

# OFFICIAL GAZETTE OF THE REPUBLIC OF SURINAME

1992 No. 80

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**Act of 18 September 1992, containing provisions regarding forest management, forest exploitation and the primary wood-processing sector (Forest Management Act)**

## THE PRESIDENT OF THE REPUBLIC OF SURINAME,

Having considered the need to determine new provisions in the fields of forest management, forest exploitation and the primary wood-processing sector, with a view to expanding, inter alia, the economic, social and ecological functions of the forest as a national resource and also to guarantee the responsible development of the wood industry.

Having heard the State Council and upon previous approval by the National Assembly.

Has ratified the following Act.

### CHAPTER I

#### GENERAL PROVISIONS

##### Article 1

With respect to the provisions laid down in or by virtue of this Act, the following definitions shall be applicable:

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|----|--------------------|---|
| a. | the Minister:      | the Minister in charge of forest management;  |
| b. | the Director:      | the Director of the department responsible for forest management;   |
| c. | the Service:       | the service, specifically responsible for forest management within the department;  |
| d. | the Head:          | the head of the Service;  |
| e. | Forestry official: | each civil servant who holds rank of at least forest guard with the Service or any other government body operating in the field of forest management and nature conservation, as well as a person who is appointed for that purpose and who is authorised to draw up an official report under oath of office; |
| f. | State Land:        | all land not burdened by any real right of use;   |

- g. Forest: All land covered with trees, shrubs and other vegetation , including beaches, herbaceous wetland and savannas, which is suitable for harvesting wood and /or for the collection of non forest timber products, including wildlife and /or used for soil protection, sustenance of the stability of the environment, or for purposes of recreation, including all land which has been reforested or which , in the opinion of the Minister of Natural Resources, may in future be utilized for such purposes, this excluding
- a. an open field within an area of woodland, which open field is larger than a surface area to be determined by state decree;
  - b. land which is actually used for agriculture, mining, construction, permanent settlements or other purposes not provided for by law, provided that such use is not contrary to any locally applicable national or regional development programme as referred to in the Planning Act;
  - c. the regions designated by virtue of the 1954 Nature Protection Act (*Natuurbeschermingswet*);
- h. Permanent forest: forest to be preserved permanently in the interest of the sustainable harvesting of wood and/or sustainable gathering of forest by-products and/or for any lasting ecological, protective or recreational function. Permanent forest includes production forest, protected forest, and special protected forest;
- i. Permanent production forest: permanent forest which is primarily intended for the sustainable, commercial harvesting of wood and/or the sustainable gathering of forest by-products;
- j. Protected forest: permanent forest which, because of its location, has an important stabilising influence on the natural environment, in particular the soil and the soil hydrology;
- k. Special protected forest: permanent forest which, on account of its location, the composition of its fauna and/or flora, or its aesthetic value, has a particular scientific, educational, cultural or recreational function;
- l. Conversion forest: forest in regions where the land will be used for purposes other than forestry;
- m. Forest to be temporarily maintained: forest to be maintained pending its definitive designation as permanent forest or conversion forest;
- n. Communal land: land on which forest dwelling tribal communities have established villages or settlements, or land which they have cultivated or are entitled to cultivate;
- o. Communal forest: forest areas which are situated around communal land and which are designated as communal forest for the benefit of the forest dwelling tribal communities living in villages and settlements, and which serve the purpose of providing for their own need for food and wood production, as well as possible commercial timber use, gathering of forest by-products and development for agricultural purposes;
- p. Sustainable harvesting of wood: the harvesting of wood, taking into account the principles of

- sound forest management, which may be continued for an indefinite period of time without damage to the other functions mentioned under g of this article;
- q. Forest management: all activities for the benefit of the production and exploitation of timber and/or forest by-products and the safeguarding of the other functions of the forest, as well as the primary wood processing sector;
  - r. Felling standards: the standards prescribed by order of the Minister with regard to the number of species or categories of trees which may be cut down and removed, as well as the quality requirements;
  - s. Reforestation: the (re)forestation of land that has become deforested due either to natural causes or to human activities;
  - t. Forest improvement: the taking of cultivation measures directed at the improvement of the qualitative and quantitative composition of the existing timber stands;
  - u. Forest by-products: any and all produce of vegetable origin, which may be harvested without permanent damage to tree, plant or forest.

## **CHAPTER II**

### **BASIC PRINCIPLES FOR THE RATIONAL USE OF THE FOREST NATURAL RESOURCE**

#### Article 2

1. The Minister is responsible for forest management, which is aimed at the rational use of the forest itself as a regenerating natural resource in the sense that:
  - a. the stabilising influence of the forest on the natural environment, in particular on the soil, water, flora and fauna, is not affected and that, in this way, the fundamental natural requirements for the preservation of the vitality of Suriname will be secured;
  - b. the advantages of forest exploitation will be optimal from a national vantage-point, in particular in view of the desired diversification of industry, the enhancement of employment and the distribution of economic activity throughout the country.
2. The management referred to in paragraph 1 extends over all forested areas in Suriname.
3. The management mentioned under paragraph 1 should provide for planning covering all forested areas and touching on all aspects, within the framework of which the necessary measures shall be taken for the protection, regeneration and improvement of the forest, as well as the efficient supervision of the exploitation of the forest and the wood-processing industry.

#### Article 3

The Minister shall furthermore be responsible for the rational use of the forest in accordance with the basic principles mentioned in article 2 and for the necessary means for, among other things:

- a. the provision of the efficient organisation of the institution(s) responsible for forest management;
- b. the carrying out of forest inventory and research;

- c. the promotion of education, training and information in the fields of forestry and nature preservation;
- d. the carrying out of wood technology and related market research.

### **CHAPTER III**

#### **CLASSIFICATION OF THE FOREST ACCORDING TO DESIGNATION**

##### Article 4

The forest can be classified into permanent forest, conversion forest, and forest to be preserved temporarily.

