CABINET of the PRESIDENT of the REPUBLIC of SURINAME
THE LAND RIGHTS BUREAU
SECRETARIAT OF PRESIDENTIAL COMMISSIONER

Paramaribo, 03 October 2014

Emilio Alvarez Icaza L.
Executive Secretary
Inter-American Court of Human Rights

Subject: response to the letter (case 12.369)

Honourable Court,

The State of Suriname has again the honor to communicate with you with reference to Your letters of respectively 27 February 2014 and 04 July 2014 concerning the case Kaliña and Lokono Peoples vs Suriname (No. 2/2014).

The State will in a concrete manner respond to the letter dated January 26, 2014, by which the commission submitted the case (12.639) to the Inter-American Court on Human Rights hereinafter to be named the Court.

Prior to entering into the substance of the letter dated 26 January 2014, the State of Suriname wishes to indicate that it disagrees with the referral of case no. 2/2014 to the Court. This because of the fact that Suriname in earlier correspondence with the Commission indicated that it is following a course to arrive at an integral solution to the land rights issue.[1] This course comprises amongst other things that commissions will be established consisting of the State and

[1] Refer to Annex 1a. (letter of September 26, 2013 to the Commission)

the Maroon and Indigenous communities. The commissions will be charged with elaborating and proposing solution models with regard to specific aspects in respect of the land rights issue. A detailed description of this course is laid down further in this document.

In the aforementioned letter, in which the Commission indicates that Suriname states that there may be difficulties in implementing the recommendations, the State of Suriname wishes to indicate that the State has the willingness to arrive at a solution of this issue. In our letter of 26 September 2014, to which the Commission refers, the State of Suriname indicates indeed that it wishes to find a solution for this issue despite the underlying complexities encountered. The State also noted that the extent and nature of the recommendations put an obligation on the State to exercise a certain degree of meticulousness, and that the State wishes to execute the recommendations in the most responsible manner possible, while ensuring that everyone has taken ownership of the process that we have started as a Nation.
The commission further states in their submission of 26 January 2014 that no progress has been made to comply with the recommendation.

On the basis of the above the State wishes to emphasize that progress has been made with regard to the implementation of the recommendations. As noted in earlier correspondence with the Commission, the State of Suriname has an integral approach to finding a solution for the land rights issue. The essence of the integral approach is to solve this issue once and for all, for all communities, meaning in a sustainable manner.

The issue of internationally recognized rights to which the Indigenous and Tribal Peoples are entitled has the full attention of the State of Suriname. However, this issue should be seen against the background of the unique, but rather complex social structure of Suriname, which is characterized by a diverse multiethnic and multicultural composition of the population.[2]

Without passing over the individuality and characteristics of this case(Kaliña and Lokono vs the State of Suriname case no. 12.639) it is important to conclude that this case should be seen as a

[2] Compliance hearing in Costa Rica for the Saramaka case, presentation by the agent of the Republic of Suriname, Mr. Martin Misiedjan, 28 May 2013 Martin Misiedjan, 28 May 2013.

part of a comprehensive issue, with a more profound dimension, namely: the land rights issue. This issue should be seen as a colonial inheritance by the young Republic of Suriname.

The solution to this issue is at the top of the list of priorities of the Bouterse/ Ameerali coalition government. Except for the inclusion of this in the Multiannual Development Plan, the intention of the government to solve this issue, or important aspects thereof, in this government period appears from the fact that the President appointed a commissioner, who is primarily concerned with advising the government on this matter and on making concrete proposals in respect thereof.

The pursuit of the government is to solve in unity and solidarity the issues that are inherent to our colonial heritage. The State is fully committed to working on an acceptable solution to this issue of national importance and makes all efforts to have a cooperative attitude of all interested parties based on the conviction that the unity of the whole nation is an absolute requirement.[3]

Integral Approach

The measure and nature of the recommendations oblige the State to observe a certain measure of carefulness. The State wishes to implement the land rights issue in the most responsible manner possible.

The State is obliged to practice such carefulness, as it is clear that on a number of important points of the Commission report on the merits (in particular demarcation, legislation, etc.)[4]there is so far nationally no agreement (unfamiliarity with the issue of Indigenous and Maroon rights is probably the reason for this). This given necessitates the State to initiate concrete activities with the purpose of informing society on the issue of land rights for Maroon and Indigenous Peoples in Suriname. (See one reason for the awareness campaign).

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3 Compliance hearing in Costa Rica for the Saramaka case, presentation by the agent of the Republic of Suriname, Mr. Martin Misiedjan, 28 May 2013 Martin Misiedjan, 28 May 2013.

