

Decree of 8 May 1986
containing general rules
concerning the exploration
and exploitation of minerals (Mining Decree)

THE PRESIDENT OF THE REPUBLIC OF SURINAM

Having considered,
that it is advisable to establish new rules concerning the exploration and exploitation of
minerals adapted to the present needs and circumstances;

Has, with approval of the Military Authority and the Council of Ministers, established the
following decree:

CHAPTER I – DEFINITIONS

Article 1

It is understood in this decree by:

- a. Building materials:
All forms of rocks, such as gravel, sand, clay, shells as well as rubble and other
materials used for the construction of buildings, roads, dams, airports and similar
works.
- b. Minerals:
All substances, either in gaseous, liquid or solid form, that by nature form part of
the earth's crust, including ores, all kinds of rocks and components of rocks, fossil
fuels and building materials, with the exception of ground water.
- c. Exploitation:
The exploration and, subsequently, processing, transport and marketing of
minerals.
- d. Exploitation terrain:
The terrain on which exploitation rights are granted the applicant.
- e. Exploration:
The execution of activities with the direct objective to determine as accurately as
possible the nature, extent, manner of occurrence and the economic value of the
mineral deposits as well as all other activities related to determining the economic
and technical attainability of mineral occurrences.
- f. Exploration terrain:

- The terrain on which exploration rights are granted the applicant.
- g. Small-scale mining:
The reconnaissance, exploration and exploitation of mineral deposits whose nature, manner of occurrence and extent make the winning, with the help of simple means and techniques, economically feasible.
 - h. Mining activities:
Reconnaissance, exploration, exploitation, small-scale mining or exploitation of building materials.
 - i. Mining rights
The rights defined in the first paragraph of Article 6.
 - j. Minister:
The minister charged with mining affairs.
 - k. State enterprise:
A partnership or corporate body in which the state itself and/or through state institutions exercise a say over its management.
 - l. Reconnaissance:
The execution of activities with the object to explore indications of mineral deposits other than those conducted by means of substantial drilling operations, ground or rock elevation, or other activities which cause changes to the natural form of the earth's surface and/or in the state of the subsoil.
 - m. Reconnaissance terrain:
The area on which the applicant is granted reconnaissance rights.

CHAPTER II – GENERAL PROVICIANS

Rights of the state concerning minerals

Article 2

1. All minerals in and on the ground are considered as separate from the property of the land.
2. All minerals within the territory of the state of Surinam, including the territorial sea, its bottom and subsoil as defined in the Law of 14 April 1978 (State Gazette 1978 No. 26) are the property of the state.
3. In the economic zone, namely the sea territory bordering the territorial sea of the Republic of Surinam, which zone is defined in Article 3 of the Law of 14 April

- 1978 (State Gazette 1978 No. 26) the state of Surinam exercises exclusive sovereign rights with regard to reconnaissance, exploitation and maintenance (in the same condition) of and control over minerals on the seabed, underground and in the waters above it.
4. In the continental shelf, namely the seabed and subsoil of the sea territory outside of the territorial sea to the outer edge of the continental border, or to within a distance of 200 nautical miles starting from the base line from where the breadth of the territorial sea is measured in case the continental border lies within 200 nautical miles, the State of Surinam also exercises exclusive sovereign rights with respect to reconnaissance, exploration and exploitation of minerals.
 5. Without prejudicing the foregoing, rules will be issued by state decree bearing on, among other things:
 - a. the construction and use of artificial islands, installations and similar structures;
 - b. the protection of the sea environment, including measures against pollution;
 - c. the conduct of scientific research and experiments;
 - d. other activities geared to efficient reconnaissance, exploration and exploitation of minerals in the economic zone and the continental shelf.
 6. No one is permitted to conduct mining activities and activities related to mining unless they comply with lawful regulations related to mining. These activities can be conducted only after rights to do so have been granted by the competent authority as defined in Article 6.

Minerals Policy

Article 3

The making of national mining policy is reserved for the Government. The minister is charged with the execution of this policy.

Interests of the state

Article 4

1. All mining activities shall be conducted in the most efficient way, taking into account the higher interests of the nation and keeping in mind most modern international techniques and the customary methods common in the mining industry and the general applicable tacit stipulations; further, expert use of advanced technology and effective materials, and with due regard to valid norms in the field of safety and health of personnel in particular, and the community in general as well as norms for the protection of ecological systems.
2. For the activities mentioned in the first paragraph of this article, the use of Surinamese as well as goods produced in Surinam and services rendered by enterprises established in Surinam is preferred if they are available under conditions which are not less favourable – with regard to prices, types, varieties, quality – than those common in the branch of industry in question and under which similar goods and services can be obtained elsewhere.
3. A mining rights holder who does not reside in Surinam should have at his disposal in Surinam such an office space that the stipulation in paragraph 1 can be positively met.

Article 9

1. Mining rights can only be granted if the applicant has proved to the satisfaction of the minister, among other things: his financial position, technical capacity, organizational capability and experience with regard to the mineral(s) for which mining rights are requested.

Article 10

1. The application for mining rights should be prepared in writing in the Dutch language and sent to the minister in triplicate. All records should be furnished with a date and signature, indicating the capacity of the signer.
2. The application should mention all necessary data from the applicant, in any case:
 - a. with regard to natural persons: name and given name; date and place of birth, nationality, residence in Surinam and address;
 - b. with regard to a corporate body or partnership: name, type of corporate body or partnership, the rights suitable for it, place of founding and establishment, name and address of a representative in Surinam, the nominal capital, subscribed capital, paid-in capital as well as names and addresses of managers and those who may establish contacts between the corporate body or partnership and a third party.
3. The first application should enclose:

- a. with regard to natural persons: an exempt from the population register or proof of his identity;
 - b. with regard to corporate bodies and partnerships:
 - a certified copy of statutes;
 - a transcript of the latest published balance sheet with exploitation accounts, profit and loss account, reports from the accountant and the Board of Directors or a similar organ, and approval of the annual account by the general meeting of shareholders or a similar organ;
 - a list or names, given names, nationalities, occupations and addresses of the chairman and members of the Board of Directors or a similar organ;
 - the credentials of the signers.
4. Data mentioned in the third paragraph of this article need not be submitted in a second and following applications if they are still applicable, but the applicant must mention the submission of documents already made with the statement that the data are still valid.
 5. Each change concerning the data mentioned in the third paragraph of this article should be immediately made known to the minister.
 6. The minister can at any time require from the mining rights applicant supplemental data outside of those mentioned in the second and third paragraphs of this article.