##### Article 5

1. Areas may be designated as permanent forest by State Decree. In any event these areas will include those areas which are or will be re-forested or where forest improvement measures are or will be taken.
2. In the designation of permanent forest, a distinction may be made between permanent production forest, protected forest, and special protected forest.
3. The designations referred to in the above paragraphs may not be contrary to any currently valid or future national or regional development programme.
4. In designating any woodland as permanent forest, the boundaries of the designated area are to be described and drawn onto the map which accompanies the designation.
5. No real or personal rights arising by virtue of the "Decree on the Issue of State Land" may be established over permanent forest and forest to be temporarily maintained.
6. Under or in virtue of the state decree referred to in paragraph 1, further regulations may be prescribed. In so far as this concerns the designation of protected forest or special protected forest, these further regulations may restrict or exclude the gathering of wood or any other human activity.

##### Article 6

1. The Minister shall publish an intention to designate an area as permanent forest. Within six weeks after the publication, anyone may declare or file protest against the designation through the District Commissioner within whose jurisdiction this area is, or parts thereof are, situated.
2. The protests shall be examined by an advisory committee, consisting of a chairman to be appointed by the Minister, as well as the Head, and the Head of the State Land Department, or their substitutes. This committee shall advise the Minister within six weeks after receipt of the protest. At the committee's request the Minister may allow a single extension of the time period.
3. Upon receipt of the advice, the Minister shall inform the interested party in writing of his decision with respect to the objections made, stating the reasons, and shall send a copy thereof to the District Commissioner concerned.

##### Article 7

1. The Minister shall designate the areas which are to serve as conversion forest. Such designation may not be contrary to any valid national or regional development programme.

2. With respect to the designation referred to in the preceding paragraph of this article, the provisions under article 6 paragraphs 1 and 2 shall correspondingly be applicable.
3. All government institutions are obliged to notify the Minister, stating the objective, of their intention to use a conversion forest for non-forestry purposes, of the date on which they wish to commence their activities, and to furnish data as required to ensure the gathering of marketable timber referred to in the first paragraph of this article.

#### Article 8

Deforestation or development of a forest to be temporarily maintained, even if it forms part of a communal forest, is prohibited.

### CHAPTER IV

#### FOREST MANAGEMENT

#### Article 9

1. To realize a rational use of the forest as a natural resource, the Minister will establish a forest-inventory programme for those areas which have already been opened up for forest exploitation or which may become important to that end in the future.
2. Except for the provisions of article 24 paragraph 1, forest inventories will be carried out on behalf of the Head, thereby taking into consideration the forest-inventory programme referred to in the preceding paragraph.
3. An area in which the forest is not yet exploited, may not be opened up for this purpose as long as the inventory referred to in paragraph 2 has not been made.

#### Article 10

1. The Minister shall determine the division of the forest for the purposes of forest-management planning into management units. These units may include the various designations mentioned in Chapter III.
2. The Minister will determine a forest management plan for each management unit indicating the technical requirements for the rational use of the forest within that unit.
3. Irrespective of the destination of the forest by virtue of the provisions of Chapter III, no use may be made of the forest other than in accordance with the management plan referred to in paragraph 2.
4. A management plan may be reviewed every ten years or as early as the Minister deems necessary owing to the change in the felling standards or the occurrence of other important developments within the management unit.

#### Article 11

In so far as a management unit forms part of a permanent production forest, the management plan will also include an exploitation plan indicating the technical specifications for a sustainable harvesting of wood and/or gathering of forest by-products as referred to in Article 40, as well as rules concerning the protection of the other functions of the forest.

#### Article 12

1. Every management plan determines the annual allowable cut for the pertinent unit; with the understanding that the annual allowable cut for permanent production forests will be determined thereby, taking into account the sustainable (natural) production capacity of the forest on the one hand and an efficient exploitation of the forest on the other.
2. The total annual cut under concession, felling licences for the incidental harvesting of wood, sale of standing timber or otherwise, or from communal forests if the timber is to be transported out of the communal forest or used for commercial purposes, may not exceed the quota determined in the management plan for the allowable cut for that unit.

#### Article 13

1. In areas which are opened up for the benefit of forest exploitation, the Head shall promote the development of the main infrastructure in the form of the construction of roads opening up the forest, bridges, transshipment facilities and other facilities necessary for the harvesting of wood and forest management.
2. For the construction and maintenance of these facilities, all timber operators active in the area opened-up will be liable to pay compensation for opening-up. The tariffs, as well as the manner of collection, will be determined by the Minister – in co-operation with the Minister responsible for finances. The Ministers mentioned may determine that other users of the roads in the opened-up area should also pay compensation for opening up. The tariffs will be redetermined at least every five years.

#### Article 14

1. The Minister may lay down further provisions for:
  - a. the designation of certain types of wood as marketable according to established felling standards;
  - b. the determination of a minimum trunk diameter for certain kinds of trees, below which no such specimens may be cut.
  - c. the prohibition or restriction of the felling of certain species of wood.
2. The provisions referred to in paragraph 1 under b and c are, by virtue of Article 7 of this Act, not applicable to areas designated as forest to be clear cut and to forests which, as indicated in the management plan, are eligible for reforestation or forest-improvement.

#### Article 15

1. The Minister will be responsible for the effective protection of the forest and in particular for taking the measures required for the prevention and controlling of forest fires.
2. The Minister may restrict or prohibit access to areas where there is a danger of forest fires. He may also prohibit or restrict outdoor fires in these areas.
3. In an area where a forest fire has broken out, every person is obliged by order of the forest guard to help extinguish the fire, if and so far as the forest guard reasonable considers that there is no particular personal danger involved.
4. Every land user, every holder of an exploitation concession, timber concession or licence for the Incidental Cutting of timber, as well as every other interested party in an area where a forest fire has broken out, is obliged by order of the forest guard, to make available machines and equipment, if and so far as he considers that these can reasonably be of use in fighting the forest fire.
5. The State shall be responsible for damages suffered or yet to be suffered as a consequence of compliance with an order as referred to in paragraphs 3 and 4 of this article.