4 Idem note 2.

The State is of the opinion that the land rights issue has to be addressed integrally. This approach is justified by the fact that Indigenous and Maroon Peoples use almost identical arguments to have their land rights recognized. The State has proposed this approach to the communities, who in their turn find it correct and acceptable.

From this perspective, activities within the framework of the solution of the issue are being initiated and executed. As mentioned earlier the President of the Republic of Suriname, his Excellency D.D. Bouterse has appointed a special emissary for a dynamic approach aimed at solving the land rights issue. This official, called the Presidential Commissioner Land Rights Affairs, has collaborated intensively out of the Executive Office (Bureau of Land Rights) with his staff with representatives of Indigenous and Maroon communities over the past period to determine, amongst other things, which activities can be executed in the short term and to gain insights to solve the issue. The results of this interaction is that it was agreed to execute in this phase the following activities:

1. Awareness campaign
2. Legal recognition of the traditional governance system of the Maroon and Indigenous Peoples
3. Protocol Free Prior and Informed Consent (FPIC) .

Purpose of the Activities

1. Awareness campaign

The State is of the opinion that in the process that was established for the recognition of land rights for Indigenous and Tribal communities, a constructive dialog between all population groups in Surinamese society will be required. The latter is considered to be of utmost importance to ensure peaceful coexistence and stability in the country. It is clear, that there is a

certain level of lack of trust towards the central government, which finds it origin in the history and development of our young Republic. The opinion of this government is that by involving society in reflecting on this and to have them actively participate, a broader support will be created, which is necessary to solve this matter. By means of lectures, presentations, broadcasts on radio and TV and through social media the whole of society will be involved in an interactive manner.

As mentioned earlier it is important that within the Surinamese nation support is created so that we can achieve recognition of land rights of Indigenous and Maroon Peoples. Only through the involvement of different actors within society (politicians, civil society, business community, women's organizations, community-based organizations, Indigenous and Maroon organizations, etc.) this issue can be solved in a sustainable manner. The aim of this campaign is to inform as much as possible by means of this campaign society about the issue of land rights for Indigenous and Maroon Peoples, with the purpose of gaining important insights into solving this issue.

2. Legal recognition of the traditional governance system of the Maroon and Indigenous Peoples

Both the Indigenous and Tribal communities in the interior of Suriname are mainly administered according to the traditional governance system. This system has in general a hierarchical structure. For as far as the traditional governance system is concerned it can be stated that in practice it is already recognized. A centuries old relationship exists between the traditional authorities and the central government. This relationship manifests itself in different forms. We can mention the fact that the government for official matters considers the traditional authorities as the representatives of the communities and also the fact that the members receive an allowance from the government. The State is in the process of building stronger relationships with the traditional authorities from the perspective that a collaborative approach will yield more tangible results. To illustrate this we refer to the decision of the government to establish for the gramans/ Paramount Chiefs cabinets to support their daily activities. This decision was taken after intensive consultation of the interested

parties themselves. We are also working on formalizing the relationship between the central government and the traditional governance system. The Land Rights Bureau has together with a consultant drafted a bill on Traditional Authorities in which various provisions in respect of the Traditional Authorities of the Indigenous and Maroon Peoples are incorporated. This bill was in the meantime submitted to various representatives of the Traditional Authorities and will be discussed with the different stakeholders prior to submitting it to the National Assembly.

3. Protocol Free Prior and Informed Consent

The State recognizes that consultation is an important instrument to ensure a broad support and to have people take ownership of development processes.
However, such consultations should not be seen as a goal in itself, but should rather serve the goals of the entire nation, in particular those who have traditionally used and inhabited the land, more in particular the Indigenous communities and tribal peoples. Although the government faithfully involves Indigenous and Maroon Peoples through their traditional structures in the initiation and implementation of projects in their traditional living areas, the government has committed itself to develop together with the communities a model or protocol and lay it down for the future. The uniform adherence to this principle by the government requires the input of all groups to which it relates.

The proposed protocol aims at clearly reflecting the principle of Free, Prior Informed Consent. The State will continue its efforts to improve the consultations with the Indigenous and Tribal communities. It thus promotes the above-mentioned principle.

