The Political Ecology of Maroon Autonomy: Land, Resource Extraction and Political Change in 21st Century Jamaica and Suriname

By

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ABSTRACT

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The primary concern in this dissertation is the question of how racially marginalized societies practicing autonomous governance negotiate conflicts with sovereign states over resource extraction and its consequences. Specifically, this research provides a description, interpretation, and analysis of contemporary social organization and governance of the Maroon polity of Accompong as it brings to bear a distinct history of resistance onto the terrain of political conflict and negotiations with the Jamaican state. The Ndyuka Maroon polities of the Moengo region of Suriname are used as a comparative example where, like Jamaica, the activities of the aluminum industry are the fulcrum of an environmental and political crisis threatening Maroon territorial and cultural integrity. Standing as the first comparison of these two Maroon societies in the contemporary period, this research reveals that Accompong has developed political strategies of separatism and sovereignty while seeking stability with the Jamaican state, whereas the Ndyuka have eschewed separatism in favor of *state entryism*. These divergent strategies are responses to the differential tolerances of each national state toward Maroon autonomy given political economic calculations based on the valuation of Maroon land for its resource wealth. Yet, in both Maroon communities, a practice of environmental preservationism grounded in distinct collective memories of resistance to enslavement has guided their responses to the crisis. Ultimately, 21st century Maroon political action suggests the need for plurinational and decentralized approaches to national state formation. This research uses systematic empirical data, articulated through an engagement with key theories in both African Diaspora Studies and Environmental Studies, to create a generative conversation between the two fields. This research contributes to a greater understanding of environmental politics, ethnic multiplicity in the African diaspora, the politics of autonomy, diaspora theory, Caribbean colonial history, socio-economic development in developing countries, and the lateral possibilities of freedom and social transformation.

DEDICATION

This dissertation is dedicated to my parents, Robert Stewart Connell and Valda May Woodward, and all the First-Time Maroons who met terror with bravery and lit the flames of freedom so bright that the light still resonates today.

TABLE OF CONTENTS

DEDICATION ..... **I**

TABLE OF CONTENTS ..... **II**

LIST OF FIGURES ..... **V**

LIST OF MAPS ..... **VI**

LIST OF TABLES ..... **VII**

ACKNOWLEDGEMENTS ..... **VIII**

PREFACE: THE FORLORN HOPE ..... **X**

CHAPTER 1. INTRODUCTION **1**

FRAMING THE FIELD: THE HISTORY OF MAROON STUDIES 5
ADVANCING THE FIELD: AN INTERDISCIPLINARY APPROACH TO CONTEMPORARY MAROONS 16
Sociology and Political Economy of Contemporary Maroons *16*
Maroons and Diaspora Today *17*
Gendered Hierarchies, Women, and Contemporary Maroons *18*
Memory of Maroons: Public History, Politicians, Community *19*
History of Jamaican Maroons *20*
Comparative Research with Surinamese Maroons *21*
African Diaspora Studies and Environmental Studies *22*
RESEARCH METHODOLOGY, METHODS, AND DATA 24
Archival Research *24*
Ethnographic Field Research *25*
Policy Analysis *28*
Political Discourse Analysis *28*
Community Based Participatory Research and Learning by Working *29*
CHAPTER SUMMARIES 33
Chapter 2 – First Skin of the Island: Accommodation, Confrontation and Jamaican Maroon/State Relations from the Treaties to the 20th Century *33*
Chapter 3 – Contemporary Politics of Governance and Autonomy in Accompong: From Treaty to Constitution *33*
Chapter 4 – Comparative Maroon Political Ecology: Separatism, State Integration, and Preservationism *34*
Chapter 5 – Maroon Ecologies, Plurinationality, and Freedom Dreams *35*
Chapter 6 – Conclusion *35*

CHAPTER 2. FIRST SKIN OF THE ISLAND: ACCOMMODATION, CONFRONTATION AND JAMAICAN MAROON/STATE RELATIONS FROM THE TREATIES TO THE 20TH CENTURY **36**

ORIGINS: DEVELOPMENT OF THE MAROON POLITY 1655–1842 37
BLACK SPARTA AND THE PLANTATION EMPIRE: COMING TO TERMS WITH THE TREATIES OF 1739 44
BETRAYALS: THE TREATIES IN THE TIME OF ENSLAVEMENT 1740–1842 50
STANDOFF: *OPPOSITIONAL STABILITY* IN THE POST-ENSLAVEMENT ERA 1842–1905 55

Stagnation: 20th Century Political Impasse 68

CHAPTER 3. CONTEMPORARY POLITICS OF GOVERNANCE AND AUTONOMY IN ACCOMPONG: FROM TREATY TO CONSTITUTION..... 79

21st Century Accompong: Community Profile 80
Formal Maroon Governance Structures and State Formation: The Maroon Republican Project 86
Constitution of the Trelawny Town Maroons of the Sovereign State of Accompong 88
The Council of Overseas Maroons: A Nodal Diasporic Network in Action ... 97
"A Gang Against Themselves": The Class, Familial, and Gender Dynamics of Maroon Political Factionalism 104
The Pulpit of the Maroons: Kojo Day as Political Ritual 112
21st Century Maroon Struggle and the Future of Cockpit Country..... 115

CHAPTER 4. COMPARATIVE MAROON POLITICAL ECOLOGY: SEPARATISM, STATE INTEGRATION, AND PRESERVATIONISM 121

Of Kinship and Distance: Parallels and Disjunctures in Jamaican and Surinamese Maroon History 123
The Gleaming Dream: The Rise of the Aluminum Industry and its Encounter with the Maroons 125
The Bayer Process 126
The Hall-Héroult Process 127
Full Vertical Integration: Alcoa's Ascendance 127
Aluminum Chains: A Political Ecological Adaptation of Global Commodity Chain Analysis 129
Bauxite Extraction 130
Alumina Refinement 135
Aluminum Smelting 135
Commodity Manufacturing 137
The Ndyuka Maroons: Survival Through *State Entryism* 138
Maroon Preservationism 149
Eclipse of the Dream 160

CHAPTER 5. MAROON ECOLOGIES, PLURINATIONALITY, AND FREEDOM DREAMS 163

Critical Race Theory and the Social Construction of Nature 163
Diaspora and Plurinationality 174
Utopic Linkages: Ideology and Social Transformation in the African Diaspora 177
The *Freedom Drive Culture* 192

CHAPTER 6. CONCLUSION 194

BIBLIOGRAPHY 198

Manuscript Collections 198
Primary Sources 200
Monographs and Edited Volumes 207

JOURNAL ARTICLES 229
DISSERTATIONS AND THESES 233

APPENDICES 234

MAP OF PRESENT-DAY ACCOMPONG 234
GEO II, CAP V: PROMULGATION OF THE 1739 MAROON TREATY INTO LAW THE ASSEMBLY OF JAMAICA 235
HISTORY AND EXCERPTS FROM THE MAROON TREATY 1738-1739 [ACCOMPONG MAROON DOCUMENT] 241
CONSTITUTION OF ACCOMPONG (2004) 247
INTER-AMERICAN COURT OF HUMAN RIGHTS CASE OF THE SARAMAKA PEOPLE V. SURINAME — JUDGMENT OF NOVEMBER 28, 2007 (PRELIMINARY OBJECTIONS, MERITS, REPARATIONS, AND COSTS) 257

LIST OF FIGURES

3.1 Infographic of the Maroon Governmental Structure and Organization 90
3.2 Monument Square: Commemorative Plaque to Kojo and Flag of Accompong 91
3.3 Proposed Alternative Flag of Accompong as seen in Cawley Residence 96
3.4 The Kindah Tree: “One Family” 105
3.5 Panoramic View of the Kindah Grounds Facing the Old Town (Not Visible) 106
3.6 Entrance to Accompong 106
3.7 Maroons and Visitors Celebrate Kojo Day Under the Kindah Tree, 2017 113
3.8 Deputy Colonel Melville Currie Exits the Stage, Kojo Day, 2014 113
4.1 Former Open-Pit Mine in Adjoema Kondee/Suralco-built Community Center 134
4.2 A Typical Open-Pit Mining Tract. Moengo Region Near Adjoema Kondee 134
4.3 Ndyuka Maroon Traditional Governance Structure 139
4.4 The Kinship Structure of Ndyuka Society 140
4.5 Monument to the Victims of the Moiwana Massacre, Suriname 146
4.6 A View of Cockpit Country Across Central Accompong 159
4.7 The Entrance to Moengo, 2014 160

LIST OF MAPS

2.1 Accompong Town, 1757 53

2.2 Accompong Town, 1868 62

2.3 Accompong Maroon Lands, 1894 63

2.4 Current Cadastral Map of Northern St. Elizabeth Parish (Date Unknown) 75

LIST OF TABLES

1.1 Maroon-Related Theses and Dissertations Completed by Decade (Estimate) 15

3.1 Number of Accompong Electors: 1944-2016 82

3.2 Age and Binary Gender Distribution of Accompong 83

3.3 Higher Educational Attainment of Household Members 14 Years and Older 84

3.4 Occupational Classification of Heads of Households 85

3.5 Social Service Infrastructure within Accompong 86

3.6 Jamaican Permanent Residency to the United States by Decade 1950s-2000s 99

3.7 Jamaican Permanent Residency to the United States, Canada, and United Kingdom by Year 2010-2015 100

3.8 Housing Quality in Accompong 107

3.9 Monthly Income from all Employment in March 2009 U.S. Dollars 108

3.10 Unemployment Status of Household Members by Age and Binary Gender 108

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PREFACE: THE FORLORN HOPE

During the centuries of enslavement in the Western Hemisphere, Maroon societies stood as bastions of resistance, surmounting almost impossible odds to achieve self-emancipation. No system of enslavement, no matter how powerful, avoided the proliferation of Maroon settlements in their midst, which ranged in size from small bands to powerful states in their own right. Historians of enslavement in the Western Hemisphere are aware of hundreds of such communities existing from the dawn of the 16th century through to legal abolition; countless others are lost to history. Indeed, Kenneth Bilby and Diana Baird N'Diaye (1992, 54) have found evidence for over 50 Maroon settlements established between 1672 and 1864 in British North America and the United States alone, even though the requisite terrain and degree of isolation conducive for Maroon survival was very scarce in these places. Even in the best geographical redoubts, sustaining *marronage* would always prove an unlikely liberation for those whose thirst for freedom drove them to flee the normalized brutality and bestial atrocities of the master-enslavers.

The vast tools of state violence arrayed against Maroons were considerable: manacles and watchful eyes had to first be circumvented, and then came the terror of patrols and dogs, fortresses and *cordons sanitaires*, backed by all the resources the crowned heads and president-enslavers could muster. Those who survived to face the wide rivers, dense jungles and precipitous mountain ranges, where the indigenous and even other Maroons could prove hostile, had to then build new communities in spaces where the formidable inaccessibility necessary for defense also made for a tenuous subsistence. Few Maroons made it past even the first barriers designed to stem the exodus of restless captives. If caught alive, only the lash, gibbet, pyre or axe would greet their return. Of those few who did manage to settle new communities, or join existing ones, the constant assaults of militia and infantry, *chasseurs*, dragoons and artillery, was often too much to withstand. Few Maroons made it past the determined efforts of the system of enslavement to extinguish their freedom. For the rare survivors, when relative peace came in the form of hard-fought treaties or holding out until legal abolition, the pressures to assimilate were enormous and, in most cases, unavoidable.

Cementing themselves in the annals of human history through their courage, tenacity, and perseverance, the Maroons have inspired rich works of scholarship which provide significant detail to what would have otherwise been hidden histories of struggle. Given the secrecy and stealth entailed in these struggles, often waged at the margins of the colonial state, much of the lived experiences of Maroon struggle have been lost to history, recouped only in the oral histories of the few surviving Maroon societies and descendants today. Much is contested about the Maroons in the academic scholarship and public discourse, including the extent to which they can be considered heroes, what tangible relationship present-day Maroons have to their celebrated ancestors, and even the root of their name itself. Richard Price (1996, xi-xii), the most published English-language scholar on Maroons, notes that most works engaging with the

etymology concur that the English word, as well as the French/Dutch *marronage*,[1] originated in Hispaniola from the Spanish *cimarrón*, first used by the conquistadores to refer to feral cattle, then to the indigenous Taínos who fled into the hills, and later, the Africans who followed them. But Cuban philologist José Juan Arrom has pushed back against this near-consensus, arguing instead that the word actually descends from the Arawakan language of the Taínos (ibid., xii).

These ultimate survivors, who dared to win the impossible in the face of chattel enslavement, global empires, and assimilationist postcolonies, now find themselves thrust into the front lines of hyper-capitalist resource extraction, ecological precarity, and the ever-expanding reach of state control. As they work to keep alive their cultures, autonomy, and ecosystems, one wonders how long can these small agrarian non-state polities can persist in such a rapidly changing world. The purpose of this research is not to prognosticate, but it is wise to remember that the Maroons have been written off many times before. Their struggle for freedom against enslavement stands as a remarkable feat of human resistance which stretched the possibilities of freedom for all of humanity. In the words of Eugene Genovese (1979:57), through the example of their very existence, the Maroons sent "revolutionary shock waves through the slave quarters" by exposing the lie of European racial superiority. 500 years later, the Maroons are once again trying to mobilize the same ingenuity, cunning, and sheer nerve which made their societies possible. Perhaps, as humanity faces the manifold political and ecological dangers of the Anthropocene, the Maroons will once again make revolutionary shock waves through their legacy of freedom and living example of socio-cultural perseverance and more sustainable ecological existence.

[1] The process or act of becoming a Maroon.

CHAPTER 1. INTRODUCTION

The day is January 5th, 2014.[2] It is the eve before Kojo Day in the Jamaican Maroon community of Accompong, their annual celebration of resistance and independence. Maroon oral histories mark this as the birthdate of Captain Kojo, the guerilla leader who fought the British Empire to a standstill in the mountains of central-western Jamaica and wrested a historic treaty from their former enslavers, ending the war and formalizing their freedom. Nestled in the remoteness of Cockpit Country (or "the Cockpits" as they are known locally), a premier example of limestone karst topography where the dense foliage, steep hollows, and still-uncharted network of caves made it one of the best places in the world to wage a guerilla war, Accompong Town was founded circa 1739 by Kojo's brother and deputy commander Accompong. In one of the most remote areas of Jamaica the Maroons fostered a society distinct from the Afro-Jamaican creoles, to which they insist that their autonomy, self-rule, and even sovereignty remain the wages of their hard-fought freedom. But now, instead of the somberness of war amid gunpowder and cannonade, the Maroons are in a jovial mood and the air is filled with jerk smoke and the pungent vapors of mannish water.[3] It is the most significant day in the Accompong Maroon calendar and this year marks 276 years since the community's founding; their polity is older than the Haitian Republic and older than the United States.

As the sun sets, the Kojo Day festivities are in full swing with the sound and light of the party ricocheting off the dozens of conical hill-tops ringing the community. The main roads of the center of the town are completely flanked with stalls selling food, clothing, and innumerable goods, both handmade locally or mass produced abroad. Every so often, a massive sound system is interspersed among the stalls, amplifying an eclectic mix of dancehall and roots reggae which reverberates off the broad leaves of the coconut palms. The clash of dominoes and excited conversations in thick rural patois punctuate the rhythms which mix together seamlessly in the ambient sound of the celebration as old friends and family from every parish of the island and overseas reunite for perhaps the first time since last year's gathering. The international Maroon family is large, and with some 2,000 visitors in attendance the community has more than doubled its size.

At around 11pm, dancers begin to congregate around a troop of musicians beating *goombay*[4] drums on a high plateau overlooking the town. The *abeng*[5] player among them blows out a series of rapid staccato notes, once used to signify vital Maroon military instructions over long distances, a code which was both terrifying and indecipherable to adversaries. This time, the *abeng* is a signal to all within range that a procession is about to begin. An increasingly large crowd joins the march as they wind through the roads of the town, indulging in the dancing and

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[2] This introductory vignette is drawn directly from the author's field notes.
[3] Jerk is a traditionally Maroon method of seasoning, cooking, and preserving meat, now an international food, while the less well known mannish water is a soup made from goat entrails of West African origin typically served at Maroon ceremonies (Cook and Harrison 2003, 313n1).
[4] A traditional Maroon square-headed goatskin drum.
[5] A Maroon ceremonial blowing horn made from a cow horn.

singing as elders, children, and people of all ages participate. Some have wrapped their bodies in a vine the Maroons call *ambush* (*Entada gigas*), honoring the *first-time*[6] Maroons who covered themselves in the plant as a highly effective method of camouflage.[7] Rum is liberally sipped and sprayed, a West African tradition of respect and offering to the ancestors (Akyeampong 1996). The drummers, marching in a cluster, keep a steady beat with the crowd gathered tightly around them, still singing. As the procession advances through the town they stop at each Seal Ground[8] on their way to Kojo's monument in the heart of the town, where the march finally terminates.

The drumming and dancing continues for about fifteen minutes until the leader of the community, Colonel Ferron Williams, arrives and walks directly into the middle of the procession. There is an air of tension as he begins an apparently impromptu speech about the presence of an ancestral guiding spirit watching over the community and all the Maroons. The topic soon shifts, however, toward a warning about sabotage against tomorrow's event and the need to preserve Maroon unity. The clamor of the gathering quiets down somewhat, but it remains unclear as to the nature of this sabotage. Col. Williams continues on about the need for the relatives of Maroons living abroad (and virtually all Maroons living in Accompong have relatives abroad, according to the Colonel) to donate money to the community on top of the usual intra-family remittances. Returning to the topic of sabotage, the Colonel clarifies that there is a plan within Accompong to boycott the next day's proceedings, but stands firm that the event will take place irrespective of any disruption. The noise now lowers to a dim murmur as Col. William states emphatically, almost as a rallying cry, that "mining, either bauxite or limestone, is death," and that the community cannot countenance such an imposition on its sovereignty. The air is still as an unsettling silence punctuates the Colonel's point.

It is now well past midnight and the crowd begins to dissipate. The next day will bring a flurry of activity including more processions, ceremonies to honor the ancestors, and speeches where Maroon leadership, high level government representatives, and foreign dignitaries will engage in the sometimes-oblique rhetorical dance of supporting, or evading, a growing list of Maroon concerns and desires. As I continued my field research and reflected on the events of that evening, I came to understand that what I had witnessed was an encapsulation of the political and social dynamics of the Accompong Maroon polity along several axes. The sounds

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[6] A recurring motif, first articulated by Richard Price, in Jamaican and Surinamese Maroon lore dealing with the foundational events and actors of their communities. The *first-time* era is sharply distinct from the more recent past and forms the "fountainhead of [Maroon] collective identity," in which sits the abode of the Maroons' most potent spiritual power (Price 1983, 6-7).