## **CHAPTER V**

### **FOREST EXPLORATION AND EXPLOITATION**

#### **Section 1**

#### **GENERAL PROVISIONS**

##### Article 16

1. Forest exploration on state land may only be carried out under the authority of a licence for exploration granted for that purpose in accordance with the provisions in or authorized by, this Act.
2. Forest exploitation on state land may only take place under the authority of a concession granted for that purpose or in one of the manners described in the Articles 38 through 42, thereby taking into account the provisions in or authorized by, this Act.
3. Exploration licences are granted by ministerial regulation.
4. The concessions referred to in Article 27 paragraph 1 under a are granted by state resolution, and those referred to in Article 27 paragraph 1 under b and c, are granted by ministerial decree, thereby taking into account the provisions of Article 26.
5. Exploration licences or concessions are not granted for areas which have been designated as protected forest and special protected forest;
6. The Minister may, by decree, further provide for the matters discussed in this Chapter.

##### Article 17

1. The holder of an exploration licence or a concessionaire must be:
  - a. a resident of Suriname and hold Surinamese nationality; or
  - b. a legal entity established in Suriname.
2. The holder of an exploration licence or a concessionaire will carry out the exploration or exploitation for his own account and at his own risk.
3. The exploration licence or concession will not be transferred to any third party other than after written permission of the competent authority who has granted the right. A transfer fee shall be due for the transfer. The tariff and the manner of collecting this transfer fee will be determined by the Minister in co-operation with the minister responsible for finances.
4. Apart from the expiry of the period for which it has been granted, the exploration licence or concession will legally terminate:
  - a. if the holder of an exploration licence or the concessionaire does not meet one of the requirements laid down in paragraphs 1 and 2 of this Article;
  - b. upon the death of the holder of an exploration licence or of a concessionaire, taking account of the application of Article 29, and if the holder of an exploration licence or a concessionaire is a legal entity, in the case of its dissolution.

#### Article 18

The holder of an exploration licence or a concessionaire will have no claim for the expansion or substitution of the area for which an exploration licence or concession has been granted, nor for the repayment or discounting of compensations already paid, on account of the presence of settlements and shifting horticultural plots of tribal forest communities who have settled in those areas.

#### Article 19

1. The Minister may designate areas within which no exploration licences and concessions will be granted for the moment, and may revise or withdraw such designations.
2. Designation, revision or withdrawal will be made public.

#### Article 20

1. The Minister will determine, in the interest of the optimal cost-effectiveness of the available forest - thereby taking into account the prevailing economic circumstances and the regional management plans for the forest – which areas will be considered for the granting of exploration licences, the road side sale of cut timber and the sale of standing timber and the period of validity of these licences, concessions and other forms of wood harvesting and sale referred to. In publishing the above, he will mention the term within which the application should be submitted and the manner of designation.
3. The designation of the holder of an exploitation licence or concessionaire may take place by registration, by granting an application or by auction in the case of the road side sale of cut timber or the sale of standing timber.

#### Article 21

1. To obtain an exploration licence or concession, the applicant should address an application for such to the Minister. This may be accomplished by completing and signing a form prescribed by the Minister, and which may be obtained from the Head against payment of a sum fixed by the Minister. Furthermore, any additional documents prescribed by the Minister must be submitted for consideration.
2. If a form is only partially completed or in absence of one or more of the documents referred to in the preceding paragraph, the Head will provide the signatory with the opportunity to insert the missing data or to submit the missing documents, setting a time limit which is reasonable in view of the circumstances.
3. If, within the time limit set by virtue of the preceding paragraph, the missing data or documents have not been inserted or submitted, the application will not be considered.
4. No application will be considered unless the applicant meets the requirements laid down in Article 17 and proves, to the satisfaction of the Minister, that he has the financial capacity to efficiently utilize the requested exploration licence or concession and that he personally possesses the required skills for wood exploration and/or exploitation or that his personnel has the necessary expertise in the matter.
5. In the public interest, no applications will be considered if the intended exploration or exploitation conflicts with one or more of the fundamental principles mentioned in Article 2 of this Act.

#### Article 22



If an application is rejected the signatory of the application will be notified by the Minister, by letter stating the reasons therefor. The Minister will decide on every application within 6 months.

## **Section 2**

### **EXPLORATION LICENCES**

#### **Article 23**

1. An exploration licence confers upon its holder the exclusive right to commence a study of the potential for wood exploitation in the area he has been granted. During the validity of the exploration licence no application submitted by others for the granting of a concession in the same area, will be considered.
2. The total surface area of the area or areas for which one or more exploration licences granted to a natural person or to one or more legal persons in which a natural or legal person has a majority interest, will not exceed 150,000 ha.
3. The exploration licence will be granted for a duration of one year for areas with a surface area less than 25,000 ha and for a duration of two years for areas with a surface area between 25,000 and 150,000 ha. These periods may be extended once only for no more than 6 months or one year, respectively.
4. An annual charge per hectare is to be paid for the exploration licence. The charge and the manner in which it is collected will be established by the Minister in co-operation with the Minister responsible for finances.
5. The granting of an exploration licence may be made dependent on the provision of a guarantee, which guarantee may only be suspended once the holder has complied with all his obligations emanating from this Act and the licence granted.

#### **Article 24**

1. The research into the potential for forest exploitation by virtue of an exploration licence will be accomplished in the form of a forest inventory to be made by the holder of the exploration licence in accordance with the minimum requirements laid down by the Minister with regard to the gathering and processing of inventory data. The holder of the exploration licence is obliged to report in this regard to the Head, in conformity with the minimum requirements and reporting periods indicated in the licence.
2. The holder of the exploration licence will make available to the State, free of charge, all data acquired during his inventory with regard to the exploitation possibilities, by handing them over or forwarding them to the Head.
3. The Minister can at any time withdraw an exploration licence, if the holder, after the term of default previously mentioned, still fails to commence research into the potential for exploitation.
4. The holder of an exploration licence will be granted a concession for the entire areas for which he had been granted an exploration licence, without prejudice to the provisions in Article 21 paragraph 5 and Article 27, or, at the request of the applicant for part thereof, in accordance with the terms and conditions of this Act, provided that he:
  - a. has submitted an application therefor, thereby observing the provision of Article 21, at least three months prior to the expiry of the exploration licence;
  - b. has carried out the requirements prescribed in paragraph 1 and has complied with the provisions of paragraph 2 of this Article.