Description of the manner of execution of the activities agreed upon:
Out of the conviction that the solution of this issue can be attained more effectively and efficiently by working together, the State has held meetings with the representatives of the Indigenous and Tribal communities. In addition to achieving agreement on the actions that have

to be undertaken, the working method or strategy was also discussed. A unanimous decision was taken to establish commissions, that would have responsibility over the activities. It was decided to put together three commissions, more in particular:

1. The Commission Legislation Traditional Authorities
2. The Commission Awareness campaign
3. The Commission FPIC protocol

Exchange of experience with countries and organizations

Although the Surinamese situation is unique and not identical and comparable to other countries, the State has decided to more intensively participate in the exchange of experience and best practices with other countries. International institutions and organisations that in terms of their knowledge and experience can make a contribution to the solution of the issue, will also be involved.

Thus Suriname recently participated in a UN REDD regional workshop that was held in Panama. The purpose of the workshop was to share experiences with regard to the principle of Free Prior and Informed Consent and REDD+ and to promote this principle as a consultation mechanism. By participating in this activity Suriname has also obtained important insights that can be applicable to the own situation.

State of Execution

As a result of factors that can be attributed both to the State and the communities the execution of the actions agreed upon is delayed. On the side of the State there are factors of an administrative nature, while on the side of the communities, amongst others the (in)ability of the communities to organize planned meetings on time and breakdowns in communication had a negative impact. Despite these negative influences, the composition of the commission has already been determined, which has the task of preparing the legislation for the recognition of the traditional governance system (Commission traditional authorities). Within specific communities internal consultations have already started.

With regard to the implementation of the awareness campaign and the development of a FPIC protocol, the State is involved in identifying experts who will be charged also with that.

Alleged Violations

The State of Suriname has taken note of the violations as contained in the letter of 26 January 2014 and wishes to respond as follows:

Violation of the right to legal personality of the Kaliña and Lokono

Referring to paragraph 83 to 87 of the merits report nr79 / 13 case 12 639 where the petitioner concludes that the State of Suriname has violated the legal personality as referred to in Article 3 of the Inter-American Convention on Human Rights, the State wishes to react as follows;

The State of Suriname is aware of the notion or the fact that Indigenous peoples under international law and jurisprudence, specifically within the Inter-American system for the protection of human rights, have the right to recognition of their collective legal personality. Reference can be made to the Saamaka case, in which the Court has carried out a review of Article 3 of the Inter-American Convention on Human Rights (ACHR) as well as gave a comprehensive interpretation of that article.

Surinamese law is unfamiliar with the concept in which ethnic groups are attributed legal personality as a collectivity. As a rule, it is assumed that it is a closed system. This means that the law indicates that when a legal entity has legal personality, which rules apply to them. The consequence of this closed system is that, for example, a self-invented entity with legal personality is not possible outside the framework of the Surinamese Civil Code. For the sake of brevity can be argued that legal personality in Surinamese law is awarded only to natural persons and legal persons (associations, foundations, companies limited by shares, etc.) and not to an ethnic group of people, regardless of the distinctive character of the relevant group.

The concept of legal personality in current Surinamese legislation relating to Kaliña and Lokono Indigenous Peoples of Lower Marowijne means that each member of that community is

considered fully as a bearer of rights and duties. Organizations created by these members or in which they participate and which comply with the relevant legal regulations are also recognized as such.

Thus, the State can conclude that although there are currently no specific provisions regarding recognition of the collective personality of the Kaliña and Lokono Indigenous peoples in its legislation this group of Surinamers is in no way curtailed in the perception of their rights as legal subjects within the territory of Suriname.

Notwithstanding the foregoing and in accordance with our treaty obligations, the State of Suriname initiated a process to examine or study the impact the introduction or inclusion of the recognition of collective rights will have on the total Surinamese legal system.
At present, the State is working on formulating legislation concerning the legal relationship between the traditional authorities and the government. It is envisaged to recognize in the legislation the traditional authorities as the legitimate representative of the Indigenous and Tribal population in Suriname in the relationship with the central government, especially as it relates to traditional matters; circumstances in which it is necessary that they be consulted. The State has the belief that adoption of this new law will mean an acceptable solution to the issue of Collective Legal Personality, as set forth by the petitioner.

Alleged violation of the right to ownership of the Kaliña and Lokono Indigenous People of the Lower Marowijne

With regard to the allegation of the petitioners that the State of Suriname violates the right to ownership of the Kaliña and Lokono Indigenous population of the Lower Marowijne River in relation to Articles 1 and 2 of the ACHR, due to its failure to adopt effective measures to guarantee their collective ownership of the land, territory which they have traditionally occupied and on natural resources they have used, the State wishes to comment as follows:

1. The granting of individual titles in their traditional lands to non Indigenous individuals

Granting of private titles in the suburbs of Albina has not interfered with rights which are based on a unique relationship between indigenous people and land.

