁰ which is used to determine which communities qualify for funding, relies on urban-standards of poverty, such as whether or not communities have weekly garbage collection, day care for the elderly, and houses with zinc sheet roofing and tiled floors.¹¹ This automatically qualifies indigenous and maroon communities as the poorest of the poor.¹² Captain Ricardo Pané, for example, who is village leader of Christiaankondre and chair of the VIDS, the national organization of indigenous peoples in Suriname, does not consider indigenous peoples ‘poor’. For him, being poor means:

*“not being able to do anything anymore, that’s when you’re completely dependent on others to stay alive. That’s what I call poverty. In the Interior, there is no poverty, we have everything around us, all the natural resources. There is fish, meat, we have water, the land is fertile.”*¹³

For Captain Pané, the major role of the government lies in strengthening the interior communities, by building capacity of the traditional authorities, creating space for indigenous self-development and providing good education: *“So that we can develop our own policies. In that way we carry out part of the government’s job, we contribute to the development of a part of Suriname”*. However, as will be outlined below in the section on donor policy, funding for capacity building of indigenous and maroon communities, so that they may define and implement their own development goals, is scarcely available in Suriname. CDFS, for instance, accords the lowest priority to training and technical assistance.¹⁴

1.3 Land and Resource Rights

Indigenous peoples and maroons hold their lands, territories and resources collectively in accordance with their traditional or customary land tenure systems. Maroon lands are held by the *lo* (clans) and the *beë* (sub-clans), and there are strict rules regulating individual access and use of these clan lands, which are inalienable outside the clan. The lands of the various clans are vested in the tribe as a whole and are inalienable outside the tribe.

While indigenous peoples have clearly defined and respected territorial boundaries in the coastal area (Kali’na and Lokono), their internal rules are less formal than the Maroons. For instance all community members are allowed to use the land for cutting new agricultural plots, collecting non-timber products and for hunting and fishing.¹⁵ Both groups, however, have a strong relationship with the forest, rivers and creeks they have traditionally owned for centuries, a relationship which is both economic – providing them with basic necessities such as food, drink, housing and transport – as well as cultural and spiritual. Indeed, their various relationships, and the enjoyment thereof, with their traditional territories are a fundamental part of their identity and security.

The key challenges relating to land and resource rights of indigenous peoples and maroons are:

(a) Lack of Legal Recognition of Collective Land Titles

Surinamese law does not recognize and protect the traditional land tenure systems of indigenous and tribal peoples, or their special relationship with the forest. All land and all natural resources are considered to be owned by the State. Like other Surinamese citizens, indigenous persons and Maroons have the right to apply for individual titles in the form of land lease (*grondhuur*) under the L-Decrees. This is a leasehold title issued for specific purposes (building, planting and recreational uses), for a maximum period of 40 years and which can be revoked by the Minister of Natural Resources, if the annual fee is not paid (in time), or if the land is not used in accordance to the request.¹⁶ To date, 80% of the indigenous communities have explicitly rejected this title, and stated they want recognition of their traditional, communal rights, which they have held and exercised since time immemorial.¹⁷ With the exception of a number of Maroons living in Paramaribo, maroon traditional authorities are also seeking collective title to their lands and territories.

(b) Lack of Legal Procedures for Meaningful Participation Prior To Resource Exploitation or Establishment of Protected Areas

According to the IDB Suriname Country Environmental Assessment, 60% of indigenous and maroon communities are currently located within a logging concession, whereas 40% are in or directly affected by mining concessions.¹⁸ There are, however, no legal mechanisms in Suriname establishing or regulating indigenous and maroon participation in decision-making, particularly when mining or logging concessions are issued. Concessions are normally issued without consultation and there are no effective legal remedies to challenge grants of concessions or to seek compensation for damages. In principle, the District Commissioner is responsible for consulting with the traditional authorities of affected communities as part of the concession granting procedure, but this often does not occur in practice and is not enforceable in law.¹⁹

Under the draft Mining Act that is currently under consideration by the National Assembly, indigenous and tribal communities will be allowed to negotiate compensation measures with the mining company that has obtained a concession. However, this only occurs subsequent to exploration and the grant of an exploitation permit. In other words, negotiation about compensation measures may only start when the company is ready to start mining and has obtained the formal permission from the state to do so. Also, unlike holders of land lease or other individual titles, who will have the right to go to a judge if they cannot reach an agreement on compensation, indigenous and tribal communities will be forced to accept a binding decision by the State.²⁰ An analogous procedure is contained in article 41 of the Forest Management Act. This procedure has been condemned as racially discriminatory by the UN Committee on the Elimination of Racial Discrimination.²¹

Similarly, since 1966, a number of protected areas have been established in indigenous or maroon territories without consultation with or the consent of the affected indigenous peoples or Maroons. According to the Nature Protection Act of 1954, nature reserves are the property of the state and all hunting, fishing, or practicing of agriculture is forbidden within the boundaries of protected areas. Indigenous and tribal peoples are thereby denied access to their traditional livelihoods, often resulting in conflicts between the communities and the agencies involved in protecting the areas.²²

(c) No Effective Legal Remedies

Under Surinamese law, indigenous and tribal peoples and communities lack legal personality and are therefore incapable of holding and enforcing rights.²³ Moreover, the judiciary may not order that the Government adopt or amend legislation as a remedy. This is considered the exclusive prerogative of the Government and the National Assembly. Attempts by indigenous peoples to use the court system have therefore failed. In the most recent case, a complaint filed against the State by the indigenous community of Pierrekondre (district Para) concerning a sand mining concession, was rejected by the judge, who stated that the community lacked ‘competence’ to bring the claim and referred the community back to the Ministry of Natural Resources to seek a political settlement.²⁴

The preceding has been held to violate Suriname’s international legal obligations, including under the American Convention on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on Civil and Political Rights (see below on recent international decisions against Suriname). These

instruments – which, according to the Constitution, are automatically incorporated into Surinamese law and comprise the highest law of the land - have been interpreted in relation to Suriname by the Inter-American Court of Human Rights, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee to recognize and protect the rights of indigenous and tribal peoples to, among others:

- Collectively own the lands, territories and natural resources which they traditionally own or otherwise occupy and use; and
- To require that the State and entities authorized by it, consult with and obtain indigenous peoples and maroons prior consent regarding all measures affecting them, including resource exploitation activities.²⁵

1.3.1 Recent Land Claims

There are two pending land claims filed by indigenous peoples and maroons: the first was filed by the Saramaka Maroon people of the Upper-Suriname River, who submitted a case to Inter-American Commission on Human Rights in 2000. The second was filed by eight Kalin'a and Lokono indigenous communities of the Lower-Marowijne River, via a series of formal petitions to the government requesting the initiation of dialogue aimed at recognition of their rights in 2003, 2004 and 2005.

Further, several indigenous and maroon communities have completed maps of their traditional territories or are in the process of doing so, as part of asserting rights over their traditional lands and territories, namely:

- the Kali'na and Lokono communities of the Lower-Marowijne area (map completed in 2000)
- the Trio of Kwamalasamutu (map completed in 1999)
- the Trio/Wayana of the Tapanahony area (map completed in 2001)
- The Wayana (map completed in 2005)
- The Lokono communities of West-Suriname (map completed in 2005)
- The Saramakaner Maroons of the Upper-Suriname river (map completed 2002)
- The Cottica Aukaner Maroons (map completed in 2005)

So far, the government has not responded to the claims brought before it by the Lower-Marowijne communities, who have announced that they will refer their case to the Inter-American Commission on Human Rights failing an adequate response from the government before the end of the year.²⁶ With regards to the Saramaka case, it is expected that the Inter-American Commission will issue its findings before the end of 2005 and should Suriname fail to address the violations, the case will be submitted to the Inter-American Court of Human Rights within 90 days.

1.3.2 Recent International Decisions Against Suriname

On 15 June 2005, the **Inter-American Court of Human Rights** (The Court) found Suriname in violation of numerous provisions of the American Convention on Human Rights, including article 21 (the right to property) in relation to the killing of at least 39 members of the Maroon community

of Moiwana (East-Suriname) during the Interior War.²⁷ In addition to financial compensation measures, the Court ordered, that Suriname ‘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 (. . .).’²⁸

The Court further ordered that these measures be taken with the informed consent of the Moiwana community, the other Cottica N’djuka villages and the neighboring indigenous communities.²⁹ Finally, until the Moiwana community members’ right to property with respect to their traditional territories is secured, the Court ordered Suriname to “refrain from actions – either of State agents or third parties acting with State acquiescence or tolerance – that would affect the existence, value, use or enjoyment of the property”.³⁰ Suriname has authorized both bauxite mining, logging and a palm oil concession in the area covered by this order. Under the decision and in accordance with the rules of the Court, the Moiwana community would be authorized to approach the Court for legally binding orders to halt these operations potentially resulting in financial losses for the investors, loss of investor confidence and in principle making the State liable for breach of contractual obligations towards investors. This could also cause serious delays and even default in any public sector investment projects.

On 18 August 2005, **the UN Committee on the Elimination of Racial Discrimination (CERD)** expressed its “deep concern about information alleging that Suriname is actively disregarding the Committee’s prior recommendations, issued in 2003, 2004 and March 2005, 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.”³¹ The Committee urged Suriname, among others, to:

- elaborate a framework law on the rights of indigenous and tribal peoples (. . .) and to 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;
- 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;
- Strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions;
- 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.

The Committee also requested that the UN Secretary General 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”.

In May 2004, the **UN Human Rights Committee** (HRC) made similar recommendations to Suriname:

The Committee is concerned at the lack of legal recognition and guarantees for the protection of indigenous and tribal rights to land and other resources. It regrets that logging and mining concessions in many instances were granted without consulting or even informing indigenous and tribal groups, in particular the Maroon and Amerindian communities. It also notes allegations that mercury has been released into the environment in the vicinity of such communities, which continues to threaten the life, health and environment of indigenous and tribal peoples. The latter are also said to be victims of discrimination in employment and education, and generally with respect to their participation in other areas of life (arts. 26 and 27).

The State party should guarantee to members of indigenous communities the full enjoyment of all the rights recognized by article 27 of the Covenant, and adopt specific legislation for this purpose. A mechanism to allow for indigenous and tribal peoples to be consulted and to participate in decisions that affect them should be established. The State party should take the necessary steps to prevent mercury poisoning of waters, and thereby of inhabitants, in the interior of the State party's territory.³²

These decisions underline the urgency – as a matter of international and, given that the relevant treaties are incorporated into domestic law by the Constitution, Constitutional legal obligation - for Suriname to develop legislation recognizing and securing indigenous and maroon collective rights to their traditional lands, territories and resources, to delimit, demarcate and title the same, and to adopt legislative procedures and other mechanisms regarding meaningful participation in decision-making on a range of issues, especially resource exploitation.

As the Moiwana case illustrates, as did the Awas Tingni decision of 2001 against Nicaragua,³³ both public and private sector investments may be put at risk if they take place on indigenous and maroon lands without prior resolution of land tenure rights and meaningful participation in decision making. Adopting legislative and administrative remedies and subsequently regularizing and securing rights will greatly reduce this risk.

1.3.3 Government Policy

Government policy regarding recognition of indigenous and maroon collective land rights is laid down in the **Government Statement 2000-2005**, which states that: ‘With regard to the rights to land of the maroons and indigenous communities, the Government will take care that the legislation will take place in such a manner that it serves the development goals of the traditional and non-traditional communities and meets the feelings of justice of all’.

The recently adopted **National Forest Policy of Suriname** (June 2005), states the following:

“A satisfactory solution within an acceptable term for the land rights question, is in the interest of the whole nation. To this end the following activities shall be undertaken:

- a study of solutions with regard to this question that have been reached in the region;
- realization of a structured consultation between the government and the interior dwellers.”³⁴

In March 2005, the then Minister of Natural Resources, Mr. Demon (NPS), announced that a team of experts was working on a “Surinamese solution of land rights” which would have to conform to “the aspirations of all Surinamers”.³⁵ The Council of Ministers approved four policy directives (IDB Country Environmental Assessment, 2005: 5), which, among others states that: “The Government is committed to protect the land tenure security of indigenous and Maroon communities. Through a consultative and participatory process the Government will develop a land tenure security policy that includes legal measures and mechanisms that allows for indigenous and Maroon communities to acquire secure rights over land which they require as a source for their livelihood and customary practices. The policy will recognize the kinship nature of indigenous and Maroon communities and allow for the amendment, through a democratic process, of the legislation regulating the land tenure regime.”³⁶

Despite this written commitment, the government has suggested that it may be reluctant to take legislative and other measures to recognize and secure tenurial and other rights due to concerns about creating ethnic unrest. It is felt that the delicate balance between the different ethnic groups may be disturbed as other ethnic groups may feel discriminated against if indigenous peoples and maroons receive – in their eyes – large tracts of land or are given any form of ‘special treatment’, such as recognizing collective lands that would apply only to indigenous and tribal peoples.

