

Support Sound Land Use Planning in Suriname
A review of the Legal and Institutional Framework for LUP



**MINISTERIE VAN
RUIMTELIJKE ORDENING
GROND- EN BOSBEHEER**

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Background

- *Economic development created a proliferation of competing demands on the rich natural resources*
- *LUP in Suriname is characterized by the issuance of overlapping mining and forestry concessions, double issuance of Domain land, lack of structure, planning and zoning plans, and even land degradation in protected areas*
- *The Government expresses the need for spatial planning of its territory in the Development Plan 2012-2016. It is Governments priority intention to develop updated legislation for spatial planning*
- *The spatial planning function, inherently including land use planning, has been placed under the Ministry of RGB, however a clear and updated legal framework to support its functions is still lacking*
- *WWF Guianas wants to support the government in its intention to cope with the challenges of sound land use planning*

Objectives

- *Collect and analyze baseline information on the status and future of sound land use planning in the northern half of Suriname*
- *Identify gaps and challenges for SLUP in the northern half of Suriname, with a focus on important themes such as capacity building, coordination, institutional strengthening and priority setting*
- *Conduct a quick scan analysis for sound land use planning in the southern part of Suriname*
- *Best practices and lessons learned of sound land use planning in countries similar to Suriname.*
- *Develop a roadmap to support the sub-directorate of Spatial Planning of the Ministry of RGB in close collaboration with other ministries and agencies to come to SLUP in Suriname*

Methodology

- *Desk research*
- *Consultations*
- *Field orientation visits*
- *Surveys*

Consultancy Team

Mr. Nancy del Prado

Team leader & legal and institutional review

Review of existing Policy, legislative and institutional framework

Drs. Henk Lutchman

Specialist in Spatial Development Planning

SWOT on landuse planning practices, Institutional, organizational structure for LUP for RGB, Towards a shared vision for SLUP in Suriname

Dr. Christine Toppin - Allahar

Environmental legal specialist and a degree in Geography and Planning

Review of LUP practices outside Suriname

Development 2012-2016 ⁽¹⁾

- *The government acknowledges that spatial planning is needed for responsible use of the land.*
- *It is a priority of the government to develop updated legislation for spatial planning. This will provide the government the authority and the obligation to direct spatial planning*
- *The government will implement spatial policy through zoning plans. Zoning plans will be the policy vision of the government for future spatial development for a certain area. Both Government as well as citizens will have to obey to these plans.*

Development 2012-2016

- *Planning of land and natural resources will be concretized within zoning and structural plans*
- *Regional and zoning plans will consider physical development opportunities and social, cultural and economic circumstances of the area.*
- *The GLIS project is an important foundation for sound spatial planning, especially in terms of the uniformity of the accuracy of geographic information. The digital land information will be used as the basis for developing regional, structure and zoning plans as well as monitoring of projects*

Legal Framework

Land use planning legislation and land management legislation will have an impact on land use practices in Suriname. Judicious land use planning together with careful land administration will generally lead to effective land management which is an essential prerequisite for sound national development.

Legal Framework

Land use planning

- *Planning Act*
- *Urban Planning Act and related Building Act*
- *Act on Regional Bodies*

Land use/ management

- *Constitution*
- *Civil Code*
- *L-decrees*
- *Forest management Act*
- *Nature Conservation Act*
- *Ministerial Orders establishing MUMA's*
- *Guidelines for land issuance in the estuarine management areas*
- *Mining Decree*
- *Decree E-8B*
- *Petroleum Act*
- *Etc.*

Current LUP legal Framework

- *The current LUP legislation is scattered across various laws and regulations administered by different ministries and government agencies*
- *The planning legislation dates back to the colonial period, while the legislation relating to the use and management of land and natural resources was adopted after independence.*
- *The Planning Act and the Urban Planning Act set out a strategic framework for zoning and land use planning*

Gaps and Constraints

- *Planning Act is inoperable; planning organs not in place*
- *The revision of the Statutes of NPO, placing it under the Cabinet of the Vice President is not in conformity with the law*
- *Subsequent National Development Plans lack maps picturing spatial development*
- *Although the Planning Act provides for designation of areas, a methodology (procedures and criteria) for appointment is lacking*

Gaps and Constraints

- *Structure plans under the Urban Planning act have not been promulgated so far*
- *The Inter-Departmental Commission under the UP Act is currently non-existent which hampers effective implementation*
- *The Act does not provide for a methodology on how to arrive at structure plans and zoning plans*
- *Zoning Plans do not exist in the absence of structure plans*
- *Parceling in non-urban areas is not regulated*
- *Lack of LUP legislation for non-urbanized areas*

Legal framework for Land management

- *Legislative regime for land management consists of mainly fragmented pieces of legislation regulating the issuance of land and use of natural resources*
- *Some of the legislation has their own land use planning scheme:*
 - *Forest Management Act designates different types of forest, which should be in conformity with national and regional plans*
 - *Mining Act provides for designating areas for small scale mining*
 - *The Hindrance Act provides for designating streets, neighborhoods, towns and cities where certain facilities are not allowed to be established*
 - *The Nature Conservation Act provides for establishing nature reserves*

Gaps and Challenges

- *Protected area legislation (Nature reserves and MUMA's) provides for designating lands without making reference to national and regional land use plans*
- *Conflicting situations arise between different type of land users due to the fact that laws are not aligned.*
- *Issuance of domain land under the L-Decree should be in line with regional development, structure and zoning plans. However these are still lacking*
- *Mandatory plans for re-use of mined out areas are difficult to be developed when the Government is not even sure about the ultimate destination of mined out land*