It is correct that in or around 1975 the Government initiated a project called 'Tuinstad Albina' to parcel out an area in the vicinity of the villages of Erowarte, Tapuku, Pierrekondre and Wan Shi Sha. Titles of ownership, long term lease and leasehold were granted to a number of non indigenous and indigenous individuals.[5]

The area concerned was at that time and for many preceding years not inhabited by the Lower Marowijne Indigenous Peoples or otherwise subject of any unique traditional relationship with them.[6] The town of Albina, the capital of the district of Marowijne, has been a nucleus of social, economic and cultural activities in the Lower Marowijne region for centuries. The lower Marowijne peoples have been part of these activities but they rightly do not consider Albina to be part of the land over which they can claim traditional ownership rights. By the time the project Tuinstad Albina was initiated and implemented these areas were suburbs of the greater Albina and as such part of the geographic and social, economic and cultural identity of Albina rather than of the indigenous identity which prevailed in areas further away from and less affected by the growth of Albina.

It should therefore be no surprise that the lower Marowijne peoples never protested against the project to parcel out areas in the suburbs of Albina. They tacitly consented to and participated in the project because they did not consider these suburbs to be part of the land which they then owned based on a unique traditional relationship with it.

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5 Public registers show that indeed titles on a limited number of parcels were issued to non-indigenous individuals, but also to indigenous individuals like Cornelis Pierre who applied for and got a long terms lease on two parcels in the Erowarte quarter of Tuinstad Albina.

6 The report of March 18, 2005 by Caroline de Jong refers to the historical use and occupation by Indigenous peoples and communities of the Lower Marowijne region of Suriname. This historical use and occupation of the territory which the Lower Marowijne Peoples claim is no rebuttal of the fact that over the years limits of Albina have extended and with it the loss of the uniqueness of the relationship of the Lower Marowijne Peoples with the territory which became part of greater Albina.

Furthermore, in accordance with Surinamese law, each Surinamer who meets the requirements set by law may be eligible for obtaining a limited real right on the land. With this legislation as a basis the State of Suriname conducts such policies that no land be issued to third parties without involvement of the local Indigenous population within their living area. Any application to acquire the right of land lease is referred to the traditional authority for advice through the intervention of the District Commissioner, after which a decision is taken based on the advice received. The right of land lease is a right in rem for freely enjoying a piece of state land under the condition to use the land in accordance with the destination and stipulations given by the state upon its establishment. This right is granted initially for minimal 15 years and may be granted up to a maximum of 40 years. Such as the right to lease and the right to use and termination. These rights are personal rights granted for up to 15 years. An application is done by submitting a petition to the State Property Administration Office, signed and provided with a revenue stamp and accompanied by a Declaration of Nationality. The legislator makes a distinction in Article 6 of the Decree Granting of State-owned Land between specific and general applications. Pursuant to Article 4 Paragraph 1 of the L Decree for this disposal of state-owned land the rights are respected of Maroons and Indigenous peoples living in tribal communities to their villages, settlements and agricultural plots insofar as this is not against public interest. In the past period, the government has consistently complied with these proceedings.

2. Granting mining concessions and permits in the area of the Lower Marowijne River

The concession to mine bauxite in the Wane area was issued by the State to Suralco in 1958 as part of the Brokopondo Agreement. The Government was authorized to enter into this agreement and issue the concession by special law of January, 1958.

Bauxite mining activities in the Wane creek area started in 1997 and were scheduled to be completed in 2008. The activities were taking place within an area of only 100 ha and were concentrated on 2 hills (Wane 1 and Wane 2).[7] There were no indigenous peoples living within

[7] The entire Wane Creek Nature Reserve is approximately 45,000 ha

or near the mining area. The distance between the mining area and the nearest indigenous village (Alfonsdorp) was about 6.3 km.

Currently there are no exploration or exploitation activities in the area referred to. Suralco does have the intention to engage in exploration activities in the coming period, in which an exploration team will collect bauxite samples from the area to determine the recoverable ore reserves.

For as far as mining activities are concerned, these had no harmful effects on the community there, and there is no issue of neglect in the area. Because the area mined was relatively small and the scale of operations was so limited that it had no substantial effect on the exercise of the rights and traditional activities of the community. The potential effects that the limited mining activities would have had on the lifestyle of the Kaliña and Lokono Indigenous peoples in the lower Marowijne area were minimal. These potential effects are highly exaggerated by the petitioners in order to be able to get a legitimate justification.