1.3.4 Position of the New Administration

The government that was elected in May 2005 consists of a combination of the previous New Front coalition partners (NPS, VHP, Pertjajah Luhur and the SPA), the Democratic Alternative '91, and the Maroon dominated A-Combinatie which holds five seats in Parliament. The parties comprising the governing coalition have indicated that addressing land rights issues for indigenous and maroon peoples is an important issue:

- In its 2005 Election Programme, **the New Front** committed to ‘integrate the rights to land of the tribal communities into the national legal system’.³⁷ After the elections and before the new government was sworn in, on 8 August 2005, which was proclaimed as the Day of Indigenous People, **President Venetiaan** publicly stated that ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples would present a good solution for the land rights issue.³⁸
- The **A-Combinatie** listed land rights as one of their three priorities.³⁹ According to Caprino Allendy, now vice-chair of the National Assembly: “*The A-Combinatie argues that only when interior inhabitants get a title to land, they can determine their own development. In the current situation, interior inhabitants have no say over concessions that are issued to companies such as Cambior, garimpeiros or Chinese loggers*”.⁴⁰ This was supported by the new Minister of Regional Development, Mr. Michel Felisi, himself a Maroon, who stated that taking control of their own development is a fundamental issue for indigenous peoples and maroons and land rights provide them with guarantees for their continued existence: “*Without land you deprive them of the right to exist*”.⁴¹
- About a year before the elections, **Pertjajah Luhur** (PL) profiled itself as a party serving the interests of indigenous peoples. In May 2005, Ms. Sylvia Kajoeramari of PL became the first indigenous woman ever to hold a seat in the National Assembly. As part of

the negotiations to form a new government, a new Ministry was created, the Ministry of Physical Planning, Land and Forest Policy (RGB), which is headed by Mr. Michael Jong Tjien Fa of PL.⁴² Mr. Jong Tjien Fa, who believes that “*as long as land rights are not addressed, you will get social unrest*”,⁴³ has publicly announced his commitment to solve the land rights issue within the next five years.⁴⁴ He also indicated interest in elaborating a draft framework law and requesting the technical assistance of the UN Special Rapporteur on Indigenous Peoples in accordance with the recommendations of CERD and the decision of the Inter-American Court of Human Rights in the Moiwana case.

1.4 Education

It is well documented that the education of indigenous and maroon children in Suriname is characterized by serious quantitative and qualitative disparities compared to the education offered to children living in urban and rural areas.⁴⁵ The most recent *Suriname Multiple Indicator Cluster Survey* report, for instance, states that “There are remarkable differences between the interior – that is mainly populated by maroons and indigenous people – on the one hand, and the urban and rural region on the other hand. Compared to the urban and rural region, the interior stands out by its unfavorable position on most of the indicators.”⁴⁶ Another UNICEF study on the District of Marowijne found that education suffers from a range of problems, such as:

- Lack of teachers, in particular qualified teachers. (. . .)
- Lack of modern school materials. Highly outdated materials are used, some of which date back from before 1975
- Lack of adequate school furniture;
- Lack of different media such as school libraries and media libraries and access to the communication media;
- There are hardly or no opportunities for continued education for teachers
- Some schools are in a very bad state (Pelgrimkondre, Erowarte)
- The available school hours are not used efficiently
- The pupils are relatively old
- They do not master the school language
- They perform badly and far below average;
- There are pupils in the class room who are mothers and fathers.⁴⁷

In its 2004 report to the UN Committee on the Elimination of Racial Discrimination (CERD), the Government itself acknowledged that ‘education in the Interior has been neglected in past years; that pupils have to cover long distances to be able to attend school; that there is lack of adequate housing accommodation for the teachers who are willing to work in the interior despite the difficult conditions, such as the danger of malaria, isolation, extremely high prices for food (. . .). The Government also acknowledged that ‘there is a need for a plan so that arrears of education in the Interior can be reduced. One main issue is the language barrier. Since Dutch is the official language in Suriname, education is almost completely in this language. So are the books and other materials. However, the children speak their own tribal language when they are at home and within their family environment’.⁴⁸

The lack of teachers willing to teach in the Interior, has resulted in a policy which allows potential candidates to complete only two or three years of secondary school and follow a 9 month Bushland Teaching course provided by the Ministry of Education. This diploma only qualifies them to teach in indigenous and maroon communities, not in urban or rural areas. For urban and rural areas, a 4 year training is required for candidates who have completed the highest level of secondary school (MULO).⁴⁹

The results of the preceding are visible in school attendance rates (61% of children in the Interior attend primary school versus 81.9% in rural areas), high drop-out rates (only 64.5% of indigenous and maroon children entering the first grade reach grade 5, compared to 82,5% of children in rural areas and 92.8% of urban children), and especially in exam results (fig. 5 and 6). In 2004, 56,2 % of all children in the final grade of primary school passed the exam to gain access to the secondary school (MULO). In Interior schools the passing rate was only 31%.⁵⁰

	Primary School Attendance	Children in grade 1 who reach grade 2	Children in grade 1 who reach grade 5
Urban	81.6 %	100 %	92.8 %
Rural	81.9 %	96.6 %	82.5 %
Interior	61.2 %	84.8 %	64.5 %

	Graduation to Secondary school (MULO)
Overall	56,2%
Indigenous schools	35%
Maroon schools	32%
Mixed schools	23%
Total Schools Interior	31%

Indigenous and maroon parents are required to pay more for the education of their children than parents who live in urban or rural areas. The difference in the costs is grounded in operations of the Surinamese school system. Primary education is offered at both public schools and denominational schools.⁵² Schools are not allowed to request school fees as the government is obligated to provide free primary education (article 39 Constitution). In reality, however, schools require parents to pay a ‘parental contribution’ and this is significantly higher for denominational schools than for public schools. In 2004, for example, parents paid 10 SRD (USD 3,70) per child per year for a public school, while the Catholic schools requested 50 SRD (USD 18,50) per child. Since the majority (60%) of schools in indigenous and maroon communities are denominational schools, and unlike parents living in Paramaribo, indigenous and maroon parents cannot choose between a public or denominational school, this difference disproportionately affects indigenous and maroon parents. Indigenous and maroon parents are also disproportionately affected as families tend to be much larger in the Interior than in the urban areas, substantially raising costs for some families.

1.4.1 Government Policy on Education in the Interior

With funding from the IDB⁵³ and the Dutch government,⁵⁴ the government of Suriname has designed a comprehensive programme to improve the quality of education in Suriname. The total

amount of € 37 million will be financed out of the national budget (32%), through a loan from the IDB (28%) and grants from the Dutch government (33%), UNICEF (4%) and the Flemish Government (VVOB - 2%).⁵⁵

Although both the IDB Project and the Education Sector Plan recognize that the Interior deserves ‘special attention’ and ‘clearly lags behind education in the coastal areas’,⁵⁶ plans to address education in the Interior are, with few exceptions, limited to the construction and rehabilitation of school buildings and “nucleus centers”.⁵⁷ Whereas many schools in the Interior are indeed in need of rehabilitation, if the goal is to improve indigenous and maroon education, this requires far more than just building schools and should include a comprehensive education strategy developed with the full participation of indigenous peoples and maroons and addressing issues such as bi-lingual education, long-distance and life-long learning.

1.4.2 Indigenous Peoples’ Right to Education

In his latest Annual Report, the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Rodolfo Stavenhagen, focused on the right to education of indigenous peoples.⁵⁸ He concluded that “The main obstacle to full enjoyment of the right to education has been assimilationist models of education and education systems’ ignorance of or failure to appreciate indigenous languages and cultures”⁵⁹ and that,

“Indigenous education, adapted to indigenous peoples’ cultures and values, is the best way of ensuring the right to education; it does not mean shutting out the outside world or ignoring the challenges posed by national societies or the global economy, but is in fact viewed by indigenous communities themselves as a necessary tool for the full personal, social and cultural development of aboriginal peoples.”⁶⁰

The Special Rapporteur called on governments “to attach high priority to the objectives and principles of indigenous education and provide public and private agencies and institutions involved in promoting indigenous education with sufficient material, institutional and intellectual resources”.⁶¹

In its 2004 concluding observations on Suriname, the UN Committee on the Elimination of Racial Discrimination expressed its disturbance at the continuing lack of (. . .) education facilities and utilities available to indigenous and tribal peoples. It regretted that “no special measures have been taken to secure their advancement on the grounds that there are no available data suggesting that they need special protection.” The Committee recommended that “greater efforts be undertaken by the State party, in particular as regards the education plan of action for the interior.”

1.5 Health

Health care for indigenous peoples and maroons is administered by two entities:

1. the Regional Health Service (RGD) of the Ministry of Health, which provides primary health care in Paramaribo and rural districts including for indigenous and maroon communities located in these areas.
2. the Medical Mission (MZ), an NGO, which provides primary health care to indigenous and maroon communities in the districts of Brokopondo and Sipaliwini.

Whereas both the RGD and MZ have been mandated by the State to provide health care to geographically isolated communities, there are important differences in the approach of the two organizations.

The **RGD** provides primary health care in the coastal area out of some 47 health clinics that are – at least in principle - staffed by a doctor, a nurse, a lab assistant and a pharmacy assistant. These clinics are with few exceptions located in urban areas. Only the indigenous communities that are located close to these areas (e.g. Bernharddorp, Wit Santi, the villages in district Saramaka, and those closest to Albina), have access to health care at the same level as other Surinamers. For those communities accessible only by boat, or where roads and public transportation are unreliable or lacking, RGD services are only available to persons who can afford to pay the transportation costs to Paramaribo, Albina or Moengo. With the recent 100% increase of the gasoline price, the costs for health care, and access thereto, have also doubled. There are a few communities where the RGD has established community health clinics (e.g. Galibi and Bigi Ston). These are usually staffed with a nurse only (doctors visit irregularly), and often lack sufficient medicines for common illnesses, such as diabetes, cardiovascular diseases and hypertension. In Bigi Ston, a village in Marowijne, for example, the RGD-health clinic is not staffed, contains no furniture and the community has been told by the RGD that an Albina-based doctor will visit only if they themselves provide a boat and fuel.⁶²

MZ is an NGO that has been assigned responsibility for all medical care in “the Interior” by the Ministry of Health. As stated above, their responsibilities do not extend to all indigenous and maroon communities. They are currently active in the districts of Sipaliwini and Brokopondo and parts of Para.⁶³ In 2004, MZ operated 52 health clinics, serving 54,739 patients from approximately 175 communities.⁶⁴ The health care system used by MZ is different from the RGD. Community health clinics are staffed by a local community health worker who receives a 3 year-long on-the-job-training; one or more health assistants and a malaria microscopist. Patients are first seen by the health worker who can consult with a doctor via HF radio. MZ employs five doctors who – according to MZ - regularly visit the clinics. Its services are free of charge and, in emergency cases, patients may be transported to a hospital in Paramaribo without charge. A common complaint however, is that the patients are forced to pay their own way back to their village once they are out of the hospital. This frequently requires that they stay in Paramaribo with relatives until they can find the funds to return home, which may take months. Prolonged stays away from their community, means that they are unable to fulfill their responsibilities to their families, including to the spirits of the deceased, which may affect their mental and spiritual health.

The government pays for salaries, medicines, diesel and small maintenance costs, which together covers 90% of MZs annual budget (around 2 million euro). For everything else, such as construction of new clinics, training costs and maintenance of the buildings, outside funding is required. Donors include: the EU, PAHO, the Islamic Development Bank (construction of 21 clinics in the Interior, including housing for health professionals, transport, medicines and training,) and Dutch church-based donors such as the SKAN-Fund (Catholic) and the Zeister Zendings Genootschap (Moravian Brothers).