[7] When the vine is used for purposes other than camouflage, such as its edible and decorative seeds, the Maroons call it *cocoon*.

[8] Seal grounds are Maroon holy grounds on which Revival meetings (sometimes called "Poco") are held. Revival is a spiritualist religion from Africa adapted by the enslaved and syncretized with Christian practices (Morrish 1982, 49-58). These grounds were used as healing grounds, to receive protection against evil spirits, to receive spiritual guidance before battle and against possible attacks from the British. There are three Seal Grounds in Accompong. The first is situated behind the monument to Kojo and is regarded as the most powerful Seal Ground. The second Seal Ground is located at the junction of the road leading to Hill Top and the road leading the Accompong Primary and Junior High School. The third seal is located in the Pond Side area. See Map of Accompong in the Appendices.

of the *abeng* and the sight of *ambush* vines used as camouflage symbolize a community founded in a titanic struggle of African captives against enslavement, a history still holding deep and living resonance to its people. In the office of the Colonel we find a governance structure with formal decision making power being vested in the centralized authority of a quasi-military leader, exemplified by Col. Williams' command of the event, whose position is further legitimized by a distinct Maroon spiritual cosmology centered in the guiding force of ancestral spirits. Yet, a factionalization of Maroon communal politics constantly checks the power of the Colonel, exacerbated by class divisions based, in part, on differential access to remittances. Nonetheless, the Maroons are united in a fierce opposition to mining and a deep awareness of its ecological costs, buttressed by a continual assertion of Maroon autonomy as manifested by the Kojo Day event itself. The contents of the market stalls and realities of mining concessions suggests a remote and small agrarian community deeply enmeshed in global capitalist production and Jamaica's international political economic positionality, in terms of both consumption and extractive industry. Finally, and perhaps most remarkably of all, Accompong stands as a village able to continually draw international attention to itself, evidenced by the assembled press and foreign dignitaries, braving barely passable rural roads to visit a community of no more than 1,000 people.

This research provides a description, interpretation, and analysis of contemporary social organization and governance of the Maroon polity of Accompong as it brings to bear a distinct history of resistance onto the terrain of political conflict and negotiations with the Jamaican state. The historical analysis of 19th and 20th century political conflict between the Maroons and the Jamaican state contributes unique knowledge to Maroon studies while better contextualizing the contemporary politics of Accompong, the main focus of this research. After a detailed socio-political description and analysis of present-day Accompong, I provide a systematic political ecological comparison of Accompong with the Surinamese Ndyuka Maroons, followed by a discussion of the implications of contemporary Maroon politics for theories of state formation and social transformation in the African diaspora. The Maroons of Jamaica and Suriname are two of the relatively few Maroon societies still existing as ethnoculturally distinct communities, along with the Garifuna of the Central American Caribbean coast, the *Palenqueros* of Colombia, the Afro-Mexicans of the Costa Chica region of Mexico, the *Quilombolas* of Brazil, and the Black Seminoles of Texas, Oklahoma, Mexico, and the Bahamas (Bilby and N'Diaye 1992, 55-56). However, besides the Jamaican and Surinamese Maroons, only the Garifuna, the Black Seminoles, and the *Palenqueros* appear to have (contested) rights to autonomous governance (ibid.). Also, both the Jamaican and Surinamese groups share much in common in terms of their historical formation and environmental praxis. And yet, the comparison also reveals important differences between these two Maroon communities, the analysis of which brings into sharper relief the unique dynamics and context of Accompong's present-day struggle. Although I conclude that the continued development of Accompong as sovereign polity is fraught with precarity, the legacy of Maroon struggle and their continued existence as state-resistant

communities has profound implications for environmental thought, the normative politics of state formation, and theories of radical social transformation and the lateral possibilities of freedom.

Formatted as a six-chapter interdisciplinary investigation, data collection methods for this research consisted of oral interviews, participant observation, archival research, and policy analysis. Archival and field research was conducted in Jamaica and England, and in Suriname and the Netherlands. My first research trip took place in June and July 2012, followed by the main field research from November 2013 to June 2014, a follow-up visit from December 2015 to January 2016, and a final visit in January 2017. Participant observation in the Maroon town of Accompong, Jamaica, and the Ndyuka[9] Maroon villages of Peto Ondoo and Adjoema Kondee in Suriname was sustained for a total of 11 months, through which 41 interviews and a focus group were conducted. Paying close attention to the ethics entailed in conducting field work in at-risk populations in conflict zones, the investigation was designed using participatory research methodology in order to maximize the relevance and legibility of the project to the research population.

Drawing on a decolonial approach to Maroon history, an investigation of Maroon environmental politics and consciousness derived from ethnographic research, and an ecological adaptation of global commodity chain analysis, I build on the multi-disciplinary social-science scholarship on Maroons while filling major gaps in the literature. By researching and documenting contemporary Maroons, exemplified by the Jamaican Maroon polity of Accompong, I break from the African Diaspora Studies pattern of engaging with Maroons as solely historical subjects, albeit important ones central to Black resistance against enslavement. Although I engage substantially with Maroon history, this is because the political trajectory of Accompong since the legal abolition of enslavement in Jamaica in the 1830s (an under-researched history in its own right) provides key insights into the formation of the contemporary configuration of Maroon relations with the Jamaican state today. Furthermore, while my work is grounded heavily in the anthropological scholarship on contemporary Jamaican Maroons as the bearers of a unique Afro-American culture, I emphasize in this research the Maroon polity as a modern actor in Jamaican national politics, the continued autonomy of which the Maroons view as the guarantor of their cultural integrity. Finally, in centering environmental consciousness, this research adds to an emerging understanding of Maroon culture and developmental aspirations while contributing to debates in Environmental Studies on the human-nature divide and indigenous ecology.

Jamaica, a mountainous island nation of 2,723,246 people (Statistical Institute of Jamaica 2017) in the western Caribbean Sea, has been the site of Maroon struggle since at least 1655 when an English invasion supplanted the original Spanish colonizers (Campbell 1988). As the English developed the colony into a major sugar producer using enslaved labor during the 18th

[9] A quick note on terminology is necessary. The Ndyuka Maroons have gone by different names and spellings in the literature, including Aukan/er, Okanisi, Ndyuka, or the somewhat pejorative Ndjuka. Although every variation will appear among the references, in this text, ‘Ndyuka’ will be consistently used.

century, warfare with the Maroons intensified to the point where the master-enslavers were forced to seek a treaty with two Maroon groups in 1739, one of which were the antecedents of present-day Accompong (ibid.). Rebellions of the enslaved continued until the Slavery Abolition Act of 1833 (Higman 2011, 154). Subsequently, Jamaica would remain a largely agricultural colony, using the additional force of indentured labor from India and China (Augier 1960; Higman 1984), until the development of the aluminum industry in the decade leading up to independence in 1962, resulting in a shift to dependency on extractive industry for export earnings in the fledgling postcolony (Davis 1989). The threat of mining on territory claimed by Accompong Maroons, numbering roughly 800-1000 residents, would disrupt the balance of power maintained between the Maroons and the state at the dawn of the 21st century, compelling the former to promote a sovereign status for their polity.

I take my inspiration for this research from the 20th and early 21st century environmental conflicts between Maroons and nation-states over resource extraction, and ongoing tensions in which the future of Maroon society hangs in the balance. Indeed, the last 30 years alone have already witnessed intense conflict, or the threat thereof, and remarkable changes in the structures of Maroon polities. The 2004 promulgation of a constitution for the Jamaican Maroon village of Accompong, articulated as a vital step toward complete sovereignty from the Jamaican state, was contemporaneous with an escalating conflict over land rights, the environmental risks of bauxite mining, and state recognition of Maroon autonomy. In Suriname, the Saamaka[10] Maroons' 2007 historic legal victory at the Inter-American Court of Human Rights came a mere 20 years after the Maroons had suffered massacres and exile during their country's brutal civil war, a trauma which irreversibly changed both Maroon social consciousness, and subsequently, the political trajectory of the whole of Suriname.

Framing the Field: The History of Maroon Studies

This research addresses questions, debates and issues that traverse a range of disciplines and fields of studies including sociology and political economy; diaspora studies and theory; gender relations and social hierarchies; historical memory; the history of enslavement, colonialism, and national liberation; comparative studies of race and identity; political ecology; and environmental consciousness; all articulated through the interdisciplinary field of African diaspora studies. While each of these areas of inquiry has its own unique set of priorities, debates, theories and questions, many of these issues overlap with one another across fields. My primary interest is in the field of African diaspora studies and I draw from its interdisciplinarity to engage with questions across several disciplines. This research also builds on, and is a part of, a distinct history of scholarship on Maroons.

Maroon Studies, or more precisely, what Richard Price (1996, xxvi) calls the study of Maroons as an academic subspecialty, has a long, if uneven, history of examining the historical

[10] "Saamaka" is the spelling which best conforms to the group's own language, although in the references and quoted text the older spelling of "Saramaka" will sometimes appear.

and contemporary Maroon communities in Jamaica, as well as other areas of the circum-Caribbean, the United States, the mainland areas of Spanish America, and Brazil. Given my comparative emphasis on Accompong and the Ndyuka, the following review of the literature will be exclusive to Jamaica and Suriname. The earliest publications on Maroons originated during enslavement in the context of, or immediately following, the wars for liberation themselves, as Europeans tried to better understand these dangerous adversaries and come to terms with their existence. In the case of Jamaica, the works of Edward Long (1774), Bryan Edwards (1796 [1996]), Robert Charles Dallas (1803), and Robert Renny (1807) are among the most prominent histories focused on, or incorporating, the Maroon groups on the island. John Gabriel Stedman's narrative (1790 [1988]) is the most widely cited account of *marronage* in Suriname from this period. Studies of Maroons continued to be produced intermittently through the 19th and early-to-mid 20th century, though never large in number, coalescing in the 1970s as an increasing amount of historical and anthropological research emerged, focused largely in Jamaica and Suriname.

These first set of publications provide some of the earliest documentary sources on Maroon struggle in the British West Indies and Dutch Guiana (Suriname), although their gazetteer approach to epistemology, liberal use hearsay, and casual racism peppered throughout these narratives should exclude them from the cannon of rigorous and systematic studies of *marronage*. Renny's (1807, 57-58) text in particular reads much like the travel curios popular at the time, replete with crude racist imagery of mindless Maroons living in pastoral torpor and indolence. Consider Long's (1774, 339-42) *History of Jamaica*, in which he derides the Maroons as "savage" in lifestyle and mentality, vilifying them as little more than "a despicable and cowardly enemy." Edwards (1996, 240-44) spared no scorn in slandering the Maroons as depraved brutes speaking in a "barbarous dissonance," given to violence and even cannibalism. While Dallas (1803, 184-85) did challenge some of the more outlandish claims of his predecessors, there is evidence that he made complete fabrications in his recounting of Kojo's supposed submission to British officers, a falsity which persists in the literature to the present-day (see Chapter 2). This should come as little surprise given that Long, Edwards, and Dallas were all members of the Jamaican master-enslaver class, with Edwards in particular being an infamous public supporter of enslavement and opponent of abolitionist William Wilberforce in the British parliament (Institute of Historical Research 2017). Rather than any accurate reflection of early Maroon communities, these works are reliable only in what they reveal about the attitudes and fears of the plantocracy toward Maroons and the general white anxiety of living with self-emancipated Black communities in their midst. In Suriname, the anti-Maroon mercenary John Gabriel Stedman's *Narrative of a Five Years Expedition against the Revolted Negroes of Surinam* (1796), takes pride of place in the early writings on Maroons in terms of its detailed, first-hand accounts of the struggle. While heavy on romanticism and exoticism, this work is distinct from its Jamaican counterparts through its abolitionist sentiments and more respectful and sober view of the Maroons.

Studies of Maroon communities largely laid dormant through much of the 19th century, with the notable exception of Thomas Wentworth Higginson's 1889 *Travellers and Outlaws,* which contained chapters on both the Jamaican and Surinamese Maroons. Higginson's work stands out as an expansive synopsis of the secondary literature up until that point, and the chapters to do with revolts of the enslaved would be eventually republished as the book *Black Rebellion* in 1969. As the 19th century drew to a close with the centenary of the 1796 deportation of the Jamaican Trelawny Maroons to Canada, James Cleland Hamilton (1891), chairman of the Historical Section of the Canadian Institute, and Douglas Brymner (1895), first clerk and founder of the Canadian national archives, both published books on the Maroons in Nova Scotia. The 20th century would bring a new ethnographic turn to the study of Maroon societies when anthropologists from the Netherlands and the United States developed an interest in the surviving Maroon communities of Jamaica and Suriname for their rich, apparent African cultural retentions in the 1920s and 1930s.[11] Katherine Dunham (1946) is noted for visiting Accompong in 1935 as part of her anthropological research under the guidance of Melville Herskovits (1934) who, with his wife Frances Herskovits, had themselves lived among the Saamaka Maroons of Suriname between 1928 and 1929. Zora Neale Huston also travelled to Accompong on anthropological research in 1936, of which her experiences are included in her book of ethnographic vignettes *Tell My Horse: Voodoo and Life in Haiti and Jamaica*, first published in 1938.

A decade earlier, Willem Frederik van Lier (1919), Dutch *Posthouder*[12] of the Ndyuka Maroons (and uncle of the noted Surinamese historian and sociologist R.A.J. van Lier), published his booklet *Iets over de Boschnegers in de Boven-Marowijne* (Something About the Bush Negroes [sic] in the Upper Maroni) documenting the community's history and cultural practices, albeit with the specific aim of better controlling them for Dutch interests. This would be the first of six publications by Lier of similar scope and purpose, most of which appeared in print from 1940-1945. Morton C. Kahn's 1931 *Djuka, the Bush Negroes of Dutch Guiana* is another ethnographic account of early 20th century Maroon society (and one of the first to be written in English), although unlike the Herskovitzes' research, this publication is painfully reminiscent of the early iterations of anthropological research which worked hand in hand with the development of racial typologies (see Ewen and Ewen, 2006). Indeed, up until the second half of the 20th century, the secondary literature on Maroons was grounded in the colonial gaze, producing exoticized narratives to both control and dehumanize the Maroons. Save for the refreshing professionalism of Dunham, Hurston, and the Herskovitzes, more rigorous and ethical scholarship on Maroon communities would have to wait until the second half of the 20th century,

[11] It should be noted that the concept of "African retentions" is now rather outdated as more recent ethnographic research understands that while Maroon societies may have adapted certain African cultural forms, they developed their own cultures distinct from both African and creole social formations given their unique history and circumstances. See Mintz and Price (1992) *The Birth of African-American Culture: an Anthropological Perspective.*
[12] Literally "Post-holder," a colonial representative tasked with supervising and negotiating with the Maroon nations of Suriname.

which would witness the coherence of Maroon Studies as an interdisciplinary subspecialty in its own right.

In 1950, Richard Hart, Jamaican historian and co-founder of the pro-independence People's National Party, published his article "Cudjoe and the First Maroon War in Jamaica" in the first volume of the *Caribbean Historical Review*. This work is significant for taking into account Maroon oral histories, noting points where Maroon oral histories contradict the colonial account of their history. It also foreshadowed how important the Maroons were to become in establishing the national narrative of a newly independent Jamaican in 1962. Indeed, Hart (1950, 76) himself described the significance of his article as putting to rest the false legends of docile captives waiting meekly for abolition, thus placing his work in the same milieu of anti-colonial studies of enslavement pioneered by such contemporary luminaries as "Herbert Aptheker and the late Carter G. Woodson for the Unites States, C.L.R. James for Haiti, Fernando Ortiz for Cuba, and Eric Williams for the British West Indies." For Suriname, in 1963 Sylvia de Groot published a revelatory historical study in both Dutch and English on the Ndyuka Maroons, *From Isolation Towards Integration: the Surinam Maroons and their Descendants: Official Documents Concerning the Djuka Tribe (1845-1863)*. De Groot would become a prolific writer on Surinamese Maroon Studies using both historical and anthropological methods in her research. As a mark of the importance of her scholarship to the Maroons and Surinamese society, she was awarded the Gaanman Lawn Matodja Award in 2002 (Pakosie 2011), named after the influential and longest serving Ndyuka *Gaanman*[13] (1966-2011).

In 1968, Clarissa S. Scott, following the 1920s-30s ethnographic work on Maroons, finished her master's thesis *Cultural Stability in the Maroon Village of Moore Town, Jamaica,* at Florida Atlantic University. This was followed by a historical master's thesis completed by Lennon Claude Henry of Portland State University in 1969, although significant methodological problems hampered this work. Still, Henry's emphasis on the vast political victory seized by the Maroons anticipated the birth of Maroon Studies in its modern iteration that same year with the publication Carey Robinson's groundbreaking book *The Fighting Maroons of Jamaica*. Robinson, a Jamaican historian and journalist, was the first to write about the Maroons as freedom fighters, and through his writing and the popularity of his book, the Maroons became the subjects of heroism for the ascendant Black nationalist and Pan-African movements throughout the diaspora and within the nascent field of Black Studies itself. As Kenneth Bilby (2002) states:

> During the turbulent 1970s, [the Maroon] historical epic's significance for the ongoing struggle against neo-imperialism and the construction of a post-independence national identity was much discussed and debated in Jamaica… The global circulation of Jamaican popular music has also helped to spread awareness of the Jamaican Maroons to other parts of the world.

[13] Paramount Maroon chief with authority over the entire nation.

Indeed, the 1970s there would be a veritable surge in scholarship on Maroon communities but, in keeping with the historiography of the field, virtually all publications on Maroons in this decade would be historical studies or works of ethnography. In 1973, Richard Price edited the volume *Maroon Societies: Rebel Slave Communities in the Americas*. With 21 contributing authors, including some primary sources, this landmark book's expansive scope covered Maroon communities in Spanish America, the French Caribbean, the United States, Brazil, and the Guianas, in what was the first systematic compendium of the scale of *marronage* in the era of enslavement. Price would become a giant in the field and remains the most well-published scholar of Maroons in the English-speaking world. In the 1970s he published two more books on Surinamese Maroons and, like de Groot before him, was presented with the Gaanman Lawn Matodja Award in 2010 (Abeng Central 2010).

The year 1973 also saw the completion of Barbara Kopytoff's dissertation *The Maroons of Jamaica: an Ethnohistorical Study of Incomplete Polities, 1655-1905*. Kopytoff's dissertation represented a sea-change in Maroon Studies, for up until that point, expect for Dunham, Hurston, and the Herskovitzes' research, one would get the impression that the Jamaican Maroons simply disappeared, or at least assimilated into the larger Afro-creole populations after legal abolition or treaty-signing. By documenting the evolution of the Jamaican Maroons into the 20th century, largely through an examination of internal power struggles and land conflicts with the state, Kopytoff signaled that Maroon polities on the island still existed as vibrant and complex societies. In many ways, this research is a continuation and response to Barbara Kopytoff's research.

