



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

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UNEDITED VERSION

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-seventh session
2-19 August 2005

**PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY
WARNING MEASURES AND URGENT ACTION PROCEDURES***

Decision 1 (67)

SURINAME

UNEDITED VERSION

1. The Committee recalls that in Decision 3 (66) of 9 March 2005, it expressed concern about the fact that a revised version of the draft Mining Act, which was approved by Suriname's Council of Ministers at the end of 2004, may not be in conformity with the Committee's recommendations adopted in March 2004 following the consideration of the first to tenth periodic reports of Suriname. (A/59/18, paras. 180-210).
2. The Committee deeply regrets that it has not received any comment under the follow-up procedure from the State party on the above assessment of the draft law, as requested in Decision 3 (66).
3. The Committee expresses deep concern about information alleging that Suriname is actively disregarding the Committee's recommendations 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.

4. Drawing once again the attention of the State party to its General Recommendation 23 (1997) on the rights of indigenous peoples, the Committee urges the State party to 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 2004 recommendations. In particular, the Committee urges the State party to:

- 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.

5. The Committee recommends once again that a framework law on the rights of indigenous and tribal peoples be elaborated and that the State Party 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.

6. The Committee recommends to the State party that it extend an invitation to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

7. The Committee urges the Secretary-General of the United Nations to 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.
