SUMMARY

THREE CENTURIES OF LAND POLICY IN SURINAM.

In this book dealing with the history of land policy in Surinam, the results have been laid down of an inquiry into the background and the development of land rights in this country. In doing so attention has been paid to legal, political, social and economic factors, which have exercised their influence on the nature of land tenure.

Part I deals with the development of the so-called „allodiale eigendom en erfelijk bezit“, the oldest and commonest form of land tenure in Surinam. Since the greater part of the cultivated area has been granted under this title, and since this legal form is observed up to the present when land is granted, this tenure continues to occupy the most important place among the existing rights by which real property is held in Surinam.

The right in question, which was granted to Dutch colonists already in the seventeenth century, appears to be rather of American than of typically Dutch origin. For the Netherlands followed, just like the other Western European powers at the time when they founded colonies in America, the example of Spain, the country which was first to take up the actual colonisation of the new continent. This country adopted a system of land grants in that part of the world, which was also in use at the time of the recapture of the area occupied by the Moors in Spain itself. When the Dutch took up colonisation, this feudal system was already fully developed in the Spanish and afterwards in the Portuguese colonies. They, consequently, took over this system of land grants, which was adapted as much as possible to Dutch law, but which has since gone through a complete development of its own.

In the former half of the seventeenth century several attempts were made at founding a settlement in Surinam. The first who was successful in these attempts, was Francis Lord WILLOUGHBY of PARHAM, a refugee royalist from England, who with a number of British planters, founded a well-planned colony in 1652. This colony became prosperous fairly soon, and WILLOUGHBY obtained a patent from the King of England in 1662. In those days a right was granted to planters known as freehold, which involved annual fees. The land could be sold in its entirety or in part.

In 1667 the Dutch conquered the English colony and remained in possession of Surinam. The Dutch granted the colonists, free of charge, the necessary land bordering on the rivers to start a plantation there. In the town small plots of land for the building of houses were granted in a similar way. These grants resembled the English freehold, and therefore the rights issued during the English administration were considered equivalent to the Dutch grants. The landed proprietors were not only obliged to cultivate the land granted to them, but they could be compelled to contribute to public works. These public works comprised the construction and maintenance of roads and fortifications, the digging of canals or the building of dams. Moreover the planters were obliged to take with their slaves an active part in the defence of the colony in 482
case of a hostile attack, without receiving any compensation. The owners of buildings-sites in the town were obliged to erect a good house and to keep the street bordering on them in good repair. If the owners failed to meet their obligations, their rights determined and the land belonged once again absolutely to the Dutch Government.

In the first few decades of the Dutch administration Surinam went through a period of economic recession, but already towards the end of the seventeenth century things began to look up, and the colony became a prosperous province. The plantation system came to great prosperity, reaching its culminating point in the middle of the eighteenth century. The planters had a voice in the administration and the jurisdiction of the colony. In the long run the Government found itself obliged to include an increasing number of conditions in the warrants by means of which the land was granted, in order to protect its rights, especially when the planters failed to meet their obligations. The land-right, which before this time had in vague terms compelled the colonists to contribute to public charges, became more definite owing to this procedure. The conditions and limitations associated with the possession of land were, in course of time, incorporated in the warrants in carefully specified terms, so that these detailed warrants became to an increasing degree the standard of the scope of the tenure of each holder.

Towards the end of the eighteenth century this wholesale agriculture declined in consequence of the fall in the prices of colonial produce and the constant fights against runaway slaves, who had united in great numbers and who were a source of ever-increasing trouble to the white colonists. In 1799 Surinam was conquered by the English, but in 1802 it was restored to the Netherlands. In 1814, however, the colony was lost again to England, but in accordance with the peace-treaty of London of 1814, Surinam was transferred again to the Kingdom of the Netherlands. Since then the country has gone through a period of gradual development from colony to equivalent partner of the mother-country, incorporated in the Kingdom. The sovereign rights on the land have, at the same time, been transferred from the Crown to the own Government of Surinam itself.

In the nineteenth century the plantations declined more and more and have never recovered their former prosperity. The title for land grants remained, however, unchanged. The fact that the Netherlands Civil Code was introduced into Surinam almost a century ago, has exercised no influence on this for its regulation on land rights were, on the whole, never observed in all its details. "Allodiale eigendom en erfelijk bezit" has consequently remained a right which clearly differs from property according to the principles of Dutch law.

Part II deals with the other land rights, which are bound up with the agrarian policy of the last seventy-five years. In this period the small farms have developed, especially because of the fact that Asiatic immigrants, who had come to Surinam as agricultural labourers in connection with the abolition of slavery in 1883, remained in this country after the termination of their contract and began to apply themselves to agriculture independently. This form of agriculture is nowadays of the utmost importance, so that the agrarian policy is practically entirely focussed on the needs of this undertaking.

Since the old land-right "allodiale eigendom en erfelijk bezit", which obliged grantees to cultivate the territory allotted to them, had proved its usefulness, several plots of land have been granted to small farmers under this title. As a
rule, however, different grants or licences and permissions to occupy a portion of land have been issued of late, which give the Government greater authority to guarantee cultivation as efficient as possible.

Moreover this book contains a description of the licences and privileges on Government land and forests which give a right to mine or search for minerals, to cut wood, to collect balata or other gums and fruit, together with the rights with relating game and fish.

In Part III some important rights of the Government, particularly with regard to the restoration of uncultivated plantations, have been discussed. The forfeiture of grants in consequence of the non-compliance with other conditions of the warrants has also been dealt with. Moreover the rights and privileges of the Indians and the Bush negroes on their territory occupied in the interior of Surinam have been submitted to a legal investigation.