The petitioners were compensated thus for possible damage caused by mining concessions and activities. The opportunity to make use of the haul road for their logging activities and to transport timber is a benefit the community enjoys.

We also want to mention that the granting of concessions is done in such a manner that the rights of local communities are respected. Before a concessions is issued, the applicant has to submit an application in accordance with a procedure prescribed by law.

In granting concessions the following legal provisions are complied with:

- Forest Management Act 1992[8]: Article 1 under f: "State-owned land: all land not burdened by any usufruct in rem"
- Article 1 under n: "Communal land: land on which inhabitants of the forest living in tribal communities have established villages or settlements, or land which they have cultivated or are entitled to cultivate".
- Article 41 Paragraph 1 under a: "The customary law rights of the inhabitants of the interior living in tribal communities in their villages and settlements as well as their agricultural plots, will be respected as much as possible."

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8 See Annex 4 [ACT of 18 September 1992, containing provisions regarding forest management, forest exploitation and the primary wood-processing sector (Forest Management Act) (Bulletin of Acts, Orders and Regulations S.B. 1992 no. 80).

3. Procedure application communal forest.

Article 41 Paragraph 2 of the Forest Management Act stipulates that the designation of certain forestry areas to be communal forest for the benefit of the tribal inhabitants of the interior is done by the Minister in charge of forest management, currently the Minister of Spatial Planning, Land and Forest Management, after consultation with the Minister of Regional Development.
It is important to note that allocation is made on the basis of information from SBB that it has (satellite images, topographic maps, and any field data) about the property applied for, especially with regard to sustainable logging.
Furthermore is taken into consideration; from the Forestry Act 1992;

- Article 1 under f: "State-owned land"
- Article 1 under n: "Communal land"
- Article 1 under o: "Communal forest"
- Article 1 under u: "Non-timber forest products"
- Article 41 Paragraph 1 under a and b:
- Article 41 Paragraph 2
- Article 41 Paragraph 3

Involvement of Multinationals

Within the framework of an integral approach of this matter it is important and necessary that multinationals that operate in the living and residential areas of the Indigenous and Maroon Peoples are involved in the process that has to lead to a solution of this issue. It is the firm conviction of the government that multinationals can also contribute to the solution of the land rights issue. It appears that multinationals and local communities already work together. This cooperation is mostly based on the community development policy of aforementioned multinationals. A policy that is aimed at supporting communities as much as possible that are located in the vicinity of the companies. Although this policy originates in the own responsibility

of the companies, it is necessary that the government is given a role in this. Currently, the government is conducting talks with multinationals to fulfill a steering or supporting role in this.

The relationship between Suralco L.L.C. and the Kaliña and Lokono Indigenous Peoples

Suralco L.L.C. (Suralco) obtained a bauxite exploitation concession in the District of Marowijne in the nineteen twenties. From a meeting with above-mentioned company appears that their is an open relationship with mutual respect between Suralco and the Indigenous population. The company regularly maintains the contact directly with the traditional authorities of the communities and at their request with designated NGOs. The *Vereniging van Inheemse Dorpshoofden in Suriname* (VIDS - Association of Indigenous Chiefs in Suriname) can be counted among these.

Suralco informs the indigenous population in respect of its company activities and consults them in respect of plans and activities in the specific area. The representatives of the indigenous villages in Marowijne have made visits to the Paranam refinery and the Mungo mine operations to witness the exploitation, processing and rehabilitation from close by and to exchange ideas on the impacts thereof on the communities.

According to Suralco there are currently no exploration or exploitation activities in the area referred to. Suralco does have the intention to engage in exploration activities in the coming period, in which an exploration team will collect bauxite samples from the area to determine the recoverable ore reserves. Suralco also maintains direct contact with the traditional authorities of the villages and at their request with relevant NGOs, the Kaliña and Lokono Indigenous peoples of the lower Marowijne, KLIM, formerly Commission on Land Rights Indigenous peoples of the Lower Marowijne, CLIM, and the Association of Indigenous Village Chiefs in Suriname (VIDS).

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Legitimate justification for granting of concessions and individual land titles

With reference to the permissible restrictions on the right to communal property, the State of Suriname, taking into account Article 21 of the ACHR, has granted concessions and individual titles in the Lower Marowijne area. The decisions were taken (greatest degree of care) based on the law that serves as the foundation for the granting of permits or titles on Surinamese territory because there were no other measures that would cause less harm to the rights of the Indigenous people in the lower Marowijne area. These measures are proportional to the benefits that the Indigenous people today enjoy in this area. Furthermore, the consultation took place according to the appropriate procedure with the consent of the local communities.

