



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 1917th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 25 February 2009, at 10 a.m.

Chairperson: Ms. Dah

Contents

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

Eleventh and twelfth periodic reports of Suriname (continued)

Review of the implementation of the Convention in States parties the reports of which are seriously overdue: Gambia

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The meeting was called to order at 10.15 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (agenda item 5) *(continued)*

Eleventh and twelfth periodic reports of Suriname (continued) (CERD/C/SUR/12; HRI/CORE/1/Add.39/Rev.1; list of issues and written replies, documents without a reference number, distributed in the meeting room in English only)

1. *At the invitation of the Chairperson, the members of the Surinamese delegation took places at the Committee table.*
2. **Ms. Waterval** (Suriname) said that if the report had not been prepared in accordance with the guidelines for the CERD-specific document (CERD/C/2007/1) it was because the Surinamese Government had understood, from the Committee's letter of 2006 reminding it that it should submit the periodic report of Suriname before April 2007, that essentially the Committee was expecting information on the follow-up action to the concluding observations on the initial report, replies to the issues attached to its letter, and information on the situation of indigenous minorities and the Maroons. The Surinamese Government would in future prepare its periodic reports in accordance with the revised guidelines.
3. Since the submission of the initial report, little progress had been made on the ratification of International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, as several complex issues still needed to be resolved by the various competent ministries before Suriname could ratify that instrument.
4. The draft Mining Act had not yet been adopted. As the bill dated back to 2004, it had been reworked to adapt it to the current situation. Whenever a request for a mining licence was submitted to the President of the Republic or the Minister of Natural Resources, the district commissioner of the area concerned must be consulted beforehand. He gave his opinion after personally consulting the populations involved, who would come to a decision during the traditional village meeting, the "Krutu". As a case in point, the delegation wished to draw attention to the application for a business concession submitted by *Chong Heng Tai*, a Chinese multinational planning to build a palm oil production factory in Patamakka, which had been refused because the local population had opposed the project.
5. The Institute for Environment and Development in Suriname was an independent organization tasked with selecting gold mining projects to undergo environmental impact assessments and submitting its findings on the results of the assessments to the Ministry of Labour, Technological Development and Environment. That body would be the competent authority for environmental protection once the draft Framework Environment Act had been approved. On the basis of the impact assessments, the Institute advised the body in charge of granting mining rights and gave its opinion on the possible ecological and social repercussions of those projects. The Institute established guidelines on environmental impact assessments in areas such as mining, logging and energy production. All gold mining projects were subject to an environmental impact assessment and the activities were regularly monitored.
6. Suriname intended to set up a system to safeguard the collective land rights of indigenous peoples and the Maroons, as had other countries of the region. However, it was an arduous task, given that the two communities often inhabited the same areas, and the lands over which they claimed rights covered a very wide area because of their nomadic lifestyle. The State had embarked on the task but it would probably be several years before the collective land rights of the indigenous peoples and the Maroons were legally recognized. The Presidential Commission on Land Rights had in July 2008 submitted its

final report, which was currently under consideration by the President of the Republic and the Council of Ministers. The Surinamese Government planned to adopt an ambitious plan on regional and local land use, in particular forest areas, whereby a part of the areas would be reserved for small-scale mining activities, another for logging activities and yet another for agriculture. The Surinamese Government had decided to create a strategic action plan for sustainable forest use, which would replace the current national forest policy. A bill on the establishment of an organization responsible for forest and nature conservation was shortly to be submitted to Parliament.

7. In his inaugural speech of 1 October 2008, the President of the Republic had announced the launching during the year of policies focusing on the issue of indigenous land rights and that information required to execute the project on the sustainable development of the interior regions of the country would be collected with a view to drafting a bill on the traditional customs and methods of demarcating the lands inhabited by minority indigenous peoples and Maroons.

8. With regard to the follow-up action to the judgement handed down by the Inter-American Court of Human Rights in the *Moiwana Village v. Suriname* case relating to the 1986 massacre of 40 inhabitants and destruction of houses in the Maroon village of Moiwana belonging to the N'djuka community by the Surinamese armed forces, the Surinamese Government had almost completed implementation of the Inter-American Court of Human Rights' decision. Meetings for the survivors had been organized to keep them informed of progress on implementation of the judgement. In addition, on 15 July 2006 the President of the Republic had made a public apology to the Maroons in general and the N'djuka community in particular and, in January 2008, had unveiled a monument to the memory of the victims. In March 2008 the judicial and police authorities had concluded their investigation and identified the whereabouts of the victims' remains. An appeal for witnesses for gathering new evidence for the investigation had elicited no response. The Government had also allocated resources to a foundation set up to reconstruct Moiwana village. Thanks to that assistance, three houses had already been built. All of the relatives of the deceased — 130 people in all — had been compensated. The national commission responsible for implementing the judgement would continue its work and submit a report to the Court on an annual basis.