### Section 3

#### CONCESSIONS

##### Article 25

1. a. A concession confers upon the holder the exclusive right to harvest and transport wood within the boundaries, and in accordance with the provisions stipulated in the terms and conditions of the concession, and with regard to the implementation, in accordance with an exploitation plan which takes into account the management plan for the area within which the concession is situated determined and, if necessary, revised by the Minister. This right is a real right.
- b. Any granting, extension, suspension, withdrawal, transfer, or encumbrance of this right will enter into force after registration thereof in Register H at the Mortgage Registry Office, introduced by the Registration of Mining Rights Decree.
- c. The holder of a concession obtained prior to the date on which this Act shall enter into force, is obliged, on the penalty that his rights will lapse, to have his existing right entered in the register within two years of this Act coming into force.
2. A concession confers upon the holder the exclusive right to the wood harvested by whomsoever in the concession area, in so far as his concession is applicable to this wood.
3. The concession also entails the right, without prejudice to the provisions of the “Construction Decree”, the “Nuisance Law” and all other relevant regulations valid in this matter, to build the necessary structures and installations, to cultivate root vegetables and tree-fruits and also to cultivate agricultural products for exclusive use at that place, by the concessionaire and/or his workers in the concession area.

##### Article 26

The total surface area of a concession and the total combined surface area of several concessions granted to a natural or legal person or to one or more legal persons, in which a natural or legal person holds a majority interest, shall not exceed 150,000 ha.

##### Article 27

1. Concessions may be granted in the form of:
  - a. long-term concessions with a duration of more than 10 years but not exceeding 20 years, for a total surface area of not more than 150,000 ha.
  - b. medium-term concessions with a duration of not less than five and not more than 10 years, for a total surface area not exceeding 50,000 ha.
  - c. short-term concessions with a validity of not less than one and not more than 5 years, for a total surface area not exceeding 5,000 ha;

provided that the surface area shall in all instances be dependent on the volume of exploitable wood, the annual exploitation capacity of the concessionaire, the annual capacity of the processing industry, the total investment in the concession area and the duration thereof.

2. Long-term concessions shall only be granted to integrated timber industries and medium-term concessions to sawmills with or without their own forestry operation. The granting of one of these concessions shall, without prejudice to the terms and conditions under this Act, be subject to the favourable results of the study carried out by an applicant for a concession into the potential for

forest exploitation of the area in question by virtue of an exploration licence as referred to in Article 23 of this Act.

3. For every long-term or medium-term concession, the terms and conditions of the concession will provide in detail for:
  - a. the nature and size of the wood processing plant to be operated by the concessionaire;
  - b. the total capital to be invested;
  - c. the required machines and other installations;
  - d. the minimum annual production capacity of the plant;
  - e. the time schedule for starting-up the plant; and
  - f. all other requirements with regard to the processing of wood to be harvested in the concession area.
4. Further provisions may be made by state decree with respect to the division of the concession area, the infrastructural works to be carried out by the concessionaire, the terms and conditions to be met by the concessionaire, the manner in which the wood is to be harvested and a guarantee to be given by the concessionaire.

#### Article 28

1. The competent authority granting the concession may extend the duration of the concession only once for an equivalent period of time. In this extension, the limits of the concession area and the terms and conditions governing the concession, may be amended in consultation with the concessionaire.
2. Extension can only take place if the concessionaire has submitted his application therefor within the period and in the form prescribed, or to be prescribed, by the Minister. If these conditions are not met, the concessionaire can only be granted a new concession for the same concession area by taking in account the relevant provisions of Article 21.
3. A fee should be paid for the extension of the concession. The tariff, and the manner of collection, shall be determined by the Minister – in consultation with the Minister responsible for finances.

#### Article 29

1. In the event of the death of the concessionaire, the concession may, without prejudice to the provisions of Article 17 paragraph 4, be continued for the duration of its validity by a legal successor appointed jointly by the heirs, provided that he shows to the satisfaction of the Minister that he meets the requirements laid down in Articles 17 and 21.
2. To this end, a written application must be submitted to the Minister within six months after the death of the concessionaire, stating the full name, occupation and address of the applicants and of the appointed legal successor.
3. The provisions of Article 21 paragraph 1 shall apply accordingly.

#### Article 30

1. The exploitation plan referred to in Article 11 determines the maximum annual felling volume per timber species or group of timber species, the felling standards to be observed, as well as the further requirements valid for wood exploitation, including in any case the minimum volume per

timber species or group of timber species to be harvested and transported annually by the concessionaire.

2. The minimum volume referred to in paragraph 1 may be decreased by the Minister in like proportions to the number of months for which the concessionaire does not owe any concession fee in accordance with Article 32 paragraph 3.
3. If, during a period of two years, the concessionaire transports a smaller average volume of wood than he is bound to in accordance with paragraphs 1 and 2, he will still owe the fee referred to in Article 32 paragraph 1 under b, computed over the minimum volume in accordance with the exploitation plan.
4. The competent authority which has granted the concession, can reduce the size of the acreage or declare it lapsed, if the concessionaire fails to harvest and transport the minimum volume of wood for three successive years.

#### Article 31

1. In so far as the terms and conditions of the concession do not otherwise provide, the concessionaire will commence the exploitation of wood within one year of the granting of the concession.
2. The concessionaire will permit Government bodies to carry out, or have third parties carry out, all works necessary for public service or of public interest, and he will also allow the wood required for those works to be harvested in the concession area against compensation for the value as standing timber, in so far as he is permitted to harvest such timber.