No less than eight more master's and doctoral theses and dissertations would be completed in the 1970s, of which Kenneth Bilby's 1979 M.A. thesis *Partisan Spirits: Ritual Interaction and Maroon Identity in Eastern Jamaica*, is most interesting. His work here would lay the foundation for decades of ethnographic research among the eastern Jamaican Maroons of Moore Town, such that Bilby likely now has the most comprehensive documentation of Jamaican Maroon oral histories in existence. Similar to Kopytoff's project, although with much less of a reliance to problematic archival documentation, Bilby was able to gain unique insights into the contours of Jamaican Maroon social order through an ethnographic investigation their cosmology. By studying Maroon spiritual practices, Bilby was able to document not only the ideological structures of Maroon society, but also the richly detailed historical memory stretching back to the earliest days of the Maroon polity.

Indeed, because Maroon Studies was still in its infancy during the 1970s, several aspects of Maroon history remained shrouded in mystery. Even a figure as prominent as Nanny, the famed Jamaican Maroon high priestess fabled for her miraculous feats in defeating the British (Gottlieb 2000), still had the status of mythology with no clear indication from the archives that she actually existed. With this in mind, Edward Kamau Brathwaite, the West Indian poet and scholar of Black cultural life, was tasked by the Jamaican government to determine whether Nanny was indeed a historical person so that her status as a national hero could be better

assessed. Using the colonial archives and Maroon oral histories, Brathwaite was able to determine Nanny's authenticity, with his findings published as *Nanny, Sam Sharpe and the Struggle for People's Liberation* in 1977. As a symbol of how much the Maroons had become an object of veneration in Black nationalist discourse and politics, Nanny was declared a National Hero of Jamaica on March 31st, 1982, along with Sam Sharpe, leader of the 1831-1832 Baptist War.[14]

Capturing the new sentiment of Maroons as Black heroes, Richard Hart, 30 years after his pioneering article on Kojo, published the 2-volume book, *Slaves Who Abolished Slavery,* in 1980 and 1985 respectively. Featuring the Maroons prominently in his text, Hart chose the title to emphasize that the enslaved themselves, though their tenacious resistance, had as much, or more, agency in the legal abolition of enslavement as the white abolitionists more revered in the dominant discourse. It was a theme that would soon be repeated by another early pioneer of Maroon Studies, Carey Robinson, who in 1993 completely repudiated the colonial narrative of Maroon surrender and submission to the British in his book *The Iron Thorn: The Defeat of the British by the Jamaican Maroons*.

But as the decade drew to a close, a new analysis of Maroon history, much more critical of their endeavours, emerged with the publication of Mavis C. Campbell's *The Maroons of Jamaica, 1655-1796: A History of Resistance, Collaboration & Betrayal*. In what was up until that point, and arguably remains, the most comprehensive historical study of the Jamaican Maroon War, Campbell did not find a story of unambiguous Black heroism in the face of enslavement. Rather, she found the Maroons to be an increasingly insular community who, while fighting bravely for their own freedom, were perfectly willing to abandon the still enslaved population with treaties that allied them with the plantocracy. With this, Campbell cemented into the canon of Maroon Studies the other side of Jamaican popular consciousness of Maroon struggle; not a spirit of nationalist heroism but outright treason. The duality of Maroon history which Campbell articulated reverberates in Jamaican public discourse to this day.

The 1980s also saw the beginnings of a new disciplinary approaches to *marronage* and contemporary Maroon societies. Balfour Spence, in his 1985 MPhil thesis at the University of the West Indies, Mona, used a geographical approach to studying the impact of agricultural modernization on traditional small scale farming in Accompong and how the village was practicing alternative pathways to agricultural development. In a significant milestone, Maroons themselves began producing literature on their own history and society, starting with Colonel C.L.G. Harris, the then head of the Maroon community of Moore Town, publishing a book of poetry, *White is a Part of Maroon*, in 1982. He would go on to publish *On My Honor: A Tale of the Maroons* in 1988, *Teacha* in 2004, and *The Chieftainess: Glimpses of Grandy Nanny (Rt. Excellent Nanny of the Maroons)* in 2009. In 1988, linguist Cornelis Dubelaar and André R. M.

[14] The largest uprising of the enslaved in the history of the British West Indies, mobilizing upwards of 60,000 captives (Craton 2009, 291).

Pakosie, an Ndyuka Maroon oral historian and linguist, was the first article on Afaka script, the Ndyuka alphabet, co-written by a Maroon.

The 1980s scholarship on the Maroons of Suriname was dominated by anthropological works, with Sally Price, Richard Price's partner, completing her dissertation *Women and Art in an Afro-American Society* at Johns Hopkins University in 1981. She would follow this with her first published manuscript, *Co-wives and Calabashes,* in 1984, bringing an indispensable gender analysis to the field. Richard Price himself would continue to publish groundbreaking works throughout the decade, including *To Slay the Hydra: Dutch Colonial Perspectives on the Saramaka Wars* and *First-Time: The Historical Vision of an Afro-American People,* both in 1983, as well as *John Gabriel Stedman's Narrative of a Five Years Expedition Against the Revolted Negroes of Surinam*, newly transcribed from the original 1790 manuscript, with Sally Price in 1988. In 1987, anthropologist Hendrik Ulbo Eric (H.U.E.) Thoden van Velzen and his longtime collaborator and fellow anthropologist Wilhelmina van Wetering published *The Great Father and the Danger: Religious Cults, Material Forces, and Collective Fantasies in the World of the Surinamese Maroons*, deepening knowledge of the impact of Maroon spiritual cosmology on Ndyuka political praxis. Finally, in 1985, historian Wim S. M. Hoogbergen published an important historical manuscript on the under-researched Boni/Aluku Maroons of Suriname and French Guiana, *De Boni-Oorlogen, 1757-1860: Marronage en Guerilla in Oost-Suriname*, later translated as *The Boni Maroon Wars in Suriname* in 1990.

Returning to Jamaica, in 1993 cultural anthropologist Werner Zips published, *Schwarze Rebellen: Afrikanisch-Karibischer Freiheitskampf in Jamaica*, translated into English in 1999 as *Black Rebels: African-Caribbean Freedom Fighters in Jamaica.* This remarkable work was the first anthropological study to connect Jamaican *marronage* to wider ideologies of freedom in the African diaspora, thus connecting the Maroons to other movements of resistance such as Garveyism and Rastafari. Zips' work is also something of a direct response to Campbell's polemics of Maroon betrayal and collaboration, arguing instead that Maroon separatism was a necessary and pragmatic strategy of survival which achieved its goal. With a periodization stretching from Columbus' invasion of the Caribbean to the turn of the 21st century, Zips links the arc of Jamaican Maroon history to transnational diasporic ideologies of freedom.

As the diversification of methodological approaches to Maroon Studies increased in scope during the 1990s, with Emmanuel Kofi Agorsah published the long-awaited findings of his archeological study *Maroon Heritage: Archaeological, Ethnographic, and Historical Perspectives* in 1994. With archeology being one of the few disciplines able to shed new light on early Maroon history, Agorsah's excavation of Nanny Town was a watershed moment in establishing more concrete details of life for the Maroons in their war with the British. Agorsah would shift his archeological research on Maroons to Suriname later in the decade, publishing *Freedom Fighters of Suriname Locational and Spatial Transformation Patterns of Maroon Settlements in Suriname* in 1997. Although long appearing in Caribbean folklore, fiction writing and literary criticism would turn directly toward the Maroons in the 1990s, with Michelle Cliff's

Abeng in 1995, Barbara Lalla's *Defining Jamaican Fiction: Marronage and the Discourse of Survival* in 1996, and Trevor Wallen's *Cudjoe the Mountain Lion: A Story of a Jamaican Maroon* in 1997. The decade would draw to close with another expansive history of the Jamaican Maroons in 1997, *The Maroon Story: The Authentic and Original History of the Maroons in the History of Jamaica, 1490-1880,* by Bev Carey, herself a Moore Town Maroon. This work sought to clarify perceived inaccuracies present in the academic literature on Maroons, and lamented that so many of the Maroon histories were produced by outsiders.

In Suriname, the literature would take a markedly different turn in the 1990s as scholars responded to the cataclysmic events of the 1980s when Maroons found themselves at war with the Surinamese military dictatorship, leading to shattered villages and a Maroon refugee crisis across the country and in neighboring French Guiana (see Chapter 4). The decade opened with a 1990 edited volume by Gary Brana-Shute called *Resistance and Rebellion in Suriname: Old and New*. Like Zips' *Black Rebels*, Brana-Shute sought to link historical Maroon resistance with contemporary struggles, bringing together leading scholars in Surinamese Maroon Studies like Wim Hoogbergen, H.U.E. Thoden van Velzen, and Wilhelmina van Wetering. Bookending the decade was Ellen-Rose Kambel and Fergus MacKay's 1999 *The Rights of Indigenous Peoples and Maroons in Suriname,* which stands as something of a preliminary document to MacKay's own role as legal counsel for the Forest Peoples Programme in their joint international litigation with the Saamaka Maroons in the case of the Saramaka People *v.* Suriname in 2007 (see Chapter 4).

Alongside the activist turn in Surinamese Maroon Studies in the 1990s, the anthropological publishing machine would continue surging forward, with the Prices at the helm as usual, although their work would also begin to reflect the interdisciplinarity gripping the field. To wit, in Richard Price's 1990 *Alabi's World*, he weaves together his considerable anthropological and historical knowledge into a work of historical imagination, combining archival documentation with fiction to create the story of a 18th century Saamaka Maroon named Alabi. Given the dearth of archival information on daily life in early Maroon communities and the vagaries within the oral histories on the subject, I find that anthropologically informed works of historical imagination are a compelling approach to conveying the lived experiences of *marronage*. The Prices would also publish the more retrospective *Equatoria* and *Enigma Variations*, in 1992 and 1995 respectively, on the sometimes-elusive search for authenticity in researching historical artifacts and the ethics of conducting field work in Maroon communities. The Prices would close the decade with *Maroon Arts: Cultural Vitality in the African Diaspora* in 1999, continuing their increasing focus on Maroon artistic artifacts.

With the arrival of the 21st century, Jamaican Maroon Studies saw something of a maturation, with central lines of investigation established decades before solidifying in often pivotal works of scholarship. Karla Lewis Gottlieb's *The Mother of Us All: A History of Queen Nanny, Leader of the Windward Jamaican Maroons*, published in 2000, picked up Kamau Brathwaite's work by focusing an entire investigation on the legendary Nanny of the Maroons

and, in so doing, conducting the still-needed work of centering gender in Jamaican Maroon Studies. This work was followed closely by Zips' 2003 *Das Stachelschwein Erinnert Sich. Ethnohistorie als Praxeologische Strukturgeschichte*, later translated as *Nanny's Asafo Warriors: The Jamaican Maroons' African Experience* in 2011. With *The Maroons in Nova Scotia* in 2002, although fairly conventional in its analysis and framing, John N. Grant ended an over 100-year dearth in scholarship on the late 18th century Jamaican Maroon exile in Canada.

In the most significant work in a generation on the Jamaican Maroons, Kenneth Bilby published the culmination of some three decades of ethnographic field work in 2005 with *True-Born Maroons*. Given his sustained interlocution with many of the key oral historians of Moore Town before their deaths from old-age, Bilby likely knows more about Maroon oral history and culture than any single living Maroon, and his book stands as one of the most foundational texts in the canon of Jamaican Maroon Studies. Finally, while not adding any new information on specific Maroon societies as such, Alvin O. Thompson's 2006 *Flight to Freedom: African Runaways and Maroons in the Americas* was able to bring together a comparative analysis of *marronage* as a hemispheric phenomenon grounded in a distinct ideology of freedom as the antithesis of enslavement. With this basis in Maroon consciousness, Thompson was able to provide a more nuanced understanding of Maroon treaty-signing than a polemical framing of treason or betrayal. Neil Roberts' *Freedom as Marronage* picked up this thread in 2011 with a critical theory analysis of Maroon struggle, finding that *marronage* itself was a historic phenomenon advancing the very praxis and possibilities of freedom for all humanity.

In a Jamaican example of the historical imagination used by Price to better understand Surinamese *marronage*, Chet Alexander's 2005 *John Crow Speaks: Earth Teachings of the Jamaican Elders*, similarly employs ethnographically-informed fiction to articulate the contours of Maroon culture. Continuing her work on the Maroons as a literary trope, Michelle Cliff followed up her Maroon-centered fiction with *Into the Interior* in 2010, exploring the importance of Maroons for Caribbean identity formation. Finally, the 2010s would witness the completion of another work of Maroons publishing on their own experiences through Norma Rowe-Edwards' 2011 *My Father Said: A Story About the Accompong Maroons 1655-1738*. Given that Rowe-Edwards became Deputy Colonel of Accompong in 2009, this is a story from the very heart of the polity. Maroon publications on their own history and culture reveals a community with a deep and conscious stake in how they are portrayed in academia and the world as a whole. It was a common occurrence during my field research in Accompong to hear complaints about subjects and topics academic researchers or outsiders had apparently gotten wrong, and a strong desire among the Maroons to control, or at least vet, scholarly production to do with their community was evident.

Cultural Anthropologist Jean Besson's 2016 *Transformations of Freedom in the Land of the Maroons: Creolization in the Cockpits, Jamaica,* deserves its own dedicated discussion. Bringing to bear almost four decades of field research in Accompong, Besson explores the porous border of Maroon/non-Maroon in present-day Jamaica through an examination of how

the Maroon and non-Maroon Afro-Jamaican cultures which survived enslavement navigated processes of creolization. This research cuts to the heart of Maroon ethnic distinction in the 21st century, an all-important topic when the outward appearance of Maroon assimilation into Jamaican rural culture has significant political ramifications in their struggle for autonomy. Besson's opus represents one of the most up-to-date analyses of the complicated and shifting relations between Maroon and non-Maroons in Jamaica.

In Suriname, scholarship on Maroons with a focus on gender continued into the 21st century and was particularly prevalent in the early 2000s. With its focus on gender and development, Marieke Heemskerk's 2000 dissertation *Driving Forces of Small-Scale Gold Mining Among the Ndjuka Maroons: A Cross-Scale Socioeconomic Analysis of Participation in Gold Mining in Suriname* opened new ground by linking contemporary issues of resource extraction to changes in Maroon social structure and gendered hierarchies. Julia Terborg's 2001 *Sexual Behaviour and Sexually Transmitted Diseases Among Saramaka and Ndjuka Maroons in the Hinterlands of Suriname* is similarly notable for exploring Maroon beliefs about gender through a study on sexual behavior and health risks, with an emphasis on how economic policy, and in particular structural adjustment, genders health risks and impacts the empowerment of women in Maroon societies.

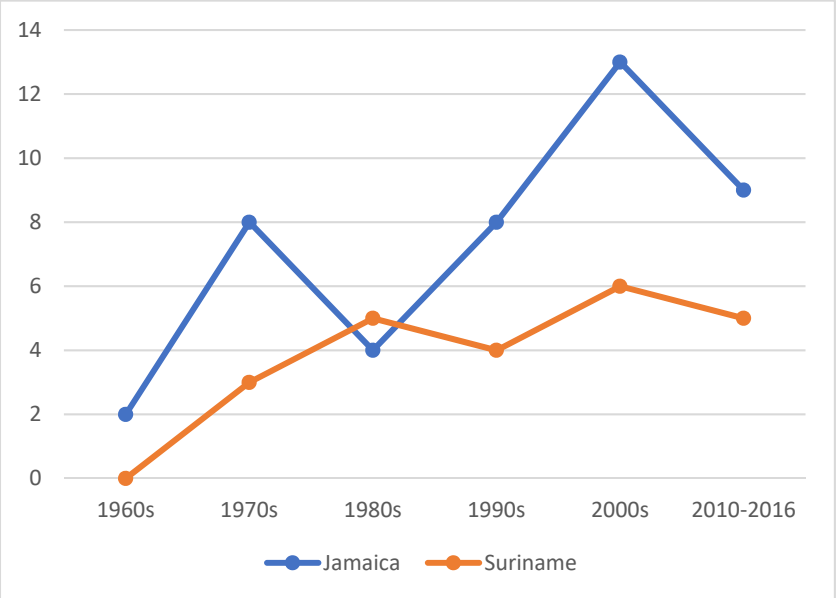
The 21st century also saw the more traditional anthropological lead scholars take up the issue of Maroon contemporary politics. H.U.E. Thoden van Velzen and Wilhelmina van Wetering's 2004 *In the Shadow of the Oracle: Religion as Politics in a Suriname Maroon Society*, offered unique insights into how Ndyuka oracles, collective fears of dark sorcery, and other religious institutions and beliefs played a decisive role in the unfolding of Maroon politics in the 20th century. Their periodization included the civil war in the 1980s, when a group of Ndyuka Maroons armed themselves against the military dictatorship while seeking guidance from traditional religious authorities. This work stands as one of the few in-depth examinations of Ndyuka politics during the civil war. Thoden van Velzen and Wetering followed up this work with their two part *Een Zwarte Vrijstaat in Suriname* (A Black Free-State in Suriname), published in 2011 and 2013, furthering their research on Ndyuka political autonomy from the 18th through to the 20th century. Richard Price pursued a similar line of investigation with *Rainforest Warriors: Human Rights on Trial*, the most expansive treatment of Surinamese Maroon environmental politics to date, as well as a reflection on Price's own involvement in the watershed 2007 Saramaka People *v.* Suriname court case.

Although publications on Maroons has been in existence since the days of the treaties themselves, it would only be in the 1970s that the Maroons as a subject of research coalesced into an academic subspecialty in its own right. It is important to clarify what I mean by Maroon Studies. Following Philip T. K. Daniel's (1983, 372) analysis of the development of Black Studies, I conceptualize Maroon Studies as the creation of a distinct knowledge base rather than the establishment of an academic discipline per se. Indeed, it is unclear what added benefit would arise from the creation of Maroon Studies as a separate discipline given the deep legibility

of the field within Black and African Diaspora Studies and, increasingly, Indigenous Studies (Anderson 2009). And yet, following Daniel's (ibid.) third categorization of Black Studies as scholarship rooted in the Black community itself (often through the work of organic intellectuals), Maroon Studies should also include within its scope the intellectual production occurring within Maroon communities themselves. Indeed, many Maroons are eager to be viewed as producers of knowledge equal to academic researchers. Rather than an adversarial or hierarchical relationship, intellectuals in both the academy and the community have much to gain from close collaborations with each other.