Regarding individual land titles, Suriname notes that titles granted to non Indigenous people to construct holiday homes does not harm the traditional way of using the land and natural resources by the alleged victims. Furthermore, the non-indigenous people who come to the area as a holidaymakers to the Lower Marowijne are welcomed by the inhabitants of the community because their presence is a source of income for the local residents.

4. The establishment of Nature Reserves in the territory of the Kaliña and Lokono

The creation of nature reserves by the State of Suriname does run contrary to the rights of Indigenous peoples or the full exercise of their traditional way of living, since the nature reserves serve a justified general interest, more in particular the conservation and protection of the environment. Nature conservation is both from an international and a national perspective an imperative public interest and all three reserves were created on basis of pre-existing domestic legislation and strictly necessary in order to preserve unique and endangered species, habitats and/or ecosystems.

The establishment of nature reserves

Under the Nature Conservation Act of 3 April 1954[9], Article 1 is stated that the President of the Republic of Suriname may decide to designate as nature reserve by resolution land and waters forming part of the state domain, for the purpose of conservation and protection of the natural resources found in Suriname. Article 2 of this act states that an area must meet certain requirements in order to be designated nature reserve, namely "That it merits government protection on account of the beauty of the varying nature and landscape and/or the presence of flora, fauna and geological objects which are of major interest from a scientific or cultural point of view".

If the nature protection area is created nearby tribal communities of inhabitants of the interior, the 1992 Nature Protection Resolution is applied.

Article 2 of the Nature Protection Resolution: "Insofar as villages and settlements of tribal communities of inhabitants are situated in the area designated as nature reserve under this Government Regulation, the rights derived therefrom shall be respected unless;

a) this might prejudice the general interest or the national objective of the nature reserve created;
b) is otherwise determined.

In the District of Marowijne a consultative body has been established, in which LBB, STINASU, WWF and the village chiefs of Christiaankondre and Langamankondre are represented. This body convenes at least 3x a year to discuss matters relative to the nature reserve created in the Galibi area.

The Nature Protection act, in Article 2, sets out the importance and objective of creating a Nature Reserve: to ensure the conservation and protection of the natural resources, ecosystems and biodiversity of Suriname for future generations.

In creating nature reserves, exceptions are made for the tribal peoples living in such areas with regard to their traditional activities. Two (2) basic documents apply in this regard:

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9 See Annex 6 [ACT of 3 April 1954, providing for the conservation and protection of natural monuments present in Suriname (Bulletin of Acts, Orders and Regulations G.B. 1954 No. 26), including the amendments thereto under Bulletins of Acts, Orders and Regulations G.B. 1954 No. 105, S.B. 1980 No. 116, S.B. 1992 No. 80.]

1.The Government Regulation of 1986. The Explanatory Note; that their traditional rights are preserved. It defines what is meant by traditional rights.[10]

2.The 1979 Recommendation to expand the system of nature reserves and forest reserves in the Surinamese lowlands, by Mr. Pieter Teunissen.

Practical examples which are still applied in the Galibi Nature Reserve include:

- The consumption of sea turtle eggs by residents of Galibi is allowed as a basic necessity
- Clearing and maintaining of small plots of land for shifting cultivation in the Galibi Nature Reserve is allowed
- They are allowed to hunt.

Nature protection act and regulations:

The nature protection act of 3 April 1954 providing for the conservation and protection of the natural monuments in Suriname provides the legal framework for the creation of the Galibi, Wia Wia and Wanekreek nature reserves.

Specific establishment of the nature reserves referred to:

- 1966 Nature Protection Order GB 1966 no. 59: Wia Wia Nature Reserve;
- Nature Protection Order Galibi (GB 1969 no. 47): Galibi Nature Reserve;
- Nature Protection Order 1986 (Bulletin of Act, Orders and Regulations GB 1986 no. 52): Wanekreek Nature Reserve.

1. Wia- Wia Nature Reserve (360 km²)[11]

The Wia Wia Nature Reserve (360 km²) was established based on the Nature Protection act of 1954 and the Wia-Wia Nature Protection Order of 22 April 1966. The reason for establishing the Wia- Wia Reserve is primarily to protect sea turtle nesting beaches. The sand beaches have

[10] See Annex 7 Nature Protection Order Galibi (Bulletin of Act, Orders and Regulations GB 1986 no. 52): Wanekreek Nature Reserve

[11] Annex 8 1966 Nature Protection Order GB 1966 no. 59: Wia Wia Nature Reserve

moved westward, out of the reserve and for the time being no nesting of sea turtles take place in the reserve.

