



Policy Brief: Titling the Saamaka's community territory: territorial rights, governance, and conservation

Executive Summary

This policy brief¹ examines the importance of the titling of the Saamaka people's territory as a collective territory in Suriname, in the light of the laws relevant to Afro-descendant land titling and the 2007 “Saramaka people v. Suriname” judgment. It is argued that the titling of their territory of 1,422,172 ha will secure the territorial rights of the Saamaka people, strengthen their cultural identity, and promote the conservation of their natural environment. It is recommended that the Government of Suriname takes urgent steps to advance the titling process and ensure sustainable development for the Saamaka people.



Policy Analysis

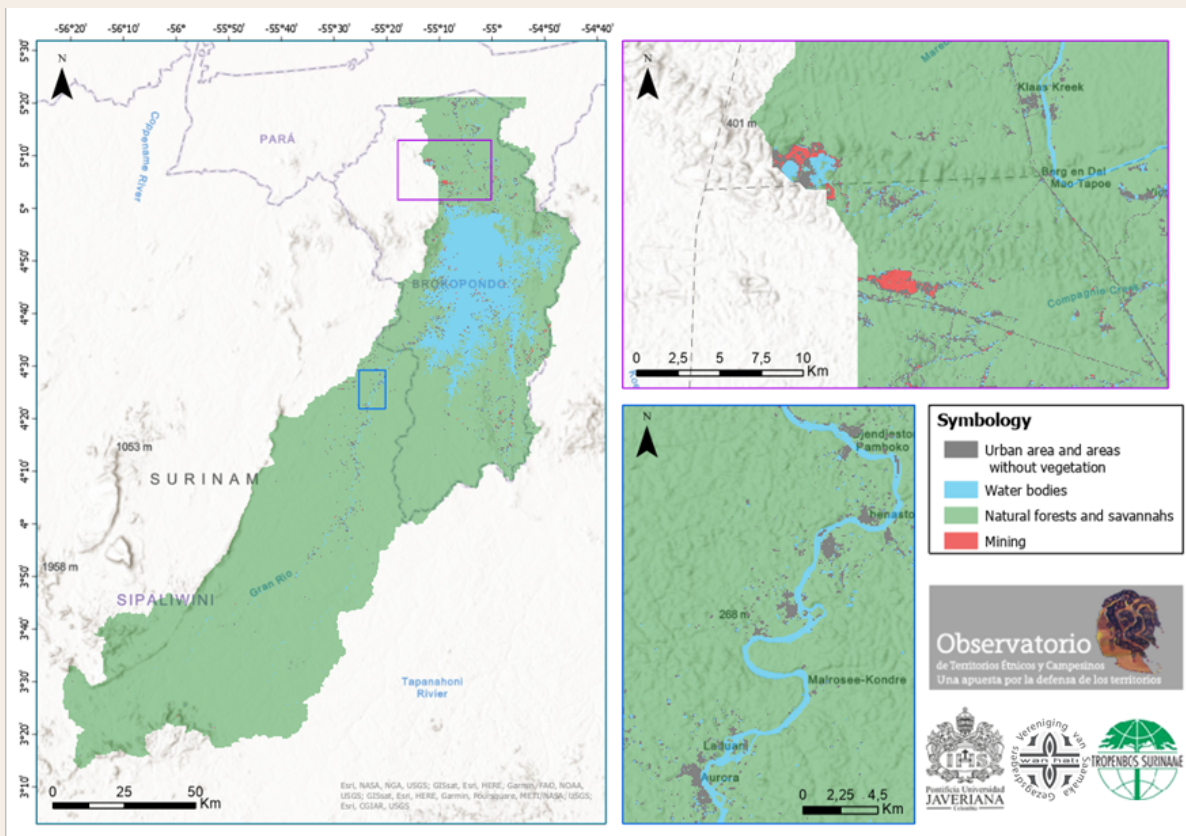
(I) Article 1 of the Constitution of Suriname provides a general description of respect for and guarantee of the fundamental rights and freedoms of the total Surinamese people, but do not recognize and protect the rights of indigenous and tribal peoples (ITP), including the right to land and natural resources. Although the Suriname Constitution stipulates those traditional rights must be respected and guaranteed by the State (Suriname, 1987), Suriname is the only country in the western hemisphere that does not recognize ITP rights in its national legislation. (II) Suriname is a member of the International Labour Organization (ILO) and has not ratified Convention No. 169, which sets out the rights of ITP, including their right to the ownership of lands they traditionally occupy. This convention requires States to protect and respect the land and resource rights of these communities (ILO, 2014). (III) Also, based on the Convention No. 169 definitions, and the UN declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, the Free, Prior, and Informed Consent (FPIC) is defined as a fundamental principle for traditional communities. It ensures that indigenous communities have a say in decisions impacting their lands and ways of life, through an informed and pressure-free process. This principle is recognized globally for its role in upholding human rights (United Nations, 2018), however it does not apply for traditional communities in Suriname. (IV) In 2007, the Inter American Court of Human Rights (IACHR) issued a landmark judgment in the case “Saramaka People v. Suriname”. The judgment established that the State of Suriname had an obligation to recognize and title the traditional lands of the Saamaka