In any case, as the subspecialty has grown over the last roughly 40 years, one of the more fruitful shifts has been an increase in the interdisciplinary nature of Maroon Studies. As described above, while starting from exclusively cultural anthropological and archival historical works and still dominated by these fields, Maroon Studies is now producing knowledge grounded in archeology, critical theory, development studies, environmental studies, geography, legal studies, and literature. Though small, the subspecialty continues to grow (see Table 1.1 below), with gender, economic, and political analyses of contemporary Maroon communities becoming more prevalent, such Marieke Heemskerk (2000), Sally Price (1984), and Julia Terborg's (2001) aforementioned works contributing to socio-economic understandings of gender in Surinamese Maroon communities, although a noticeable dearth remains in terms of Jamaica. It is with these priorities in mind, as well as considerations of the Maroons' own needs when researchers conduct field work in their communities, that I now turn to clarify the primary goals of this research, the key fields of knowledge where I make a contribution, and the key aspects of my methodology, including the comparative case-study with Suriname. By way of conclusion, I will provide an overview of the chapters.

Table 1.1 Maroon-Related Theses and Dissertations Completed by Decade (Estimate)



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Advancing the Field: An Interdisciplinary Approach to Contemporary Maroons

Sociology and Political Economy of Contemporary Maroons

My overall analytical contribution to a sociological and political economic understanding of contemporary Jamaican Maroons lays in a detailed description and analysis of the present-day autonomous polity of Accompong. This contribution is all the more important because there are few recent detailed descriptions of the community.[15] I focus on demographics, social and political structures, and institutions internal to Accompong. This includes governance, social organization and gender dynamics as well as Maroon environmental praxis (which I explain in further detail below). How is autonomous governance organized in Accompong? What are the formal structures and the informal operations and practices of Maroon governance? How is Accompong socially structured, that is, what are the main institutions, groups and organizations? How does gender, in the form of ideologies and practice, shape the day to day life of the Maroons? And what are the environmental philosophies and beliefs of the Maroons? Where do they originate and how do they shape key aspects of Maroon life? By systematically approaching these questions I fill an important lacuna in our knowledge of Jamaican Maroons today.

Although Accompong has always had a great deal of autonomy from the direct socio-political of the Jamaican state, the community did not develop in a vacuum. As will be seen in the following chapter, where I describe the history of the Accompong Maroons, my approach to understanding these issues today is framed by my understanding of the balance between Maroon autonomy and the coercive force of the Jamaican state, in both its colonial and independent forms. In particular, my analysis of this balance is as a pivot between the political strategies of Accompong and the shifting economic value and worthiness of Maroon territory (in the form of highly valuable and exploitable mineral resources) as perceived and/or acted upon by the state government of Jamaica today and the imperial British government of earlier periods. When, in the opinion of the Jamaican or imperial government, Maroon land was perceived to offer little economic benefit, the Maroons were left relatively to themselves, despite the anxieties caused by the existence of an internal, autonomous polity. This laissez-faire approach was also created by the deft and emphatic resistance of Accompong to state interference in their society. However, a re-evaluation of the economic importance of Maroon land in the 21st century, spurred by state partnerships with transnational aluminum corporations, threatens to end the *oppositional stability* through which the Jamaican state and Accompong have rationalized their relationship over the greater part of the last two centuries. As will be explained below, *oppositional stability* is a political relationship based on calculated attempts to undermine the other party's position while deescalating from the possibility of open conflict. This acted to stabilize Maroon/state relations in Jamaica's post-legal abolition period until the present.

I should note here that there are, in fact, four widely recognized Maroon communities in Jamaica: Accompong, Charles Town, Moore Town and Scott's Hall. Accompong and Moore

[15] Jean Besson's (2016) recent monograph is a notable exception.

Town form the largest[16] of the Jamaican Maroon communities and, together, the four villages are the heirs of the historical Leeward and Windward Maroon groups respectively (Bilby 2002; Kopytoff 1973).[17] Although the question of contemporary Maroon autonomy is of similar existential significance for Moore Town as it for Accompong (Bilby 2002),[18] Accompong is presently experiencing a politically transformative conflict with the state over mining and sovereignty which is unparalleled in the Jamaican context, and will therefore be the focus of this research. Throughout the contemporary investigations of this research, the term 'Jamaican Maroon' is used to denote Accompong specifically unless otherwise noted. Similarly, the Ndyuka Maroons are the focus of the comparative study between Jamaica and Suriname because they have historically been at the center of mining in Suriname (Hoefte 2014) and bore much of the brunt of state violence against the Maroons in the 1980s (Thoden van Velzen and Wetering 2004).

Maroons and Diaspora Today

Another goal of this research, one which stands as a reminder that the Maroons do not live in a vacuum, is to show how the Maroons of Jamaica are tied into the Jamaican diasporic Maroon community. After enslavement ended and the Jamaican economy suffered major decline, Jamaica began a long history of migration for economic reasons (Higman 2011, 221). This is a general phenomenon revealed in several particular migrations: 80,000 Jamaicans left the island in the 1880s to work on building the Panama Canal and railroads in Cost Rica (ibid., 222); over the course of two migrations, 120,000 Jamaicans left for Cuba to work on sugar plantations in 1898 and, again, in 1902 (ibid., 221); and, after the 1950s, mass labor migration to the United Kingdom, Canada, and the United States was common (ibid., 282-83). Although it is probable that individual Maroons participated in all these migrations, the evidence shows that mass migration from Accompong occurred only in the latest phase of emigration, as discussed in Chapter 3.

Given the scale of emigration from Jamaica, and that Jamaicans have been a migrant population for over a century, it is no surprise that there are diasporic Maroons. I describe some components of these linkages and the ways in which Maroons in Jamaica and elsewhere interact with one another. Who are the diasporic Maroons and where are they located? How do they maintain contact with Jamaican Maroons and what do Jamaica Maroons expect of them? It is possible that these relations will develop further in the future? Maroon diasporic nodes are now concentrated in the United States (especially New York and Florida), in Canada (especially Toronto), and in England (especially London and Birmingham). Maroons in these immigrant communities regularly maintain familial, cultural, economic, and political contact with

[16] Accompong has an approximate population of 800-1000 while the 2011 Jamaican census enumerated a population of 1,101 for Moore Town (Statistical Institute of Jamaica 2017).
[17] Charles Town and Scott's Hall split off from Moore Town (then called Nanny Town) in the mid-18th century (Kopytoff 1973, 141-45).
[18] Charles Town and Scott's Hall, conversely, have long since been incorporated into the land and revenue apparatuses of the state (Bilby 2002).

Accompong, and are even formally incorporated into the governance of the polity. These relations have already played a decisive role in 21st century political shifts in Accompong and are likely to remain significant for the foreseeable future.

A word on diaspora theory is necessary at this point. I will employ here a broad working definition of diaspora that strives for specificity and a polythetic approach. Drawing from a multi-disciplinary synthesis, I provide a definitional approach to diaspora as a transnational intercommunal nodal network interconnected on the basis of sustained intergenerational cultural, political and economic flows. Each node is responsive to both the activities of other nodes in the network and the activity of the network as a whole. Nodes also differ in the relative scale and activity of aggregate flows. However, the network is marked by its instability and hibernetic nature, that is, a propensity for specific network flows to experience periods of relative inactivity and specific nodes to experience periods of relative delinking from other nodes or the network as a whole. Central to the work of diaspora and my understanding of this network model of the phenomenon is that, within the African diaspora, each internodal flow possesses politically transformative and even utopic qualities. The broader implications of Maroon struggle for African diasporic radical imagination and the normative politics of state formation, in particular the concept of plurinationality, will be further taken up in Chapter 5.

My conceptualization of the phenomenon is derived from Michel Laguerre's (2000, 12) theory of homeland-hostland relations grounded in formal expressions of politics and economics. In his later work, Laguerre (2008, 10) builds on this definition by developing the concept of the node, that is, through connective relationships "a local site becomes a node linked to other nodes" such that, through an iterative process, the infrastructure of a global network is deployed. Candace Jones' et al. (1997) general theory of network governance is particularly complementary to Laguerre's work. Derived from a synthesis of social network theory and transaction cost economics, the general theory of network governance (ibid., 914-16) holds that autonomous entities, responding to environmental contingencies, persistently operate together like a single entity when joint action is required. Rather than bureaucratic control, network governance relies on social coordination, collective sanctions, and reputations for its cohesive functioning. Once systemic contingencies no longer require joint action, the semi-autonomous nodes revert back to their independent status. This theorization forms the basis of my analysis of Accompong's diasporic political dynamics in Chapter 3.

Gendered Hierarchies, Women, and Contemporary Maroons

I examine a range of issues to do with the gender dynamics of Jamaica Maroons and how they shape contemporary relations within Maroon communities. As discussed in Chapter 3, licit and illicit cash crop production and the lucrative role of tour guides, are all dominated by men. As these are the main sources of income for the community, women are largely shut out of

economic power, although this is balanced by the matriarchally run homes. Nonetheless, this exclusion from the central means of production in the community has a deleterious impact on women in terms of political representation and wielding formal political power. The research respondents remained divided on whether such gendered hierarchies and attitudes were passed down from Maroon traditions or whether this was a negative outcome of increased interaction with the sexist attitudes of wider Jamaican society. The legacy of Nanny indicates that women could reach the apex of Maroon leadership in the formative period of their communities, although Accompong has never had a women Colonel. In the 21st century there has been a female Deputy Colonel, although her ultimately unsuccessful candidacy for the Colonelship was a point of division among the community. As discussed below, however, the comparative research with Suriname sheds new light on the specificity of the Jamaican context. In Suriname, a shift away from struggles for autonomy in favor of political party formation has opened new avenues for power for Ndyuka Maroon women unavailable to those in Accompong.

Memory of Maroons: Public History, Politicians, Community

Given the limited concrete data and evidence on the lives of Maroons, especially under enslavement, the public memory of Maroons is highly variable. I spend some time describing the ways in which contemporary groups express organized memory of the Maroons. For example, when Jamaica became independent in the early 1960s, national politicians were ambivalent about their relations with the Maroons at that time. They did not accept the idea that Maroons had a right to autonomy and certainly rejected any sovereign status for the community. At the same time, the historical Maroons were seen as champions of resistance against enslavement and heroic founders of the nation. Indeed, research conducted by Kamau Brathwaite (1977) on Nanny of the Maroons placed her squarely as a symbol of Jamaican nationalism, later resulting in her image appearing on Jamaican $500 bill alongside the other national heroes who grace the currency, such as Sam Sharpe and Paul Bogle (Thomas 2004, 301n1). Similarly, Jamaican diasporic communities in the United States, Canada, and the United Kingdom, hold the Maroons and other rebels as important symbols against enslavement and British imperialism (Small 1983). The Maroons are also celebrated by Jamaican environmental organizations for their historic and current preservation of sensitive and unique ecological areas, such as Cockpit Country, as discussed in Chapter 3. However, alongside this reverence is a perception among some non-Maroon Afro-Jamaicans that, through their treaty-bound alliance with the British, the Maroon legacy is one of betrayal and treason (Bilby 2005, 334-40). Conversely, among the Maroons, there is a sentiment which disparages non-Maroon Afro-Jamaicans as the descendants of weak people whose ancestors chose to stay in enslavement (ibid., 247-60). The public memory of the Maroons complicates the state response to Accompong's struggle for sovereignty, as they are both the symbolic heirs of Jamaican nationalist heroism while simultaneously evocative of a more painful past still resonant today.

History of Jamaican Maroons

As I mentioned above, most studies of Jamaican Maroons are historical and focused on the period of enslavement. We know far less about the history of Jamaican Maroons since legal abolition,[19] and most of what is known about Maroon societies in general since that point is based on evidence from communities in Suriname, Brazil, and the Garifuna (Anderson 2009; Arruti 2006; Price 2011). Such studies provide some insights into general patterns in Jamaica, identifying a number of key issues around autonomy, Maroon/state relations, economics, and public history. However, my historical analysis of Accompong since the legal abolition in the British Empire during the 1830s contributes key insights, facts and details which fill a major lacuna in our knowledge of the history of the Jamaican Maroons.

What my research reveals is an unsteady relationship, a fraught harmony, between Accompong and the colonial state, emergent in the second half of the 19th century. I demonstrate that a large degree of self-governance was maintained by the Maroons from this period up until the present. I argue that this level of Maroon autonomy and independence was, ultimately, accepted by the British state and colonial Jamaican government because they had little to gain, economically or politically, from intervention in Maroon affairs given Accompong's resistance to such designs and the low economic stakes involved for the colonial power. During the post-legal abolition period, no significant resources had been identified in or near Maroon territory, and in any case, Maroon territory was remote and inaccessible; the Maroons were not a significant population that could be incorporated into the labor market; and the Maroon polity proved itself to be an aggressive entity which would likely not be subdued without great trouble for the British. As such, a form of *oppositional stability* emerged in the relationship between the Maroons and the colonial state, a status inherited by independent Jamaica.

The concept of *oppositional stability* captures the range of issues that reflect the balance between the internal dynamics of the Maroon community and the interplay with economics and national/state politics. This history is intrinsically valuable in and of itself, and also provides insights into the trajectory of relations between Maroons, the British imperial power structure and, later, the independent Jamaican state, setting the historical context for the contemporary struggle over resource extraction. In several ways, I write against the grain of the dominant history of Jamaica as a system of enslavement and then colonial/imperial society. I remind any student of Jamaican history and Maroon Studies of the various means in which the existence and activities of the Maroons challenged, and continues to challenge, the predominant view in mainstream literature that the British dominated the island and that Black people were overwhelmingly subordinated by the might of military power.[20] I show that their domination and

[19] The works of Jean Besson, Kenneth Bilby, Werner Zips are among the few published authors writing on contemporary Jamaican Maroons.

[20] For example, Franklin W. Knight and Carl C. Campbell's (1997) edited volume, the *General History of the Caribbean, Volume III; The Slave Societies of the Caribbean*, unfortunately promotes a rather unnuanced and Eurocentric discourse of total British dominance of the island.

control was much more precarious and negotiated than absolute. In terms of Jamaican racial politics, the history of the Maroons reveals that there were additional elements complicating the picture. There was no a simple black/white binary dominating Jamaican society, and even the black/brown/white hierarchy does not capture all of the complexities of race and class stratification in Jamaica.

I also remind scholars that the Maroons represented a complicated community for the British government and colonial rulers. The Maroons were not enslaved, nor did they have complete liberty to act during enslavement; they were not subject to the labor and political control of the state during post-legal abolition British colonialism through independence in 1962; and they were not subject to the full jurisdiction of the Jamaica government after independence. However, in the contemporary period, they are a major concern to the Jamaica government and to extractive industry because of their claim over resource-rich territory. This makes the contemporary period far more fraught than at any point since legal abolition.

Comparative Research with Surinamese Maroons

One of the key innovations of this research is the detailed analytical comparison of Jamaican Maroon society, exemplified by Accompong, with Surinamese Maroon society, exemplified by the Ndyuka. The comparison of Jamaica and Suriname is not organized to be a typical comparison, where equal time is spent on each nation, as with other examples of comparative research (see Skocpol 1984). Rather, the goal is to use insights from the experiences of the Ndyuka to throw into sharped relief the specificity of Accompong in the contemporary Maroon world which would otherwise be less explicit. Suriname and Jamaica share much in common with each other in their history of colonization, enslavement, and Maroon struggle. This includes, historically, invasion and occupation by Europeans, the establishment of a system of enslavement and colonial power structure dominated by imperial metropoles in Europe, the emergence of autonomous and ethnically distinct Maroon communities with their own indigenous political and governance systems, similar treaties ushering in a tense peace necessitating Maroon accommodation with imperial and local colonial authorities, and the development of a similar environmental consciousness grounded in ecological preservationism emerging from the spiritual and historical significance of the land. Yet, the Surinamese Maroons would enter the 20th century with much greater numbers and a higher degree of isolation from colonial society than the Jamaican Maroons (Groot 1986). The Ndyuka were also forced to largely abandon their autonomy and join other Surinamese Maroon communities to incorporate with the political structures of the state as the 20th century progressed. The comparative analysis of this research has been streamlined to allow the better identification of the causal variables leading to the unviability Maroon autonomy in the contemporary period.

Suriname, a riverine and heavily forested nation of 539,910 people (Algemeen Bureau voor de Statistiek in Suriname 2017) on the northeast coast of continental South America, was colonized by the English in 1630 (Price 1983). This struggling colony was invaded and annexed

by the Dutch during the Second Anglo-Dutch War (1665-1667), who began using an enslaved labor force to harvest a variety of cash crops, including sugar cane, resulting in many enslaved captives fleeing and founding distinct Maroon societies (Thoden van Velzen and Wetering 2004). Similar to the English, the Dutch were forced to sign treaties with various Maroon groups throughout the period of enslavement in an attempt to contain the resistance of the enslaved (Price 1976). With Dutch legal abolition in 1863, the colonial economy went into steep decline and indentured labor from India and Java was used to make up the shortfall, resulting in a highly multi-ethnic society (Lier 1971a; Nimako and Willemsen 2011). A resource boom emerged with the establishment of the aluminum industry in 1916, centered in Ndyuka territory, causing widespread environmental destruction while laying the economic foundation of Surinamese independence in 1975 (Hoefte 2014). The civil war during the 1980s, which ushered in a period of violence between the state and the Maroons not seen in Jamaica, caused a marked shift in Maroon collective political orientation, drawing on a total population of 117,567 (compared to Jamaica's roughly 4,000 Maroons) to support political parties pursuing a strategy of *state entryism*,[21] thus moving away from the entrenchment of autonomy to promote Maroon social and cultural integrity.

As such, a significant causal variable for the divergent pursuit of autonomy in the contemporary period was the heightened valuation of Maroon territory for resource extraction and the state's willingness to risk conflict with the Maroons to actualize production (Mahoney and Villegas 2007, 76). Ultimately, the Ndyuka Maroon polity was not able to resist the incursions of the state while remaining autonomous, resulting in disastrous ecological and social consequences for their society. The shift to state entryism was further enabled by a large and rapidly growing Surinamese Maroon population and multi-party parliamentarianism of Suriname divided along ethnic lines (Dew 1978). Ultimately, although Accompong and the Ndyuka have substantially divergent political trajectories, their communal aspirations are still guided by a similar conception of environmental preservationism and both Maroon struggles are suggestive of radically different state formations than what currently exists in Jamaica and Suriname, a topic of exploration in Chapter 5.

African Diaspora Studies and Environmental Studies

This research is based on a sustained engagement with major conceptual and analytical work arising from African diaspora studies and environmental studies with the aim to bring these two often disparate fields into generative conversation through an examination of Maroon environmental politics. In terms of contributing new knowledge to environmental studies, Maroon environmental consciousness provides the intriguing example of an ecological praxis grounded in a preservationism linked directly to a deep and sustained human use of the wilds.

[21] My use of the concept 'entryism' to describe this phenomenon of Maroon political activity is drawn from Leon Trotsky (1970, 21-32), who theorized that larger organization can be entered by smaller groups seeking to influence policy.

This is a decisive intervention in the biocentric/anthropocentric[22] impasse that the broad environmental movement is mired in (Curry 2008).

