



**International Convention  
on the Elimination  
of all Forms of  
Racial Discrimination**

Distr.  
GENERAL

CERD/C/66/SUR/Dec.3

Original: ENGLISH  
UNEDITED VERSION

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Sixty-sixth session  
21 February – 11 March 2005

FOLLOW-UP PROCEDURE

DECISION 3(66)

Suriname

1. At its 64<sup>th</sup> session held from 23 February to 12 March 2004, the Committee considered the first to tenth periodic reports of Suriname, and welcomed the opportunity to engage for the first time in a constructive dialogue with the State party.
2. In the concluding observations which it adopted following examination of these reports, the Committee recommended “legal acknowledgement by the State party of the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in the exploitation, management and conservation of the associated natural resources”, and that “the State party strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions”. (A/59/18, § 190 and 192)
3. The Committee also adopted the following conclusion and recommendation:

“The Committee notes that, under the draft Mining Act, indigenous and tribal peoples will be required to accept mining activities on their lands following agreement on compensation with the concession holders, and that if agreement cannot be reached the matter will be settled by the executive, and not the judiciary. More generally, the Committee is concerned that indigenous and tribal peoples cannot as such seek recognition of their traditional rights before the courts because they are not recognized legally as juridical persons.

It recommends that indigenous and tribal peoples should be granted the right of appeal to the courts, or any independent body specially created for that purpose, in order to uphold their traditional rights and their right to be

consulted before concessions are granted and to be fairly compensated for any damage.” (A/59/18, § 193)

4. A revised version of the draft Mining Act, which was approved by Suriname’s Council of Ministers at the end of 2004, and is likely to be scheduled for adoption by the National Assembly within the next few months, may not be in conformity with the Committee’s recommendations.
5. The Committee therefore invites the State party to comment on the above assessment of the draft law, and recommends that such comments be submitted to it before 11 April 2005.
6. The Committee wishes to draw once again the attention of the State party to its General Recommendation XXIII (1997) on the rights on indigenous peoples. It also reiterates its conclusions and recommendations as adopted following the examination of the first to tenth periodic reports of Suriname. It recommends to the State party that it ensure the compliance of the revised draft Mining Act with the International Convention on the Elimination of All Forms of Racial Discrimination, as well as with the Committee’s March 2004 recommendations.
7. The Committee wishes to pursue the constructive dialogue engaged in with Suriname in 2004, and stresses that its request for clarification is made with a view to ensuring the implementation of the Convention in cooperation with the State party.

*1696<sup>th</sup> meeting  
9 March 2005*

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