Main complaints regarding the service of MZ, is that they do not provide health care everywhere and that their service is almost exclusively focused on treatment, whereas little is done about prevention, including reproductive health care.

According to MZ,⁶⁵ the main health problems in the Interior are malaria (6.133 cases in 2004); diarrhea (9.912 cases) and respiratory infections (30.863), see fig. 7.

	2004	2003	2002	2001
Population	54,739	52,311	50,437	48,771
Malaria	6,133	10,662	9,341	12,227
Diarrhea	9,912	11,180	10,532	8,123
Respiratory Infections	30,863	29,185	29,676	24,429
STD	992	919	892	1,016
HIV	35	45	25	15

1.5.1 Mining and Health

The 2003 Annual Report of the Medical Mission does not contain information concerning indigenous and maroon health threats associated with mining. These are a) spread of malaria because of stagnant water in open pits created by small-scale miners; b) pollution of water sources; c) mercury contamination and d) spread of HIV/AIDS through prostitution in the mining camps.

Regarding HIV/AIDS, the MZ has been screening all pregnant women in Sipaliwini and Brokopondo HIV/AIDS since 2002 and the number of HIV infected has only increased slightly since then (from 15 to 35 in 2004). In 2004, the UN Global Fund against AIDS, Tuberculosis and Malaria (GFATM) approved a five year USD 5 million grant for HIV/AIDS prevention and treatment, which will be administered by the Ministry of Health. It is unclear how much of this will be used for prevention/education in indigenous and maroon communities.

With regard to malaria, it is to be expected that with the recent approval of USD 5 million from the GFATM to combat malaria, the MZ will have increased means to take effective measures against malaria. There are no similar initiatives, however, to prevent the pollution of water and despite many studies, the problem of mercury contamination has not led to any concrete mitigation or regulatory measures by the government or health care providers. This is particularly problematic given the absence of environmental protection laws and the State's minimal monitoring and regulatory capacity.⁶⁶

A consistently high incidence of diarrhea found by the Medical Mission (fig. 7) may be related to the lack of access to safe drinking water. According to the Multiple Index Cluster Survey (MICS), 18 percent of those residing in the Interior have access to piped water, compared to 91 percent in the urban area and 65 percent in the rural areas.⁶⁷ The MICS further states that:

in the Interior some 60 percent of the people use river or stream water (an unsafe source) and most of the remainder collect rainwater. Overall, about 73 percent of the population has access to safe drinking water – 92.6 percent in urban areas and 66.6 percent in rural areas. The situation in the interior is considerably worse than in other regions; only 20 percent of the population in this region gets its drinking water from a safe source. (pg 23-24)

According to the Deputy Director of MZ, however, there are no safe sources of drinking water *anywhere* in the Interior, as water quality is not monitored. In 2001, the United States Army Corp of Engineers conducted a study on water quality in Suriname and concluded that: "... In the Interior, 60 percent of the people use untreated river water for drinking purposes. This is a major health concern because 25 percent of the population defecates in the country's rivers, mercury contamination from gold mining is widespread, and the water quality unmonitored. There are entire villages in the Interior without access to potable drinking water."⁶⁸ The report also states that: "A main concern is the contamination of surface water due to uncontrolled mercury contamination originating from gold mining processes. Little regulation exists and enforcement is limited due to a lack of resources. There is also very little (if any) monitoring of mercury in the surface water in the Interior."⁶⁹ According to a PAHO study in 1997, mercury levels in certain rivers were far above levels deemed permissible by the World Health Organization (see fig. 8).⁷⁰

Fig. 8 Mercury contamination of Surinamese rivers (permissible WHO limits 0.001 mg per liter)	
River	Mercury in milligrams per liter
Lawa	3,89
Marowijne	1.87
Tapanahony	0.69
Saramaka	0.10
Suriname	2.97

The rivers mentioned in fig. 8 are one of the primary sources of drinking water and fish for many indigenous and maroon communities. Given that this study was carried out in 1997 and it is estimated that an average of 20-30 tons of mercury per year is released into the environment in the interior,⁷¹ levels may

be significantly higher today.

In 2004, a 2001 preliminary study carried out by the University of Leiden (Netherlands) on mercury contamination in mothers and newborn babies born in a hospital in Paramaribo was publicly released. The study found levels of mercury far above the average (0,4 and 1,4 mg) found in U.S. citizens. The highest level of 19 mg methyl mercury was found in a newborn baby, leading the researchers to the disturbing conclusion that mercury is accumulated in the foetus through the mother.⁷² Mercury may cause harmful effects to the nervous, digestive, respiratory, immune systems and to the kidneys, besides causing lung damage. Adverse health effects from mercury exposure can be: tremors, impaired vision and hearing, paralysis, insomnia, emotional instability, developmental deficits during fetal development, and attention deficit and developmental delays during childhood.⁷³

Despite this evidence, the regulatory measures seem to be confined to a 1997 health advisory warning pregnant women not to eat fish. Recently, an official at the Ministry of Health argued that the dangers of mercury contamination are largely restricted to miners themselves.⁷⁴

1.5.2 Government Policy on Health of Indigenous Peoples and Maroons

The Multi-Annual Health Care Sector Plan⁷⁵, financed out of Dutch treaty funds, contains the 2004-2008 strategy for the health care sector in Suriname. The IDB finances part of this strategy (Health Sector Facility, SU-0028). One of the objectives of the Health Sector Plan is to strengthen primary and preventive health care, with special attention for groups including interior inhabitants. The goals of this strategy are to strengthen the primary health care provided by the RGD and MZ and further the development of special services and programmes for specific target groups. It should be expected that some of the existing RGD-health clinics will be upgraded and service will be

improved. An important question remains however as to what extent these initiatives will also benefit the indigenous and maroon communities served by the RGD. The proposed plans make no mention of the health situation of indigenous peoples and maroons who are served by the RGD, stating only that the Ministry of Health will '*build on lessons learned from the organization in the Interior when attempting to improve the provision of a basic PHC package in the coastal region*'.⁷⁶ The Health Sector Plan includes improvement of prevention, including STDs, HIV/AIDS, TBC and malaria; strengthening of reproductive health care and environmental health; and – commendably - strengthening the participation of the population and local organisation in determining local priorities and in executing the health programmes.⁷⁷ Unfortunately, the latter is limited to the coastal region only.⁷⁸ The plan also provides little detail of *how* primary health care for indigenous and maroon communities in the coast and in the Interior will be strengthened and makes no reference to the specific situation of indigenous peoples and maroons regarding health and health care.

As there is no independent monitoring body of the health care provided to indigenous peoples and maroons by MZ and RGD, complaints from the communities can be easily dismissed.⁷⁹ Commendably, setting up a complaints mechanism is included in the Health Sector Plan, while the IDB Health Sector Facility includes the development, implementation and evaluation of performance contracts between the Ministry of Health and the RGD and Medical Mission (para 2.11). Unfortunately, there are no details provided how the complaints mechanism will function in the case of indigenous and maroon communities.

PART II: DONOR POLICY

In figure 9, an overview is provided of the type of activities currently funded or in the pipeline by international donors and which are relevant to indigenous peoples and maroons. This includes projects that are directly targeted at indigenous peoples and maroons (such as the EU-funded Guyagrofor programme, and the project with the Trio funded by the OAS). But also included are projects which are not specifically targeted at indigenous and tribal communities but which affects them, positively or negatively. The majority of the projects fall in this latter category. For a more detailed overview, see the [Donor Policy Matrix](#) in Annex II.⁸⁰

Fig. 9 Donor Activities Relevant For Indigenous Peoples and Maroons in Suriname

Donor	Type of Activities currently being funded or in the pipeline
Netherlands (grants)	<ul style="list-style-type: none"> ▪ Health Sector Plan ▪ Education Sector Plan ▪ Nature Conservation (WWF/Suriname Conservation Foundation) ▪ Environment (Non-Urban Environment Sector Plan) ▪ Forestry (Tropenbos Programme; WWF) ▪ Land Registration and Land Information System (GLIS) ▪ Agriculture Sector Plan ▪ Community Development Fund (FOB)
IDB (loans and grants)	<ul style="list-style-type: none"> ▪ Health (loan) ▪ Education (loan) ▪ Public Sector Reform (grant) ▪ Decentralization (loan) ▪ Land Management (loan; pipeline) ▪ Eco-Tourism (CI; grant) ▪ Low-Income Housing (loan) ▪ Community Development (CDFS; loan) ▪ Coastal Zone Management (grant) ▪ Indigenous Peoples and Mining (grant)
EU (grant)	<ul style="list-style-type: none"> ▪ Agroforestry (Guyagrofor) ▪ Tourism
UN GFATM (grants)	<ul style="list-style-type: none"> ▪ HIV/Aids programme ▪ Malaria Programme
Islamic Development Bank	<ul style="list-style-type: none"> ▪ Health Clinics Interior
UNESCO (grants)	<ul style="list-style-type: none"> ▪ Teacher Training programme in Interior ▪ Indigenous Youth Training programme
VVOB (grants)	<ul style="list-style-type: none"> ▪ Teacher Training Programme in Interior
France (grants and loan)	<ul style="list-style-type: none"> ▪ Forestry (WWF) ▪ Nature Conservation (WWF) ▪ Community Development (Albina) ▪ IDB CDFS (co-funded; loan)
UNDP (grants)	<ul style="list-style-type: none"> ▪ Public Sector Reform ▪ Preparation Suriname National Biodiversity Action Plan
OAS (grant)	<ul style="list-style-type: none"> ▪ Conservation/Indigenous Peoples (Trio)
UNDP/GEF (grant)	<ul style="list-style-type: none"> ▪ Small Grants Programme
Conservation International (grants)	<ul style="list-style-type: none"> ▪ Nature Conservation ▪ Eco-tourism ▪ Bio prospecting
PAHO	<ul style="list-style-type: none"> ▪ various (reproductive) health projects

2.1 Lack of Participation of Indigenous Peoples and Maroons in Project Design

From the interviews with indigenous and maroon representatives, as well as other informants, it is clear that with few exceptions, indigenous peoples and maroons have not been involved in the design, preparation and often neither in the execution of projects that have a significant impact on them. According to one NGO-informant:

‘communities are often not fully aware, they are not part of the identification and planning from the beginning. There is still a lot of top-down. Consultations are not truly consultations. A lot of projects failed in the Interior. The project designers are over-ambitious or developed the proposal without truly understanding the character of the people. Before projects are executed, a lot of time needs to be invested in the preparation...’

This not only contradicts established development policy, but is also in violation with international human rights norms, which, as discussed above, are part of Surinamese domestic law. Specifically, these norms prescribe that indigenous and tribal peoples have the right to meaningfully participate in - which sometimes rises to the level of a right to consent to - decisions and activities which may affect them.⁸¹

2.2 Overlap and Gaps in Funding

According to Mr. Ooft (UNDP), the coordination among donors has improved, and there are now regular donor meetings held. However, there is still considerable overlap in activities. Particularly in the areas of health, education, housing, community development and nature conservation (see Donor Policy Matrix).

Overlap: there are four funds active in Suriname, where – in theory at least – communities may submit small scale community projects for funding:

- the Fund for the Development of the Interior (FOB; funded with Dutch grants);
- the Community Development Fund Suriname (CDFS; IDB loan);
- the UNDP Small Grants Programme (SGP) and
- the Suriname Conservation Foundation (SCF; also largely funded by the Netherlands).

The SGP and SCF are both aimed at activities related to biodiversity and nature conservation, while the FOB and CDFS projects that are carried out in the Interior are focused mainly on water and electricity. Such overlap makes it difficult for communities to decide where to best submit their proposals and project ideas. What makes this particularly troublesome is that in reality very few projects are actually executed or completed. In the case of the SCF, only 3 projects have been completed, none of which were submitted by indigenous or maroon communities.⁸² Since their initiation in 2000 (FOB) and 2002 (CDFS), the FOB and CDFS have not completed any project.⁸³

Gaps: while much funding is directed towards large international NGOs who partly act as donors themselves (WWF and CI) for nature conservation, the role of indigenous peoples and maroons in nature conservation is scarcely recognized and little funding is made available for activities aimed at capacity building and support to self manage and develop their traditional lands and resources. Such

projects are carried out at NGO-level. For example the Association of Indigenous Village Leaders (VIDS) is currently executing a pilot project in the Lower-Marowijne area which is aimed at supporting indigenous communities to first, document themselves the traditional use of their territories and then, define the priorities for sustainable development of this area. The OAS and IDB are also currently in the process of developing a project aimed at sustainable management of the natural resources traditionally occupied and used by the Trio and Wayana.