The Maroon struggle has much to add to these environmental debates. Maroon understandings of the environment are explicitly drawn from their own historical experiences, especially the legacy and memory of a momentous struggle against racist tyranny and the commodification of black bodies. For the Maroons, the forest is a space of enchantment and the physical vessel of their history, where human, spiritual, biotic and abiotic realms coexist in a paradox of categorical separation and unity (Price 2011, 188). I argue that this historical and spiritual gravitas has produced among the Jamaican and Surinamese Maroons a valuation of respect for the non-human realms of their forests, a respect and importance which enables their stand against methods of hyper-capitalist accumulation, such as bauxite strip-mining and timber clear-cutting, without the misanthropy typical of Western biocentrism. Furthermore, the ideology of Maroon preservationism plays important roles in shaping Maroon/state relations and is another marker of their difference from non-Maroon populations in Jamaica. Finally, this examination of Maroon environmental consciousness contributes valuable insights into how sociogenic conceptions of nature develop through the lived experiences of humans.

In terms of contributing new knowledge to the field of African diaspora studies, the political ecology of Jamaican and Surinamese Maroon struggle exposes the nationalist and Pan-African myth of a homogenous Black population, united by race, nation and shared history, positioned together against white domination. Indeed, the situation on the ground in both Suriname and Jamaica reflects a process of dual ethnogenesis, whereby Maroon and non-Maroon Afro-descendants, while initially sharing a common history of capture, the middle passage, and enslavement, came to view themselves as distinct ethnicities emergent from different experiences of the Maroon wars (Bilby 2005). In contemporary Suriname, this divergence has sometimes manifested in feelings of contempt for the Afro-Creoles on the part of some Maroons (Price 1976, 3n2), while an almost virulent ethnic bigotry toward the Maroons is present within some segments of the Afro-Creole population (Price 2011, 59-60). Finally, as described through the preliminary comparisons of Maroon and indigenous cosmologies in Chapter 4, Maroon approaches to the natural environment may be much closer to many indigenous communities in terms preservationism than westernized Afro-descendants, further disrupting myths of homogenous Blackness.

It is important to mention that scholars of African diaspora studies recognize Maroons as historical champions of liberation and self-determination in the face of enslavement, but they are far less likely to identify or document the ways in which the unfolding of Maroon communities is deeply immersed in environmental praxis and remains so today. By providing detailed description of contemporary relations between the Maroon communities and the Jamaican state

[22] Biocentrism is the environmental philosophy and ethic which envisions a "pristine wilderness," best exemplified by nature preserves and national parks bereft of human habitation (Merchant 2003, 382), whereas an anthropocentric approach acknowledges the importance of human issues in dealing with the ecological crisis (Guha 1982).

and extractive industry, I reveal how the social organization and governance of Maroon societies respond to the political and economic realities of today and how such responses have changed in comparison with the past.

Research Methodology, Methods and Data

Archival Research

As previously discussed, Barbara Kopytoff was the first modern scholar to move away from a singular focus on the war-time Maroons and investigate their communities as distinct polities in the post-treaty periods. Kopytoff focused, as much as her data allowed, on the governance functions and political dynamics of the Jamaican Maroons as they evolved over time, with her periodization even stretching into the early 20th century. Explicit to this line of investigation was an analysis of the contours of Maroon autonomy. The major weakness of Kopytoff's research, however, was her overreliance on colonial sources, on which she drew in a disappointingly uncritical manner. In this way, Kopytoff repeated some significant plantocracy myths about the Maroons and, as such, her data analysis was skewed by a colonial and Eurocentric vision of Maroon agency (See Chapter 2). It is clear that reading the contents of the colonial archives as a literal recounting of Maroon desires, conduct, and social order, was a highly deficient approach and reproduced what Sandew Hira and Stephen Small (2015, i) call the "fundamental bias in Eurocentric knowledge production." As such, I draw on a decolonial approach to data analysis following Sandew Hira and Stephen Small, as well as Michel-Rolph Trouillot's *Silencing the Past: Power and the Production of History* and Ann Laura Stoler's *Along the Archival Grain*, although Trouillot and Stoler did not use the term 'decolonial' themselves. In my historical research, I strive to find the pulse of the archive in the vicissitudes of its own production in order to illuminate what Stoler (2009, 20;36) calls the "colonial order of things." Not only were power relations inscribed onto colonial archives themselves, but those archives became instruments through which those power relations were reproduced.

Much of the historical literature on Maroons, especially in Jamaica, assumed the veracity of colonial accounts of the Maroon Wars and subsequent tensions with the Maroons. I concur that in most cases the British had an interest in accurately documenting the military aspects of Maroon activities, particularly in the then confidential dispatches given their importance to effective war-waging. However, the colonial assessment of Maroon psychology and motives is another matter entirely, and an uncritical reading of such conjecture risks imbuing scholarly analysis with the racist deceits underpinning the entire system of enslavement. To understand the Maroons as implementing and executing a planned and strategized program of liberation and autonomy grounded in a vibrant ideology of freedom, as I argue here, was simply beyond the colonial rationale. Put another way, the colonial archives are an indispensable source in building the chronology of the Maroon Wars and post-legal abolition political conflict, a chronology from which Maroon tactics and strategies of resistance can be inferred, but the oral histories are a far more reliable source to excavate and analyze Maroon social formation and freedom dreams.

Paramount among such archival sources was the Jamaican Archives and Records Department in Spanish Town, the collection of which included the Dispatches of Correspondence between the Governors and the Secretaries of State for the Colonies in London (1725-1951); the records of the Executive Committee (1854-1867); the journals of the Privy Council (1711-1854) and the Legislative Council (1854-1865); the Colonial Secretary's Letter Books (1886-1925) and Circulars (1867-1956); records of the Chancery Court (1676-1843), Grand/High Court (1680-1896) and Parish Courts (St. Elizabeth, St. James, Trelawney, St. Mary and Portland); Vestry minutes, Municipal Board minutes and Parochial Board minutes (1807-1960) from those same parishes; Parish Council minutes (1958-present) from those same parishes; certain private records related to the Maroons such as plantation estate records; and the proceedings of the Senate and House of Representatives. Manuscripts and printed works held in the National Library of Jamaica proved most useful, as did the original published volumes of the statutes and laws of colonial Jamaica held in the Supreme Court Law Library. The St. Elizabeth parish cadastral map of the National Land Agency was valuable for reconstructing the contested borders of Accompong at the very of 19th and 20th century land disputes between Maroons.

Finally, given the incomplete and sometimes damaged state of records in the Jamaican Archives and Records Department,[23] the Colonial Office and Predecessors' Jamaican Original Correspondence, 1689-1951 (CO 137), held at the British National Archives in London, were vital to filling the gaps left in the Jamaican archives, as was the Colonial Office and Predecessors' Confidential General and Confidential Original Correspondence, 1759-1955 (CO 537). There is a relative lack of archival materials about the internal circumstances of Accompong in the post-legal abolition period. As such, the records of the Church Missionary Society were very useful in filling in this archival gap, given that for much of the 19th century, they were the only missionary presence in Accompong. The Cadbury Research Library Special Collection of the University of Birmingham, England, currently holds the archives of the Church Missionary Society. The journals and correspondence of the missionaries contained valuable insights into the daily tenor of life in Accompong during this period.

Ethnographic Field Research

There is little published scholarship or primary documentation on contemporary Accompong Maroon political structures and governance processes. Written records of Maroon governance were very limited and what did exist was often confidential. The journalistic archives of Jamaican news media such as *the Gleaner* and *the Jamaica Observer,* as well as the leading Dutch-language Surinamese newspaper *Starnieuws,* were able to provide some details of Maroon politics which made it into the public realm, albeit in an unsystematic manner. As such, much of

[23] In general, the Jamaican Archives and Records Department seemed to be in an alarmingly under-resourced state throughout the course of my research there (2012-2014). Many documents were degraded or damaged beyond the point of viewing, and even climate control for the archival documents was only intermittently available. The archivists remained most stoic in the face of this and very accommodating given the circumstances, but much of Jamaica's archival heritage appeared at risk of further decay without restorative action and more consistent storage.

the data collection in this regard relied on interviews and participant observation of the daily functioning of Maroon governance and political life. Prominent among such events were the Kojo Day speeches on January 6th, 2014 and 2017, the 3rd and 4th Agroforestry Farmer Field Schools on January 23rd and February 13th, 2014, respectively, and the Accompong emergency public meeting held on May 10th, 2014. Nonetheless, major documentary finds in Accompong include printed editions of the Constitution of Accompong, the music and lyrics of the Accompong national anthem ("Accompong Town, Tis of Thee"), flags of the Maroon state, both official and conceptual, the printed schedule programs of the Kojo Day celebrations in 2014 and 2017, and the Maroon Council document *History and Excerpts from the Maroon Treaty 1738-1739.*

Interviews with Accompong Maroon public officials were conducted with the sitting Colonel and members of his staff, the Deputy Colonel, former Colonels and Deputy Colonels, and Maroon Councilors. These respondents yielded critical data vital for elaborating the scope, scale, and dynamics of Maroon governance structures. Questioning was conducted using a structured script varied according to the positionality of the respondent (Accompong or Ndyuka Maroon government officials, representatives of the state and extractive industry, and Maroon Surinamese political parties/government). Questioning priorities were the origins and recent development of Maroon governance structures, the major challenges of Maroon governance and the prevalence of factionalism, challenges and progress surrounding negotiations with the government on the issue of bauxite mining, sovereignty and territorial delineation, and the origins and evolution of Maroon alliances with environmental organizations. Recorded interviews were transcribed verbatim and unrecorded interviews were reproduced to the best of my recollection.

Much of the larger contours of the Maroon polity were discovered through these formal interviews, but the details of the more implicit structures of the Accompong's political order were derived from anonymous, informal conversations with the wide cross-section of respondents I was able to cultivate in the community with the assistance of three key gatekeepers. This includes my findings on familial factionalism and income inequality in Accompong as well as gender hierarchies at play in communal decision making and power relations. Although the formal interviews were very productive, most community members, especially those not directly working in the Maroon government, were more comfortable with informal conversations arising from natural day-to-day interactions. Indeed, Maroon government officials were more open about information in casual conversation than structured interviews. However, most Accompong women respondents were reticent to speak in much detail about their gendered experiences in the community regardless of context, unsurprising given my own positionality as a male-identified outsider. Nonetheless, the gender dynamics of Accompong were analytically approached through the social roles, political hierarchy, and division of labor observed during field research. Interviews with representatives of the Surinamese Maroon leadership paralleled the Jamaican line of inquiry, albeit on a more truncated scale. Through the

indispensable assistance of two gatekeepers, I was able to conduct interviews with the *Kabiteni* (village heads) of Peto Ondoo and Adjoema Kondee, as well as a focus group with the *Basia* (deputy) of Peto Ondoo and his council.

My field research in the Ndyuka Maroon villages of the Moengo region was focused on documenting the extent and impact of the bauxite operations through interviews with local leadership and observations of the mining tracts themselves. The oral histories recorded were critical to the establishment of the timeline of mining in the area as it impacted the Maroons, and photographs of the exposed clear cuts and strip mines documented the extent of the ecological damage, particularly in Adjoema Kondee, where the mining was most recent out of the two villages. My field research in Paramaribo was focused on documenting the activities of key Maroons involved in Surinamese statecraft, in particular three Ndyuka representatives of the Brotherhood and Unity in Politics Party (*Broederschap en Eenheid in de Politiek*) and the General Liberation and Development Party (*Algemene Bevrijdings- en Ontwikkelingspartij*), the latter of which was a member of the governing parliamentary coalition during my field research in 2014.

In all interviews in every field site the purpose of the research was clearly stated in both verbal and written form (in the case of Suriname the services of translators were employed to relay this information in Dutch, Sranan Tongo, or Ndyuka as needed). All interviewees were made aware that they were free to refuse participation in the research at any time. All interviews with respondents in Jamaica and Suriname who were not public officials, whether in state bodies or Maroon governance structures, were conducted using anonymized written notes. Interviews with public officials and members of non-governmental organizations, in their capacity as representatives of their organizations, were recorded using audio tapes or written notes.

Finally, a note on orthography is needed. Quotations of interviews will appear throughout the text to provide evidence for my argumentation. Out of respect to my research respondents and my approach of centering their voices, I keep my editing of their speech to a minimum and clearly note my insertions. However, interview quotations have been translated from Okanisi (the Ndyuka language), Sranan Tongo (the creole language of Suriname), Dutch (an official language of Suriname), and Jamaican Patois. With an English-speaking audience in mind, translation of the first three languages was a given, but translating Jamaican patois into standard English was a more vexing decision. Bilby (2005, xvii-xviii), who grappled with the same dilemma in his book, notes that there is a growing movement advocating the use of a systematic phonemic orthography reflective of the phonology of Jamaican patois. There is no easy answer to this dilemma. Bilby (ibid.) eschewed the systematized orthography but opted for a more idiosyncratic reproduction of the dialect of his respondents. Without delving into the complex political and linguistic contention over whether patois is a variation of English or a distinct creole language, I decided to ease for my readers the potentially laborious process of reading through long passages of phonetic patois, which might be especially demanding if one is not already familiar with the dialect.

Policy Analysis

Existing policy documentation was analyzed in order to yield a greater understanding of Jamaican and Surinamese political economics related to the aluminum industry, environmental policy and activism, and official positions on Maroon autonomy and land rights. Economic data, press releases, and annual reports from the following institutions formed the bulk of my Jamaican policy data: Alcoa Inc.; the Centre for Environmental Management; the Cockpit Country Stakeholders Group/Windsor Research Center; the Flagstaff Visitors Centre in Trelawny parish; the Forestry Department; the International Monetary Fund; the Jamaican Bauxite Institute; the Jamaican Caves Organization; the Jamaican Environmental Advocacy Network; the Jamaican Environmental Trust; the Ministry of Agriculture & Lands - Mines & Geology Division; the Ministry of Science, Technology, Energy and Mining; the Southern Trelawny Environmental Agency; the Social Development Commission; the Unites States Agency for International Development; the United States Congress Select Committee on Narcotics Abuse and Control; the Unites States Senate Caucus on International Narcotics Control; and the World Bank. For Suriname, sources for policy data included, the Central Bank of Suriname; the International Bank for Reconstruction and Development; the Ministry of Regional Development; the Presidential Commission on Land Rights for the Republic of Suriname; the Suriname Aluminum Company, LLC; the Surinamese Bauxite Institute; the World Bank; and the World Wildlife Fund.

Interviews with representatives of the state were conducted to bolster policy data sources, including representatives of the Cockpit Country Stakeholders Group/Windsor Research Center; the Jamaican Bauxite Institute; the Jamaican Caves Organization; the Jamaican Ministry of Science, Technology, Energy and Mining; Members of Surinamese Parliament; the Presidential Commission on Land Rights for the Republic of Suriname; and the Surinamese Ministry of Regional Development. Representatives of the mining industry and international financial institutions declined to participate as respondents in this research.

Political Discourse Analysis

In reconstructing the history of Maroon/state tensions in the 20th century, media archives become indispensable given that in the post-1950 period many governmental documents still remain confidential. Jamaican newspaper archives such as *the Colonial Standard and Jamaica Dispatch*, *the Falmouth Post*, *Gall's Newsletter*, *the Gleaner*, *the Jamaica Observer, the Royal Gazette*, and *the Watchman and Jamaica Free Press* were all mined as data sources, but *the Gleaner* dominated the group given the extent, quality, and accessibility of its back-issue archives. This is fortunate given that *the Gleaner* has arguably served as Jamaica's flagship print news publication for over 100 years, aligning with the periodization of a significant portion of the archival work of this research.

The post-1950 period also represents a qualitative shift in the medium through which the successive Jamaican independent governments and Accompong staked their opposing claims on

Maroon autonomy and territorial delimitation. As colonial rule ended, so did official delegations and public pronouncements from the governor or colonial secretary's office. With independence, the state went largely mute on questions of Maroon politics while digging in for an obstinate maintenance of the status quo while slowly undermining Maroon self-rule through War on Drugs incursions. Although the Maroons were still able to periodically meet with successive prime ministers, the terrain of struggle shifted almost completely into the rhetorical field, with Maroons and their supporters courting sympathetic journalists and penning letters to the editor while skeptics and detractors responded in turn with arguments often laced with the old bitterness of supposed Maroon betrayal of the enslaved. As with the historical chronology, *the Gleaner* and *the Jamaica Observer* proved to be most consistent sources of Maroon political discourse in the second half of the 20th century given their dominance over Jamaican print media.

Community Based Participatory Research and *Learning by Working*

Ethnographer Kenneth Bilby and fellow anthropologist Jean Besson have accumulated the most time conducting field work in Jamaican Maroon communities (over 30 years beginning in the 1970s). Bilby's experiences in particular, however, are highly instructive to field researchers in Maroon communities as he has identified at length some significant methodological challenges in conducting such work. Field researchers of Maroons should be prepared to engage with a population that is notorious for secrecy, evasiveness and distrust of outsiders, an extreme case of a phenomenon found in varying degrees in most communities. Bilby (2005, 13) traces the genesis of this disposition to the legacy of the Maroon Wars of the 17th, 18th and 19th centuries, where betrayal and espionage were constant and deadly threats to these military communities. Indeed, my own field experiences bears out the truth of this reality when, during my initial visit to Accompong in 2012, community members were reluctant to discuss even such apparently innocuous data as basic community demographics. Such evasiveness is an embodied practice among the community and one of the key facets of Maroon epistemology; indeed, even Maroons, particularly the youth, who wish to learn sensitive knowledge about their own culture face the same patterns of elusiveness (Bilby 2005, 13). Given the high stakes and political sensitivity surrounding issues of Maroon autonomy and land rights, it was a reasonable assumption that the Maroons would be guarded and equivocal about discussing their political dynamics and process.

Bilby encountered serious methodological difficulties in his own field work, fairly regularly experiencing severe trust issues with his Maroon respondents while becoming entangled in discourses of evasion and partial revelation. Interviews would sometimes last five hours with little more than cryptic reasoning or rhetorical labyrinths being revealed (ibid., 5). Most alarmingly, Bilby (ibid., 9) came to learn that certain concerned community members had approached some of his respondents to admonish them on giving away "secrets" and conspired with them to feed him misinformation. Even more so, in Suriname, I was told in no uncertain terms by my gatekeepers that unless I was introduced to my prospective field sites by a trusted community member I would not be welcome there, such was the wariness Ndyuka society held

toward academics. It was clear that trust was going to have to be central concern of my field research.