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people, as well as to ensure their right to use and enjoy ancestral lands (Inter-American Court of Human Rights, 2007). (V) Suriname enacted the Communal Land Titling Act, which establishes a legal framework for the recognition and titling of communal lands of ITP, including the Saamaka people. This law aims to ensure the legal security of community lands and protect their territorial rights (Aanbieding Wet Collectieve Rechten Inheemse en Tribale Volken, 2021), However, currently traditional lands are still not recognized for the Saamaka communities, and their wellbeing is strongly compromised.

Context and Diagnosis

The Saamaka people, as part of the Afro-descendant community in Suriname, have maintained a close relationship with their ancestral territory throughout history. Their livelihoods and beliefs' systems are based on their survival in the jungle. However, the lack of legal recognition of their lands has left the community hampered to protect their lands and customary systems, making them even more vulnerable to face the increasing presence of external actors and multinationals, interested in the natural resources' richness. In the face of a legal context marked by over 15 years of delay, the urgent need to recognize the Saamaka territory is evident. This persistent denial violates international agreements and legal frameworks, including the landmark "Saramaka People v. Suriname" case, highlighting the imperative to uphold indigenous land rights promptly.



Map 1. Covers of Saamaka territory



Cover	Area (ha)	%
Urban area and areas without vegetation	21,010	1.48
Water bodies	152,380	10.72
Natural forests and savannas	1,246,885	87.68
Areas affected by mining	1,897	0.13

The Saamaka territory covers approximately 1,422,172 hectares in southern Suriname, mainly tropical forests, rivers, and rich biodiversity. For centuries, the Saamaka people have maintained a sustainable livelihood, making positive and significant contributions to biodiversity preservation. Currently, more than 25,000 Saamaka people depend on its natural resources for their sustenance and cultural development (Aebersold, 2022). The Saamaka territory is mostly covered by the Guiana Shield rainforest and other natural ecosystems such as savannas. These ecosystems are of great significance due to their extraordinary biodiversity, ability to store carbon, oxygen production, and climate regulation. Additionally, local forests play a crucial role in preserving ethnic groups and are essential for the planet's sustainability and the well-being of humanity (Quintanilla et al., 2022; Verweij et al., 2009). Therefore, it is of utmost importance to conserve the 152,380.29 hectares of water and 1,246,885.17 hectares of Guiana Shield rainforest and natural savannas, that are increasingly exposed to mining and logging.



Analyzing the ecosystem services derived from the territories inhabited by the Saamaka people, underscores the paramount importance of recognizing and titling their land. The ecosystems in this region provide a wide array of crucial services, ranging from food sources like crops, wild game, and fish, to materials such as timber and fibers, as well as forest-derived medicines. Additionally, these ecosystems offer regulation services, such as water flow regulation through swamps, biodiversity reservoirs crucial for wildlife protection, and the maintenance of spatial

structures through extensive primary forests. Moreover, the landscapes provide spaces for daily activities like trails, roads, and rivers that facilitate movement, while sacred areas, religious sites, and cemeteries fulfill social and cultural needs. Properly valuing these services is essential to ensure the sustainability of traditional livelihoods and the well-being of the community. Recognizing the Saamaka territory not only safeguards their cultural heritage and ancestral connections but also lays the foundation for sustainable natural resource management, promoting local engagement, equity in benefit distribution, and biodiversity preservation. The recognition of the Saamaka territory not only empowers the community but also contributes to the conservation of the invaluable ecosystems that underpin their lives and identity (Ramirez-Gomez et al., 2017).