Transfer and renting

Article 11

1. The reconnaissance and small-scale mining rights are not transferrable and cannot be relinquished for renting or use by a third party.
2. The exploration rights, exploitation rights as well as building materials exploitation rights may be wholly or partially transferred or relinquished for renting or use by a third party only with written approval from the authorities having the authority to grant such rights, and the transfer can be made to persons or enterprises that meet the requirements applicable to an applicant of the rights concerned.
3. Those to whom the rights mentioned in the second paragraph of this article are transferred, relinquished for use or renting, are individually fully committed with respect to all obligations related to what is turned over to them, relinquished for renting or use.
4. The exploitation rights as well as building materials exploitation rights are essentially immovable rights. The execution of the transfer can take place only with approval from the authorities authorized to grant those rights, and the executor can only

transfer them to a third party who fully meets the requirements which the applicant of the rights concerned must fulfill.

Article 12

An intended stipulation in which a mining rights holder assumes the responsibility to transfer this rights and relinquish them for renting or use should be made known in advance to the authority authorized to great such rights who can oppose the stipulation within two months. Refrainment from opposition does not imply the approval referred to in the second paragraph of article 11.

Registration

Article 13

1. The registration at the mortgage office is governed by state decree with regard to the mining rights mentioned in that decree. the register set up in the state decree will be public and thereupon the negative registration system will be applicable.
2. Granting, transfer of or objection to mining rights come into force due to their entry in the register mentioned in the first paragraph of this article.
3. The holder of a mining license or concession obtained before this decree takes effect is obliged, with the termination of his rights as penalty, to enter his rights within two years after the coming into force of the state decree mentioned in the first paragraph of this article.

Termination and revocation

Article 14

Mining rights are terminated due to:

1. expiration of the term for which they have been granted;
2. relinquishment;
3. revocation.

Article 15

The reconnaissance rights and exploration rights shall not end due to the expiration of the term for which they have been granted if the holder of the rights concerned, on the basis of articles 23 and 27, has in time requested an extension, and the requested extension has not been denied.

Article 16

1. Upon the termination of mining rights, the holder shall, to the satisfaction of the minister, take all necessary steps in the interest of public safety, conservation of the sedimentary deposits, making the terrain concerned usable again, and protection of the environment.
2. If the holder of the rights mentioned in the first paragraph of this article fails to take the measures mentioned in that paragraph, the state can authorize the judge to have those measures taken at the expense of the holder of the rights.
3. Unless stipulated otherwise or agreed upon during the extension of mining rights, the holder or former holder of mining rights is entitled, within six months following the termination of the aforementioned rights, to take with him all movables which are his property and are found on the terrain on which the rights are/ were located. In the same sense he may, but only after authorization by the minister, break up and move buildings which in the judgement of the minister, are not necessary for the conservation of the sedimentary deposits.

Article 17

1. The holder of mining rights who wishes to relinquish his rights wholly or partially should make a request to that end to the minister. This request should be made:
 - a. for reconnaissance rights, not later than one month;
 - b. for exploration rights, not later than three months;
 - c. for exploitation rights, not later than two years;before the intended date of relinquishment.

In case of relinquishment the request should:

- a. include a description of the remaining area, giving the geographic coordinates of the borders, further indicated on a figurative map, in triplicate, made by a surveyor in Surinam, on which the rights are related, and which is related to the area which will remain, and with the same scale as the map on which the original mining rights had been granted.
 - b. mention the particulars concerning activities conducted on the area to be relinquished.
2. The minister will attach conditions to the relinquishment if he finds it advisable, with respect to the public safety, conservation of the sedimentary deposits and making the terrain to be relinquished usable again.

3. The minister will not approve the request for relinquishment if and as long as the conditions mentioned in the second paragraph of this article are not met.
4. He who wholly or partially relinquishes his mining rights is required to submit to the minister a final report on his activities on the relinquished terrain.

Article 18

1. The minister has the authority to suspend or revoke granted mining rights if the holder;
 - a. barring force majeure, fails to fulfill legal stipulations and imposed or agreed conditions applicable to the rights concerned.
 - b. transferred or relinquished his mining rights for renting or use without prior approval as mentioned in Article 11.
 - c. has failed to make known his stipulation to transfer for renting or use as mentioned in Article 12.
 - d. within three months after being indebted, has not made payment to the government.
 - e. has been legally convicted for conducting illegal exploitation.
 - f. has refused to carry out an arbitral judgement referred to in the second paragraph of Article 62.
2. The suspension or revocation referred to in the first paragraph of this article will not take place before the minister has determined the mining rights holder to have failed to make known what is specifically expected from him and before the termination of a period of time, no longer than thirty days, in which to carry out the stipulation.
3. The mining rights end with their revocation, with the understanding that all liabilities and responsibilities resulting from the mining rights in question before the date of termination continue to exist.

Discovery of minerals

Article 19

A mining rights holder is obligated to inform the minister about each mineral deposit within thirty days of its discovery, enclosing all available data about it.

Reservation of terrain

Article 20

1. By state decree, with regard to certain minerals, areas or terrains can be reserved for a certain period of time:
 - a. in the public interest,
 - b. for granting of mining rights under special circumstances.
2. The mining rights existing on the area to be reserved before the data of the state decree mentioned in the first paragraph of this article are honored.

CHAPTER IV – RECONNAISSANCE RIGHTS

Application

Article 21

1. The application for reconnaissance rights should take place in conformity with Article 10 and give:
 - a. the form, a polygon, of the terrain about which the application is made; the geographical coordinates of the angular points of the polygon, further indicated in the figurative map prepared by a surveyor in Surinam, in triplicate and with a scale of 1 : 100.000, according to the topographic map published by the Central Bureau of Aerial mapping, giving the borders of the terrain about which the application is made;
 - b. the mineral(s) about which the application is made;
 - c. the work program according to which the applicant plant so carry out activities, including time schedule(s), outlines of expenses to be paid, and materials and labor to be put in.
2. If further data are needed, or the supplied data require modifications, the minister will notify the applicant about it in writing.