The reserve also encompasses mudflats and mangrove forests and offers feeding, nesting and roosting site for numerous species of local as well as migratory birds.

The protection of these birds has no impact whatsoever on the traditional way of life of the Kaliña and Lokono People of the Lower Marowijne River.

2.The Galibi Nature Reserve (estimated to be 40 km² in size)[12]

The Galibi Nature Reserve (estimated to be 40 km² in size) was also established based on the nature protection act of 1954 and the Galibi Nature Protection Order of 23 May 1969. The reason for establishing this nature reserve is to protect important sea turtles nesting beaches for the leatherback (*Dermochelys coricea*), the green turtle (*Chelonia mydas*) and the olive ridley (*Lepidochelys olivacea*).

On January 20, 1985 the government reached an agreement with local indigenous villagers to regulate the collection and sale of the sea turtle eggs and since then the villagers became further involved in the management of the reserve.

On April 30, 1998 the Consultation Commission of the Galibi Nature Reserve, which includes representatives of the villages of Christiaan Kondre and of Langaman Kondre was established to ensure respect of the traditional rights of the local villagers and preservation of the integrity of to the national objectives of the reserve.

3.The Wanekreek Nature Reserve (450 km²)

The Wanekreek Nature Reserve (450 km²) was also established based on the nature protection act of 1954 and the Wanekreek Nature Protection Order of 26 August 1986. The reason for establishing the Wanekreek Nature Reserve is for the conservation of savannas of several soil types as well as marsh (*moeras*) and ridge forests and swamps.

The area where Wanekreek Nature Reserve is established, consists of old ridges and layers of rocks with varying nature and landscape: some Surinamese white sand savannas on old ridges,

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swampy clay savannas. Wildlife is abundant at Wanekreek and surroundings. With respect to cultural heritage, traces have been found of pre-Colombian settlement, drainage agriculture and waterworks. Traces have also been found of initial Maroon settlements.
Article 4 of this decree addresses the traditional rights and interests of the surrounding resident local population of the interior.

In selecting the nature areas, it could not be completely avoided that lands were selected in respect of which surrounding resident local populations claim traditional rights and interests. In this context, officials of the National Forest Management department have held meetings to discuss the matter with the board of and the advisor of KANO (the association of indigenous peoples in Suriname) and with local village councils and residents. These meetings have resulted in a summary of the social aspects and the agreement that the surrounding resident local population of the interior living in tribal communities shall retain their traditional rights and interest in the newly to be created nature reserves:

a. As long as the national objective of the proposed nature reserves is not prejudiced;
b. As long as the underlying reasons for these traditional rights and interests are still valid;
c. And during the process of progressing towards one Suriname citizenship.

In line with the first international signals that rather than a policy of assimilation states should pursue respect and protection of indigenous peoples traditions, the 1986 nature preservation resolution explicitly calls for respect for the traditions of indigenous peoples in nature reserves. Although this resolution is specifically focused at the wane reserve, the provision which calls for respect for and protection of the traditions of indigenous people has obtained general application.

Note: until 1996 there were still people living in the Nature reserve in the areas currently occupied by Alusiaka and the last group of people left this area on their own initiative for Christiaankondre.
Up to 1998 the possibility existed to collect sea turtle eggs in high season, under supervision of STINASU and LBB, for trading purposes. This was discontinued at the proposal of the local community, which indicated that they could increase their earnings if they focus on sea turtle

tourism. It is worth mentioning that when the 1979 Teunissen document was drafted, Kano (the association of indigenous peoples), chaired by Mr. L. Artist, also was heard.

The restrictions imposed on the indigenous peoples in particular and other peoples living in tribal communities as a result of the creation of the said nature reserves, consists of a compromise between national and local interests. Present traditional rights and interests, which currently are limited in various manners, may be maintained within the nature reserves:

a. As long as the national objective of the proposed nature reserves is not prejudiced;

b. As long as the underlying reasons (emotional connection with the area and providing in their own primary needs) for these traditional rights and interests are still valid;

c. And during the process of progressing towards one Suriname citizenship.

The monitoring activities are conducted by the Nature Conservation Division which, in turn, has a executive branch, in particular the Management division, which comprises the Reserve managers and assistant managers, Game wardens and assistant game wardens and other field personnel. There are posts with official lodgings, from where the flora, fauna and visitors can be monitored and checked. Even fly-overs are performed.