9. Following the judgement handed down by the Inter-American Court of Human Rights in the *Saramaka People v. Suriname* case, the Saramaka community had held a meeting in May 2008 to study the content of the decision, which had been attended by the Minister of Regional Development and the Minister of Physical Planning and Land and Forest Management. The Minister of Regional Development and organizations for the defence of the rights of the Maroons had also taken part in round table discussions held in the Netherlands to consider ways of enforcing the judgement. The Council of Ministers had approved a budget for implementation of the judgement and, in December 2008, a commission had been set up to coordinate activities to that end. The commission, which had met for the first time in February 2009, would fulfil its mandate in cooperation with organizations representing the Saramaka people. A petition submitted by the Kalina and Lokono peoples was currently before the Inter-American Court of Human Rights. They, like the Saramaka, claimed that their collective land rights had been violated.

10. As to the perception of the word "Maroon" by the persons so defined, opinions were often very divided, even among the principals, some wishing to be called "Maroons" and others preferring to be known as "Bush Negroes" (*Noirs des forêts*), as they had been traditionally known. The word "Creole" referred to urban Blacks but there were those who referred to themselves as Creoles to distinguish themselves from Bush Negroes. "Mixed people" (*Métis*) meant persons born of a mixture of two or more races. However, given that almost the entire Surinamese population was of mixed race, the use of the aforementioned

terms varied according to the persons' circumstances and subjectivity. Lastly, the term "*Kaukasisch*" used in the English version of the report referred to white people.

11. The data on the composition of companies, contained in the annex to her country's periodic report, were simply intended to show that each company employed Maroons.

12. **Ms. Vinkwolk** (Suriname) said that the Constitutional Court had not yet been created but that a bill on its establishment was currently before Parliament. The Government was trying to speed up the process.

13. The Surinamese judicial system ensured that citizens had adequate legal recourse against alleged infringements of their land rights. Article 1386 of the Civil Code provided that all citizens could apply to an independent court in the event of an alleged violation of their property rights by an individual or the State. Due to a shortfall of judges, in 2004 the Government had begun offering training courses for judges and lawyers. In 2009 the Ministry of Justice and the Police had named seven new judges, who had recently completed their training. Courses for the post of prosecutor would enable those currently being trained to qualify in 2012.

14. **Mr. MacDonald** (Suriname) said that the implementation of a programme to combat malaria had reduced the number of cases in the country and had made for a zero malaria mortality rate in 2007, 2008 and 2009, in line with Millennium Development Goal 6. Thanks to assistance from the Global Fund to fight AIDS, tuberculosis and malaria, the State party was trying to reduce even further malaria infection rates among migrant populations in the interior.

15. Mortality from HIV/AIDS continued to fall but, even though the disease was no longer the main cause of death for persons aged between 24 and 49, it remained exceptionally high in Suriname, as in most Caribbean countries. Steps had been taken to expand the HIV/AIDS prevention programme, especially for pregnant women, thanks to a programme to prevent mother-to-child transmission. Intensive prevention programmes in both urban and inland areas, and especially in mining areas, offered free screening tests and promoted the use and availability of contraceptives.

16. With regard to health facilities in the interior, the Government would commence work in 2009 on the reconstruction of the Albina regional hospital in Marowijne district, and the construction of a brand new hospital in Atjoni in Sipaliwini district. Regional clinics would also be refurbished or expanded in the tropical forest area to improve access to medical care for the indigenous communities in the interior.

17. As to education facilities in the interior, the Surinamese Government had decided to refurbish the majority of schools and to build at least 80 new classrooms. Two new buildings containing student accommodation would also be opened in 2009, one on Stoelman Island and the other in Atjoni. The Government was also focusing on the education of secondary- and tertiary-level students and a special programme had recently been implemented to train Maroon and indigenous teachers to meet the educational needs of the communities in the interior.

18. The Surinamese administration contained many Maroon and indigenous people, including three ministers, permanent secretaries and deputy permanent secretaries, one ambassador, one consul general and several high-ranking diplomats. Many members of Parliament and the State Council also belonged to those two communities.