Historian G. Ugo Nwokeji has encountered similar problems collecting oral histories for his own research. Cognizant of the positivist expectations of his own discipline, Nwokeji (2010, 211) attempted to control the interview process, stressing to his informants the need to cite concrete, temporalized examples of the issues and events under discussion. His fear was that rather than a valid relation to their own history, the Aro people of Nigeria, Nwokeji's (2010, 211-14) research subjects, may have been inclined to present mere charters, that is, widely disseminated narratives serving group interests. The existence of charters forms the basis of some of the critiques of oral histories as being unreliable (ibid.). Ultimately, however, Nwokeji (ibid, 212) found that in the final analysis the Aro did not conceptualize history as a mere charter narrative to validate the present, and such that it existed, his respondents deviated from it.

To work through this dilemma, I turned to the principles of Community-Based Participatory Research (CBPR). CBPR is a research orientation, not a method as such, and is informed by a set of values around knowledge, respect, and the nature of epistemology, rather than a method substitutable with other methods (Wilmsen et al. 2008, 268). As such, participatory research exists on a spectrum; on the narrow end, there is a mere change in terminology, calling people participants rather than objects, whereas on the expansive end of the spectrum we find fully developed CBPR projects. Trust is of central importance to CBPR and trustworthiness is used as a metric with which to gauge how accurately their results reflect the reality of the situation under study, often in combination with conventional techniques of data integrity, such as interview triangulation in the case of my research.

Following Meredith Minkler and Nina Wallerstein (2003, 4-6), across the broad spectrum of participatory research, participation can be of multiple types, from research subjects merely consenting to give their time or documents for the furtherance of a project, to being co-constructors of knowledge in their own right, and thus on an equal footing with the researcher in term of scholarly production. Therefore, in a research context, participation is fundamentally about the relationship between the researcher and the community, and often the role of the researcher as a member of that community as well (ibid.). Power is a key issue here, both in terms of how funding and support influences the execution of the research, but also the level of respect a community is given as a unit of identity with its own agency and not just a passive body. The CBPR approach recognizes the assets, strengths, and resources of a community and not solely their problems, while a collaborative process through all phases of research can ideally achieve mutual benefits for all partners. Finally, co-learning and knowledge co-construction should be an opportunity where community members are empowered in acknowledgement of the historical and ongoing distrust between communities (particularly marginalized communities) and academia. There is significant debate on whether full spectrum CBPR is realizable within the typical research constraints most academics face, namely budgetary limitations and overwhelming pressure to produce sole-authorship publications (Wilmsen et al. 2008, 274).

Ultimately, a fully developed CBPR project was beyond the scope of this research, however, much of the ethos of CBPR approach to field work stayed with me as I learned to work within the Maroon polity.

During his research, Bilby (2005, 7) discovered the key Maroon approach to knowledge that there was no way for anyone to learn *about* Maroon knowledge without actually *using* it. That is, it is through the practice of Maroon culture that one discovers its tenets. Therefore, my participation in the daily life of the community would be vital understanding Maroon political and environmental consciousness. To do so, I found exemplary guidance by Roberto González's (2001) ethnography of Mexican indigenous Zapotec *campesinos* (peasants) in which he practiced an approach of *learning by working*. During the duration of his field work, González would labor in the fields under the guidance of *campesinos* and joined a traditional Zapotec musical troupe. Through this effort, González was able to build a rapport with the locals (*confianza,* or confidence), thus enabling a richer research experience and much deeper insight into his research topic (ibid., 25).

This approach had similar value for Paul Nadasdy (2003), who ensured that his stay in the First Nation Kluane village of Burwash in the Southwest Yukon, where he was researching indigenous/state relations surrounding hunting practices. Nadasdy (ibid., 22) recognized that he needed to stay long enough in the community so that he would not be taken for another seasonal researcher (meaning two or three months), the type of academic derided in the community for "stay[ing] only a short time, and are never heard from again." Furthermore, Nadasdy (ibid.) took care of all of his own needs and made himself useful around the village, thus becoming more embedded in the community. He accompanied people as they went out on hunts and learned some hunting techniques himself under the tutelage of the locals.

In its essence, *learning by working* is a highly-engaged variant of participant observation, where the researcher participates in the daily toil of their research subjects in order to better learn about their lives. *Learning by working* emerged from the field of International Development Studies as a creative method for solving research problems akin to my own; although González (2001, 25) laments that it has been rarely utilized by researchers. *Learning by working* is an individual initiative, method and disposition that the researcher can execute without requiring a high degree of good luck, money, powerful connections or massive changes in the structure of the academy. Secondarily, as attested to by both González and Nadasdy, "learning by working" engenders a great deal of trust in the researcher, a vital need for my research project and the key for overcoming much of the secrecy and distrust I initially encountered in Maroon communities. Through acts of solidarity, generosity, and mutual aid, an intimate knowledge of the functioning of the community and the daily lives of its inhabitants can be garnered while, reciprocally, the community members will have a much clearer idea of who the researcher is and their intentions, thus rendering the research process far more transparent. In its best execution, *learning by working* also builds community capacities with research respondents able to draw on the skills of the researcher for their own benefit.

In Accompong, I first practiced *learning by working* by helping an elder herbalist record his preparations and recipes into a booklet and arrange for the printing of a few copies. By producing something of use to him and getting to know him better in the process, I was also able to gain valuable insights into Maroon environmental consciousness through their herbal pharmacopeia. I also attended two quarterly sessions of the Farmer Field School Trainings in Accompong, which allowed me to meet many of the active cash croppers, learn about their farming techniques, and discuss with them some of the ecological problems the community has been facing while laboring with them in their efforts to manage the difficulties. Finally, in coordination with Sheldon Wallace, President of the Accompong Development Committee, I helped construct a website for Accompong actually run and updated by community members. This brought me much closer to understanding the development needs of the community and how Accompong is seeking to use information technology to support their struggle for autonomy.

Through the acts of solidarity and mutual aid inherent to *learning by working*, an intimate knowledge of the functioning of the community and the daily lives of its inhabitants can be garnered while, reciprocally, the community members will have a much clearer idea of who the researcher is and their intentions, thus rendering the research process far more transparent. In the 21st century, many Maroons have tired of academics who use their knowledge and culture with no tangible benefit for the community. I think that the Maroons deserve better, and the overriding ethos I took from my engagement with CBPR is that the respondent community should be empowered by the research in both its execution and outcome. Louise Fortmann provides an exemplary approach in this regard.

In her own words, the research outcome of Fortmann's (1996, 211-12) exploration of the intersection of tree tenure, gender, and tree planting and use in two Zimbabwean villages "describes how the knowledge generated and revealed through a research project came to be 'owned' by the study village through the use of participatory methods, and the deliberate and systematic empowerment of both the village research team and other villagers." Explicitly seeking to build community through the research process by having women in her research sites conduct their own resource mapping, Fortmann (ibid., 212-13) hypothesized that the resource mapping women would develop a consciousness about their problems, gain expertise on the conditions of their communities and become spokespeople, while simultaneously developing a network which could be mobilized at later times. The impact of this research on gender hierarchy in the villages was pronounced. When the research began the role of these women in communal politics was to "listen respectfully to the older men" in village meetings (ibid., 218). However, when it came time for the women to present their findings to the village meetings, itself a disruption of normative gender roles, they were "confident, polished, authoritative speakers," and everyone listened (ibid., 219). The change in attitudes was palpable. Fortmann recounts that after the presentations, a male village leader commented that "We never thought … that we would learn something from a woman, but we have." With this inspiration in mind, I endeavored

to produce a research study which the Maroons would find both meaningful and, with a little luck, beneficial in their ongoing struggles.

Chapter Summaries

Chapter 2 – First Skin of the Island: Accommodation, Confrontation and Jamaican Maroon/State Relations from the Treaties to the 20th Century

After the introductory chapter, Chapter 2 begins by establishing the historical narrative of Jamaican Maroon and colonial state relations from the signing of the treaties up until the 1980s as experienced by the Accompong polity. Although historians have played a central role in establishing Jamaican Maroon Studies, very little of their work accounted for the development of Maroon polities in the post-legal abolition period. The major research finding of this chapter is that in Jamaica, a form of *oppositional stability* existed between Accompong Maroons and the colonial state until the country's independence. While discord over land and taxation was frequent and often punctuated by sharp rhetoric, neither the colonial state nor Maroon leadership would push the other to the brink of open conflict, with negotiations usually coupled with tacit strategies of détente instead of escalation. This was to ensure a stability in the colonial hinterland from which both the Maroons and the metropole benefited; the former in order to preserve their improbable autonomy, and the latter in order to diminish one more potential powder keg in an otherwise perpetually unstable colony. Revisiting 19th and 20th century Maroon history through the lens of *oppositional stability* also suggests a new periodization of Maroon/state relations. From 1739 to 1791 the British imperial state and local Jamaican power structure implicitly rejected the notion of Maroon independence but treated Accompong as an indispensable ally. From 1791 to 1832, the British attempted a more interventionist stance in Maroon politics, even going to war with one community in 1795 in order to enforce their will. Beginning in 1832, the British would periodically attempt the outright elimination of Maroon autonomy through legislative diktat, which the Maroons stubbornly resisted. Over the course of the 19th century this tension would settle into a long period of stagnation, which continued through the 20th century, with the de jure abolition of Maroon autonomy standing in contrast to its de facto maintenance. This analysis is important for Caribbean historiography in challenging the mainstream view of total British domination of the island during the colonial period (see Knight and Campbell 1997).

Chapter 3 – Contemporary Politics of Governance and Autonomy in Accompong: From Treaty to Constitution

Building on this historical research combined with demographic data and field observations, Chapter 3 establishes the sociological and political contours of the Accompong Maroon polity, finding that while Maroon political systems were founded in the context of their fight for freedom, in the 21st century, resistance against enslavement can no longer adequately account for the contours of their political strategies and governance dynamics as they struggle to preserve their land and autonomy from the encroaches of capital and the state. 21st century Maroons are central actors in very modern power struggles as their traditionally non-state agrarian communal

societies increasingly move from the geographical fringes of national state control to the centers statecraft and globalized capitalist production. Indeed, contemporary Maroon politics are marked by desires for affluence, emigration for waged labor, and display significant adaptations of Euro-American statecraft fostered through the sustained and active participation of key nodes of the Maroon diaspora in the United States and Europe. However, gendered control of both the means of governance and production concentrates power in the hands of Maroon men. In the present moment, the *oppositional stability* upon which the Maroons built their post-legal abolition autonomy is threatened by a new interest in their claimed territory by the state and aluminum industry for the rich reserves of bauxite ore found therein.

Chapter 4 – Comparative Maroon Political Ecology: Separatism, State Integration, and Preservationism

Given the relative absence of scholarship on the politics of contemporary Accompong, Chapter 4 bolsters the analysis of data collected during field research in Jamaica by conducting a socio-historical comparison with the Ndyuka Maroon nation of Suriname. This allows for greater specificity in parsing the transnational commonalities in the dynamics of Maroon governance and autonomy from the national particularities of Maroon struggle and the distinct political trajectories emergent from such differences. A central pivot of this comparative analysis is the long-standing impact of the aluminum industry on Ndyuka society, an industry which is very active in Jamaica but has yet to spread into Accompong's claimed territory, as well as the Surinamese civil war in the 1980s, a period of violence not seen in Jamaica. The aluminum industry came to be a significant source of economic growth for Suriname while catalyzing conflict with the Maroons due to ecologically destructive mining in the 20th and 21st centuries. Surinamese Maroon experiences of mining are framed through a political ecology analysis, which Michael Watts' (2003, 257) defines as a field seeking to "understand the complex relations between nature and society though a careful analysis of what one might call the forms of access and control over resources and their implications for environmental health and sustainable livelihoods." Following from this basis and Watts' analysis of the obscuring and mystifying nature of commodities (Kashi and Watts 2007, 39), I adapt Global Commodity Chain analysis as a tool of political ecology, using the Ndyuka Maroons' own oral histories to provide an account of the impact of the aluminum industry on the Maroons and their land as a function of global capitalism.

In the case of Jamaica and Suriname, these national distinctions have caused widely differing approaches to relations with the state, public rhetoric, and the Maroons' own perceptions of their future in the nation. Jamaican Maroons are seeking to further shield themselves from state encroachment, and in particular, the enclosure of their communal lands by reinforcing their own sovereign control as an escalated continuation of their strategy of *oppositional stability*. In contrast, the Surinamese Maroons, after the hard lessons learned from the civil war in the 1980s, are seeking an entry to national state power itself, a strategy made possible by being the second largest ethnicity in Suriname along with the more multi-party

nature of Surinamese parliamentary politics vis-à-vis Jamaica's two-party system. Like in Jamaica, Maroon governance through formal leadership positions has traditionally been the purview of men, but newly ascendant Maroon political parties and a growing presence in creole civil society are providing new opportunities for Maroon women's empowerment. Yet, drawing on the oral histories of both Maroon groups, this chapter concludes that the importance of local ecosystems for Maroon social formation and ethnogenesis (Bilby 2005, 110-11) has established culturally embodied practices of ecological stewardship and preservationism emergent from the specificities of their historical struggle against enslavement. This distinct environmental praxis[24] continues to influence Maroon politics today and, despite their marked political divergences, maintains a parallel between contemporary Jamaican and Surinamese Maroon struggle.

Chapter 5 – Maroon Ecologies, Plurinationality, and Freedom Dreams.

In the penultimate chapter, this research will situate the larger political ideological stakes of Maroon struggle in a context of critical theories of race and nature, a plurinationalist of approach to diaspora, and critical theories of social transformation. First, through situating contemporary Maroon politics at the center of the debates between a biocentric approach to environment and the priorities of the environmental justice movement, I argue that Maroon environmental praxis supports a socionatural understanding of the environment. Second, with their very existence being a living demonstration of ethnic multiplicity in the African diaspora, I argue that Maroon contemporary politics stands as an example of the exercise of "dual power" in a national context, suggesting a plurinational and decentralized approach to state formation, rather than a drive to ethnic homogeneity which has been particularly prevalent in Jamaica. Third and finally, I articulate Maroon struggle as a powerful phenomenon of reasserting autonomism and the politics of plurinationality through the empowerment of a *freedom drive culture*, as articulated by Guinea-Bissauan revolutionary Amílcar Cabral. As such, the Maroon freedom dream stands as a radically transformative response to legacies of colonialism and the socio-economic and political failures of postcolonial state formations.

Chapter 6 – Conclusion

The concluding chapter briefly summarizes the main findings and theoretical implications of this research. As well as recapitulating the central findings of this research, the conclusion suggests new avenues of comparative research possible between Accompong and other Maroon communities as well as state-resistant societies across the globe practicing socio-economic autonomy in the 21st century.

[24] Praxis is defined here as human action guided and driven by sustained intellectual critique, a position derived from Marx's *Theses on Feuerbach* (Sayers 2015, 6; Marx [1888] 1976, 4-5).

CHAPTER 2. FIRST SKIN OF THE ISLAND:[25] ACCOMMODATION, CONFRONTATION AND JAMAICAN MAROON/STATE RELATIONS FROM THE TREATIES TO THE 20th CENTURY

The legacies of *marronage* continue to resonate strongly in Jamaica, both in the public memory of the period of enslavement and in contemporary political discourse. Emerging from their war against enslavement in 1739 as a cohesive political community with a distinct culture and a treaty affirming the right of their autonomous social order to persist, the Maroon community that became Accompong developed a calculated strategy of shifting opposition and collaboration with the colonial state designed to maximize their ability to maintain autonomous self-governance and expand their territory without provoking a forceful response from the British colonial power. This strategy was ultimately successful in maintaining a large degree of self-governance until national independence in 1962, after which time the independent state began to destabilize this balance. Although the early pre-treaty history of the Maroon freedom struggle will be briefly recapitulated here, especially in regard to the treaty negotiations and the possible indigenous and African encounters in the earliest period of *marronage,* the main emphasis of this chapter is on the major events which marked the ongoing oppositional relationship between the Maroons and the Jamaican state from the post-treaty period through to the second half of the 20th century, a period often neglected by Maroon historiography. This chapter seeks to establish the historical narrative detailing the strategies of resistance employed by the Maroon polity of Accompong to preserve their autonomy and advance their territorial claims in the face of assimilationist state efforts to curtail their self-governance in the post-treaty period, particularly since the legal abolition of enslavement. In highlighting Maroon history from the 1830s through to the 1980s, I characterize the key historical periods as the emergence of *oppositional stability* from 1842 to 1905 which, in turn, settled into a phase of Maroon/state relational stagnation from national independence in 1962 to the present, though which no progress was made on clarifying the status of the treaties or the scope of Maroon autonomy.

Through this examination, I will provide evidence for the relational status of *oppositional stability*[26] since the 19th century. I will describe how the Maroons found themselves in the position of periodically defending and/or expanding their treaty-bound autonomy and territorial privileges, as they defined them, while existing under the effective limitations of a dependent relationship of suzerainty. As a result, the Maroons developed strategies of asymmetric political and diplomatic defense for their polity, resonant with earlier Maroon history as a form of unarmed combat against a much more powerful adversary. Meanwhile, the state, in the post-legal abolition period, would establish a legal edifice systematically stripping the Maroons of virtually

[25] "First Skin of the Island" is a Maroon maxim denoting the longevity of the Maroon nation's existence in Jamaica vis-à-vis other groups. Rendered into standard English, it translates as "first body of the island"

[26] As will be explained below, *oppositional stability* is a political relationship based on calculated attempts to undermine the other party's position while deescalating from the possibility of open conflict. This acted to stabilize Maroon/state relations during the period after legal abolition in Jamaica until the present.

all dispensations agreed to in the treaties while warily regarding them as a potential threat, though not one to antagonize lightly. By expanding the periodization of Maroon struggle into the post-enslavement period, I am able to demonstrate the extent to which the perceived low economic value of Maroon land entered into state political calculations on dealing with Maroon intransigence in defending their autonomy. In other words, when the state saw little economic value in Maroon territory combined with Maroon resistance to communal dissolution, they tolerated a certain degree of political autonomy. As I will discuss in Chapter 4, this period of Accompong's development as an autonomous polity shares significant parallels and disjunctures with the Surinamese Ndyuka Maroon histories, a further comparison of which revels more insights into the contemporary instability of Jamaican Maroon autonomy. Ultimately, 21st century Maroon conflict with the state over autonomy and resource extraction unfolds within the contours of a complex and delicate political standoff almost 200 years in the making.