Currently the Saamaka community faces several environmental conflicts which are bound to escalate. The conflicts are related to the disastrous social and biophysical impacts of illegal extractive activities: mining and logging, that promote the presence of external actors and illegal markets, reducing the national government capacity to efficiently protect their forests and people, and generate an illegal system of rents that limits the possibility to the community to manage their territories.

The intricate interplay between human communities and the forest underscores the multifaceted hazards that unchecked mining and logging endeavors entail (Lauchman, 2023; The Amazon Conservation Team, 2010). Illegal mining and conventional logging promote several negative consequences in three aspects: i) economic (livelihoods destruction and increasing of external rents dependency), ii) social (elite capture, governance deterioration, skepticism, customary traditions reduction, loss of identity), and iii) environmental (illegal roads construction, pollution of soil, water and environment, biodiversity loss, ecosystem deterioration, alteration of population dynamics, landscape fragmentation). Without proper control over illegal extractive economic activities and the implementation of locally and culturally adapted management plans, the environment may deteriorate, affecting both the ecosystems within the territory and the community (Arets et al., 2006; Mosquera-Ayala et al., 2016).



Another less evident but equally important conflictive situation to tackle, is the need to clearly demarcate the internal territory borders, *de facto* agreed among Saamaka clans, because the increasing issuance of logging concessions by the Government, permanently challenges traditional governance structures as well as customary management systems and triggers internal conflicts. This is hampering the exercise of land protection from a customary and collective perspective. Solving this problem requires an internal mapping effort to produce accurate information about

internal demarcation and use these in land use zoning.

Recommendations

- Effective compliance with the IACHR ruling: The Surinamese government must fulfill the obligations established in the IACHR ruling by comprehensively implementing the necessary measures to recognize and title the Saamaka territory.
- Consultation and active participation: The Saamaka people should actively participate throughout the titling process, through prior consultation and the inclusion of their opinions and traditional knowledge in decision-making.



- Strengthening local governance: Local governance mechanisms in the Saamaka territory must be strengthened, promoting community participation in the management of natural resources and the development of appropriate policies and regulations.
- Effective protection against external threats: Concrete measures must be implemented to protect the Saamaka territory from illegal activities, such as illegal mining and deforestation, and forest degradation by conventional logging, by strengthening control and surveillance systems and establishing cooperation mechanisms with relevant authorities.
- Empowering Local Leadership: To advance in this direction, the significance of empowering the central role that the Association of Saamaka Authorities, VSG, can play in the area's management is acknowledged, bridging the gap between community needs, governmental policies, and long-term sustainability objectives. By endowing the VSG with adequate resources, the organization's expertise and enthusiasm can be leveraged to catalyze positive change in land titling and ensure effective and equitable management of the natural and cultural resources underpinning this region.
- International cooperation: The international community should provide technical and financial support to the process of titling the Saamaka territory, supporting the efforts of the government and the community to achieve sustainability, conservation, governance, and territorial rights.

Conclusions

The titling of the Saamaka territory in Suriname is a crucial step towards ensuring sustainability, conservation, governance, and territorial rights of the Saamaka people. The existing challenges, such as insufficient legal recognition, external threats, and lack of effective governance, require decisive action from the government and the international community.

The titling of the Saamaka territory cannot be approached solely from a legal perspective. It requires an integrated approach that combines legal, political, social, and environmental elements. This implies considering environmental sustainability, biodiversity conservation, participatory governance, and the promotion of the human rights of the Saamaka people.

It is essential to fully implement the ruling of the Inter-American Court of Human Rights (IACHR) and ensure formal recognition of the Saamaka territory in national legislation. This will provide legal security to the community and lay the foundations for the protection of their territorial rights and cultural identity.

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