Additional unresolved issues

- *The absence of an overarching environmental Act*
- *The unresolved issue with regards to maroon and indigenous rights*
- *The issue of undivided estates (boedelprobleem)*

Technical Scale levels of Spatial Planning & existing Planning Powers

Level of Spatial or Development Planning	Existing Agency/Law			
	RGB	NPO	OW	RO/DC
	Task description	Planning Act	Urban Planning Act	Act on Regional Bodies
National	Sound spatial planning in dialogue with a. o. the Ministry of LVV, RO, NH and OW Land allocation (<i>Bodembestemming</i>)	National Development Programme		
Regional		Regional Development Programme		District Plans
Local		Designation of: <ul style="list-style-type: none"> • Development Areas • Residential Areas • Special Controlled Areas 	Structure Plans for Urban Areas Land subdivisions and land subdivision Plans proper for housing (restricted to urban areas)	Resort Plans
Neighbourhood			Land subdivisions and land subdivision Plans proper for housing (restricted to Urban areas) Urban re-development plans	
Parcel			Urban Neighbourhood Improvement Plans	

Ministries and agencies with land related tasks

Ministries/ Agencies	Related Tasks
RGB	<i>Proper spatial planning in consultation with other ministries Topography, cartography, geodesy, soil survey and soil mapping Landuse (bodembestemming) and proper land allocation Cadastre and land registers Control of efficient use of land Exploration and exploitation and management of flora and fauna</i>
OW	<i>Civil engineering and infrastructural works Town planning and development Water management and drainage control Maintenance of parks, gardens, landscaping</i>
RO	<i>Regional administration Integrated government actions, aimed at regional development and enhancement of the living environment of inhabitants of the districts and reconstruction of the interior.</i>
FIN	<i>National development planning, as well as for the integration of sectoral and regional plans and programs in the national plan</i>

Ministries and agencies with land related tasks

Ministries/ Agencies	Related Tasks
LVV	<i>Monitoring the correct use of agriculture land and waters. The prevention and control of animal and plant diseases and pests Aquaculture and agro-industry</i>
NH	<i>National policy with regard to energy and natural resources, except for forest policy; and Inventory, exploration, exploitation of minerals and optimum management of the natural resource water, and the energy required natural resources. Drinking water supply Energy supply</i>
GLIS	<i>Administering of public records; Parcel administration , and the preparation, maintenance and update of the geometric file; and Maintenance of the National Geodetic Reference System.</i>
NIMOS	<i>Establish and implement national environmental legislation, preparing and implementing regulations for the protection of the environment and to coordinate and monitor the compliance with these requirements.</i>

Institutional Challenges (1)

- *Different pieces of legislation provide different Government bodies with responsibilities for planning (Planning Act-NPO, Urban Planning Act-OW)*
- *The Ministry of RGB has given responsibility by an State Order, which is lower in hierarchy than an Act of Parliament*
- *Lack of a structured coordination between relevant government agencies in the land allocation process*
- *In the permitting process for exploitation of natural resources there is also a lack of coordination between permitting agencies (GMD, SBB, DC), resulting in overlapping concessions;*

Institutional Challenges (32)

- *Planning institutions are not established, hampering the implementation of the Planning legislation*
- *Statutory changes of the NPO are debatable (contravenes the law)*
- *There is confusion about and overlap of responsibilities related to spatial planning due to the fact that different ministries and organizations have departments responsible for spatial land use allocation*

Preliminary Conclusions (1)

- *Current legal and institutional LUP framework is ineffective, fragmentary and functions on an ad hoc base, but provides a starting point to develop an updated, improved and harmonized framework;*
- *Current legal framework does not facilitate a practical and effective overview of tasks. LUP is assigned to several institutions which are not related or coordinated. Limited LUP capacity is dispersed between several agencies*
- *Planning Act is inoperative*
- *Urban development management under the Urban Planning Act is being undertaken by the Ministry of OW, however no structural and zoning plans have been promulgated*

Preliminary conclusions (2)

- *RGB is well-suited to play the role of coordinating agency for LUP as there are synergies between this task and the other tasks assigned to the Ministry. However, RGB is currently not equipped to perform this function*
- *At present, the strongest function of RGB to coordinate sound land use planning (both conceptual, procedural and in practice) is their land allocation task on a country-wide scale. This task needs to be substantively reinforced to strengthen RGB institutionally*

Recommendations (2)

- *The Planning Act should be replaced or amended by a comprehensive piece of planning legislation that meets contemporary needs. If necessary, amendments should be made to the Urban Planning Act to harmonize the laws*
- *RGB should administer the new Planning Act. This would mean some adjustments in the mission of NPO and the legislation governing that agency.*
- *The role of RGB should preferably be coordinating and not taking over all the LUP functions of other agencies. There are synergies between OW's urban planning function and its other tasks. Moreover, the District Administrations should play a more prominent role in the preparation of regional and local area plans both urban and non-urbanized areas.*

Recommendations (2)

- *Cooperative efforts between all the ministries with Land use planning responsibilities should be intensified in support of establishing a strong institutional structure for sound land use planning.*
- *The aim should be to eliminate task overlaps, reduce administrative inefficiencies, duplications and conflicting situations.*
- *Since different agencies are performing different LUP functions, it is necessary to develop a coordination structure to synchronize land use planning activities*
- *All relevant Ministries, agencies and institutions should be involved in the process to develop an improved and harmonized framework.*

An aerial photograph of a landscape, possibly a park or natural area, with a semi-transparent green overlay. The overlay features white contour lines that delineate various terrain features and boundaries. The background shows a mix of green vegetation, some buildings, and a road network.

Thank You!