Granting and duration of rights and size of territory

Article 22

1. The reconnaissance rights, in consideration of the third paragraph of Article 6, are granted for a period of no more than two years which can be extended only once for one year.
2. The reconnaissance rights are granted for a terrain not larger than 200,000 hectares.

Rights

Article 23

1. The holder of reconnaissance rights has the right, exclusive of others, to carry out reconnaissance activities in or on the reconnaissance terrain with regard to the mineral(s) for which the rights have been granted.
2. He is further entitled:
 - a. to enter for reconnaissance purposes the terrain to which his rights are related;
 - b. to set up camps and temporary buildings on the reconnaissance terrain for his personnel and materials which are necessary for the reconnaissance activities;
 - c. to have at his disposal specimens obtained from necessary research and to use them for experiments and analysis;
 - d. with approval of the minister, to transport specimens overseas.

Obligations

Article 24

The reconnaissance rights holder is obligated:

- a. to carry out reconnaissance activities according to the agreed work program, time schedule and outlines;
- b. to inform the minister about discovery of mineral indications within 30 days following the discovery;
- c. to submit to the minister quarterly a report on the activities he conducted;
- d. to present to the minister annually a report stating the scientific and technical results of the activities of the year in question, enclosing the necessary maps, profiles, diagrams, tables as well as a list of personnel according to nationality;
- e. to give the minister all unprocessed data, experiments and analyses, detailed reports and interpretations deemed necessary by the minister;
- f. to submit to the minister within two months following termination of his rights as a consequence of the stipulation of the first paragraph of Article 22 as a final report concerning the activities he carried out and the results achieved;
- g. to keep at the disposal of Surinam half of each of the specimens referred to in item c, second paragraph of Article 23.

CHAPTER V – EXPLORATION RIGHTS

Application

Article 25

1. The application for exploration rights should take place in conformity with Article 10 and give:
 - a. the form, a polygon, of the terrain about which the application is made; the geographical coordinates of the angular points of the polygon, further indicated in the figurative map prepared by a surveyor in Surinam, in triplicate, with a scale of 1:100,000, according to the topographic map published by the Central Bureau of Aerial Mapping of the same scale, giving the borders of the terrain about which the request is made;
 - b. a report on the villages existing in the terrain and in the vicinity of the requested terrain and on the residents, according to tribe.
 - c. the mineral(s) for which the request is made;
 - d. a general work program according to which the applicant intends to carry out activities during the term of the exploration rights to be granted as well as a detailed work program relating to the first 12 months, enclosing time schedule(s), the cost of the project and personnel and materials to be put in;
 - e. a statement in which the applicant commits himself to spending a certain minimum sum of money during the first period of the exploration rights to be granted referred to in the first paragraph of Article 27.
2. If further data are needed, or the data supplied need modifications the minister will inform the applicant in writing about it.
3. The minister can require from the applicant either proof of a bank deposit or bank guarantee form a banking institution in Surinam, covering a sum that in his judgement is desired with regard to the statement mentioned in the first paragraph, item e.

Article 26

1. If the request referred to in Article 25 is made by the holder of reconnaissance rights who has fulfilled all agreed obligations, the minister will take steps to arrive at an agreement with the applicant in a short period of time.

2. The reconnaissance rights already granted the applicant for the same minerals remains legally in force until the time when the decision concerning the application referred to in the first paragraph of this article is made.

Granting

Article 27

1. The exploration rights, in consideration of the third paragraph of Article 6, are granted for a period of no more than three years. The first period can be extended twice for a period of 2 years at a time, if the holder of the granted rights has carried out his activities to the satisfaction of the minister according to the agreed program in the period preceding the extension, and has spent as direct expenses at least the minimum sum of money committed for the preceding period, and on the condition that the applicant commits himself to spending a certain minimum sum for the immediately following period.
2. The exploitation rights are granted for a joined terrain not larger than 40,000 hectares. During each extension as stated in the first paragraph of this article, the size of the terrain will be reduced by at least 25% of the acreage existing in the first period as desired by the exploration rights holder, with the understanding that the remaining terrain constitutes a joined entity.
3. No exploration rights will be granted to others during the same period in the same area for the same mineral(s).
4. Before proceeding to grant the exploration rights, the minister can conclude an agreement with the applicant concerning special conditions under which the exploration rights will be granted.

Rights

Article 28

1. The holder of the exploration rights, excluding others, has the right to conduct exploration activities with respect to the mineral(s) for which the rights are granted.
2. He is further entitled:
 - a. to enter the exploration terrain for conducting the activities mentioned in the first paragraph;
 - b. to drill holes for specimen collection and carry out excavations and underground work which in his judgement are necessary;

- c. to set up camps and temporary buildings on the exploration terrain for personnel and materials necessary for said exploration activities;
- d. to bring in necessary infrastructure;
- e. to use geological specimens collected in the exploration area for experiments and analysis
- f. with approval of the minister, to transport the specimens overseas.

Obligations

Article 29

The exploration rights holder is obligated:

- a. to begin exploration activities within three months following extension of the exploration rights and to continue these activities without interruption of more than four months unless a longer period of interruption is granted by the minister;
- b. to carry out exploration activities in compliance with the agreed work program, and consult each year on a detailed program for the following year; changes to the work program can only be made with approval of the minister;
- c. to inform the minister about each finding of mineral(s) within thirty days after the discovery;
- d. to spend the minimum sum of money as direct expenses as reported during the extension of the exploration rights;
- e. to maintain complete and accurate lists, which indicate, among other things:
 - the number of drilled holes with possible diagrams, measurements, outlines and the like;
 - discovered mineral deposit(s);
 - unprocessed data obtained from geological, geochemical and geophysical research
 - all other work done in connection with the exploration activities;
 - number of persons, according to nationality, put in the exploration activities in this country;
 - expended expenditures with regard to the exploration activities;
 - all remaining matters which have been and will be stipulated.The minister can inspect the lists at any time.
- f. to refrain from commercial production; approval of the minister is required for selling products obtained from experimental production;

- g. to keep available in this country half of each specimen, in this case drilling specimen;
- h. to submit quarterly to the minister a report on his activities;
- i. to submit to the minister each year a report which mentions the scientific and technical results of his activities in the year concerned, enclosing the necessary maps, profiles, diagrams and tables as well as a list of expenses;
- j. to deliver to the minister all unprocessed data, experiments and analyses, detailed reports and interpretations as deemed necessary by the minister;
- k. if he belongs to an enterprise, to present annual records to the minister each year within three months following approval of the annual account;
- l. to pay the levy mentioned in the first paragraph of Article 63.