In 1998 the Head of LBB established a consultation commission Galibi NR in collaboration with the communities of Galibi and other government agencies concerned, with the intention of attaining an effective management of the Galibi Nature reserve.

Sanctions: In accordance with the Nature Conservation act and the Economic Offences act, sanctions are imposed by the public prosecutor's office. These are based on the national criminal laws, more in particular the Code of Criminal Procedure.

The necessary environmental and social impact studies are not required by law. For the 3 nature reserves mentioned, however, an environmental study focused on sea turtles was carried out with a view to protecting the nesting beaches of the sea turtle. This was necessary, in the face of the threat to the sea turtles and the uncontrolled harvesting of sea turtle eggs. As a special example, it may be mentioned that 4 species of sea turtles come to nest in the Galibi NR. Prior to the creation of the nature reserve, there was a large population of *warana* that came to lay eggs, but this population is almost extinct, unfortunately.

The traditional way of living was INDEED maintained, however. This, because RGB in practice applies the following in its implementation:

Although the creation of nature reserves is of a national interest, when creating nature reserves, the traditional rights and interests of the residents in or in the direct vicinity of the areas to be designated nature reserves must be taken into consideration. On the other hand, these rights may NOT be in conflict with the national objective of nature reserves (Articles 1 and 2 of the Nature Conservation act).

Practical examples:

- In the past, proposals were made for the construction of a road to Galibi.. These were categorically and consistently rejected by the community, because the local community is the last community that still practices the traditional lifestyle in relation to sailing in traditional seaworthy *piakas*. The construction of a road would mean the definitive end of the tradition of making and using a *piaka*. The Government has always respected this standpoint.

Before 1986, nature reserves were created on the basis of cultural values and the occurrence of species of plants and animals or geological objects. The nature reserves were focused mainly on animals, such as coastal birds, sea turtles.

After 1986 they were based on the inventoried ecosystems in the lowlands. All ecosystems found in the lowlands must be represented in nature reserves. In 2013, this policy remains unaltered.

The local communities are involved in the preparation and implementation of management plans as follows:

1. Through the establishment of consultation bodies, more in particular the Galibi Nature Reserve Consultation Commission
2. By providing services, including contracting seasonal workers to monitor sea turtles, renting boats and lodges for meetings.
3. In view of the improvement of tourism, RGB in collaboration with donors has provided training courses such as Tourguiding, Housekeeping, handicrafts. To gain experience and insights, representatives from the Galibi community were taken to the Brownsberg Nature Park.

Recently, the Ministry of RGB took the initiative to have the local community carry out tourism activities at Wanekreek Nature Reserve. In this context, the KLIM organisation was invited for talks. The Ministry of RGB has organised an orientation visit under the leadership of Mr. Ramses Kajoeramare (Village Chief of Langamankondre) to Bigi Pan under guidance of RGB to see how.

Note:

In view of the above-mentioned legislation or provisions, in the further examination thereof it could be concluded that under Suriname law, Indigenous People and Maroons are recognized and have always been recognized as entitled to the lands and areas inhabited and used by them, and that the law has not merely tolerated them as inhabitants of cultivated and developed state-owned lands.

In issuing concessions, community forests, land titles and the creation of nature reserves, consideration is indeed given to the areas and/or lands which are inhabited and used by the Indigenous Peoples and the Maroons.
In setting up large-scale projects which are to benefit the national interests, in areas of tribal communities of inhabitants of the interior, these communities are consulted by the Government.

Conclusion

In conclusion it may be stated that the State of Suriname is diligently working on a sustainable solution to the issue of internationally recognized rights claimed by the Indigenous Peoples and Maroons, in particular the rights to land and related rights. With regard to the present case, the State of Suriname argues that the Kaliña and Lokono Peoples of the lower Marowijne River are not restricted in any way whatsoever in the enjoyment of their rights as citizens within the territory of Suriname.

The indigenous people are not denied access to the reserves. Their means of subsistence including their physical, cultural, social and spiritual interest are not denied or even restricted by the nature reserves. Their sustainable use of land and resources are preserved and respected and in practice guaranteed.

Therefore, the State of Suriname requests the Honourable Court to take into consideration to allow it the opportunity to bring the course already agreed upon with the Indigenous Peoples and the Maroons to a successful conclusion. The State of Suriname would be pleased to exhaust, in collaboration with you and the petitioners, all possible options which may lead to a definitive solution to this matter.

Yours Sincerely,

De Agent of the State of Suriname with
the Inter-American Court of
of Human Rights

Mr. M. P. Misiedjan