19. Regarding Mr. Avtonomov's question on the different types of marriage in Suriname, anyone was allowed to marry, whether they were religious or not. The situation was more complex in the interior of the country, as the marriage ceremony had to be conducted by an appointed official, who was often a member of the village, then registered

by the Bureau for Civil Affairs or the district commissioner. The Minister of Justice had also raised the marriageable age of boys and girls by two years.

20. **Mr. Lindgren Alves** said that the situation in Suriname showed how difficult it was to oblige a country, especially one that was very different from European countries and from its South American neighbours, to adhere closely to international human rights standards. He recognized that it was a very complicated task for the State party to establish the land rights of the Maroons and indigenous peoples because they lived on the same territory but each claimed their right to the land. In that connection, he wondered whether it was really advisable to approach the Inter-American Court of Human Rights to settle the land dispute.

21. Welcoming the fact that the Surinamese delegation had referred to populations as “mixed” or “*métissées*” he recalled that he had called for persons taking part in national censuses to be allowed to refer to themselves as being of mixed race and, therefore, as “*Métis*”.

22. **Mr. Lahiri** recalled that Suriname was linked by very strong emotional ties to India, from where many people had been taken, either by force or in very difficult conditions, to work. They had then prospered freely in Suriname. He welcomed the fact that Surinamese political parties, almost all founded on ethnic criteria, had managed to avoid the ethnic conflicts prevalent elsewhere and in neighbouring countries with a similar social composition.

23. He was impressed by the Surinamese Government’s obvious determination to analyse and resolve all problems related to land rights. Even if Suriname denied the existence of de jure discrimination, it should ensure the de facto equality of all its citizens.

24. **Mr. Cali Tzay** recalled that the issue of self-identification resulted from discriminatory practices against all Surinamese ethnic groups over the years and would like to know the role played by the State in recognizing the value of the cultures that made up Surinamese society. The assertion that all persons living in the State party were Surinamese was risky, as it tended to conceal the true ethnic identity of the majority of the country’s population.

25. He would like the Surinamese delegation to say whether Suriname had voted in favour of adopting the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007.

26. **Mr. Ewomsan** said he wished to know the status of relations between indigenous populations and the Maroons, including on the issue of land rights.

27. **Mr. Murillo Martínez**, Country Rapporteur, asked what the level of financing would be for the national commission in charge of coordinating the implementation of the judgement handed down on 28 November 2007 by the Inter-American Court of Human Rights in the *Saramaka People v. Suriname* case. He also wished to know the amount of financial compensation granted to the 130 victims recognized by the Inter-American Court of Human Rights in its judgement in the *Moiwana Village v. Suriname* case of 15 June 2005.

28. **Mr. MacDonald** (Suriname) said that his country had voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Maroons had never been reduced to slavery and had always lived in the forests.

29. **Ms. Waterval** (Suriname) said that the Maroon villages were located on lands belonging to indigenous peoples and that the Maroons maintained close and harmonious relations with the indigenous peoples. The Surinamese Government was trying to implement the judgements handed down by the European Court of Human Rights,

including those relating to compensation for the inhabitants of Moiwana village and the Saramaka indigenous peoples.

30. **Ms. Vinkwolk** (Suriname) said that pursuant to the judgement of the Inter-American Court of Human Rights, the Government had set aside funds equivalent to US\$ 310,000 to establish the foundation for the development of Moiwana village.

31. **Mr. Murillo Martínez**, Country Rapporteur, welcomed the frank and constructive dialogue between the Committee and the Surinamese delegation. Among the positive aspects, he welcomed the amendment of the 1973 Marriage Act, the improvement in the ways the Surinamese authorities dealt with claims and requests from indigenous peoples and the Maroons, and the clear determination by the public authorities to implement the judgements handed down by the Inter-American Court of Human Rights. Matters of concern included the fact that indigenous peoples' and Maroons' access to natural resources still appeared to pose significant problems and that most natural-resources management companies were run exclusively by State representatives, without consultation of the indigenous and Maroon peoples.

32. He was also concerned about the lack of safeguards in the courts of justice, which was leading indigenous and Maroon peoples to seek redress for their rights before international courts, such as the Inter-American Court of Human Rights. Clearly, the lack of coordination and dialogue among the indigenous peoples, the Maroons and the public authorities was preventing the settlement of land issues. He therefore recommended that Suriname create opportunities for coordination and take into account the treaty bodies' recommendations on the defence and promotion of indigenous peoples. Also, in its next periodic report the State party should provide information on the establishment of the Constitutional Court, the adoption of the draft Mining Act and specific progress on the implementation of the 1992 Peace Accord.

