



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination Sixty-fourth session

### Summary record of the first part (public)\* of the 1615th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 24 February 2004, at 10 a.m.

*Chairperson:* Mr. Yutzis

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

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\* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1615/Add.1.

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (item 6 of the agenda) *(continued)*

*Initial to tenth periodic reports of Suriname (continued)*

1. *At the invitation of the Chairperson, the members of the delegation of Suriname took their places at the Committee table.*

2. **Mr. Limon** (Suriname) said that the May 2003 census had covered all persons living in the country, including the Brazilian minority and immigrants as well as all those who had fled the country because of the troubles in the 1980s and who had returned following the 1986 Peace Agreements. As soon as the results were available, they would be communicated to the Committee.

3. The representative said that there was no legislative provision in Surinamese law that expressly prohibited organizations that incited hatred or racial discrimination, but acts of racial discrimination were nevertheless subject to criminal penalties under various articles of the Criminal Code. The Code provided in particular that “A person who publicly, orally or in writing or in pictures, incites to hatred of or discrimination against persons (...) because of their race, religion or way of life shall be punished with maximum imprisonment of two years” (CERD/C/446/Add.1; para. 110). However, the Government envisaged introducing legislation specifically prohibiting racial discrimination and propaganda. The Convention had never been invoked by domestic courts, which had likewise never had to judge a case relating to one of the Convention’s provisions. However, police officers had recently begun to receive human rights training.

4. With regard to the protection of indigenous peoples, Mr. Limon emphasized that the Maroons and Amerindians participated in the economic life of the nation in the same way as other citizens. He acknowledged that persons employed in the forestry and mining industries were mainly Maroons and Amerindians but said that the minorities concerned were equally active in the health, justice and education sectors.

5. The Government of Suriname considered the question of teaching in minority languages to be an important but difficult one. In theory, everyone had the right to mother-tongue teaching; but, in practice, the authorities had also to ensure that citizens had the necessary knowledge and skills to play an active role in the country’s economic activities and to be competitive in an increasingly globalized environment. Since the official language of Suriname, Dutch, was very little spoken worldwide, the Government had decided to make the learning of English compulsory in middle and higher education. Nevertheless, the two Maroon languages, Auka and Saramaka, were taught at the primary level, together with Chinese and Creole.

6. **Mr. Shahi** noted that the representative of Suriname had stated at the Committee’s previous meeting that the country’s natural resources belonged to the State and that certain communal lands belonged to the indigenous populations, two assertions that seemed somewhat contradictory.

7. He was particularly concerned to note that the rights of indigenous peoples to the exploitation of their lands had been ceded to commercial companies whose activities represented a threat to those populations. Information reaching the Committee had reported drilling and deforestation activities undertaken without the consent or even prior consultation of the population groups concerned. He noted in that connection that the Committee in its Recommendation XXIII had especially called upon “States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources” and, where it was not possible to restore

their lands, to substitute “the right to restitution (...) by the right to just, fair and prompt compensation”.

8. He furthermore noted that Suriname was a party to many international human rights instruments and had also acceded to numerous ILO conventions. He wondered why the country had not acceded to ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries.

9. **Mr. Amir** welcomed the useful insights provided by the Surinamese delegation into the situation in their country, which nuanced the country rapporteur’s somewhat critical account. He considered that the national authorities had been right to exercise care in amending the laws.

10. With regard to the disparities between rural and urban environments in Suriname, he considered that the country was perfectly entitled to dispose of its lands as it saw fit and that the authorities were free to call on the companies of their choosing to exploit the country’s national resources. Suriname should be given the time to catch up with other countries and attain an economic level that would enable it to prosper and share the benefits of growth with all. It was particularly inappropriate to condemn the country and to claim that disparities between the majority population and certain indigenous minorities were evidence of discrimination. He pointed out that Suriname had experienced colonization and then slavery and that no country that had emerged from slavery could practise discrimination. The reason for discrimination, if it existed, was to be found in poverty, not in racism.