Origins: Development of the Maroon Polity 1655–1842

Since roughly 600 CE, the island of *Xaymaca*, meaning the "Land of Wood and Water" in the Arawakan language of the Taíno people from which the name 'Jamaica' would be derived, supported an indigenous society focused on agriculture and trade with the neighbouring Caribbean islands (Rouse 1992). The Taínos of *Xaymaca* were a branch of the larger Arawak ethno-polity that had the misfortune to encounter Columbus on his second invasion of the Caribbean in 1494, although the island itself would not be established as a colony, which the Spanish named Santiago, until 1509 (Columbus 1992; Cundall and Pietersz 1919, 1). Earning little respect from the Spanish for the sustainable adaptation of their societies to the ecological context of the Caribbean, or the intangible value of a cosmology developed over the span of a thousand years, the Taínos were greeted with the genocidal brutality which typified Spanish colonial expansion into the Western Hemisphere (Casas 1992; Oliver 1997, 140-53; Petersen 1997, 118-30). Columbus' contemporary, Bartolome de las Casas (1992, 26), the famed clerical activist against the excesses of Spanish colonialism, estimated that the population of *Xaymaca* was reduced from at least 600,000 to a mere 200 in the timespan between 1509 and 1542. Las Casas' figures are impossible to verify, and indeed, following David Henige's (1978, 222-24) review of the research attempting to quantify the pre-contact population of the Western Hemisphere, there is reason to believe Las Casas' report was more polemical than rigorous (albeit for a just cause). Although a lack of consensus remains in the highly-charged study of pre-Colombian demographics, that the Taínos suffered genocidal mortality levels after the Spanish conquest is well-established (ibid., 218).

Less well-established are the dynamics of *marronage* in the Spanish colonial period. The first documented case of the trans-Atlantic trade in captives to Jamaica was the 1513 transportation of three enslaved Africans for the personal use of the governor, according Frank Cundall and Joseph Pietersz (1919, 1). A regularized trade in captive Africans was established by 1521 when Emperor Charles V invoked it in expressing concern to the colonial governor on how the precipitous loss in numbers of the indigenous and enslaved labor force would impact gold

production (ibid., 6). As the numbers of indigenous people decreased, the transportation of enslaved Africans increased such that by the time of the first formal Spanish census of the island in 1611, the enslaved population made up the largest single demographic of the colony while the indigenous Taíno were the smallest:

Table 2.1 Spanish Colonial Census of Santiago (Jamaica) 1611

Demographic Unit	**Number**
[Adult] Spaniards	523
Children	173
Free Blacks	107
Enslaved Blacks	558
Indigenous	74
Foreigners	75
Total	1510

Source: Cundall and Pietersz 1919, 34

At face value these figures show Jamaica as a small, ancillary colony of the Spanish Caribbean realm with its indigenous population irreversibly on the cusp of extinction. However, disease and the genocidal actions of the Spanish, though certainly the dominant factor in the mass death of the indigenous population, is not the only explanation. Bev Carey (1997, 35-36) claims that some Taíno people chose to escape into the mountainous interior of Jamaica where the Spanish would have had considerable difficulty penetrating, rather than succumbing to brutality, overwork, disease, or suicide. With the jungles, mountains and insects of Jamaica serving as their own formidable fortress, the Taínos were apparently able to re-establish their societies, or some rendition of it. This defensive redoubt of Taíno refugees would, thus, be the first Maroons of Jamaica. Carey (1997, 62) further posits that runaway enslaved Africans joined these Taínos in Jamaica's Rio Grande Valley in Portland parish, future home of Nanny and the Windward Maroons, as early as the 1520's, learning valuable ecological knowledge from the natives. Note that the possibility of such an encounter is contradicted by Francisco Morales Padrón's (2003, 155) history of Spanish Jamaica, in which he claims that, unlike Santo Domingo, there was no *marronage* at all on the island before the English invasion of 1655. Padrón (ibid., 151) does acknowledge the Taíno tactic of fleeing into the interior, however.

The veracity of this Afro-indigenous encounter is echoed in the oral traditions of the Maroons. Sheldon Wallace, councilmember of the Accompong Maroons, recounts that "the Taínos *accepted* the Maroons and *trained* the Maroons," taking the Afro-indigenous encounter in Jamaica as an established fact. Furthermore, the former Colonel of Accompong Martin-Luther Wright (1994, 64) states that his community traces their lineage to both indigenous Jamaicans and Africans in equal measure. Indeed, Cundall and Pietersz (1919, 19) report finding Spanish archival sources that mention a company of "Indians and free Mulattoes" being armed and raised in 1597 to help fend off an English incursion, though whatever became of this collaboration is lost to the colonial archives. Furthermore, Kenneth Bilby (2005, 458n8) explains how the

Accompong Maroon creole phrase "first skin of the island," an expression still used by elders in the community, reflects the belief that Maroons are entitled to indigenous rights given their partial Taíno descent.[27] Similarly, memoirist Chet Alexander (2005, 8) claims that his Maroon mentor Bredda Man took it as a matter of fact that Maroons intermixed with Taíno natives, from whom they gained their considerable knowledge of herbal healing.

The extent of the Afro-indigenous encounter, or if it even happened, has been a point of contention in the historical literature; most studies of the Jamaican Maroons do not mention it one way or another, while prominent Maroon historian Mavis C. Campbell (1988, 9) dismisses outright the Taíno connection as historically baseless. However, a recent genetic study of Accompong supports Maroon claims of indigenous and African intermixture, albeit in a limited manner, in the early colonial period of the island (Madrilejo, Lombard and Torres 2015). Carey's work, long the lone voice in the literature advocating the authenticity of Maroon claims of a direct link to Jamaica's indigenous forbearers, may be approaching something of a vindication, especially if future archeological work can shed more light on the existence and scope of the Taíno refugee communities. As for the Accompong Maroons themselves, they continue to self-ascribe indigeneity as a given aspect of their identity, a topic which will be further discussed in Chapter 4.

While the specific historical roots of the Maroons and their numbers during the Spanish period is contentious,[28] the importance of the 1655 English invasion of Jamaica to the coalescing of the Maroon polities finds broad consensus among scholars. Large-scale acts of *marronage* in New World history were usually precipitated by some kind of great crisis in a colony with Jamaica under English/British occupation[29] being a clear expression of this pattern (Price 1996). Indeed, 18th century English-Jamaican chronicler and pro-slavery politician Bryan Edwards estimated some 1,500 former captives using the confusion of invasion to abscond into the mountainous interior (Edwards 1996, 230; Patterson 1996, 252). Other Blacks were either already free or found themselves manumitted and armed by the Spanish to help fight the English in the desperate attempts of their former enslavers to maintain their colony (Cundall and Pietersz 1919, 55).[30]

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[27] An elder Rasta Maroon in Accompong, in personal conversation with the author, used the phrase "first skin of the island" as an axiom in explaining why the Jamaican government must respect the community's autonomy.

[28] English-Jamaican writer Robert Charles Dallas (1803, xxix), heir to a colonial estate, was of the opinion that the Spanish would have soon fallen victims to their own enslaved captives had the English invasion been forestalled much longer. Dallas provides no source for this claim, although the Spanish archives themselves convey that the colony was in such a state of disarray and mismanagement for at least 15 years leading up to the invasion, that it stands to reason that escape from enslavement would have been relatively easy given the disorganization and demoralization of the master-enslavers (Cundall and Pietersz 1919:40-50).

[29] In this chapter, the post-Spanish colonial power in Jamaica will be referred to as England/English before 1707 and Britain/British after that date to reflect the merger of the Kingdom of England and Kingdom of Scotland into the Kingdom of Great Britain by the *Acts of Union, 1707*.

[30] This order was given to Spanish resistance leader Governor Arnoldo y Ysassi by the Viceroy of New Spain Francisco Fernández de la Cueva, Duke of Albuquerque (Cundall and Pietersz 1919:54-55). One can only speculate on whether Albuquerque was learning from his own predecessors' strategy of incorporating Maroons into the

Opportunities for freedom opened even wider as the ensuing guerrilla war (1655–1660), waged by remaining Spanish colonists to dislodge the English, dragged on. The Spanish established hidden bases in some of the same areas that the Maroons would later stage their struggle for freedom. Some Africans, likely made up of free Blacks and those that could be cajoled with money, supplies, or promises of freedom, fought alongside the Spanish and fled with them to Cuba in 1660 (Campbell 1988, 15). As historical sociologist Orlando Patterson (1996, 253) puts it, "[for the Maroons] as far as whites were concerned, the known evil was always preferred to the unknown." A few Maroons, namely a feared group commanded by Juan de Bolas (Juan Lubolo to the Spanish), defected to the English in response to their desperate peace overtures circa 1660, agreeing to cease hostilities and join the war against the Spanish (and their Maroon allies) in exchange for freedom and land grants (Campbell 1988, 19-21). This was a crushing blow to the Spaniards and Juan de Bolas' defection proved to be the decisive turn of events which finally convinced the leadership of the resistance to abandon their cause (Cundall and Pietersz 1919, 98). Two factors significant to Maroon history can be drawn from the terminal phase of the English and Spanish war for Jamaica. First, the Maroons played a decisive role in Jamaican history from its very birth as an English colony. Second, for all the attention the 1739 treaties receive, and indeed they were consequential as will be discussed below, the first Maroon treaty in Jamaica was forged in 1660, ratified in 1663 after the conclusion of the Spanish war (Campbell 1988, 23).

Bolas' treaty did little to lower the pitch of Maroon conflict, even after the Spanish fled. Indeed, for his perceived collaboration with the new master-enslavers, Juan de Bolas was killed by another Maroon group led by Juan de Serras (Patterson 1996, 255).[31] The Maroons had, by the time of the Spanish retreat in 1660, divided into three groups: the aforementioned Bolas group, now effectively an English militia; an obscure group in the Clarendon plains of which there is little information; and a group the English dubbed the Vermahalys (or, variously, the Carmahaly, Karmahaly, Vermaholis or Vermahalles [Campbell 1988, 25]), led by Serras, by far the most aggressive of the Maroons (ibid., 253). Despite instructions from the metropole at the very onset of English civilian government in 1662 to come to peace with the Maroon groups if at all possible (ibid., 254), one English officer, Major Sedgwicke, had the foresight to acknowledge that "of the Blacks there are many, who are like [sic] to prove as thorns and pricks in our sides" (Campbell 1988, 19). By 1665, however, the rest of the English colonial government was resigned to the futility of bringing Serras to terms and formally declared war on his group (Campbell 1988, 26). Thus, Maroon warfare of varying pitch, scale and intensity was a constant reality of the English/British presence in Jamaica up until the 1739[32] treaties, and marked the

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defense of New Spain (Mexico). For more information on Gaspar Yanga, the Mexican Maroon leader who wrested a treaty from the Spanish in 1618, see: Rowel 2008, 163-164.

[31] In fact, Bolas was reportedly cut to pieces as a sign of the Vermahalys' contempt for his "treason" (Campbell 1988:25).

[32] Following Kopytoff (1973:135n39), there has been some confusion in the secondary literature and among the Maroons themselves on the exact year each treaty was signed because of Old-Style/New-Style dual dating system in the British Empire at the time. Until the adoption of the Gregorian calendar in 1752 and the shift to January 1st as the

earliest establishment of the colony. The long history of Maroon autonomous existence on the island lends credence to the widely-held position in Accompong, made centuries later and discussed with numerous respondents during the field work for this research, that their ancestors were never rebels because they were never under the authority of the English to begin with. As such, the unilateral legal abrogation of the treaties, as the British did in 1842, was illegitimate. The de facto positon of the Maroons as independent polities fighting against a foreign interloper, and then coming to terms as two sovereign and distinct powers, is largely supported by the wording of the original 1739 treaty (see Appendices) and English actions in the 18th century, as discussed below.

The war strategy of the Jamaican Maroons had to take numerous tactical and strategic considerations into account. Locations for communities were chosen to be as obscure as possible from the military and surveillance apparatus of the system of enslavement while also needing reliable access to water and food for the fighters (Campbell 1988, 232; Sheridan 1986, 154). The Vermahalys under Serras, for instance, eventually moved to the northeast coast of Jamaica, away from the early south coast focus of English plantation building (Campbell 1988, 32). When attack was necessary, a typical Maroon assault would aim for complete surprise as the guerillas would silently descend upon the plantations from the hills and jungles, kill any whites they found, plunder the estates for arms, food and other supplies, and either invite or coerce the captives they encountered to join them, thereby boosting their numbers and military capabilities (Campbell 1988, 26; Robinson 1969, 32). Revolts of the enslaved, mass breakouts, and individual or small group flight from the plantations also swelled the ranks of the Maroons, particularly incorporating those former captives who had the wherewithal and organizational skills to destroy the plantations from within (Patterson 1973, 256). The Maroons became masters of camouflage, stealth, and reconnaissance to the point where an entire community could flee and remain hidden even as incoming European forces were upon their settlements (Campbell 1988, 38-39).

English/British strategies against the Maroons tried to meet their strategic objectives within the confines of inaccessible terrain and limited manpower. Parties of white volunteers, led by more experienced soldiers, were sent out against the Maroons in patrols that could take months to conclude with or without making contact with the enemy (Stedman, Price and Price 1790 [1988]). These conscripts were often ill-equipped and under-prepared, with indiscipline and inebriation rampant in the ranks, unsurprising given how treacherous such missions were (Campbell 1988, 37). Even the more professional forces the colonists could muster initially had steep learning curves, being more used to the regimented open warfare of Europe than guerrilla-

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legal new year, English/British official documents still made reference to the Old-Style Julian dating system in which the legal year began on March 25th, thus the potential for discrepancies for any dates falling between January 1st and March 25th. Indeed, in Accompong the celebration of the peace anniversary is based on the Old-Style year (counted from 1738), rather than the more contemporarily accurate 1739. In this research, all dates have been updated to reflect the Gregorian calendar system in current use.

style combat in jungle-covered mountains (Robinson 1993, 39-44).[33] In any case, all European forces, whether conscript or professional, faced the same obstacles of disease, hostile climates, long supply lines, and the disadvantage of fighting an enemy more familiar with the terrain in lands topographically perfect for waging guerilla warfare (deep forests, unnavigable rivers, and mountains, and often some combination thereof). Formations of free or enslaved Black soldiers (called "Black Shots" in the British West Indies), indigenous mercenaries (particularly drawn from the Miskito people of what is now Nicaragua), buccaneers, and even other Maroons usually proved to be far more adept at anti-Maroon campaigns than European soldiers (Campbell 1988, 37).

Even with the colonists' gradual adaptation to the necessities of guerilla warfare, scarcely a decade went by in Jamaica under the rule of the English plantocracy without some upheaval amongst the enslaved. Indeed, the last three decades of the 17th century and the first forty years of the 18th century would find Jamaica ablaze in a crescendo of Maroon uprisings. One act of self-emancipation of particular note is the 1690 rebellion on master-enslaver Colonel Sutton's estate. Some 400 captives rose up and killed their overseers, procuring weapons and supplies (Kopytoff 1973, 29; Robinson 1969, 31-34). A pitched battle ensued once the white militia intervened, and although the majority of the would-be Maroons were killed or re-captured, roughly 10% made it to the interior after a tenacious fighting retreat (perhaps linking up with the remnants of the shadowy Maroons of the Clarendon plains). The leader of the rebellion was reportedly none other than Kojo, future head of the Leeward Maroons, whose brother and apparent second in command, Accompong, would found the town that holds his name (ibid.).[34] Kojo, reportedly an ethnic Akan, rose to be head of the loose band of Maroons roaming the center-west region of the island by defeating the leader of another Maroon group, said to have been of Malagasy descent, thus incorporating that group into their new community (Patterson 1996, 260).[35] For their part, Accompong Maroon oral traditions stress the centrality of Kindah, a kinship ritual Captain Kojo initiated, to the formation of their polity, rather than an internal power struggle. In any case, those of Akan ethnicity, including Asante and Fante people from the areas now encompassing Ghana and Ivory Coast, became the dominant ethic group among the Jamaican Maroons (Campbell 1988, 3; Zips 1999, 55). Indeed, the Maroons of Accompong identify three distinct sources of ethnic heritage among their people: Asante, Coromantee (an archaic British term for Akan people, possibly alluding to non-Asante members of the group such as the Fante), and Kongo (a Bantu people from the areas now encompassing the Republic of the Congo, the Democratic Republic of the Congo, and Angola). As will be seen in Chapter 3,

[33] During a 2012 tour of the old ambush paths in the mountains above the Maroon settlement of Charles Town, community leader Col. Frank Lumsden described how the drumming from the British ranks, used to keep the pace of the march, and highly visible red coats would readily give away their position to the Maroon warriors.
[34] "Leeward" refers to a nautical term for the point toward which the wind blows, in this case denoting the western regions of Jamaica. "Windward", on the other hand, refers to the point from which the wind blows, in this case denoting the eastern regions of Jamaica.
[35] The timeline of Kojo's exploits is imprecise and given to contradiction in the archival documents (Campbell 1988, 46).

the historical memory of Maroon social formation would continue to have great bearing on 21st century reconfiguration of Maroon politics.

Meanwhile, by 1722, the progeny of the Vermahaly Maroons had developed into a loose federation of Maroon groups in what is now Portland parish in the jungles and valleys north of the Blue Mountain Range (Campbell 1988, 49). After a period of quiet facilitated by the Vermahaly migration away from the focal points of plantation society, the Windward Maroons, as this group came to be known, once again clashed with the colonists when the embryonic plantations expanded to the north coast (Patterson 1996, 260). Escalating skirmishes became an all-out conflict, with the eastern island setting the stage as the major theatre of war between the Maroons and master-enslavers. Numerous sorties were sent out against both Maroon groups, of which efforts against the Windwards were far more aggressive (ibid.). The vast majority of these patrols failed, however, and only served to enrage and encourage the Maroons, emboldening them enough to actually take and hold plantations (Campbell 1988, 79). The greatest British failure was the defeat of a large force of professional soldiers sent to attack the Windwards in August 1733. They were forced to retreat in a state of disorganization, panic and virtual mutiny. The soldiers were so fearful of the Maroons that they refused to advance and may have even destroyed their own supplies so as not to be forced to do so (Patterson 1996, 267). The psychological impact of fighting a shadowy enemy with a fierce reputation was clearly taking its toll on the colonists. The colony at this point was teetering on collapse, not to mention bankruptcy, and the fear of an island-wide Maroon-slave insurrection was now frighteningly real in the minds of the colonists (Campbell 1988, 77).

The war ebbed and flowed for each side as the course of the conflict progressed, and it was certainly not an endless victory march for the Maroons. A tragedy for the community ensued when, on April 20th, 1734, British Captain Stoddard attacked Nanny Town, the eponymous headquarters of Grandy Nanny, and destroyed it killing many Maroons. However, given the immense loss of life the British also suffered in the attack, this was a pyrrhic victory (Patterson 1996, 268). More significant to curtailing *marronage* was the reinvigoration of a network of British barracks in order to garrison the interior with troops that could more easily impede the Maroons' freedom of movement and disrupt their supply lines (Campbell 1988, 68).