CHAPTER VI – EXPLOITATION RIGHTS

Application

Article 30

1. The application for exploitation rights, in consideration of Article 10, should be made no longer than six months before the termination of the exploration rights.
2. The application should provide:
 - a. the form, a polygon, of the terrain about which the application is made; the geographical coordinates of the angular points of this polygon, further indicated in the figurative map prepared by a surveyor in Surinam, in triplicate and with a scale no smaller than 1:50,000, according to the topographic map published by the Central Bureau of Aerial Mapping of the same scale, giving the borders of the terrain about which the application is made;
 - b. the name(s) of the mineral(s) to be mined;

- c. particulars of the mineral deposit with an extensive report containing the particulars of all shown minerals, proven, estimated and probable reserves according to acceptable international norms as well as a technological report of mining and handling possibilities;
 - d. a program on the basis of which the applicant intends to carry out mining activities with the related time schedule;
 - e. the production capacity to be installed and an estimated total proceeds from the mineral deposit;
 - f. a prediction of the capital to be invested, exploitation costs and sale proceeds as well as the intended method of financing;
 - g. a plan for launching goods manufactured and services rendered in this country;
 - h. a plan for the training of and transfer of know-how to Surinamese;
 - i. a plan for activities related to making the mined land usable again.
3. If further data are needed, or the provided data need modifications the minister will inform the applicant in writing about it.

Article 31

1. If the application referred to in Article 30 is made by the exploration rights holder who has discovered a mineral deposit of possible commercial value in the exploration terrain and has fulfilled all agreed obligations the minister will take steps to come to an agreement with the applicant in a short period of time.
2. The exploration rights already granted the applicant relating to the same minerals will legally remain in force until the time when a decision concerning the application mentioned in the first paragraph of this article has been made.

Participation of the state

Article 32

1. The state has the option to participate in the exploitation.
2. If the state intends to exercise the option mentioned in the foregoing paragraph, the minister will within 2 months after receiving the request mentioned in Article 30, notify the applicant about this intention.

Granting and duration of rights and size of area

Article 33

1. The exploitation rights, in consideration of the third paragraph of Article 6, are granted for a period of no longer than twenty five years, and can be extended under conditions to be agreed upon. If the exploitation rights holder wishes to make use of the possibility of textension he shall, no later than two years preceding the termination of his rights, submit a request to the minister making his desire known.
2. The exploitation rights are granted for a terrain not larger than 10,000 hectares.

Rights

Article 34

1. The exploitation rights holder is entitled, excluding others, to exploit minerals for which his rights have been granted, considering lawful regulations and agreed conditions.
2. He is further entitled:
 - a. to work on, process, transport and market the mined minerals mentioned in the first paragraph of this article in compliance with the agreed conditions during the granting of the exploitation rights;
 - b. to set up and keep all works and buildings in or on the exploitation terrain for the mining and processing of the minerals for which his rights have been granted. If the exploitation terrain involves domain land, he is also entitled to construct buildings intended as residence for his personnel.
The mining rights holder enjoys building and planting rights with respect to said works and buildings.
 - c. to continue reconnaissance and exploration activities in or on the exploitation terrain with respect to the mineral(s) for which his rights have been granted;
 - d. to use and process standing timber and building materials occurring on his exploitation terrain for setting up and maintaining the works and buildings mentioned in this paragraph item b as long as the exploitation terrain involved domain land. The minister can set conditions on this matter. Approval from the competent authority is required for selling felled and uprooted trees.

- e. if the exploitation terrain involves domain land, to grow fruits as well as vegetables on it for the daily food of his personnel. He is forbidden, without approval of the authority in charge of agricultural affairs and without heeding conditions which now exist and will be set by the authority, to carry out farming on the exploitation terrain for commercial purposes.

Obligations

Article 35

The exploitation rights holder is obligated:

- a. to promptly start the activities agreed upon and to continue them without interruption unless approval is granted by the minister for interruption under agreed conditions;
- b. to clearly indicate the location of the exploitation terrain in the field;
- c. to keep in mind the legal stipulations regarding the building of housing in urban areas in construction buildings for residence;
- d. annually, no later than 30 November, to report on the quantities of intended production and export for the coming year, raw materials and auxiliary materials to be imported, capital goods and other goods needed for his activities, along with the import value as well as an estimated export value and proceeds, the levies to be paid and sum of money to be financed;
- e. to keep complete and accurate lists in which technical and financial data on all activities can be checked.
- f. to report annually on the proven, estimated and possible reserves still under his rights, along with applicable maps, geological reports and analysis of minerals, aerial photos, drilling profiles as well as all other related data;
- g. to submit quarterly a report to the minister on his activities containing:
- quantities of produced, processed, marketed and exported mineral or mineral concentrate, with its composition;
 - the supply of mined mineral and/or mineral concentrate, with its composition;
 - the production value and export value of mineral or mineral concentrate;
 - the export markets and countries of destination;
 - the quantities of import of raw materials and auxiliary materials, types of fuels, capital goods and all other goods needed for his activities and their import value;
 - the levies and taxes paid or to be paid;
 - the number of workers, according to nationality, and wages paid.

- h. to submit to the minister yearly, not later than ninety days following the closing of his account books, his annual report which provides a complete review of the activities conducted in the year concerned, including but not limited to: production, investment, export, employment opportunities, profit and loss account;
- i. if he belongs to an enterprise, to submit annual records tot he minister yearly, not later than three months after approval of the annual account;
- j. when asked, to provide the minister with additional information which he deems necessary;
- k. to pay the levies referred to in the second paragraph of Article 63 and Article 65.