11. **Mr. Boyd** asked the delegation to state whether the authorities recognized the fact that the Maroons and Amerindians in the interior had been disproportionately affected by the mercury deposited on their lands as a result of deforestation and drilling activities, on which they seemed to have been inadequately consulted. If the Government recognized the effects of those activities on them, he wished to know whether specific measures were planned, in particular to protect the health and well-being of the persons concerned and to compensate them for the harmful effects of mercury pollution. He also asked the delegation to state whether the Government considered that the right to exploit the land entailed the obligation to take proper measures to limit the negative effect of development on certain populations.

12. Mr. Boyd also asked the delegation to clarify whether the traditional landowners, in particular the Maroons and Amerindians, had no other recourse in practice but to appeal to the Government in order to contest, and possibly obtain compensation for, operations carried out in the lands where they lived, unlike non-indigenous landowners who were entitled to take legal action. If it were the case, how were such distinctions between the rights of indigenous peoples and those of other inhabitants compatible with the Constitution, which stipulated that no one could be discriminated against on the grounds of birth, race, language or economic position, among other things,. He also wished to know if legislative changes were envisaged and if a national dialogue had been initiated on the question.

13. **Mr. Thornberry**, supported by **Mr. Calitzay**, was concerned that the State party had not taken any measures to promote the cultural rights of indigenous peoples, in particular the use of vernacular languages. He drew attention to paragraph 4 (a) of General Recommendation XXIII concerning the rights of indigenous peoples, in which the Committee called on States parties to recognize and respect the distinct culture, history, language and way of life of indigenous peoples as an enrichment of the State’s cultural identity and to promote its preservation. He considered that the Government’s commitment to fostering economic development above all was legitimate but it should ensure that the rights of indigenous populations were not overlooked in the process.

14. **Mr. Lindgren Alves** shared Mr. Amir's view that it was not right to tax a State party whose priority was to meet the basic needs of the population as a whole with not making sufficient efforts to promote the rights of the indigenous populations. The question was whether the Committee should make the same demands of developing countries as it did of developed ones.

15. **Mr. Limon** (Suriname) said that the Surinamese delegation did not include specialists on the property and linguistic rights of indigenous peoples and that the State party would supply written responses on those points at a later date. With regard to mercury pollution arising from mining activities, the Government had adopted regulations on the protection of the environment with which the large mining companies complied. The problem was therefore arose from small enterprises, and the Government planned to take local initiatives to increase awareness among entrepreneurs of the damage done to the environment by their activities.

16. **Mr. de Gouttes** (Rapporteur for Suriname) welcomed the renewed dialogue between the Committee and Suriname. A number of positive aspects of the situation in the State party deserved to be mentioned, including the existence of legislation on racial discrimination, the explicit condemnation of racial discrimination in article 8 of the Constitution, the status of the Convention in domestic law, and the compatibility of criminal legislation on racial discrimination with article 4 of the Convention.

17. He said that it would be useful for the Committee to have updated information on the make-up of the population, on the status of the project to establish a Constitutional Court, on the prospects for ratification of ILO Convention No. 169 on indigenous and tribal peoples, on implementation of the 1992 Peace Agreements in the interior and on the results achieved under the education plan of action. It would also be useful for the Committee to receive detailed information on the situation of the Amerindian and Maroon peoples, in particular the measures taken to promote use of their language and their participation in society. More generally, the Committee could urge the State party to place greater emphasis on the indigenous peoples in its next periodical report and to consult local populations before granting mining licences on their lands.

18. **Mr. Limon** (Suriname) welcomed the productive dialogue that had been established with the Committee and assured its members that all their comments would be thoroughly examined and taken into account by the authorities of his country.

19. *The delegation of Suriname withdrew.*

*The first part (public) of the meeting rose at 11.35 a.m.*