2.3 No Effective Institutional Mechanism to Mainstream Indigenous and Maroon Issues into Government and Donor Policy

The problems identified in 2.1 and 2.2 above, are partly related to the lack of an effective body that could coordinate government and donor activities to prevent overlap, while at the same time ensuring that indigenous and maroon issues are mainstreamed through participatory processes into government and donor policies. To ensure intra-ministerial coordination, such a body should be placed at a strategic location within the government structure, not as part of one Ministry.

The Council for the Development of the Interior (ROB) could act as such a body, provided that important adjustments are made in its mandate and position. In 1995, the Council for the Development of the Interior (ROB) was established as part of the *Accord for National Reconciliation and Development*, signed on August 8, 1992, that brought an end to the interior conflict (1986-1992). It is the only formal body that is made up of indigenous and maroon representatives and the government and is currently set up as part of the Ministry of Regional Development. The Peace Accord provides no details on the election of the members, or what its tasks and authority are. The only indication on its mandate provided by the Peace Accord is to conduct a study on land rights. This has not been initiated despite the existence of the ROB for over 10 year.⁸⁴ If ROB is chosen, the procedures by which members are nominated and appointed need to be reviewed, rules of procedure need to be developed and it should be removed from under the Ministry of Regional Development and operate from a position (most likely the Office of the President) where it can effectively interact with and coordinate initiatives across the line ministries and Government agencies as well as advise the National Assembly on matters affecting indigenous and maroon peoples. Another option would be to elevate the ROB or a similar body to the level of a Constitutional commission with a mandate defined by Constitutional amendment.

Whether a new body is established or the ROB is chosen, in either case, mechanisms are required to ensure that indigenous peoples and maroons fully participate in the design, creation and operations of the body if they are to perceive it as trustworthy and potentially effective.

2.4 IDB Portfolio

Below is an overview of the main projects currently in the Bank's portfolio which more or less affect indigenous and maroon communities.

Fig. 10 IDB Portfolio Suriname

IDB Project	Scope	Impact Indigenous and Maroon Communities
<i>Health Sector Facility</i> (SU-0028)	improvement of the health status in Suriname through institutional reform to increase efficiency, equity and quality of health	IP&M in Interior serviced by MZ are not included; only IP&M in coast may benefit from improved RGD services, but no details on how this will be accomplished (See also para 1.5.2)
<i>Basic Education Improvement Project</i> (SU-0023)	improvement of quality and efficiency of basic education	Schools to be renovated only include public schools while majority of schools in Interior are denominational schools. IP&M not included in preparation of education plans which include development of multi-grade teaching model for Interior (See also para 1.4.1)
<i>Public Sector Reform</i> (TC-98-11-07-8)	analysis of public sector and road map for institutional reforms, to ensure good governance; including decentralization process	Role and status of indigenous and Maroon traditional authorities not included in analysis or reform of public sector.
<i>Decentralization and Local Government Strengthening Program</i> (SU-0019)	empowerment of local governments and institutional capacity for fiscal self-management	Strengthening local government (resort and district councils) may result in conflicts with traditional authorities and potentially weaken tribal authority in violation with Suriname's international legal obligations to recognize and strengthen indigenous and tribal peoples' customary government.
<i>Sustainable Tourism Development Central Suriname Nature Reserve</i> (TC 02-09-00-5)	improve tourism products and services through better design and planning involving CNSR; executed by CI.	Maroon communities are included in the project, but not Trio communities whose traditional territories also overlap with CSNR.
<i>Low-Income Shelter Program</i> (SU-0017)	improvement of housing policies and shelter conditions	the requirement of owning land is waived in case of IP&M. However, unlike title holders, IP&M have no or limited access to loans (which require land as collateral).
<i>Community Development Fund of Suriname</i> (SU-0020)	Small scale community projects	Mid Term Review of CDFS found severe problems in execution and oversight of projects, serious backlog (resulting in lack of community motivation) and lack of capacity building of communities before, during and after projects. See also para 2.2
<i>Integrated Coastal Zone Management</i> (SUT 1009)	study on coastal zone environmental management	Coastal indigenous communities (Galibi/Lower-Marowijne) should be included in study at early stage to prevent negative impacts on community fishery and eco-tourism income.
<i>Suriname Land Management Programme</i> (proposal)	legislative and institutional reform of land rights and management, including policy for land tenure security Interior	Challenge: ensuring effective participation of IP&M in development of legislation and ensuring consistency with Suriname's international legal obligations. See also para 1.3.5
<i>Indigenous Peoples and Mining</i> (SU-T1005)	research and training of West-Suriname indigenous communities relating to bauxite mining developments and hydro dam.	Project formulated at request of West-Suriname communities and VIDS. May serve as important example for mining developments elsewhere in Suriname.

As far as could be ascertained, with the exception of the Indigenous Peoples and Mining project, which was developed in close cooperation with the VIDS, none of the projects in the Bank's Portfolio that directly impact indigenous and maroon peoples, have been designed with their participation.⁸⁵ This may have resulted in 'missed opportunities', omissions and possibly even in potential harm to indigenous and maroon communities. Two projects that have not been discussed elsewhere in this Note, are highlighted.

The **Decentralization and Local Government Strengthening Program** is aimed at building capacity of the regional government councils. These bodies have been established in indigenous and maroon territories where they often compete with the existing traditional governance structures. So far, serious conflicts have been avoided because the councils do not function in practice. However, if the objective of this project is reached, the councils may well start to undermine the traditional governance systems of indigenous peoples and maroons and generate serious conflicts. A more efficient approach could have been to strengthen the existing tribal structures instead of the regional councils, which would also be in line with Suriname's international legal obligations (see part I).

Commendably, in the case of indigenous and maroon people, the **Low Income Shelter Program** has waived the requirement of having an individual land title to be eligible for a subsidy to improve or build a new house. Approval of the village council suffices in these cases. However, the subsidies are not sufficient to build a new house – especially not in the Interior where transport costs must be added to every building material that is used - and indigenous persons and maroons do not have access to bank loans as they lack the necessary collateral in the form of a land title. Alternative credit facilities could have been offered in this case. In general this idea requires further attention and consideration in other contexts as collectively held title, should indigenous peoples and maroons acquire such titles in the future, may not be used to secure bank loans.

PART III: CONSULTATION PROCESSES WITH INDIGENOUS PEOPLES AND MAROONS

Over the past 5-10 years, it has increasingly become the norm to organize stakeholder meetings with members of civil society to discuss their views on certain proposed policies and programmes. Increasingly, indigenous and maroon representatives have been included in these meetings. While commendable, in reality most consultations are more donor-driven than reflective of a genuine commitment to seek the views and input of others. According to informants, this is evident from the way stakeholder consultations are organized: invitations generally arrive late (two or even one day before the meeting is not unusual making it impossible for persons from the interior to attend), there is usually no background information to allow participants to prepare, afterwards there is very little opportunity, if any, to comment on the outcome document and – even more problematically – informants often find that their inputs are not reflected in the final text. In the case of indigenous peoples and maroons, there are additional problems:

3.1 Representation

- Representative indigenous and maroon organizations based in Paramaribo, such as the VIDS and the Saramaka captains organization (VSG Wan Hati), are often not able to take decisions without seeking the views and consent of the traditional authorities, who in turn must consult with their communities. This process takes time, particularly as

communication with the communities is extremely difficult as most do not have access to phones, email or radio.

3.2 Costs

- Stakeholder meetings are generally organized in Paramaribo, which means that if indigenous and maroon persons from the communities are to participate, their expenses for transport and accommodation in town must be covered, as well as costs for a translator. In most cases, these costs are not included in the planning phase. See for example the comment by Mr. Ferdinand Baal of the Foundation Nature Management of the Ministry of Natural Resources concerning the National Biodiversity Strategy and Action Plan: *“because of lack of time and money, it was not possible for more stakeholders of the Interior to attend the meeting, where issues were discussed that would directly affect the continuing conservation of their natural environment and their culturally specific way of life.”*⁸⁶
- Most indigenous people and maroons living in communities have no regular income and must provide for their families by hunting, fishing, practicing agriculture and/or selling their produce on the market. All the time away from these activities, to attend meetings, means that they have no food and no money. This is especially the case for women, who have even less access to cash than men. Yet, this is rarely factored in by NGOs or government representatives who often arrive unannounced in a village and expect the village members to drop all their activities and participate in a meeting. Failure to do so, is commonly interpreted as a lack of interest, laziness or refusal to take up their responsibility to ‘develop their community’.

3.3 Stakeholders vs Rights holders

- When issues are discussed which directly affect the territories they traditionally own or otherwise occupy and use, indigenous peoples and maroons are treated in the same way as environmental groups or logging or mining companies. Even though they are in a fundamentally different position – they consider the term ‘rights holders’ more appropriate – there is no special significance attached to their views or positions. According to one indigenous informant: *“It seems as if we get invited almost as an after thought, so that they can write down that the indigenous peoples were consulted too. But when we provide input, especially when we want to talk about our land rights, they always say that this meeting is not about land rights. It is always about something else.”*

3.4 Communication

- When meetings are organized in the villages, there are important challenges related to intercultural communication. For instance, indigenous people will rarely openly voice their discontent, which is considered ill mannered. Silence is then often wrongly interpreted as consent. The decision making process generally involves a lot of time, during which the issues are discussed both formally at village meetings and informally during feasts or neighbourly visits. This is rarely taken into account in the planning of projects or programmes involving indigenous and maroon communities.
- Another obstacle may be the way information is provided – often in written form or during one meeting only. Community meetings are extremely important, but usually one meeting is not enough for the communities to thoroughly understand the issues. Use of

audio and visual material such as video, radio-programmes, tapes and posters are often more effective.

3.5 Conclusions

From the above it is clear that effective consultation and participation of indigenous peoples and maroons requires time, as well as sufficient resources for transport, accommodation, translation and remuneration for the loss of income. This should be planned at the earliest stage possible of any programme that may affect indigenous peoples and maroons. At the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples, that was organized by the UN Permanent Forum on Indigenous Issues in January 2005, it was concluded that:

“not consulting indigenous peoples who are the end-users and sometimes the victims of development projects may lead to delays, lack of sustainability, conflicts and finally loss of their resources. FPIC [Free Prior and Informed Consent] should be viewed as a process that could possibly lead towards equitable solutions and evolutionary development which may lead to co-management and decision-making. Many indigenous representatives believe that any given process of FPIC may result in consent or non-consent and neither outcome should be regarded as a good or bad outcome or be predetermined, as long as appropriate mechanisms are in place.”⁸⁷

The Workshop participants adopted the following elements of a common understanding of FPIC (box 1).

Box 1: Elements of a Common Understanding of FPIC adopted by the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples, United Nations Permanent Forum on Indigenous Issues, New York, 17-19 January 2005.

47. Elements of a common understanding of FPIC:

i. What

Free should imply no coercion, intimidation or manipulation;

Prior should imply consent has been sought sufficiently in advance of any authorization or commencement of activities and respect time requirements of indigenous consultation/consensus processes;

Informed – should imply that information is provided that covers (at least) the following aspects:

a. The nature, size, pace, reversibility and scope of any proposed project or activity;

b. The reason/s or purpose of the project and/or activity;

c. The duration of the above;

d. The locality of areas that will be affected;

[e]. A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle;

[f] Personnel likely to be involved in the execution of the proposed project (including indigenous peoples, private sector staff, research institutions, government employees and others)

[g] Procedures that the project may entail.

Consent

48. Consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith. The parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect in good faith, and full and equitable participation. Consultation requires time and an effective system for communicating among interest holders. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective and the participation of indigenous women is essential, as well as participation of children and youth as appropriate. This process may include the option of withholding consent.