CHAPTER VII – SMALL-SCALE MINING

General

Article 36

1. The provisions of Articles 9, 12, 15 and of Chapters IV, V, VI and VIII of this decree are not applicable to small-scale mining.
2. The small-scale mining rights can only be granted for minerals referred to in Article 5, item d.
3. Small-scale mining can only be carried out in areas designated by a decision of the minister, which is published in the State gazette. Terrains on which mining rights have already been granted, will not be destined for small-scale mining.
4. the rights mentioned in the second paragraph of this article can only be granted to natural persons who are residents of Surinam.
5. The rights mentioned in the second paragraph of this article are only granted for a joined terrain not larger than 200 hectares.

Application

Article 37

1. The application for small-scale mining rights should take place in compliance with Article 10 and give:
 - a. the form, a polygon, of the terrain about which the application is made; the geographical coordinates of the angular points of this polygon, further indicated in the figurative map prepared by a surveyor in Surinam, in triplicate and with a scale of 1:50,000, according to the topographic map published by the Central Bureau of Aerial Mapping of the same scale, giving the borders of the terrain about which the application is made;
 - b. the mineral(s) for which these rights are requested;
 - c. the manner in which the applicant intends to carry out the activities related to the exercise of his rights.
2. By a decree of the minister to be published in the State Gazette, further rules relating to the application can be given.

Granting

Article 38

1. The small-scale mining rights are granted for a period not more than two years, which period can be extended every time with a following period of not more than two years.
2. The minister is authorized, in extending the small-scale mining rights, to set special conditions relating to the manner of exploitation.

Rights

Article 39

1. The holder of small-scale mining rights is authorized, excluding others, to conduct reconnaissance, exploration and exploitation of the mineral(s) in or on the terrain for which the rights have been granted.

He is further authorized:

- a. to set up works and buildings in or on the terrain which are needed for the conduct of his activities;
- b. to use and process wood elevation and building materials occurring in or on the terrain for setting up and maintaining said works and buildings, so long as the terrain is domain land;
- c. if the terrain is domain land, to grow fruits and vegetables for the benefit of the daily food for himself and his personnel;

- d. to request technical and administrative assistance from the minister. This assistance will be given at no cost as far as possible.

Obligations

Article 40

The holder of small-scale mining rights is obligated:

- a. to submit quarterly a report to the minister stating:
 - the invested capital
 - the exploitation cost
 - the number of persons working on his terrain, their names, dates of birth and their nationalities
 - the quantities of ground elevation and mineral(s) mined;
- b. to maintain weekly lists of quantity of ground elevation and mineral(s) mined;
- c. to abide by the set conditions;
- d. to pay the levies mentioned in Articles 64 and 65.

CHAPTER VIII – BUILDING MATERIALS

General

Article 41

1. The stipulation of Articles 9 and 15 and of Chapters IV, V, VI and VII of this decree are not applicable to the building materials mentioned in Articles 5, item e.
2. The owner of the land, and one with business or personal land, is permitted to mine building materials occurring in the ground for personal or family use; the materials may not be transferred to a third party in any form or under an objectionable title, and may not be take out of said land until after the building materials exploitation rights have been obtained.

Application

Article 42

1. The application for building materials exploitation rights should take place in compliance with Article 10 and give:
 - a. the type of building material for which the rights are requested;

- b. the intended manner and estimated duration of exploration activities, or the quantity of material to be mined annually as well as the manner of mining.
 - c. the form, a polygon, of the terrain about which the application is made; the geographical coordinates of the angular points of the polygon, further indicated in the figurative map prepared by a surveyor in Surinam, in triplicate and with a scale of not less than 1:20,000, according to the topographic map published by the Central Bureau of Aerial Mapping, giving the borders of the terrain about which the application is made;
 - d. the intended plan for making the terrain usable again after the exploitation.
2. Further rules can be given in state decree concerning the application procedure.

Granting

Article 43

1. The building material exploitation rights are granted for a period of no more than five years, which each time can be extended for no more than five years.
2. The building materials exploitation rights are granted for a terrain not larger than 400 hectares.
3. If pleasure rights exist on the land, the rights to exploit building materials can only be granted to the owner of the land or to one who has businesslike or personal pleasure rights on domain land.
4. Building materials exploitation rights are not granted to any one else during the same period in the same terrain where building materials exploitation rights are already valid.
5. In granting the rights, the minister can set conditions he considers necessary in connection with the safety and interests of a third party and preservation of the environment.

Rights

Article 44

1. The holder of building materials exploitation rights has the right, excluding others, to carry out exploration and exploitation rights with respect to the type of building material related to his rights.

2. He is further entitled:
- a. to construct infrastructure and buildings for personnel and materials needed for exploration and exploitation activities in or on the terrain to which his rights pertain;
 - b. to use wood elevation occurring on the terrain to which his rights pertain for laying, setting up and maintaining the infrastructure and buildings mentioned in item a;
 - c. to grow fruits and vegetables for the daily food of his personnel on the terrain to which his rights pertain. He is forbidden, without approval of the authority or without considering conditions which exist or will be set by the authority, to conduct commercial farming on said terrain so long as it involves domain land.

Obligations

Article 45

The holder of building materials exploitation rights is obligated:

- a. to submit to the minister quarterly a report on the progress and results of his exploitation activities if applicable;
- b. to inform the minister promptly in advance about his intention to switch to exploitation activities if a certain phase of exploration activities has been conducted before;
- c. to maintain daily lists of the quantity of mined material;
- d. to submit to the minister quarterly a report which contains, among other things;
 - the quantity produced;
 - the quantity marketed;
 - if exported, the country of destination and export value;
 - the supply;
 - a personnel list, according to nationality, and amount of wages paid;
 - the amount of royalty payments.
- e. to submit to the minister annually, no later than 30 November, a program which states the intended exploration and or exploitation activities, including the quantity of material to be mined and the intended manner of mining for the coming calendar year;

- f. to submit to the minister annually, not later than ninety days after the closing of the account books, an annual report which gives a complete review of the activities conducted in the year concerned including, but not restricted to: production, investment, export, employment opportunities, profit and loss account;
- g. to strictly abide by possible conditions attached to the granting of his rights;
- h. to take measures in or on the terrain to which his rights pertain in order to protect the safety and health of his personnel in particular, and the community in general, and for the protection of the ecological systems;
- i. to provide the minister with other information he considers necessary;
- j. to pay the levies mentioned in the second paragraph of Article 64 and Article 65.