33. **The Chairperson** noted that since 2004, the start of her mandate with the Committee, she had already had the pleasure of considering two periodic reports from Suriname. Although the State party had not complied with the Committee's guidelines on the submission of reports, it had meticulously met its obligations under the Convention by sending a delegation to Geneva to hold a dialogue with the Committee. She greatly appreciated the State party's interest in the work of the Committee. In conclusion, Suriname provided a perfect example of cooperation with the treaty bodies to small countries claiming a lack of financial and other resources to justify the late submission of their periodic reports.

34. **Mr. MacDonald** (Suriname) assured Committee members that his country would continue to submit reports on its implementation of the Convention as regularly as possible and that he would transmit to the competent authorities all the Committee members' positive and negative comments.

35. *The delegation of Suriname withdrew.*

The meeting was suspended at 11.55 a.m. and resumed at 12.20 p.m.

Review of the implementation of the Convention in States parties the reports of which are seriously overdue: Gambia

36. **Mr. Amir**, Country Rapporteur, said that Gambia had ratified the Convention in 1978 and submitted an initial report in 1980. Since then, the situation in Gambia had been considered three times under the review procedure, the current meeting apart. The State party, which should have submitted its second periodic report in 1982, had neither sent a report nor provided any explanation to the Committee. The question now was to decide what the Committee should do to ensure that Gambia took action.

37. He proposed that the Committee draft concluding observations based on information available from other sources and write to the Gambian Government reminding it of its obligations under the Convention.

38. **Mr. Prosper** said that a lack of funds might justify Gambia's submission of a substandard report, but not its avoidance of its obligations by cutting off all ties with the Committee for almost 30 years. Also, the Committee should send a warning letter to the State party stipulating that if it did not submit a report before a certain date set by the Committee, the latter would conclude, at its next session, that Gambia had not met its obligations under the Convention.

39. **Mr. Ewomsan** said that Gambia could not credibly claim a lack of resources, as it had sufficient funds to host sessions of the African Commission on Human and Peoples' Rights, which was headquartered in the country. He urged the Committee to contact the United Nations Development Programme (UNDP) to obtain a better idea of how Gambia's situation had been affected by sex tourism and AIDS.

40. **Mr. Aboul-Nasr** wondered whether the Committee was authorized to issue a judgement against a State party that had not met its obligations. He would not wish the Committee, in taking such a step, to be exposed to criticism, and, in particular, for exceeding its mandate.

41. **Mr. de Gouttes** referred to the principle of *pacta sunt servanda*, which meant that any treaty in force was binding on parties and must be executed by them in good faith, which did not effectively authorize the Committee to condemn Gambia. He was therefore in favour of the Committee drafting concluding observations on the situation in Gambia and writing to the State party to remind it of its obligations.

42. **Mr. Kemal** supported the proposal to involve UNDP in the Committee's approach to encouraging Gambia to meet its obligations, and proposed referring the problem to the States parties to the Convention at their annual meeting in January.

43. **Mr. Lindgren Alves** also proposed that the list of all States parties the reports of which were seriously overdue should be provided to the State parties at their meeting. The Committee could even ask the Secretary-General of the United Nations to forward the list to all chairpersons of the meetings of States parties for them to read out as a matter of course at the beginning of each session.

44. **The Chairperson** expressed the view that Gambia had signed the Convention because it had been "politically correct" to do so at the time and that the Committee was justified in asking for a greater commitment on the part of the State party, which was, moreover, the host country of the African Commission on Human and Peoples' Rights. The Committee should adopt concluding observations on the implementation of the Convention in Gambia at a later meeting, based on the information available.

45. Lastly, the Committee might invite the State party to meet its obligations by sending it a letter to that effect through its Ministry of Foreign Affairs, the Gambian Embassy in Paris (which covered Switzerland), the Permanent Mission of Gambia to the United Nations in New York and the United Nations Development Programme. The Committee could also send a copy of the letter to the Secretary-General of the United Nations, to whom States parties, pursuant to article 9 of the Convention, were required to submit a report for consideration by the Committee on the legal, administrative or other measures that they had taken, which gave effect to the provisions of the Convention.

46. *It was so decided.*

The meeting rose at 1 p.m.