49. Consent to any agreement should be interpreted as indigenous peoples have reasonably understood it.

ii. When

FPIC should be sought sufficiently in advance of commencement or authorization of activities, taking into account indigenous peoples' own decision-making processes, in phases of assessment, planning, implementation, monitoring, evaluation and closure of a project.

iii. Who

Indigenous peoples should specify which representative institutions are entitled to express consent on behalf of the affected peoples or communities. In FPIC processes, indigenous peoples, UN Agencies and governments should ensure a gender balance and take into account the views of children and youth as relevant.

iv. How

Information should be accurate and in a form that is accessible and understandable, including in a language that the indigenous peoples will fully understand. The format in which information is distributed should take into account the oral traditions of indigenous peoples and their languages.

v. Procedures/Mechanisms

- Mechanisms and procedures should be established to verify FPIC as described above, including mechanisms of oversight and redress, such as the creation of national mechanisms.

- As a core principle of FPIC, all sides of a FPIC process must have equal opportunity to debate any proposed agreement/development/project. "Equal opportunity" should be understood to mean equal access to financial, human and material resources in order for communities to fully and meaningfully debate in indigenous language/s as appropriate, or through any other agreed means on any agreement or project that will have or may have an impact, whether positive or negative, on their development as distinct peoples or an impact on their rights to their territories and/or natural resources.

- FPIC could be strengthened by establishing procedures to challenge and to independently review these processes.

- Determination that the elements of FPIC have not been respected may lead to the revocation of consent given.

PART IV: CONCLUSIONS AND POLICY RECOMMENDATIONS

4.1. Legislation on Indigenous and Maroon Rights Conform International Legal Obligations

The Bank should promote and, where appropriate, provide financial assistance to draft and/or implement an organic/framework law and subsidiary legislation and regulations recognizing and securing the rights of indigenous and maroon peoples. As noted in section 1.3 above, the international laws guaranteeing these rights are incorporated into Surinamese law and supersede the Constitution and other laws. Therefore, IDB support will be directed towards assisting Suriname to implement existing domestic and international legal requirements, in part as set forth in the 15 June 2005 judgement of the Inter-American Court of Human Rights in the Moiwana-case and the CERD recommendations and urgent action decision of August 2004 and August 2005, respectively. The IDB should also consider acting as a convenor, in line with CERD's recommendations and decision, to facilitate technical assistance by the UN, particularly the UN Special Rapporteur on Indigenous Peoples and the UN Permanent Forum on Indigenous Issues, to draft and implement this legislation.

The existing IDB Land Management Programme Proposal (which provides technical and financial assistance to the Government for (among others) land tenure security in the Interior), could be reformulated so that instead of first carrying out a study on customary land tenure regimes in the Interior the funds are used to assist the government to develop and implement legislation and to facilitate the informed participation of indigenous and maroon peoples throughout this process (see below). Studies on land tenure need not precede legal recognition of the rights and general principles required to provide the basis for regularization and titling. These rights are in principle already part of Surinamese law due to the automatic incorporation of ratified international instruments; what is required is legislative codification and confirmation of those rights and the procedures by which they can be secured. Land tenure studies should be part of the process of delimitation, titling and demarcation, which must follow legal recognition of rights and procedures. It is important to recall in this respect that the Inter-American Court ordered in the Moiwana case that legislative measures on land rights – and the physical delimitation and demarcation of the community's lands – be developed and implemented with the informed consent of the affected indigenous and maroon peoples and their communities.

Ideally, the proposed legal measures should consist of:

- constitutional amendments (to confirm the constitutional basis to the framework law)
- an organic or framework law setting out the general principles and standards;
- more detailed laws and regulations on traditional authorities; lands, territories and resources; procedures and mechanisms for meaningful participation in planning and decision-making; and protections for traditional knowledge

The proposed legislation should be developed with full and effective participation of indigenous peoples and maroons:

- To this end, nationwide consultation processes should be held, with the assistance of the Association of Indigenous Village Leaders for indigenous peoples and, where appropriate with existing captains organisations of the maroons, such as VSG Wanhati (the Saramaka captains association).

Areas which have already been mapped by the indigenous and maroon communities, should be given priority in demarcation, delimitation and titling, starting with the territories mentioned in the Moiwana-decision of the Inter-American Court of Human Rights and, as expected, by the Inter-American Commission in the Saramaka case.

While the preceding are not in place and pending Board approval of the IDB Policy on Indigenous Peoples, the IDB should consider specific protective measures that may need to be included in projects or programmes that safeguard indigenous and maroon peoples' interests in their traditionally owned lands, territories and resources. In some cases, the IDB may need to consider declining involvement or requiring redesign of specific project activities to avoid prejudicing the aforementioned interests.

4.2 Institutional Structure To Mainstream Indigenous/Maroon Issues in Government Policy

The Bank should provide technical and financial assistance to:

- (1) establish or strengthen and coordinate Government institutions and programmes for indigenous peoples and maroons and;
- (2) establish an effective, participatory body to coordinate and mainstream indigenous and maroon issues in government policy and programmes and to ensure the effective participation of indigenous and maroon communities in planning and programmatic decision-making and service provision. This body should consist of representatives of indigenous peoples, maroons and government.

On point 1, among others:

- Support inter-ministerial policy and coordination of issues affecting or concerning indigenous and maroon people (coordination between the Ministries of Regional Development, Natural Resources, Physical Planning, Land and Forest Policy, Planning, Health and Education are particularly important);
- Support the Ministry of Regional Development to assist indigenous and tribal peoples with the formulation and implementation of their own development priorities, plans and initiatives (see 4.4); and
- Support the Ministry of Education to strengthen or establish policy and programme measures aimed at providing effective and culturally appropriate education to indigenous and maroon peoples. Dialogue on culturally appropriate and bilingual indigenous education could be stimulated through expert meetings or exchange visits in other developing countries (see 4.5)

- Support the Ministry of Health to strengthen or establish policy and programme measures aimed at providing effective and culturally appropriate services to indigenous and maroon peoples. Information/awareness campaigns and mitigation measures regarding mercury contamination should be carried out as a matter of priority (see 4.6).

On point 2:

- Either reformulate the mandate and position of the existing Council for the Development of the Interior (ROB); or establish a new body;
- If ROB is chosen, the procedures by which members are nominated and appointed need to be reviewed, rules of procedure need to be developed and it should be removed from under the Ministry of Regional Development and operate from a position (most likely the Office of the President or a Constitutional commission) where it can effectively interact with and coordinate initiatives across the line ministries and Government agencies as well as advise the National Assembly on matters affecting indigenous and maroon peoples.
- In either case, mechanisms are required to ensure that indigenous peoples and maroons fully participate in the design, creation and operation of the body if they are to perceive it as trustworthy and potentially effective.

4.3 Community-Based Data Collection

As mentioned in section 1.2, for any planning or programming regarding indigenous peoples and maroons, it is critical that good data is available. The challenge is to gather statistics that can be used for international comparison – particularly in the framework of the Millennium Development Goals - and make them relevant for the communities themselves, so that they can use it for their own development planning. A two-step approach is recommended:

1. As a first step, the Bank should provide technical and financial assistance to the Central Bureau of Statistics – with the participation of the Ministry of Regional Development – to disaggregate the existing 2004 census results based on gender and indigenous/maroon ethnic identity, preferably including the Millennium Development Goal Indicators. This should be done with the participation of the traditional authorities, or persons designated by them. For indigenous peoples this could be done with the participation of the VIDS. For the Maroons, captains’ organisations such as VSG Wan Hati can be involved. The results should be presented to the traditional authorities and communities in a culturally appropriate format.
2. If the results show that the data gathered by the census is incomplete (communities are missing, or have not been counted); an additional household survey should be done, again with the participation of the traditional authorities.

The household survey:

- should be designed with the full participation of the indigenous and maroon communities, to ensure inclusion of relevant data.
- as well as the existing census questionnaires should be reviewed to see if they prejudice the economic or cultural realities of indigenous and maroon communities.

- Training should be provided to community members to carry out the survey and to regularly update the information themselves on an annual basis and share this with the CBS.
- The results should be presented to the traditional authorities and communities in a culturally appropriate format.

4.4. Assist Indigenous and Maroon Communities to Formulate and Develop Own Development Priorities and Plans

The Bank should provide technical and financial assistance to the Ministry of Regional Development to develop – with full participation of indigenous and maroon communities – a programme to assist communities to formulate and implement their own development priorities, plans and initiatives. Capacity building of traditional authorities and strengthening of community organisations should be a priority within this programme. Possibly, the programme could be linked to the Community-Based Data Collection (4.3). Based on this programme, a pilot in one indigenous area and one maroon area should be carried out, with preference given to those communities that have already mapped their own territories.

This could be either incorporated in or combined with the Community-Based Data Collection (4.4) or with the existing IDB Decentralization Project.

4.5 Education

It is recommended that the Bank engage the government of Suriname in a dialogue to develop an effective strategy addressing the education goals, strategies and aspirations of indigenous peoples and maroons, preferably in the context of the plans to achieve the Millennium Development Goals. Taking into account the recommendations of the Expert Seminar on Indigenous Peoples and Education organized jointly by UNESCO and the Office of the UN High Commissioner for Human Rights in October 2004,⁸⁸ such a strategy should ensure at a minimum that:

- Indigenous and maroon communities participate fully in the process to determine their own education;
- The culture, traditions, history and values of indigenous peoples are reflected in national educational systems, with the aim of respecting the cultural diversity of the country, and fighting against discrimination and xenophobia;
- Practices that disproportionately affect indigenous and maroon communities in their full enjoyment of the right to education, such as the higher school fees and the language barrier, are eliminated.

As a first step, the Bank could provide funding, possibly jointly with UNESCO and/or UNICEF, to organize an expert seminar on indigenous education in Suriname, inviting experts from different regions in the world to present successful experiences of indigenous participation in design and implementation of indigenous education systems, bilingual education, long-distance and lifelong education. To ensure effective participation of indigenous and maroon parents, educators and leaders, the seminar could be jointly organized by the Government (MINOV) and national indigenous and maroon organizations such as the VIDS, Association Wan Hati and Foundation Sanomaro Esa (see section III on consultation procedures) and possibly the University of Suriname.

The Bank could then provide technical assistance with the development and implementation of a comprehensive Indigenous and Maroon Education Strategy, which is designed with the full participation of indigenous peoples and maroons. To ensure the effective participation of indigenous peoples and maroons, sufficient time and resources should be incorporated for training and capacity building of indigenous and maroon parents, leaders and educators and particularly for indigenous and maroon women.

4.6 Health

The Bank should engage the Government in a dialogue to set up an effective strategy regarding the health effects of mining. This should at minimum include an information campaign in indigenous and maroon communities on the risks and effects of mercury poisoning.

To ensure that complaints from indigenous persons and maroons about health care providers are adequately addressed, the Bank should provide technical assistance for training of medical personnel of MZ and RGD and of local community groups to develop a transparent and culturally appropriate complaints procedure and community based monitoring system of health care services. As women are the main users of health facilities (taking children and elderly to the clinic), it is strongly recommended that women's groups are involved in the monitoring. To ensure effective participation of women, they should be adequately remunerated for their time and effort, as all the time not spent in producing food means they will not be able to take care of their families.