#### Article 32

1. The concessionaire will owe the following fees for the concession and the removal of wood from the concession area:
  - a. an annual concession fee per hectare of concession area;
  - b. a fee for the wood harvested in the concession area, which is to be determined separately for each timber species or group of timber species, on the basis of their value.
3. The fees as well as the method of collecting the fees mentioned in the first paragraph, shall be determined by the Minister in consultation with the Minister responsible for finances. The fees shall be revised at least every five years.
4. The Minister, upon consultation with the Minister in charge of finances, is authorised to grant the concessionaire either full or partial exemption from the concession fee payable, in the event that, due to special circumstances, it becomes impossible for the concessionaire or the Service to properly fulfil their respective obligations and duties in that area for an uninterrupted period of 4 months or more.
5. The concessionaire, for the purpose of collecting the charges, is obliged to keep a felling record as prescribed by the Minister, stating the quantities, the species and other relevant information with regard to the wood harvested in his concession area.

#### Article 33

1. The concessionaire shall also owe, apart from the timber royalty compensation for:
  - a. non-felled marketable trees which may be felled as described in the exploitation plan;
  - b. marketable trees or parts thereof felled but not transported;

in so far as incorporated in the woodcutting statement and at the discretion of the Head.

2. The fees as well as the method of collecting the compensations mentioned in paragraph 1, shall be determined by the Minister in consultation with the Minister responsible for finances. The fees shall be revised at least every five years.

#### Article 34

1. The Minister shall be responsible for supervising compliance with provisions in, or authorised by, this Act within the areas granted under the wood concessions.
2. Every forestry official is authorised to inspect the forest at all times. He shall be authorised to extend this inspection to all buildings and installations pertaining to the concessionaire's plant, excluding accommodation quarters unless with notice to the concessionaire or his deputy. The forestry official may have himself accompanied or transported by other persons, animals, vehicles, instruments and/or other materials as he deems necessary for the expedient fulfillment of his duties.
3. The concessionaire shall be obliged:
  - a. to provide reasonable lodgings on the concession tract to the forestry officials responsible for the supervision and the persons mentioned under 2;
  - b. to accompany these officials, if required, to the parts of the concession tract where logging or other activities are being carried out;
  - c. to follow the directions of such officials, reserving his right to appeal to the Head;
  - d. to furnish the officials with all required information regarding the observance of the forest laws, including the terms and conditions of the concession and of the exploitation plan.

#### Article 35

1. The Minister is authorised to inform the concessionaire in writing that his exploitation has been suspended, if the concessionaire, after a previous warning in writing, nevertheless remains in breach by failing to rectify the omission of matters prescribed by state decree within the allotted period.
2. The suspension will be cancelled in writing as soon as the concessionaire has rectified his omission.

#### Article 36

1. The authority which has granted the concession, may withdraw such if:
  - a. no proper start has been made with the activities within one year after the concession was granted;
  - b. an omission, due to which the exploitation had been suspended pursuant to Article 35, has not been rectified within the term of at least one month, as indicated in the notification of suspension;
  - c. The provisions of, or authorised by, this Act, the terms and conditions of the concession or the exploitation plan, are not duly observed and the concessionaire has already been given two warnings in writing to that effect;

- d. The concessionaire declares in writing that he renounces the rights emanating from his concession.
2. The withdrawal as referred to in paragraph 1 sub-paragraph d may be made subject to special conditions.

#### Article 37

1. At the conclusion or in the event of a premature termination of the concession, the concessionaire will have the right to remove, within a period of six months, all buildings and other works established by him on the concession area, excluding those buildings, works and cultivations to which such right is not applicable in accordance with the terms and conditions of the concession. In special cases, upon a written request to that end, the Minister may extend this period once only for a period not exceeding the original term.
2. Buildings and works which may be removed in accordance with the preceding paragraph and which, after the expiry or extension of this term, are still present on the concession area, will become the property of the State without the latter owing the concessionaire any compensation for them.

#### Section 4

### OTHER FORMS OF FOREST EXPLOITATION

#### Article 38

1. The Minister is authorised to grant licences for the incidental harvesting of wood, which confer upon the holders the right to fell the trees on state land, in an area to be indicated in the licence and for a period to be established therein, and for a fixed number of trees or volume of wood of one or more specified species. Similar licences may be granted on lands let in hereditary tenure or long lease for trees for which the felling rights were excluded when such right was granted.
2. A charge for the exploitation of wood under such a licence is due by the licensee.
3. The charge and the manner in which it is to be collected, will be determined by the Minister, in co-operation with the minister responsible for finance.
4. The Minister determines the conditions regarding the granting of a licence for the incidental harvesting of wood.

#### Article 39

The Minister is authorised to dispose of timber on state land by means of road side sale of cut timber or the sale of standing timber, in accordance with conditions to be laid down by state decree.

#### Article 40

1. The Minister is authorised to grant licences for the gathering of forest by-products.
2. The gathering of forest by-products will be subject to a royalty fee.
3. The royalty fee and the manner, in which it is to be collected, will be determined by the Minister, in co-operation with the minister responsible for finances.

4. The Minister determines the conditions regarding the granting of a licence for the harvesting of forest by-products.
5. Further conditions with regard to the provisions of this Article may be laid down by or by virtue of, state decree.

#### Article 41

1. a. The customary law rights of the tribal inhabitants of the interior, in respect of their villages and settlements as well as their agricultural plots, will be respected as much as possible.  
b. In case of violations of the customary law rights as mentioned under a, an appeal in writing may be made to the President, which appeal is to be drawn up by the relevant traditional authority of the tribal inhabitants of the interior stating the reasons for the appeal. The President will appoint a committee to advise him on the matter.
2. Upon consultation with the minister responsible for regional development, the Minister will declare certain areas to be communal forest for the benefit of the tribal inhabitants of the interior. The utilization and management of the communal forest are to be further established by state decree.
3. No concession fee shall be due for the communal forest. The relevant provisions of this Act will accordingly be applicable to timber, wood products and forest by-products to be transported from the communal forest and intended for possible commercial use. The gatherer will then owe the charges mentioned in Article 32 paragraph 1b and Article 40, and the compensation mentioned in Article 13. For the implementation of this article, a gatherer shall mean the person who has obtained any timber, wood products and forest by-products from the communal forest from an inhabitant of the interior – whether or not by virtue of onerous title – in the event that he himself conveys these goods from the communal forest, or proceeds to carry out commercial activities. Further relevant provisions may be laid down by state decree.