CHAPTER IX – RIGHTS OF THIRD PARTY

Article 46

In this chapter, it is understood by:

- a. Private land:
terrain of which one other than the state has property rights, or domain land under a business or personal title.
- b. Rights possessors:
those who have ownership rights or other business pleasure rights on private land.
- c. Third interested party:
those whose interests arising from personal pleasure rights on private land can be hurt by exploration or mining of minerals.

Article 47

- 1. Rights possessors and third interested parties of terrains for which mining rights have been granted are obliged to allow the holder of mining rights to carry out activities related to his acquired rights on those terrains:

- a. provided that they have been promptly informed in advance by the holder of the mining rights about his intention to conduct such activities by mentioning the objective, time and location where this will take place;
 - b. given compensation for previously enjoyed rights according to the stipulation of this decree.
2. The obligation imposed on rights possessors and third interested parties in the first paragraph extends to setting up or bringing about of all works or activities on the terrain concerned by the mining rights holder which are necessary for exploration and exploitation within the terrain to which the mining rights pertain. the mining rights holder has building and planting rights with regard to aforesaid works.

Article 48

1. The mining rights holder shall pay reasonable attention to the interest of the rights possessors and third interested parties and shall execute his activities in such a way that these interests of the rights possessors and third interested parties are hurt as little as possible.
2. The mining rights holder is obligated to compensate the rights possessors and third interested parties for damage arising from his activities whether or not it is due to his fault.
3. If the parties concerned cannot come to an agreement concerning the nature and extent of the compensation mentioned in the foregoing paragraph, the most willing party can request a judicial judgement.
4. The claim to compensation owed based on the second paragraph of this article, and so long as it is not based on an agreement, becomes barred by the statute of limitation due to the lapse of five years starting from the day on which the damage to the rights possessors or third interested parties is known.
5. However, the mining rights holder is not obligated to compensate for damage caused by mining activities to buildings and plants obviously created with the object to receive compensation.

Article 49

If mining activities caused damage to private land or something belonging to it, the rights possessors and third interested parties are entitled, instead of compensation in cash due to each of them, to demand that within a reasonable period of time the mining rights holder restore it to its former condition unless this will hamper or render impossible the mining activities conducted by the mining rights holder, without prejudicing the right of the

rights possessors and third interested parties to demand compensation on the strength of Article 48 for value reduction of the land and everything belonging to it which may arise after the restoration to its former condition. However, if the cost of restoration to the former condition exceeds the compensation in cash, the rights possessors and third interested parties are obliged to content themselves with this compensation.

Article 50

1. The mining rights holder who uses private land, wholly or partially, for a long time will, at the request of the rights possessors, rent the terrain wholly or partially for a rental agreed upon by the parties.
2. If the rented terrain mentioned in this article is used by the mining rights holder for more than seven years or, if after relinquishment by the rights possessors, it fares in a state which is no longer suitable for the purpose the rights possessor formerly used the land, the rights possessor has the right to demand that the mining rights holder concerned take over his rights to this terrain for a price to be agreed upon by the parties.
3. If the parties concerned cannot agree on the amount of rent mentioned in the first paragraph of this article, or the price mentioned in the second paragraph of this article, the most prepared party can request a judicial judgement. The cost of this lawsuit is borne by the mining rights holder so long as it is not decided otherwise by the judge.

Article 51

1. If a mining rights holder, for the sake of his mining activities, needs to have the disposal of a private plot within the terrain for which he has obtained the rights, either wholly or partially, and wishes to take it over, he can try to get it, first by means of amicable agreement providing for compensation paid or guaranteed in advance.
2. If the mining rights holder on one side and the rights possessors and third interested parties on the other cannot come to an understanding on the compensation mentioned in the first paragraph, the most prepared party will ask the district judge to determine the amount of compensation. The mining rights holder can also ask the judge to set the amount of security deposit to be paid for the compensation to be determined.
3. The demand for fixing the amount of security deposit is first ruled in a separate judgement.

Article 52

1. Only the actual value which the private land and everything belonging to it have exclusively for the rights possessor or for the third interested party, as well as the actual cost and damage referred to in Article 48 are considered.
2. Attention is also paid to the reduction in value which the land and everything belonging to it is considered as having sustained from the moment that the mining rights holder began to use the land until the moment the rights possessor or the third interested party receives the land back in view of the use that the rights possessor or the third interested party has for the land.
3. The increase in value which the land or part of it – about which a decision is to be made – will get in connection with the works constructed for the mining activities is not considered in the judge's ruling on the amount of rent, price or compensation.
4. In the calculation of the rent, price or compensation for the use of part of the land, attention is also paid to the reduction in value which for the part that is not used by the mining rights holder is a necessary consequence of that use.

Article 53

Against all decisions made by the district judge under this decree, with the exception of one setting the amount of security, an appeal is permitted.

Article 54

The provisions of the Civil Code, as long as this decree does not deviate from them, apply to each lawsuit between the mining rights holder on one side and the rights possessors and/ or the third interested parties on the other.

Article 55

1. The district judge appoints, if he considers a request to fix the rent, price or compensation mentioned in Articles 50 and 51 susceptible to compliance, one or more experts in an odd number to advise him on the rent, price or compensation to be set.
2. The district judge decides as soon as possible the time and place of the inquiry to be conducted by the experts, and has the court clerk immediately inform both parties and the experts about it.
3. The parties can attend the inquiry to be conducted by the experts.

Article 56

1. The experts must submit their report to the district judge within fourteen days after the end of the inquiry.
2. The district judge gives the parties an opportunity to take note of the report and sees to it that objections they might wish to submit, either orally or in writing, to maintain their rights are made known to the opposing party.
3. The parties are summoned by the district judge in order to further explain or defend their interests before him on a date to be set by him, no later than thirty days after the day on which the experts' report has been turned in.
4. Regardless of whether the parties appeared or not, the district judge announces his judgement within fourteen days following the day set by him on the strength of the third paragraph of this article concerning the amount of rent, price or compensation owed to the rights possessors and the third interested parties due to the use of the land.