Annex I: Policy Matrix Indigenous Peoples and Maroons in Suriname

Issue	Policy Recommendations		Output	Outcome
	Short term	Medium term		
4.1. Legislation on Indigenous and Maroon Rights Conform International Obligations	<p>Promote and provide, where appropriate, financial support to the Government to develop and implement an organic/framework law and subsidiary legislation and regulations recognizing and securing rights of indigenous peoples and maroons;</p> <p>Facilitate and support technical assistance by the UN (particularly the UN Special Rapporteur on Indigenous Peoples and the UN Permanent Forum on Indigenous Issues), in relation to legal, policy and institutional measures</p> <p>Support the effective participation of indigenous peoples and maroons in the formulation and implementation of legislative, administrative and other measures.</p>	<p>Promote and provide financial support to title, register, delimit and demarcate indigenous and maroon areas that have already been mapped; with full participation of indigenous and maroon peoples involved: 1) Cottica Ndyuka Maroons; 2) Lower-Marowijne indigenous Peoples; 3) Upper Suriname Saramaka Territory; 4) West-Suriname indigenous peoples and 5) Southern Trio and Wayana territory [titling 1 and 2 as part of Court order in Moiwana-case]</p> <p>Provide financial support for mapping of remaining indigenous and maroon areas with full participation of peoples concerned.</p> <p>Provide financial support to train relevant authorities (mining, forestry, land and nature conservation departments) and judicial authorities in new legislation to ensure effective implementation and protection</p>	<p>Based on framework/organic law and its implementing laws, at least five indigenous and maroon territories are titled, delimited and demarcated</p> <p>Maps of at least four more indigenous or maroon areas have been completed and the procedures by which they may obtain title are understood and available</p> <p>Relevant authorities and key groups are aware of framework law, its implementing laws and any revised laws.</p>	<p>Tenurial rights secured in accordance with the international treaty obligations incorporated in domestic law.</p> <p>At least five indigenous and Maroon territories have been delimited and demarcated in accordance with new legislation and their customary laws and collective titles have been issued, among others, providing security and a firm basis for pursuing indigenous and maroon ethno-development initiatives as well as reducing risk to public and private sector investments.</p> <p>Clear procedures exist for the effective participation of indigenous peoples and maroons regarding matters that affect them, especially concerning the use and management of natural resources</p>
4.2 Institutional Structure to Mainstream Indigenous/Maroon Issues in Government Policy	<p>Provide technical and financial assistance to establish an effective, participatory body to coordinate and mainstream indigenous and maroon communities in planning and programmatic decision-making and service provision of the government</p> <p>Either reformulate the mandate and position of the existing Council for the Development of the Interior (ROB); or establish a new body;</p>		<p>An effective participatory body has been established which includes indigenous and maroon representatives.</p>	<p>Inter-Ministerial policy and coordination of issues affecting indigenous peoples and maroons is improved.</p>
4.3. Community Based Data Collection	<p>Provide technical and financial assistance to the Central Bureau of Statistics – with the participation of the Ministry of Regional Development and indigenous and maroon traditional authorities – to disaggregate the 2004 census results based on gender and indigenous/maroon ethnic group; preferably taking into account the MDG-indicators.</p>	<p>If the results show that the data gathered by the census is incomplete (communities are missing, or have not been counted); an additional household survey should be done, with the participation of the traditional authorities.</p> <p>Household survey should be designed with the full participation of the indigenous and maroon communities, to ensure inclusion</p>	<p>Data base with disaggregated data based on gender and indigenous/maroon ethnic group</p>	<p>Indigenous and maroon communities as well as the Government have up-to-date overview of socio-economic status of indigenous and maroon areas and are able to take measures where needed</p>

	The results should be presented to the traditional authorities and communities in a culturally appropriate format.	of relevant data. Training should be provided to community members to carry out the survey and to regularly update the information themselves on an annual basis and share this with the CBS. The results should be presented to the traditional authorities and communities in a culturally appropriate format.		
Issue	Policy Recommendations		Output	Outcome
	Short term	Medium term		
4.4. Assist Indigenous and Maroon Communities to Formulate and Develop Own Development Priorities and Plans	Provide technical and financial assistance to the Ministry of Regional Development to develop – with full participation of indigenous and maroon communities – a programme to assist communities to formulate and implement their own development priorities, plans and initiatives (may be linked to Community-Based Data Collection, under 4.3; and/or to IDB Decentralization Project)	Carry out a pilot in one indigenous area and one maroon area, with preference to communities that have already mapped their territories.	Self-Formulated (outlines of) Territorial Development Plans plus thorough evaluation of lessons learned.	
4.5. Engage GoS in dialogue on developing effective strategy to address education goals of indigenous peoples and maroons	(a) Engage the government of Suriname in a dialogue to develop an effective strategy addressing the education goals, strategies and aspirations of indigenous peoples and maroons, preferably in the context of the plans to achieve the Millennium Development Goals. (b) Provide funding, possibly jointly with UNESCO and/or UNICEF, to organize an expert seminar on indigenous education in Suriname, inviting experts from different regions in the world, to present successful experiences of indigenous participation in design and implementation of indigenous education systems, bilingual education, long-distance and lifelong education. To ensure effective participation of indigenous and maroon parents, educators and leaders, the seminar should be jointly organized by the Government (MINOV) and indigenous and maroon organizations.	Provide technical assistance to develop indigenous education strategy. To ensure effective participation of indigenous peoples and maroons, training and capacity building of indigenous and maroon parents, leaders and educators should be included in TC.	Indigenous and Maroon Education Strategy that has been designed with full participation and enjoys support of indigenous and maroon communities.	There is clear understanding of educational goals and needs of indigenous and maroon communities and the steps that are necessary to address these.
4.6 Health	(a) engage the Government in a dialogue to		(a) Effective Health & Mining Action Plan	(a) Communities are better informed about health

	<p>set up an effective strategy regarding the health effects of mining. This should at minimum include an information campaign in indigenous and maroon communities on the risks and effects of mercury poisoning.</p> <p>(b) To ensure that complaints from indigenous persons and maroons about health care providers are adequately addressed, provide technical assistance for training of medical personnel of MZ and RGD and of local community groups (e.g. women's groups) to develop a transparent and culturally appropriate complaints procedure and community based monitoring system of health care services.</p>		<p>Aimed at Communities</p> <p>(b) MZ and RGD have strong, effective and culturally appropriate complaints procedures.</p>	<p>risks associated with mercury and steps they can take to prevent contamination.</p> <p>(b) Health Providers are trained; Monitoring Groups have been established in at least 3 indigenous and/or maroon areas; health care is improved.</p>
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Annex II: Donor Policy Matrix

Sector	Executing Agency	Project Title and #	Amount of financing, source and type	Approval date and Execution period	Objectives (selected)	Main activities	Challenges/impact on Indigenous Peoples (IP) & Maroons (M)
Health	GOS MoH	Health Care Sector Plan	Dutch Treaty Fund; 10 million Euro	Approved	strengthen primary and preventive health care provided by RGD and MZ;	(among others) strengthening local population participation in determining priorities and executing programmes	No details on how health care for IP&M will be improved; strengthening local participation is limited to coastal region only, no details about involvement of indigenous and maroon communities.
	GOS MoH	Health Sector Facility SU-0028 (loan 1537/OC-SU)	IDB; 5 million USD	Approved March 2004	improve health status in Suriname through institutional reforms to increase efficiency, equity and quality of health services.	Improve performance of preventive and primary health care services in the coast (RGD); improve access to medicines; improve efficiency and equity of health system	IP&M in Interior, serviced by MZ are not included; only IP&M in coast may benefit from improved RGD services, but no details on how this will be accomplished.
	MZ	Construction of Health Clinics in Interior	ISDB;	In execution	No data	construction of 21 clinics in the Interior, including housing for health professionals, transport, medicines and training	
	GOS MoH	Combating HIV/AIDS	UN GFATM; 5 million USD	2004-2009	No data	No data	Unclear whether IP&M are part of activities
	MZ & BOG	Combating Malaria	UN GFATM; 5 million USD	2004-2009	Decreasing transmission of malaria in the Interior among others through expansion of health care to mobile groups (gold miners)	Research; training local health workers; provision of preventive medication; bed nets, etc	
Education	GoS MINOV	Sector Plan Education	Dutch Treaty Fund; 10 million euro; of which 0.8 million for Interior	Approved; 2004-2008	More effective and equitable education system in Suriname	Re education in Interior: Construction of nucleus centres Brokopondo & Albina Improvement of quality of education in the Interior by setting up 'nucleus centers' in Albina and Brokopondo	No details on how quality of education will be improved; IP&M not included in preparation of education plans
	GoS MINOV	Basic Education Improvement Project (SU-0023)	IDB; Loan; 15 million USD	Approved	improvement of the quality and internal efficiency of basic education	Re education in Interior: design and introduction of a multi-grade model of education; renovation and rehabilitation of schools; development of management model for schools in Interior consistent with geographical and cultural characteristics.	Schools to be renovated only include public schools; majority of schools in Interior are denominational schools and hence are excluded; IP&M not included in preparation of education plans

	GOS MINOV	Teacher upgrading in Donderskamp, Washabo, Brokopondo, Powaka Teacher upgrading in Dan, Pikin Slee, Guyaba (Upper Suriname)	UNESCO; 15,000 USD VVOB; 200,000 euro	2005-2008	No details Pilot project to improve quality of education by training teachers; increasing parent participation and improving learning environment	No details	Not enough information to assess impact
Resource Management/ Conservation	ACT	Mapping Wayana Territory	No data; 80,000 USD	No data	Identify land use by Wayana; improve management and protection of land; land rights	No data	Not enough information to assess impact
		Guianas Sustainable Forest Resources Management Project	FFEM; MATE; DGIS; 5.23 million euros	2002-2005	maintaining the integrity of the different forest ecosystems of the Guianas so that they may sustain their ecological functions and processes, while supporting the region's socio-economic development.	include sustainable forestry management; gold mining pollution abatement; protected areas effective management; regional integration, collaboration and networking	Projects have big impact on IP&M; missed opportunities for genuine participation with and strengthening of indigenous and maroon communities, particularly in establishment and management of (proposed) nature reserves Kaburi Creek and Boven-Coppename.
	WWF	Marine Turtle Conservation	WWF-Netherlands; DGIS; FFEM; WWF-US; UNESCO; 30,000 USD per year	No data	No data	In Galibi: training of local tour guides; arts & crafts for youth group; awareness building among school children	Galibi nature reserve established without consent of communities; continues to be source of conflict and resentment.
		Ecotourism Wayana	UNDP Small Grants Programme/GEF/WWF; 48,000 USD	2003-2006	Promoting sustainable use of tropical rainforest	Construction of tourist lodges in Apetina; revolving fund; training	Not enough information to assess impact
	Tropenbos Suriname	Suriname programme	Dutch Govt. (Non-Treaty);		Tropenbos' mission is "improving forest management for the benefit of people, conservation and sustainable development".	Capacity building of forestry sector; mainly through partner org CELOS; activities re IP&M include mostly agroforestry & permanent agriculture	So far, IP&M have not been invited to participate directly in setting up programme that will have huge impact on their livelihoods. Strengthening forestry sector without capacity building of communities that are main users of forest may result in conflicts in longer term and be counterproductive to goals of programme.
	GOS	GLIS	Dutch Treaty Fund; 11 million euro		Actualizing the land cadastre of Suriname; producing new base map for Suriname	Digitizing cadastre	Unclear whether project also includes lands in the Interior/lands used by IP&M
	GOS	Non-Urban Environment Sector Plan (NUES)	Dutch Treaty Fund	Not approved	Management plan for non-urban environment (natural resources)	-	So far, IP&M have not been invited to effectively participate in development of NUES.
	GOS	Agricultural Sector Plan	Dutch Treaty Fund; 46 million	Approved; 2005-2010	Strengthening private sector and strengthening government	Support for NGOs involved in activities for permanent	Sector Plan developed without effective participation of IP&M;

			euro		regarding education, research and information; re Interior: objectives are securing food safety; minimizing degradation of forest soil; support for private (NGO) initiatives for permanent agriculture; developing long term agricultural plan for the Interior.	agriculture	provides very little detail of actual activities to be carried out as part of plan.
	GOS	Suriname Land Management Programme	IDB; Proposal; 3 million USD		improve land use planning, legislative and institutional reform, including policy for land tenure security interior	Analysis of customary land tenure regime; consultations; development of land policy for the management and administration of collective land holdings	Challenge: ensuring effective participation of IP&M in development of legislation and ensuring consistency with Suriname's international legal obligations.
	GoS	Integrated Coastal Zone Management (TC SUT1009)	IDB; TC		Study on coastal zone environmental management methodology	Identification of legal & institutional limitations for undertaking ICZM, preparation of master ICZM plan; formulation of selected pilot projects	Coastal indigenous communities (Galibi/Lower-Marowijne) should be included in study at early stage to prevent negative impacts on community fishery and eco-tourism (nature reserve) income.
	ACT	Sustainable Development and Bio-cultural Conservation in the Surinamese Trio Border Region.	OAS; 200,000 USD	2004-2007	To collaborate with the indigenous peoples of the Brazil-Suriname border region, Trio and Wayana in Suriname, contributing to the conservation of the culture and the sustainable development of the natural resources by improving forest management, building local capacity, and healthcare and security.	strengthen Trio traditional knowledge; capacity-building to develop management plans for the sustainable use of resources; improving Trio skills to collaborate and negotiate with the government to obtain formal tenure status of their traditional territories.	Not enough information to assess impact
	Guyagrofor	Development of sustainable agro-forestry systems based on indigenous and Maroon knowledge in the Guyana Shield Region (Sur, Brazil, Venezuela)	EU; 1.8 million Euro	2004-2008	Agroforestry projects in Mata, Nw. Lombé and Balingsula	Activities to be decided in consultation with communities	
	No agency yet	Promoting conservation and management of Trio and Wayana Territories	OAS/IDB/GEF Proposal; 1 million USD		Strengthening traditional knowledge; internal and decision making structures and capacity building to development management plans.	To be determined	Main challenge will be to seek implementing agency that has gained sufficient trust among communities and necessary capacity to develop project with the communities