#### Article 42

1. The Minister shall determine the rules with respect to forest management and commercial forest exploitation on lands, which are burdened by any real right by virtue of the “Agrarian Act” or the “State Land Grants Decree”.
2. The provisions under Chapters IV and V of this Act shall only apply to the lands referred to in the preceding paragraph, in so far as this is explicitly laid down in the provisions, or the rules prescribed by virtue of, that paragraph.
3. For timber which is harvested on the lands referred to in the first paragraph and which is intended for other than personal use, the royalty fee as mentioned in Article 32 paragraph 1 under b will be due. For forest by-products gathered on the lands referred to in the first paragraph and intended for other than personal use, the royalty fee referred to in Article 40 paragraph 2 will be due.

### Section 5

#### **RULES WITH RESPECT TO SUPERVISION**

#### Article 43

1. The ownership of the wood harvested and the forest by-products gathered will only be transferred to the concessionaire of the licensee as referred to in Articles 38 and 40, after the charges regarding the timber or the forest by-products have been paid. Likewise, the ownership will not be transferred to the buyer as referred to in Article 39 before the selling price has been paid up in full.

2. The Head, or a forestry official especially appointed thereto, is authorised to seize any load of wood products of an operator who, after written demand, remains in breach of their obligation to make the payments referred to in paragraph 1 within one month.
3. If the payments have not been made within one month after seizure, the Head is authorised to sell, either publicly or privately, the wood products seized.
4. Private sale occurs after obtaining the written authorization of the Attorney-General who may lay down general or special rules regarding the matter.
5. The proceeds will be delivered to the operator after subtraction of the arrears and the costs necessarily incurred in the seizure and sale of the wood products.

#### Article 44

1. Wood harvested and removed by virtue of a concession or licence for the incidental harvesting of wood or by virtue of a timber sale as referred to in Article 39, will be measured, marked and registered in accordance with the rules prescribed by the Minister.
2. The Minister may declare the provisions under paragraph 1 applicable to wood harvested in a communal forest or on lands burdened by a real right by virtue of the “Agrarian Act” or the “State Land Grants Decree”, as well as on trunks of trees felled in the forest areas to be designated by him.
3. The Minister may issue special registration marks. In such cases, the concessionaire or licence holder shall be obliged to mark the wood harvested by him with the registration mark assigned to him.
4. It is prohibited to sell wood from a forest area which is not marked in accordance with the provisions of, or authorised by, this Act.

### CHAPTER VI

#### TRANSPORT OF WOOD AND THE TIMBER INDUSTRY

#### Article 45

1. The transport of wood obtained from the exploitation of the forest and of forest by-products, if any, is prohibited unless covered by a transport permit which must be showed on demand to any forestry official and criminal investigator within the meaning of Articles 134 and 135 of the Code of Criminal Procedure.
2. The Minister will lay down further provisions regarding the matter.

#### Article 46

1. Every natural person or legal entity whose occupation or profession is the conveyance or selling of forest by-products and/or unfinished timber – which for the purpose of this article means undressed timber, sawn and split or cut wood including posts and rafters, and charcoal – must be recorded in a register to be maintained by the Head.
2. The Minister shall lay down further rules regarding the form of the register and the procedure of recording.

#### Article 47



1. Without prejudice to the provisions of the “Nuisance Act”, the licence referred to in Article 19 of the “Regulations for the Administration of the Districts” with regard to the establishment and operation of a timber industry – which for the purpose of this Article means sawmills, plants for the manufacture of plywood and chipboard, chip plants and all other industries processing timber into undressed/rough, split, cut, or chipped form and which were not yet operating at the time this Act comes into effect – will be exclusively granted and extended after consultation with the Minister. This licence will only be granted and extended for the duration of five years each time and if it appears that:
  - a. the site is suited to the purposes of a national or regional development programme as referred to in the “Planning Act”;
  - b. the business can be supplied with sufficient rough timber, to be harvested within an economically justifiable distance;
  - c. the construction and layout of the business and the machines to be used, meet the legal requirements.
2. The Minister, after consultations with the minister responsible for economic affairs, will lay down further provisions with regard to the data to be supplied and the procedure to be followed by the applicant to acquire a licence for the establishment of a wood-processing industry.

#### Article 48

1. Every timber transporter registered in accordance with article 46 and every operator of a timber-processing business in the sense of Article 47, will be obliged to furnish, if so required, the necessary statistical production information to the Head.
2. The Minister will lay down further provisions with regard to the nature of the information to be furnished, the terms applicable thereto and the supervision of compliance with the provisions.

#### Article 49

1. The Minister may subject undressed timber and timber products, as well as forest by-products for the domestic and foreign market to an official inspection with relevant count, measurement, weighing and/or sorting according to standards and procedures to be determined by him.
2. A compensation will be required for these activities. Such compensation and the manner of collection will be determined by the Minister in co-operation with the minister responsible for finances.
3. The importation into or conveyance through Surinamese territory of wood, timber products, forest by-products or products manufactures from wood, which have been illegally obtained, gathered, manufactures or transported in, or exported from, their country of origin, is prohibited.
4. The trade in, importation, transit, export or conveyance of wood, timber products, forest by-products or products manufactures therewith, in contravention of treaties binding Suriname concerning forest management, forest exploitation, the primary wood-processing sector and endangered wild plants, is also prohibited.