Article 57

1. If the rights possessors or third interested parties refuse to surrender the land for use, wholly or partially, after the mining rights holder has paid the compensation or made a security deposit, they can be forced to vacate the land wholly or partially by a warrant of the district judge or by means of the strong arm of the law if necessary.
2. Except for the case mentioned in article 51, the land or part of it, after being use, should again be placed at the disposal of the rights possessors and the third interested parties. works placed or set up on it by the mining rights holder must be removed, and openings made on the earth's surface, such as holes, grooves, wells and shafts must be made safe.
3. In case of negligence to fulfil the obligations defined in the second paragraph of this article, the rights possessors and the third interested parties can, as long as they have a great stake in the matter, can have the district judge empower them to take the necessary measures themselves in that matter at the expense of the mining rights holder.

Article 58

1. If the mining rights holder is obligated by the state to pay compensation as mentioned in Article 48 or to pay the cost of restoration as mentioned in Article 49 with regard to the land after the granting of the mining rights to a third party in ownership, or some other business rights or under some personal rights – in spite of objections

expressed on reasonable grounds by the mining rights holder – he is reimbursed by the state for the compensation or restoration cost, as long as it is a consequence of an action of the mining rights holder which – considering all the involved interests of himself, the state and others – is considered reasonable.

2. If the state cannot agree with the sum of money to be reimbursed by the state for the compensation or restoration cost mentioned in the first paragraph of this article, it can ask the district judge to fix the maximum amount. For this purpose, the rules made in this decree with regard to the district judge's ruling on the compensation to be paid by the mining rights holder are applicable.

CHAPTER X – EXPLORATION ON BEHALF OF THE STATE

Article 59

1. Rights possessors and third interested parties as well as mining rights holders are obligated to allow conduct of geological activities on behalf of the state on terrains over which their rights extend.
2. Before the start of the activities mentioned in the first paragraph of this article, on behalf of the state, the rights possessors or third interested parties as well as mining rights holders, as long as they appear on the public registers or are known to the state, are notified of the intention to conduct those activities.
3. The notice must mention the location where the activities will be carried out and the time they will start.
4. The rights possessor or third interested parties as well as the mining rights holders are compensated out of the state treasury for damage caused by the activities. The stipulation in paragraphs 3, 4 and 5 of Article 38 are applicable.

CHAPTER XI – SUPERVISION AND SECRECY

Supervision

Article 60

1. The supervision of mining activities and compliance with the stipulations of this decree rests with the minister. The minister can by decree appoint organs and persons under him to carry out the actual supervision.
2. The organs and persons mentioned in the first paragraph of this article are authorized to enter all terrains, buildings and installations where mining activities are carried out for the actual supervision in general, and in particular:

- a. taking specimens;
 - b. for checking reports, registers, account books and other records;
 - c. for obtaining other information or having information obtained.
3. The organs and persons mentioned in the first paragraph of this article can have themselves accompanied in the transport by others of animals, vehicles, instruments and/ or other materials which they deem necessary for correct execution of their activities. The holder, renter and user of the mining rights will render all means and assistance without delay to the aforementioned organs and persons for the right execution of their activities and will accompany them during their inspection activities, and provide them with desired and related data.
 4. The organs and persons mentioned in the first paragraph of this article shall not unnecessarily or unreasonably hinder, impede and/ or hurt the normal progress of mining activities.
 5. The state is not responsible for paying compensation for damage done during the conduct of the inspection activities mentioned in this article. unless design or gross error is involved.

Secrecy

Article 61

1. The organs or persons mentioned in the first paragraph of this article are obligated to maintain secrecy of confidential data they became aware of in the framework of that article. They may release these data only:
 - a. for the sake of the organs, services and bodies charged with implementing this decree;
 - b. for the sake of preparing official statistics;
 - c. in connection with taking legal steps;
 - d. in connection with an investigation into the compliance with this decree;
 - e. with approval by suppliers of the data.
2. Violators of stipulations in this article are punished according to the provisions of the Penal code.
3. The obligation to maintain secrecy expires with the termination of the mining rights in question so long as the data do not involve patents, licenses and confidential data concerning the former mining rights holder.

CHAPTER XII – RULES ON DISPUTES

Article 62

1. Differences about the interpretation, application or applicability of this decree between the state and the mining rights holder or between the latter and a third party shall be subjected to the decision of the district judge in the First District.
2. Except in cases involving taxes, retributions and other levies, including fixing gross proceeds for calculating income taxes, the minister can come to an agreement with the mining rights applicant that each dispute in the framework of this decree, including the assertion that there is a dispute, that arises between the state and the mining rights holder and cannot be solved in a friendly manner, is referred to a decision by arbitration.
It can thereby be agreed that the execution of the arbitrator's decision is amenable to or on behalf of each judicial body in and outside Surinam.

CHAPTER XIII – TAXES AND RETRIBUTIONS

Area duty

Article 63

1. The exploration rights holder shall at the beginning of a one-year period pay to the state, at the hands of the Direct Tax Collector or another government official designated by state decree a sum of money calculated at the rate of 50 cents per hectare.
2. The exploitation rights holder shall, during the first 5-year period, following the granting of the rights in question, owe the state the sum, of 5 guilders per year per hectare. In the period from the 6th through the 10th year the yearly sum owed will amount to 120%, in the period from the 11th through the 15th year 150, and the following years 200% of the sum mentioned in the first sentence of this paragraph. The owed sum in this paragraph will be paid in the same manner as stated in the first paragraph of this article.

Retribution

Article 64

1. The small-scale mining rights holder shall owe a sum of 250 guilders concerning the granting of these rights. The sum should be paid in full during the application for the rights to the Direct Tax Collector or a government official designated by state decree. If the small-mining rights are not granted, the money will be refunded less expenses paid until that time.
2. The holder of building materials exploitation rights shall each year owe 250 guilders with regard to the granting of the rights. The owed sum of money must be paid in advance to the Direct Tax Collector or a government official designated by state decision, for the first time during the granting of the rights.