	CI	Kwamalasamutu community rural development (TC Su-t1014)	IDB; Proposal; 204,000 USD		Setting up community owned tourism facility and establishing protected area around archaeological site to promote tourism	Training in tourism, management and operations; and materials and equipment to support tourism development.	Training and capacity building of local IP in hotel management, who have had little formal education will require considerably more time than allocated 7 months.
	CI	Sustainable tourism Development Central Suriname Nature Reserve (TC 02-09-00-5)	IDB TC; 1.2 million USD	2,5 yrs	to increase and improve the products and services offered by the tourism sector through better design and planning, business training and marketing.	Development of products and services; training and enterprise development support; promotion and dissemination.	Maroon communities Witagron and Kaaimanston are included in training and benefit sharing; but not Trio communities who also traditionally use and have occupied this area.
Social Infrastructure	FOB	Fund for the Development of the Interior	Dutch Treaty Fund; 5 million euro	2000-2005	Supporting the identified problem areas of the Interior communities	Priority areas include: capacity building of traditional authorities and CBOs; income-generating projects; facilitating execution of policies of Ministry RO; initiating discussions on land rights and position traditional authorities; water and electricity; gender; zoning	To date, no project has been fully executed; two projects are in execution (transport civil servants of Ministry RO and electrification of one indigenous village) and 22 are in preparation (mainly drinking water and electricity)
	GOS	Sector Fund Housing	Dutch Treaty Fund; 18 million euro	2005-2010	Construction of houses in coastal/urban area.		no facilities included for IP/M communities in the interior.
	NIKOS a.o.	Resort Albina Study	AFD; 300,000 euro	2005; 6 months	Inventory of economic, social and environmental development potential of resort Albina and definition of development strategy	Data collection; including potential of setting up Free Economic Zone, tourism & community development in Albina	Albina Ressort is part of land claim by 8 indigenous communities; effective participation of communities will be crucial to prevent overlap and/or conflicts in planning
	LISP	Low Income Shelter Program (Investment Loan SU0017)	IDB; loan 12.3 million USD	2001-2006	Improvement of housing policies and shelter conditions	direct subsidies to low/moderate-income households; to build or renovate houses	the requirement of owning land is waived in case of IP&M. However, unlike title holders, IP&M have no or limited access to loans (which require land as collateral).
	CDFS	Community Development Fund of Suriname (Investment Loan SU0020)	IDB/AFD; loan 12.8 million USD	2001-2005	small-scale community-based projects to improve the living conditions, economic opportunities, and social well being of the poorest communities of Suriname; 30% of project should benefit Interior communities	Focus of projects: infrastructure plus local capacity-building training to ensure sustainability; community capacity building and education	Mid Term Review found severe problems in execution and oversight of projects, serious backlog (resulting in lack of community motivation) and lack of capacity building of communities before, during and after projects.
Capacity Building	NSI & VIDS	Indigenous Peoples and Mining in Suriname – Building Community Capacity and Encouraging Dialogue (SU-T1005)	IDB TC; 100,000 USD	2 years; start in 2006	to gather and provide information on potential impacts of proposed Bakhuis bauxite mine and Kabalebo hydro dam on indigenous communities; to build capacity among indigenous communities to engage in dialogue with GoS and mining	Research; community focus groups; training and capacity building; dialogue with Govt & companies; devt of guidelines for engagement of IP with private sector, policy makers and intl donors	

					companies regarding their needs, concerns and interests.		
	GOS	Decentralization and Local Government Strengthening Program (SU0019)	IDB Loan; 4.9 million USD	2001-2005	empower local governments with legal framework and institutional capacity necessary for fiscal self management in 5 pilot districts (Wanica, Para, Commewijne, Saramaca, and Nickerie); includes preliminary study on district Sipaliwini	Legislative (tax) reforms; district capacity building; training and development of citizen participation plan & establishment of citizen information centers	No participation of IP&M; strengthening local govt authorities (resort and district councils) may result in conflicts between traditional authorities and local government authorities and potentially weaken tribal authority in violation with Suriname's international legal obligations to recognize and strengthen indigenous and tribal peoples' customary government.

Annex III: List of Interviewed Persons

Date	Name	Function	Organization
GOVERNMENT			
10-Aug-05	Mr. B. Eersteling	Director Bureau Education Interior	Ministry Education
16-Aug-05	Mr. S. Alfaisi	Director	FOB
29-Aug-05	Ms. A. Rahamat	Assistant programme manager	CDFS
	Mr. F. Refos	Programme manager	
1 Sept 05	Mr. H. Gezius	Project Assistant	FOB
19-Sep-05	Mr. M. Felisi	Minister	Ministry Regional Development
20-Sep-05	Mr. M. Jong Tjien Fa	Minister	Min Physical Planning, Land and Forestry Policy
21-Sep-05	Mr. J. Abdul	Permanent Secretary for Energy, Mining and Water Supply	Min Nat Resources
21-Sep-05	Mr. A. Ng A Tham	Policy Advisor	Min Physical Planning, Land and Forestry Policy
26-Sep-05	Mr. E. Sabajo	Policy Advisor	Min Physical Planning, Land and Forestry Policy
DONORS			
5-Aug-05	Mr. G. Noordam	Environment	Dutch Embassy
	Ms. S. Bhairo	Environment	
8-Aug-05	Mr. P. Adam	Representative	IDB
11-Aug-05	Ms. D. Brons	Programme Manager Economic, Social, Trade and Regional Integration Sector	EU
11-Aug-05	Mr. H. Brandon	Project Development Specialist	SCF
16-Aug-05	Ms. C. Rio-Ma Ayong	Advisor Development Cooperation	Dutch Embassy
16-Aug-05	Mr. B. van Noordenne	Head Development Cooperation	Dutch Embassy
16-Aug-05	Mr. S. Tjong-Ahin	Operations Specialist	IDB
	Mr. W. Grisley	Operations Specialist	
17-Aug-05	Mr. M. Ooft	Assistant Resident Representative	UNDP
NGOs			
5-Aug-05	Mr. H. Essed	Director	PAS
8-Aug-05	Ms. Y. Caprino	Director	PCOS
	Ms. K. Blufpand	Associate	
11-Aug-05	Mr. D. McCall	Conservation Director	WWF-Guianas
	Ms. M. Felix	Wildlife Management Officer	
12-Aug-05	Dr. R. Akrum	Deputy Director Medical Affairs	Medical Mission
12-Aug-05	Ms. I. Apapoe	Chair of the board	STEPS
15-Aug-05	Mr. M. Schalkwijk	Director	NIKOS
30-Aug-05	Mrs. S. Staphorst	Director	NVB
31-Aug-05	Ms. S. Ganga	Director	Projecta
31-Aug-05	Mr. R. Goodland	Independent consultant	NSI/VIDS
31-Aug-05	Ms. V. Weitzner	Senior researcher	NSI
20-Sep-05	Mr. C. Healy	Anthropologist	Independent Consultant
INDIGENOUS & MAROON REPRESENTATIVES			
18-Aug-05	Ms. L. Jubitana	Director	VIDS Bureau
	Ms. J. Artist	Community Development Officer	
	Ms. J. Jubithana	Legal Programme Officer	
19-Aug-05	Mr. R. Kajoeramari	Board member CDFS/Village Leader Langamankondre	CDFS/Village Leader
22-Aug-05	Mr. R. Pané	Chair VIDS/Village Leader Christiaankondre	VIDS/Village Leader
22-Aug-05	Mr. H. Zaalman	Former Board Member VIDS/Village Leader Marijkedorp	VIDS/Village Leader
26-Aug-05	Mr. L. Biswane	Board member CLIM; Village Assistant Pierrekondre	CLIM/Village Assistant
19-Sep-05	Mr. H. Jabini	Coordinator	VSG Wan Hati
22-Sep-05	Mr. C. Lewes	Village Leader Apura	Community Leader
	Mr. R. Mackintosh	Village Leader Washabo	Community Leader

23-Sep-05	Mr. N. Arupa	Village Leader Section	Community Leader
29 Sep 05	Mrs. H. Vreedzaam-Joeroeja	Member ROB/chair Sanomaro Esa	ROB/Sanomaro Esa

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END NOTES

¹ For more background information on indigenous peoples and maroons in Suriname, see IDB, *Suriname. An Overview of Indigenous and Tribal Peoples*, SU-CSS-003/SU P1001, August 2004; Kambel and MacKay 1999 and 2003, Kambel 2002.

² This is an estimated number of communities, combining data of the Medical Mission (MZ), the VIDS and the Suriname Planatlas 1981.

³ The majority of Kali'na and Lokono communities are located in the district of Para and Marowijne. There are several indigenous and maroon communities in the district of Wanica (e.g. Saramaka Maroon community Santigrón; Kali'na community Pikin Poika), Nickerie (e.g. Lokono indigenous communities Post-Utrecht, Cupido and Tapuripa) and Saramaka (Lokono indigenous communities Columbia, Maho and Gran Kreek).

⁴ IDB, *Suriname Poverty and Safety Net Assessment*, 2004, pg. 6.

⁵ IDB, *Report on Millennium Development Goals in Suriname*, no date.

⁶ Cited in, Report of the Inter-Agency Support Group on Indigenous Issues (E/C.19/2005/___), *Technical Position Paper on the MDGs and Indigenous Peoples*, para 35. Internet, http://www.un.org/esa/socdev/unpfi/4session/Doc_IASG_Report.doc

⁷ Idem, para 51.

⁸ Idem, para 7.

⁹ Idem, para 43.

¹⁰ The CDFS was set up in 2001 with a loan from the IDB to fund small scale community projects in Suriname. See donor policy, part II.

¹¹ Other indicators in the CDFS poverty ranking of a 'poor community' are the lack of toilets, septic tanks, electricity, long distance to a health clinic, day care for the handicapped, absence of a community center, sports centre, day care, etc. The urban cultural bias is also clear from the list of food stuffs available in a poor community; items such as cassava bread, bush fruits and tubers which form the main diet in the Interior, are absent from the list.

¹² Of course, if the goal of the poverty ranking system is to give priority to projects in the Interior, this can be achieved simply by according such priority in the programme requirements of the CDFS.

¹³ Personal communication Ricardo Pané, 22 September 2005.

¹⁴ *CDFS Project Ranking System*, pg. 10 (Training and Technical Assistance receive 10 out of a 100 points, the lowest score in the ranking system).

¹⁵ See Kambel 2002.

¹⁶ Kambel & MacKay 1999.

¹⁷ Personal communication, Loreen Jubitana, director Bureau VIDS, 18 August 2005.

¹⁸ IDB *Suriname Country Environmental Assessment, Final Report*, SU-P1011, 2005. In its 2004 Concluding Observations on Suriname, the UN Committee on the Elimination of Racial Discrimination invited "the authorities to check that the established mechanisms for notifying and consulting the indigenous and tribal peoples are working, and recommends the State party to strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions." (CERD concluding observations 2004, Suriname, para 13.)

¹⁹ Before a concession is issued, the District Commissioner – who is appointed by the government – submits a non-binding advice to the Ministry of Natural Resources. Although there is no legislative basis for this, there are some District Commissioners who will speak to the relevant traditional indigenous or maroon authorities before submitting their advice. Given that it is a non-binding advice, that there is no transparency or form of appeal, this procedure does not qualify as a consultation procedure under international standards.

²⁰ See, *Request for the Initiation of an Urgent Action and a Follow Up Procedure in Relation to the Imminent Adoption of Racially Discriminatory Legislation by the Republic of Suriname Submitted to the United Nations Committee on the Elimination of Racial Discrimination*, by The Association of Indigenous Village Leaders in Suriname, The Association of Saramaka Authorities, Stichting Sanomaro Esa, Forest Peoples Programme, 06 January 2004.