### CHAPTER VII

#### COMPULSORY AND PENAL PROVISIONS

#### Article 50

1. In the case of an infringement of any rule laid down by or by virtue of this Act, the infringer is obliged to comply, within three months, with a letter addressed to him by or on behalf of the Head to remove that which has been accomplished contrary to the regulations, or to fulfil the obligations he has neglected.
2. If the obligation referred to in the preceding paragraph is not fulfilled, the Head may have that which is ordered in the letter implemented at the expense of the addressee.
3. Irrespective of the provisions of the preceding paragraphs, in the case of an infringement of any stipulation in or by virtue of this Act, the judge may, in summary proceedings, issue orders or injunctions with a view to ending the infringement or avoiding or completing it, including its restoration to its former state or the surrender of the goods or substances acquired by means of the infringement, to the person entitled, or the transfer of the ownership thereof to the Head.
4. An order or injunction as referred to in the preceding paragraph may impose damages, in accordance with article 492 of the Code of Civil Procedure, accruing to the State in case of forfeiture thereof.
5. Claims as referred to in paragraph 3 will be brought by the Head, either in his own name or in the name of the State of Suriname.

#### Article 51

1. An imprisonment not exceeding four years or a fine not exceeding five hundred thousand guilders will be imposed on:
  - a. he who renders illegible, falsifies or otherwise commits fraudulent practices with the measurement and registration marks referred to in Article 44, marks which have been applied on behalf of the Government to seized wood products, or the signs placed on behalf of the Government to demarcate forested areas;
  - b. he who intentionally and without authorization fells, or gives orders to fell, trees on state land.
2. The punishable acts mentioned under paragraph 1 are considered to be crimes.

#### Article 52

1. An imprisonment not exceeding three months or a fine not exceeding one hundred and fifty thousand guilders will be imposed on:
  - a. he who, without being authorised to do so, fells trees on state land and/or removes cultivation and/or harvest forest by-products or orders this to be done.
  - b. he who, contrary to the provisions of Article 47, operates a wood-processing industry without being in the possession of a valid licence as referred to in that article.
  - c. he who violates or fails to observe any other provision prescribed in, or by virtue of, this Act and which has not already been made punishable by virtue of any other legal provision.
2. The punishable acts mentioned under paragraph 1 are considered to be misdemeanors.

#### Article 53

1. Apart from the persons mentioned in Article 134 of the Code of Criminal Procedure, the Head and all forestry officials designated under or by virtue of this Act and for supervising the facts made punishable under or by virtue of this Act and for supervising whether the rules laid down in or by virtue of this Act, are observed.
2. The officials referred to in paragraph 1 must, when discharging their duties, be provided with proof of identity, issued by the Head, stating their name, rank and id necessary, their powers. This proof of identity must be shown on request. The Minister is authorised to lay down further rules with regard to the identification of these officials.

#### Article 54

1. The officials referred to in Article 53 paragraph 1 will at all times have access to all places to which they might reasonably require entry for the fulfillment of their duties. If they are denied access, they are authorised to gain access by force, when necessary. In dwellings, however, they may not gain access against the wish of the occupant unless provided with a general or special written order issued by a prosecuting officer or a special written order of the authorised District Commissioner.
2. An official report of the access thus gained shall be written and a copy shall be delivered within twice twenty-four hours, to the person into whose home forced access was gained.

#### Article 55

1. The officials referred to in Article 53 paragraph 1 are all authorised to seize, or to demand delivery for the purpose of seizing, wood and other forest products, means of transport, as well as all other objects which, in their opinion, may reasonable serve to detect the truth concerning the commission of an act which is punishable under or by virtue of this Act, or which may be ordered seized, destroyed or rendered useless.
2. The official report should make mention of the seizure.
3. The objects seized as referred to in paragraph 1, will be disposed of in the manner described in Articles 102 through 104 of the Code of Criminal Procedure. If the goods include objects or things, which are perishable, the Attorney General may grant permission to proceed with the sale of those objects or things. The sale will be conducted in public by the officials referred to in Article 53 paragraph 1, in accordance with local custom.
4. Objects gained as a result of a crime or violation mentioned in this Act or used to willfully commit a crime of violation mentioned in this Act, or the proceeds of such objects, may be forfeited even if they do not belong to the convicted person.
5. Forfeited objects will be disposed of in a manner to be determined by the Attorney General.

#### Article 56

1. a. If a fact to which a penalty has been attached by or by virtue of this Act, is committed by or on behalf of a legal entity, criminal proceedings may be instituted and the penalties and measures provided for by law may be imposed, if and in so far as there are reasons for their application:
  1. in respect of that legal entity, or;
  2. in respect of the members of the Supervisory or Executive board of such legal entity, or against the person who gave the order regarding the fact or who had factual control over the execution thereof, or;

3. in respect of the persons referred to in sub-paragraphs 1 and 2 jointly.
    - b. No penalties shall be imposed on a member of the Supervisory Board or Executive Board if it appears that the fact was committed through no fault of his.
2. A punishable act is, inter alia, committed by or on behalf of a legal entity, when committed by persons who, either by virtue of their office or otherwise, act within the ambit of the legal entity, irrespective of whether these persons have each separately committed the punishable fact or whose joint activities meet with the legal description of the criminal offence regarding that punishable act.
3. If criminal proceedings are instituted against a legal entity, it shall be represented during the proceedings by the manager or, if there are several managers, by any one of them. The representative may be represented in court by his proxy. The judge can order the personal appearance of a specific manager; he may then also order such person to be brought to court.
4. If criminal proceedings are instituted against a legal entity, the court notifications will be served at the offices or at the place of meetings of the Board or at the residence of the president of the Board, or, if the Board has no president, at the residence of one of the managers. If a legal document as referred to in Article 515 of the Code of Criminal Procedure is to be served, Article 517 paragraphs 2 and 3 of the Code shall apply accordingly.
5. For the purpose of the provisions contained in the previous paragraphs, the following entities will be considered legal entities:
  - a. a company which is not an incorporated society;
  - b. a partnership;
  - c. any other association.