Royalty

Article 65

1. The holder of exploitation rights, small-scale mining rights and building materials exploitation rights shall owe royalty.
2. The manner for fixing the royalty owed for each type of deposit will be stipulated by state decree.
3. By state decree, rules will be issued concerning the manner for paying royalty, the formality which should be observed in connection with this stipulation as well as concerning the measures to ensure the collection of what is owed.

Article 66

Under special circumstances, partial exemption from the royalty owed by virtue of Article 65 can be granted. The partial exemption will be granted to the holder of exploitation rights by state decree, and to the holder of small-scale mining rights or building materials exploitation rights by a decision of the minister.

Exemption from import duties

Article 67

1. The Minister of Finance and Planning, in response to a request to this end, can by a decision grant full or partial exemption from import duties for industrial means, materials, equipment of any kind which will be used for mining activities and which re procured up to the beginning of the commercial production.
2. The Minister of Finance and Planning, in response to a request to this end, can by a decision also grant exemption from import duties mentioned in the first paragraph for the goods mentioned therein which are procured in the framework of a substantial business expansion. The petition must mention clearly that it has to do with a substantial business expansion.
3. The decisions mentioned in the first and second paragraph must be published in the State Gazette.
4. Conditions may be attached to the exemption.

Write-off

Article 68

The Minister of Finance and Planning, in response to a request to this end, can determine that in the calculation of profits for levying of income tax, the write-off of expenses paid up to the start of the commercial production can be advanced and arbitrarily take place in the first five years of commercial production.

Reinvestment reserve

Article 69

1. The holder of exploitation rights can form a reserve for reinvestments.
2. The amount chargeable to the profit in the reinvestment reserve amounts to no more than 10% of the taxable profit of that year.
3. Within 3 years following its forming, the reinvestment reserve must be reinvested in Suriname:
 - in experiment or development activities of mineral occurrences that go together with the exploitation rights from which the profits derive;
 - or in the equipment destined for mining new mineral occurrences, or in the equipment to improve the mining of existing mineral occurrences;
 - or in the acquisition of share in companies whose activities are to conduct experiments, development and mining of mineral occurrences in Surinam.

4. If the reinvestment reserve formed for a certain year has not been used or has only been partially used in the three consecutive years, the leftover unused portion is taken up in the fourth year.

In case of termination of business activities before the expiration of the 3-year period mentioned in the fourth paragraph of this article, the reserve is taken up in the profit of the year in which those activities are terminated.

Article 70

The facilities regulated in the Investment Law G.B. 1960 No. 17, valid text G.B. 1974 No. 5 do not apply to holders of mining rights in the sense of this law.

CHAPTER XIV – PENALTY STIPULATIONS

Article 71

Any one who:

- a. carries out mining activities without mining rights granted to him;
- b. refuses facilities mentioned in Article 60 and/or renders no assistance to that end;
- c. intentionally provides the state with maps, registers, reports and data prepared contrary to the truth and wrong specimen;
- d. acts purposely contrary to the stipulations of this decree or legal regulations issued to execute them;

is punishable by imprisonment up to two years and/or a fine of no more than 100,000 guilders.

Article 72

1. If the facts stipulated in Article 71 are committed by a corporate body, the prosecution is brought on the sentence pronounced against members of the board present or residing in this country or, in the absence of those members, against the representative of the corporate body in this country.
2. The stipulation in the foregoing paragraph is applicable to a corporate body acting as manager or representative of another corporate body.
3. No punishment is pronounced against the board member or representative if it is evident from him that he had no share in the violation.

Article 73

1. Charged with the investigation of the facts stipulated as punishable in or by virtue of this decree as well as other punishable facts related to mining are, besides the persons designated in Article 134 of the Penal Code, an investigate officer named by resolution.
2. The investigative officer mentioned in the preceding paragraph has at any time to all places, including terrains, mines, works and buildings from which he suspects on the grounds of certain facts or circumstances that a punishable fact has been or is being committed.
3. If he is denied entrance, he provides himself with the strong arm of the law if necessary.
4. He does not enter buildings used as residence against the will of the occupant unless;
 - a. accompanied by the district commissioner concerned,
 - b. or furnished with a general or specific written order from the attorney general at the court of justice, or from the district commissioner concerned.
5. A report is made up about his entrance within 2 times 24 hours. It mentions the time of entrance and the objective, In case the investigative officer is accompanied by a certain person designated by him, this is mentioned in the report.
6. He can at any time demand to peruse all books and records which, in his judgement, he must peruse in order to fulfill his task.

Article 74

1. Every one is required, at first demand, to grant perusal of books and records, judged necessary by the investigative officer mentioned in Article 73.
2. Every one is also required, at first demand, to furnish oral information which the investigative officer deems necessary.

CHAPTER XV – TRANSITIONAL STUPULATIONS

Article 75

1. The stipulations of this decree do not neglect the rights and obligations arising from permits and/or concessions granted earlier with regard to the exploration and/ or mining of minerals for the duration for which they have been issued.
2. With the coming into force of this decree, the following cease to be valid:
 - a. the minerals law (valid text G.B. 1952 No. 28);
 - b. the law of 1 December 1984 relating to the exploitation of minerals in navigable creeks and streams (valid text G.B. 1952 No. 29);
 - c. the law of 23 December 1952 (G.B. 1952 No. 120) relating to the overland prospecting of minerals on terrains for which prospecting license or mining concession of minerals has been granted;
 - d. Article 11, paragraph 3 of the Agrarian Law (valid text G.B. 1950 No. 87) as well as all legal regulations established to supplement, modify or implement those laws.
3. The laws mentioned in the preceding paragraph, items a and b and legal rules to implement them, such as those recently modified, continue to apply to licences and concessions granted by virtue of them.

Article 76

1. By the state decree, Articles 9, 10 21, 24, 25, 29, 30, 35, 40 and 45 regarding the data provided by the mining rights holder can be supplemented or modified. This state decree will not be applicable to mining rights already granted before the date it comes into force.
2. By state decree the sums of money mentioned in Articles 63 and 64 can be modified, observing an indexing method to be given at the same time.

Concluding stipulations

Article 77

1. This decree can be quoted as “Mining Decree”.
2. It takes effect on the 60th day following its promulgation.

Minister of General
1983
and Foreign Affairs

Issued at Paramaribo,

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Minister of Natural Resources
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