²¹ See Committee on the Elimination of Racial Discrimination, *Concluding Observations/Comments, Suriname*, CERD/C/64/CO/9, 12 March 2004; CERD, *Follow-Up Procedure Decision 3(66) Suriname*, CERD/C/66/SUR/Dec.3, 9 March 2005 and CERD, *Prevention Of Racial Discrimination, Including Early Warning Measures And Urgent Action Procedures Decision 1 (67) Suriname*, CERD/C/Dec/Sur/2, 18 August 2005.

- ²² For a case study on the Galibi Nature Reserve, see Kambel 2002, pg. 140-46 and Ricardo Pané, 'A Voice from Suriname's Galibi Nature Reserve'. In: *Cultural Survival Quarterly*, Spring 2004, pg. 44-45.
- ²³ Judgment of the Inter-American Court of Human Rights in the Case of Moiwana Village v. Suriname Issued 15 June 2005, para 86 (5).
- ²⁴ *Celientje Martina Joeroeja-Koewie et al v. Suriname & Suriname Stone & Industries N.V.*, A.R. no. 025350, Cantonal Court, First Canton, Paramaribo, 24 July 2003.
- ²⁵ Judgment of the Inter-American Court of Human Rights in the Case of Moiwana Village v. Suriname Issued 15 June 2005; Human Rights Committee, *Concluding observations: Suriname*, CCPR/CO/80/SUR, 4 May 2004; and CERD, *Concluding Observations/Comments, Suriname*, CERD/C/64/CO/9, 12 March 2004; CERD, *Follow-Up Procedure Decision 3(66) Suriname*, CERD/C/66/SUR/Dec.3, 9 March 2005 and CERD, *Prevention Of Racial Discrimination, Including Early Warning Measures And Urgent Action Procedures Decision 1 (67) Suriname*, CERD/C/Dec/Sur/2, 18 August 2005. A selection of these decisions have been translated into Dutch: Kambel and MacKay 2004.
- ²⁶ *Dagblad Suriname*, 10 August 2005, 'Struggle for Land Rights Gets Legal and International Character'
- ²⁷ Judgment of the Inter-American Court of Human Rights in the Case of Moiwana Village v. Suriname Issued 15 June 2005.
- ²⁸ *Idem*, para 209.
- ²⁹ *Idem*, para 210.
- ³⁰ *Idem*, para 211.
- ³¹ CERD, *Prevention Of Racial Discrimination, Including Early Warning Measures And Urgent Action Procedures Decision 1 (67) Suriname*, CERD/C/Dec/Sur/2, 18 August 2005.
- ³² Human Rights Committee, *Concluding observations: Suriname*, CCPR/CO/80/SUR, 4 May 2004, para 21.
- ³³ Inter-American Court of Human Rights, *Judgment in the case of The Mayagna (Sumo) Indigenous Community of Awas Tingni v. the Republic of Nicaragua*, 31 August 2001
- ³⁴ Ministerie van Natuurlijke Hulpbronnen/Stichting voor Bosbeheer en Bostoezicht, Nationaal Bosbeleid van Suriname, juni 2005, pg 27. This Forest Policy was formulated with financial support from the IDB.
- ³⁵ *De Ware Tijd*, 4 March 2005, 'Natural Resources Wants Surinamese Solution Model for Land Rights'.
- ³⁶ IDB Suriname Land Management Program, Annex I, Land Policy Directive, Ministry of Natural Resources; version of 11 September 2003.
- ³⁷ New Front Election Programme, May 2005, pg. 40, <http://www.nps-suriname.com/downloads/Verkiezingsprogramma%20Nieuw%20Front%202005%20-%20color.pdf>; last visited on 30 September 2005]
- ³⁸ *Dagblad Suriname*, 10 August 2005, 'Draft Law Indigenous Day Shortly to National Assembly'.
- ³⁹ The other two priorities are better education and health care for Maroons and Amerindians.
- ⁴⁰ *De Ware Tijd*, 21 May 2005, 'Healthy and Educated People Guarantee Development' (interview with Caprino Allendy).
- ⁴¹ Personal communication, 19 September 2005.
- ⁴² Land and forestry issues were previously under the Ministry of Natural Resources. This Ministry (headed by Mr. Van Rusland of the NPS), now deals with energy, water and mining.
- ⁴³ personal communication, 20 September 2005.
- ⁴⁴ *De Ware Tijd*, 15 August 2005, 'Jong Tjien Fa Favours Solution Land Rights Issue'.
- ⁴⁵ See CERD, *Concluding Observations/Comments, Suriname*, CERD/C/64/CO/9, 12 March 2004; IDB, *Basic Education Improvement Project* (Su-0023), Loan Proposal, N.D. and Government of Suriname, *Sectorplan Onderwijs, 2004-2008* [Education Sector Plan], Paramaribo, November 2004.
- ⁴⁶ *Suriname Multiple Indicator Cluster Survey*. Funded by UNICEF, March 2001, at 6. Internet: <http://www.childinfo.org/MICS2/newreports/surinam/surinamreport.PDF> With regard to education, this report determines that: 51.6% of urban children and 40.8% of rural children have access to early childhood education compared to 4.3% of interior children and; 81.6% and 81.9% of urban and rural children, respectively, have access to primary schooling compared to 61.2% of interior children. *Id.*, 22. Further, only 64.5 percent of children in the interior who enter grade 1 reach grade 5 in comparison to 92.8 percent of those in urban areas and 82.5 percent in rural areas. *Id.*, 23.
- ⁴⁷ Guicherit 2002, pg 51.
- ⁴⁸ CERD, *Tenth Periodic Report of Suriname*, CERD/C/446/Add.1, 31 July 2003, para 80.
- ⁴⁹ See Government of Suriname, *Sectorplan Education*, 2004, pg. 21.
- ⁵⁰ No data was available disaggregated between urban, rural and interior. The data for the schools in the Interior are based on information provided by the Bureau for the Education of the Interior.
- ⁵¹ The data for schools in the Interior is based on 67 schools or 86% of the total number of schools in the Interior (Bureau Onderwijs Binnenland, Toetsuitslagen 2003-2004). Indigenous/Maroon schools are schools predominantly visited by indigenous/maroon children. Mixed schools are schools visited by indigenous and maroon children and/or children of other ethnic descent.
- ⁵² There is no difference in the curriculum between public or denominational schools as, in theory, all schools in Suriname follow the same curriculum which is established by the Ministry of Education.
- ⁵³ IDB Basic Education Improvement Project.

⁵⁴ Government of Suriname/MINOV, Sector Plan Education.

⁵⁵ Sector Plan Education, 2004, pg. 80.

⁵⁶ The IDB Basic Education Improvement Project Loan Proposal further states that “All educational indicators in terms of access, promotion and achievement are below national averages. Repetition and dropout rates are at least 50% higher than in the coastal region. Teacher shortage is not uncommon in the interior because working there is seen to be undesirable. Great distances to be traveled, difficult and expensive transportation, inappropriate housing for teachers, risk of tropical diseases and social isolation combined with poor school infrastructure and lack of materials and training complicate the problem.” (para 1.25).

⁵⁷ Exceptions are the development of a multi-grade teaching model in the Interior (IDB), and two pilot projects for upgrading teachers in the Interior (UNESCO and VVOB). With Dutch Treaty Funding, two nucleus centers will be constructed in Albina and Brokopondo, from where education to the Interior will be improved. There are no details provided how this will be achieved.

⁵⁸ *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, Rodolfo Stavenhagen, E/CN.4/2005/88, 6 January 2005.

⁵⁹ *Idem*, para 86.

⁶⁰ *Idem*, para 88.

⁶¹ *Idem*, para 89.

⁶² Personal communication, captain Maipio of Bigi Ston, 14 August 2005. See also, *De Ware Tijd*, 17 October 2005, ‘Health Clinic is now used for housing of a teacher’

⁶³ There are plans to take over the health care from the RGD in the indigenous areas of Para and possibly the indigenous and maroon areas of Marowijne.

⁶⁴ MZ Annual Report 2004.

⁶⁵ I was unable to obtain statistics from the RGD.

⁶⁶ IDB, *Suriname Country Environmental Assessment, Final Report*, SU-P1011, 2005.

⁶⁷ UNICEF, *Final Report Suriname Multiple Indicator Cluster Survey 2000*, 2001

⁶⁸ US Army Corp of Engineers, *Water Resources Assessment of Suriname*, December 2001, at pg. 9. Internet, <http://www.sam.usace.army.mil/en/wra/Suriname/Suriname%20Water%20Resources%20Assessment.pdf>.

⁶⁹ *Idem*.

⁷⁰ *Idem*, at 12, citing, Pan American Health Organization, *Assessment of Drinking Water and Sanitation 2000 in the Americas*, Internet, <http://cepis.ops oms.org/enwww/eva2000/eva2000.html>.

⁷¹ Summary of the Proceedings of a Workshop on Mercury and Artisanal Gold Mining, organized by the Anton de Kom University of Suriname, March 30, 2000, Hotel Stardust, Leonsberg, Paramaribo. See: <http://www.wwfguianas.org/gfecp05.htm>.

⁷² *De Ware Tijd*, 21 April 2004, ‘Surinamese Pilot Study shows: High Concentrations of Mercury in Mothers and New Borns.’

⁷³ WHO, *Mercury in Health Care. Policy Paper 2005*. Internet, http://www.who.int/water_sanitation_health/medicalwaste/mercurypolpaper.pdf

⁷⁴ In response to an article by Dr. Peplow, a mine-waste ecotoxicologist from Washington DC, who found high levels of mercury in the air above Paramaribo (*De West*, 12 July 2005, ‘High Mercury Content Above Paramaribo’, see <http://sihfund.org/newsletter.htm>), Dr. De Kom, of the Toxicologic Focal Point of the Ministry of Public Health, claimed that mercury poses no danger to the average Surinamese citizen, and that only gold miners have a higher risk of mercury contamination (*De Ware Tijd*, 10 september 2005, ‘Sense and Non Sense about Mercury’). Dr De Kom pointed to a study currently undertaken by the government concerning the gold buying companies in Paramaribo, as evidence of the measures taken by the government to address mercury contamination (*De Ware Tijd*, 29 august 2005, ‘Establishing Mercury Contamination in Suriname not easy’).

⁷⁵ Ministry of Health, Meerjaren Sectorplan Gezondheidszorg 2004-2008 “*Gezondheidszorg: ieders zorg*” [Multi-Annual Sector Plan Health Care 2004 – 2008], *final version June 2004*.

⁷⁶ IDB, *Health Sector Facility, Support for the Implementation of Health Sector Reform*, Project Report (SU 0028), n.d. para 4.4.

⁷⁷ *Idem*, page viii.

⁷⁸ *Idem*, pg. 15.

⁷⁹ The lack of accountability and absence of formal performance agreements between the MOH, Medical Mission and the RGD is also mentioned in the IDB Health Sector Facility (para. 1.31).

⁸⁰ Not included in the Donor Policy Matrix are the numerous small scale projects that are carried out by CBOs and NGOs in indigenous and maroon communities and which are supported by a variety of donors (mainly Dutch), as this would exceed the scope of this policy note.

⁸¹ See among others, CERD, *General Recommendation XXIII (41) Concerning Indigenous Peoples, Adopted at the Committee’s 1235th meeting*, 18 August 1997, calling upon states-parties to ‘ensure that members of indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informed consent’; Inter-American Commission on Human Rights, Report No. 75/02, Case No. 11.140, Mary and Carrie Dann (United States), 27 December 2002, which found that Inter-American human rights law requires ‘special measures to ensure

recognition of the particular and collective interest that indigenous people have in the occupation and use of their traditional lands and resources and their right not to be deprived of this interest except with fully informed consent, under conditions of equality, and with fair compensation'. See further MacKay 2004.

⁸² Interview H. Brandon, 11 August 2005.

⁸³ Personal communication, H. Gezius (FOB), 1 September 2005 and A. Rahamat (CDFS), 29 August 2005.

⁸⁴ See Kambel & MacKay 2003, pg 104.

⁸⁵ The Sustainable Tourism project includes training for Maroon communities but was not developed from the start with their full and effective participation.

⁸⁶ Cited in *De Ware Tijd*, 26 October 2005, 'More involvement Interior Dwellers in National Biodiversity Strategy'.

⁸⁷ Idem.

⁸⁸ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, Addendum, *Conclusions And Recommendations Of The Expert Seminar On Indigenous Peoples And Education*, E/CN.4/2005/88/Add.4, 15 December 2004.