#### Article 57

1. The Attorney General may delegate his authority mentioned in Article 100 of the Criminal Code to the Director and/or Head or to an official specifically designated by the Director or the Head. The Attorney General will determine and publish the fixed penalties for the different facts, which are punishable under or by virtue of this Act. In the interest of proper supervision of the accounts of the amounts received, the Director and/or the Head or the previously mentioned official may not set conditions other than payment of the amounts determined by the Attorney-General.
2. The Attorney General may, in the interest of the proper administration of justice, order that the Director and/or the Head, or official authorised by them, do not utilize their authority to compound. Likewise he may order that the aforementioned officials shall not exercise their power to compound until further notice, where in his judgement, this is required for the fulfillment of the functions of such officials.
3. The official referred to in paragraph 1 will immediately issue a receipt, dated and signed by him, to the person who voluntarily complies with the conditions laid down. He will keep a record of each person who has voluntarily complied with a condition imposed by him, of the punishable acts detected while they were being committed, and of the amount of money paid. These records will be sent to the Attorney General within seven days of the end of each month.
4. The fixed penalty payments received will be deposited monthly with the Central Paymaster for the benefit of the Directorate of Justice. Financial records of these amounts will be kept in such a manner that supervision and accounting will be possible at all times.
5. The Attorney General will determine the form of the receipt mentioned in paragraph 3 of this Article, of the register of fixed penalties referred to in the same paragraph, as well as further rules regarding their settlement.

## CHAPTER VIII

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 58

1. The recovery of the compensations, duties and fees due by virtue of this Act, is done at the request of the Head by an official to be appointed by the director of the ministry responsible for finances, as referred to in the act providing for the judicial procedures regarding taxes in Suriname.
2. Except for the provisions in paragraphs 3 through 7 of this Article, the following legal regulations will no longer apply as from the date on which this Act becomes effective:
  - a. the “1947 Timber Law” and the resolution issued by virtue of this law;
  - b. all other legal provisions in the fields of forest management, forest exploitation and the primary wood-processing sector, in so far as they do not conform with the provisions laid down in this Act.
3. The amounts of charges established by virtue of Article 7 of the “1947 Timber Law” will be valid until revised by virtue of this Act.
4. The state decrees and implementing resolution issued by virtue of the “1947 Timber Law” will remain in force until replaced by virtue of this Act.
5. The concessions and licences granted by virtue of the “1947 Timber Law” and the “Resolutions of 24 November 1947 and 23 October 1973” will remain valid for the duration for which they have been granted, on the proviso that the provisions of this Act will apply accordingly.
6. Agreements concerning the exploitation of the forest by third parties on licences for wood-felling by virtue of the “1947 Timber Law” which have not become invalid by the designation of a forest area as communal forest, will be valid for one year after this Act has become effective, in so far as not superseded by new agreements concluded before the District Commissioner, in accordance with a model determined by the Minister.
7. The provisions of the “1950 Timber Export Ordinance” will remain valid until replaced by virtue of this Act.
8. Article 1 sub-paragraph 24 of the “Decree on Economic Delicts” will read “Forest Management Act” instead of “Timber Law – (Government Gazette 1947, No. 42)”.

#### Article 59

Extensions of licences for the operation of a timber industry, granted on the basis of Article 19 of the “Regulations for the Administration of Districts”, will be effected in accordance with Article 47 paragraph 1 of this Act.

#### Article 60

With regard to forest exploitation on state land let out on hereditary lease or on land lease, the provisions of Article 11 paragraph 2 of the “Agrarian Act” and of article 20 of the “Decree on the Allocation of State Land” will apply.

#### Article 61

In Article 1 paragraph 2 of the “Act providing for the judicial procedure regarding taxes”, the following correction will be made: in line 5, after the comma after the words “take out on hereditary lease”, the following phrase is added: “duties, compensations and fees payable by virtue of the Act on Forest Management”.

#### Article 62

“The 1954 Nature Protection Act” is revised as follows:

After Article 11, a new article is incorporated, stating:

#### “Article 11 a

1. In this Article “the Head” means the Head referred to in Article 3.
2. The Attorney General may delegate his authority mentioned in Article 100 of the Criminal Code to the Director and/or the Head or an official specifically nominated by the Director or the Head. The Attorney General will establish and publish the fixed penalties for the different facts, which are punishable under or by virtue of this Act.

In the interest of the proper supervision of the accounts of the amounts received, the Director and/or the Head of the aforementioned officials, may not set conditions other than payment of the amounts determined by the Attorney General.

3. The Attorney General may, in the interest of the proper administration of justice, order that the Director and/or the Head, or official authorised by them, do not utilize their authority to compound. Likewise he may order that the aforementioned officials shall not exercise their power to compound until further notice, where in his judgement, this is required for the fulfillment of the functions of such officials.
4. The official referred to in paragraph 2 will immediately issue a receipt, dated and signed by him, to the person who voluntarily complies with the conditions laid down. He will keep a record of each person who has voluntarily complied with a condition imposed by him, of the punishable acts detected while they were being committed, and of the amount of money paid. These records will be sent to the Attorney General within seven days of the end of each month.
5. The fixed penalty payments received will be deposited monthly with the Central Paymaster for the benefit of the Directorate of Justice. Financial records of these amounts will be kept in such a manner that supervision and accounting will be possible at all times.
6. The Attorney General will determine the form of the receipt mentioned in paragraph 4 of this Article, of the register of fixed penalties referred to in the same paragraph, as well as further rules regarding their settlement.

#### Article 63

1. This Act, which may be referred to as the “Forest Management Act”, will be published in the Official Gazette of the Republic of Suriname.
2. It will become effective as from the day following its proclamation.

Done in Paramaribo, this 18<sup>th</sup> September 1992

R. R. VENETIAAN

The Vice President, Chairman of the Council of Ministers,

J . R . AJODHIA

The Minister of Natural Resources,

H . R . POLLACK

The Minister of Justice and Police,

S . K . GIRJASING

The Minister of Trade and Industry,

T . GOBARDHAN

The Minister of Finance,

H . S . HILDENBERG

Issued in Paramaribo, this 18<sup>th</sup> September 1992

The Minister of Home Affairs,

J . S . SISAL