The destruction of Nanny Town shifted the center of gravity of the Maroon struggle to the Leewards. Kojo is reported to have chastised the Windward Maroons for their aggressiveness, blaming them for provoking the increasing militarization of the colony, preferring instead to wage a defensive struggle against the master-enslavers (Patterson 1996, 270). British reports indicate that by 1736, the Leeward Maroons had two main strongholds, Cudjoe [Kojo] Town (present-day Maroon Town in St. James parish) and Accompong, in which Kojo gave the Windwards temporary shelter after their defeat at Nanny Town (ibid.). Nonetheless, by 1735 both the Leewards and Windwards, freshly returned to Portland parish after rest and regrouping in Kojo's camps, went on a simultaneous, though uncoordinated, offensive in an island-wide series of assaults (Campbell 1988, 94). For the Windwards these

operations were to regain lost territory; for the Leewards, it was to draw the British away from their mountain strongholds in Cockpit Country, a highland area of sharp peaks and deep depressions located in the central-west interior of Jamaica, of which the colonists had scant information and considered largely impenetrable (ibid.).[36] With the resurgence of the Windward Maroons and the increasing aggression of the Leewards, the island seemed destined for perpetual conflict between freedom-seeking Africans and European enslavers. During the 1730s, rumblings began to emerge from within both the colonial administration and the military about another way to end the war besides a prolonged fight to the death.

Black Sparta and the Plantation Empire: Coming to Terms with the Treaties of 1739

The idea of coming to terms with the Maroons is as old as the English presence in Jamaica itself. As described in the beginning of the previous section, the Spanish remnants on the island forged agreements with Maroons for their own survival. This was in accord with the instruction of the Viceroy of New Spain himself, while a treaty between the English and the Maroon leader Juan de Bolas was made as early as 1660 when the new (English) colonizers were trying to make good on their tenuous hold of Jamaica. Since that point, the English/British appetite for treating with the Maroons rose and fell with their fortunes in battle.

In June 1730, after yet another failed foray against the Maroons, the then Governor Robert Hunter proposed to the House of Assembly of Jamaica, the plantocracy dominated legislature of the colony from 1664–1865, that they focus the colony's military actions on bringing the Maroons to the negotiating table, rather than vainly striving for their defeat. Governor Hunter would periodically repeat his assessment for the rest of his tenure, with the Assembly overruling him each time and opting instead for more doomed attacks (ibid., 100). His successor, John Ayscough, held the same beliefs about the futility of pursuing the war, but this time with the explicit backing of the metropole. The Board of Trade, an advisory and governing body of British colonies at the time, had taken a deep interest in ending the Maroon War given the ruinous impact it was having on the colony's finances. On October 26th, 1734, the Board of Trade distributed a memorandum acknowledging that Jamaica was at risk of being lost, though less so from a Maroon total victory and more so from the French or Spanish taking advantage of the situation and making an alliance with the Maroons for their own ends. Rather, after gaining some advantage over them, the Board of Trade advised that a general amnesty and allotment of land should be granted to the Maroons. Interestingly, the Board of Trade took the time to research the Spanish history of Maroon treaties, impressed with their great success in ending wars with the Maroon *palenques* of Spanish America. The Board of Trade even found treaties the Spanish has signed in Panama and Mexico as examples (Campbell 1988, 99-101).

[36] A Board of Trade (the predecessors of the Secretaries of State for the Colonies) estimate put the Maroon groups as having 600 armed warriors between them in 1734, although such figures can hardly be considered conclusive due to the unreliability of sources (Campbell 1988:101).

With this, Governor Ayscough was empowered to send an emissary to the Windward Maroons. After a perilous journey, Lieutenant Bevil Granville made contact with a Maroon patrol on February 5th, 1735, but the negotiations were a disaster (ibid., 102). Told that "they were determined never to believe a Baccara [white person]," the Maroons sent Granville away, threatening to kill him if he ever came back (ibid., 102-03). It would be left to Ayscough's successor, John Gregory, to pick up the task. In March 1736, the Assembly was again presented with two options; continued war or the offer of a treaty (ibid., 104). The master-enslavers once again opted for war, but Governor Gregory would not let the issue drop. Secretly enlisting the help of Colonel John Guthrie, Governor Gregory set in motion the series of events which would lead to the British peace overtures of 1739.

Guthrie finally got his chance with the arrival of a new governor in April 1738, Edward Trelawny. After years of collecting intelligence on the Leeward Maroons, Guthrie knew that Kojo's strongholds lay in Cockpit Country, somewhere southeast of Montego Bay (ibid., 107). Guthrie was further assisted by Maroon traitors in finding the Leeward towns (ibid., 108). Marching from Montego Bay in early February 1739, Guthrie's party was able to take the peripheries of Maroon territory by surprise and circumvent some of the ambushes with the aid of his ex-Maroon guides. Nonetheless, even with these advantages, the British took demoralizing casualties as they progressed with their incursion (Patterson 1996, 271-72). On or about February 17th, the party reached Kojo Town. The British burned the erstwhile Maroon headquarters and renamed it Trelawny Town, in honor of the governor, and then sought to commence peace negotiations with Kojo (Campbell 1988, 110). The next day, on the 18th, Lieutenant Francis Sadler of the British party reported to Governor Trelawny that a treaty had been reached in principle (ibid., 110-11).[37] On February 24th, a letter of patent from King George II arrived giving Guthrie and Sadler full power and authority to conclude the treaty and the document was duly signed on March 1st, 1739 (NLJ MS 260/1). For their part, the Maroons ratified the treaty in Asante tradition where blood was drawn from British officers and Maroon leaders, mixed in a calabash with rum, and then consumed by all parties (Campbell 1988, 115). This was to cement the treaty as a sacred, unbreakable oath, and to this day the Accompong Maroons call it the "blood treaty" (Bilby 1997). A "blood-oath" is among the most solemn and consequential acts within Maroon society, which partially explains why the Maroons remain insistent on its upholding well into the 21st century (ibid., 656). The contemporary importance of the 1739 treaty will be further discussed in Chapter 3.

The terms were sent to the governor and Assembly for approval and, after decades of war and a state of martial law since 1734 (Campbell 1988, 89), the treaty was ratified and signed into

[37] The series of events establish by the British archival record contradicts Accompong Maroon claims that the treaty was signed at Peace Cave near Accompong, and also that the anniversary of the accord is January 6th. Interestingly, a document published by the Accompong Maroons themselves, *History and Excerpts from the Maroon Treaty 1738–1739*, lists the date of the battlefield encounter as January 6th in Accompong Town, whereas the reproduction of the treaty provided in the same document lists the date and location (March 1st at Trelawny Town) more typical of the archives. See Appendices for a reproduction of this document.

law by an Act of Assembly in May 1739 (12 Geo 2, Cap. 5).[38] A separate but similar treaty with the Windward Maroons was signed on June 23rd, 1739 and ratified in May 1740 (Kopytoff 1973, 113). Thus concluded 84 years of almost continual conflict between the English/British and Maroons of Jamaica. The treaty established the basis for peace between the Maroons and the plantocracy, but also stipulated that henceforth, captives fleeing to the Maroons would have to be returned to the master-enslavers and that, furthermore, the Maroons were bound to assist the British in putting down uprisings and repelling foreign invasions (NLJ MS 260/1). Undoubtedly, the treaties were a disappointing blow to the enslaved still yearning for freedom. Suddenly a major and tangible escape route from the plantation was shut off and the Maroons could be counted on to help the plantocracy suppress any further revolts. As previously discussed, this has led to a palpable bitterness among some Jamaicans to the present day.

Kojo's precise rationale for signing a treaty which so dispossessed the still-enslaved masses of Jamaica is lost to history, but a weighing of the circumstantial evidence can provide some compelling possibilities. If Kojo really was the leader of a plantation rebellion in 1690, then he may well have been approaching 70 years of age by the time the peace terms were presented to him. Weary from decades of fighting, Kojo may have surmised that the Maroons could not hold out forever. Indeed, British-Jamaican colonial administrator and historian Edward Long (1774, 344), claiming to have spoken personally with Kojo years after the treaty, wrote that the Maroon leader confided in him that by 1739 his group was close to collapse. If this is true, then it would stand to reason that Kojo would accept any terms which provided for the survival of his people, especially in the wake of Guthrie destroying their main settlement.[39] Given that the Maroons' distinct collective experiences vis-à-vis non-Maroon Afro-Jamaicans produced a new ethnic identity, according to Bilby (2005, 110-11), Kojo may have valued security over any sense of solidarity with the still-enslaved. Campbell (1988, 129) speculates that if Kojo was illiterate like so many of his peers, he could have been duped by the British officers who interpreted the treaty to him. This view, however, does not explain why Kojo would later act so faithfully to the treaty terms. While Kojo's personal intentions and calculations for signing the treaty will likely never be known, it laid the foundation for future tension and conflict between Maroons and non-Maroons in Jamaican society, as discussed later in this chapter.

The accord also laid the foundations for a form of Maroon autonomous self-rule. In Kojo's treaty, the contours of Maroon autonomy are detailed by the first, second and twelfth articles with further clarifications provided by the eight and fourteenth.[40] The first article of the treaty terminated the war, stipulating that "all hostilities shall cease forever" (NLJ MS 260/1). The second article established that Kojo and all his adherents shall live "hereafter in a perfect state of freedom and liberty," with those having joined his group over the last two years given the option to remain with the Maroons or return to their former owners with a full pardon (ibid.).

[38] This treaty is reproduced in the Appendices of this research.
[39] Long is overall an unreliable source, as already been made clear in Chapter 1.
[40] The Windward treaty was similar in terms if not tone (Campbell 1988:137).

The twelfth article confirmed the juridical authority of Kojo and his successors to inflict any punishment they saw fit on members of their community except for death, in which case the person should be handed over to a British justice of the peace for trial as a free Black (NLJ MS 260/3). Further juridical obligations and rights were covered in the eighth article where crimes committed by Maroons against whites, and vice versa, were to be tried by British magistrates (NLJ MS 260/2). Compliance and monitoring were covered by article fourteen in which two white resident-supervisors, chosen by the governor, were to reside in with the Maroons at all times so as to maintain correspondence between them and the colonial government (NLJ MS 260/3).

Articles three, four and five laid out the territorial limits of the Leewards and the economic relations between the Maroon polity and the colony. Article three provided 1,500 acres for the Maroons (NLJ MS 260/1). The fourth article mandated what cash crops the Maroons were permitted to grow and the necessity to receive a license to sell their goods in local markets (ibid.). However, sugarcane was notably absent from the list, likely so that the Maroons would not become a competing force in the most important export market for the plantocracy (Kopytoff 1973, 119). Finally, the fifth article restricted the Maroon polity to the territorial delimitation established in article three while setting up a three-mile buffer zone between the Maroons and any colonial settlement (NLJ MS 260/2). Thus, the former adversaries agreed that the Maroons would be given a wide leeway in managing their own internal affairs while their relations with outside parties (whites, the enslaved, and foreign powers) were heavily constrained and mediated by the plantocracy. Indeed, Orlando Patterson (1996, 273) and Barbara Kopytoff (1973, 133) have both seen these treaties as a great victory for the British in that without any longer having to fire a shot they got the Maroons to accept a position of dependent suzerainty under a hegemonic British political command.[41] In other words, by negotiating from a position of strength, the plantocracy managed to achieve many important concessions.

Clearly, the British were able to achieve marked benefits from the treaty negotiations. First and foremost, a disastrous war had ended for the colonists. In the words of Campbell (1988, 141), "the cost in time and money in attempting to suppress their intestine enemies must have been well nigh incalculable." Drawing on Bryan Edwards' figures, Richard B. Sheridan (1986, 157) calculates that a sum of at least £240,000 ($48,853,307 at 2015 value) was expended by the Jamaican Assembly in pursuing the war against the Maroons. In any case, the war was clearly a burden: taxes were levied which ate into the profits of the plantocracy; military expeditions were outfitted at great expense, and on the rare occasions where they met success, bonuses had to be

[41] Suzerainty was a system of political control common to the British Empire, especially in the colonization of India under the East India Company and the Raj, where tributary vassal states maintained internal autonomy while foreign relations were tightly controlled and circumscribed, although the Maroon treaty would be considered an early version of this since British rule was not consolidated in India until 1757. Of the many works of scholarship analyzing British political control in India, Thomas R. Metcalf's (1997) *Ideologies of the Raj*, Barbara Ramusack's (2004) *The Indian Princes and their States*, and Robert Travers' (2007) *Ideology and Empire in Eighteenth-Century India: The British in Bengal* are among the most useful for investigating the nature and function of suzerainty as imperial hegemony.

paid; plantations were destroyed and colonists chased away, while other prospective settlers were warned off Jamaica given the mortal threat of Maroon raids; and the general chaos and uncertainty opened the island up to the serious threat of invasion from Britain's imperial rivals (ibid., 84-87). In sum, the Maroon War had challenged Jamaica's very survival as a profitable colony, the whole point of the entire venture as far as Britain was concerned.

Secondly, the treaty recruited the Maroons as a rural police force more effective than any the colonists could muster. By the time of the treaties in 1739, the coastal areas of Jamaica were ringed with plantations (Kopytoff 1973, 136), forcing any post-treaty Maroons to flee into the interior, right into Leeward or Windward territory. Yet, it is difficult to imagine any treaty between Maroons and master-enslavers not containing such a cause, for the existential threat that *marronage* posed to the systems of enslavement was precisely that the enslaved removed their labor from its control. Any treaty entered into by the plantocracy which did not contain a mechanism to restrict the hemorrhage of *marronage* would be pointless to them. In this, the Leeward Maroons proved most faithful, but the years immediately following the treaty revealed the level of discord among them. In 1742, a plot developed between some of Kojo's commanders, dissatisfied with the terms of the treaty, and fellow ethnic Akans enslaved on the plantation adjoining Trelawny town (ibid., 148). The plan was to launch a coup d'état against Kojo and then rise up with other enslaved Akans across the island to kill those Blacks who "were born in the woods" or came from other countries, and then, finally, dispatching all the whites (ibid.). Campbell accurately characterizes this plan as both an ideological and generational/ experiential conflict among the Maroons, with those "born in the woods" being more willing to reach accommodations with the whites than those with the traumas of enslavement still fresh on their minds. I would add that the fact that the coup plotters planned to wipe out non-Akan Blacks evidences an important social dynamic present in 18th century Jamaica: ethnic cleavages among the African diaspora could still trump notions of racial solidarity in the formation of political visions for liberation. Ultimately, the coup was discovered with Kojo and Accompong meting out brutal retribution on the plotters and handing several of them over to the British for execution, thus being one of the earliest examples of Kojo adhering to the terms of the treaty (ibid., 148-49).

Thirdly, the treaty provided the plantocracy a powerful military auxiliary force. As the English learned all too well during their 1655-1660 invasion of the island, a Maroon force taking sides could easily turn the tide of battle in an invasion and, as the British would find out in the post-treaty period, discussed below, Maroons could be decisive in stemming internal revolts. The prospects of revolts were all the more pressing for the British given the rise of the sugar industry and the concomitant increase of enslaved labor; between 1701 and 1810 Jamaica would import 660,000 enslaved laborers, the most important destination for African captives in the Caribbean after St. Domingue (Haiti) (Higman 2011, 132). Furthermore, now that the British had secured their domestic front, they were much freer to focus on attacking and undermining their own imperial rivals in the region, namely Spain. Indeed, the War of Jenkins' Ear (1739–1748), in

which the British navy attacked many Spanish ports in the Caribbean, was declared mere months after the signing of the treaties (Kopytoff 1973, 125).

Despite the undeniable benefits the British secured from the treaties, however, Patterson and Kopytoff's interpretation vastly diminishes the great achievement of the Maroons. In these treaties, the Maroons secured freedom and recognition of their exclusive right to inalienable occupation of portions of the colony from a state which had hitherto demanded their enslavement or, failing that, extermination. This was no mean task given the power and determination of the British Empire and the socio-political toxicity of Maroon survival for the master-enslavers of Jamaica (Campbell 1988, 100). The British would have much preferred the re-enslavement or destruction of the Maroons but were forced to compromise on these designs. Furthermore, since their arrival in Jamaica, the English/British forces had been trounced again and again for all to see, and the enslaved certainly took note of the humiliations of their supposedly invincible masters. Indeed, the behavioral patterns of the enslaved population in the 1730s indicates a general breakdown of fear of the master-enslavers, a psychological edifice necessary to the proper functioning of the system of enslavement (ibid., 81). That one reported captive was able to entertain Maroon agents on his master-enslaver's plantation while facilitating their purchasing of gunpowder, or that upwards of 100 enslaved baggage carriers and Black Shot at a time would desert anti-Maroon patrols only to give the supplies to their erstwhile targets, provides further evidence to the irreparable breakdown in order that the Maroons caused the system of enslavement (ibid.). While the plantocracy managed to stem the tide of *marronage*, they lost the ideological battle and Jamaica would still be the scene of some of the largest uprisings of the enslaved in the Western Hemisphere up until legal abolition. In the words of Eugene Genovese (1979, 57), the Maroons, through the example of their very existence, sent "revolutionary shock waves through the slave quarters" by exposing the lie of European racial superiority.

It was a wound that some whites, beginning with Dallas (1803, 56), tried to suture by inserting false accounts of the treaty negotiations into the historical literature. In this retelling of the treaty negotiations, Kojo is reported to have submitted himself with great fawning and adulation to the British, begging for pardon and even kissing Col. Guthrie's feet. Quite astutely, Campbell (1988, 113-14) deduces that this narrative is but a product of his imagination: none of the primary sources mention it, including Guthrie and Sadler's own personal letters; the Maroons themselves heatedly deny such grovelling occurred; and it would appear to be quite outside Kojo's character from what we know of it. Nonetheless, this apparent fabrication has taken on a life of its own, with Orlando Patterson (1996, 270) taking such statements at face value, and proceeding to craft a highly speculative psychological evaluation of Kojo to explain his alleged actions, including the possibility of schizophrenia (ibid., 277). Anthropologist Barbara Kopytoff (1973, 254-55) also takes Dallas' fabrication as historical fact which, like Patterson, necessitates a complex explanation of Kojo's behaviour, this time to do with the performativity of feudal hierarchies and symbolic acts of reverence practiced in both medieval England and the Ashanti Empire. Carey Robinson (1969, 50) also faces the same dilemma of explaining Kojo's apparent

self-debasement, but at least suspects that "the old accounts were greatly exaggerated in order to restore the morale of the English colony and repair its damaged concept of racial superiority," the most likely explanation given the evidence, or rather lack thereof. However, the psychological assessment worth making by those inclined to such analysis is, perhaps, how these deliberate distortions may have shaped Maroon collective memory of events and the perennial suspicion with which the Maroons came to view the British colonial state and, ultimately, its Jamaican postcolonial incarnation. In any case, in the hundred years following the signing of the treaties, before they attempted to abrogate them completely, the British would deploy other strategies to cope with a free Black polity in the midst of their colony, which will be discussed in the following section.

Betrayals: The Treaties in the Time of Enslavement 1740–1842

Despite forging treaties in which they derived certain advantages, the British began to undermine the spirit and integrity of the agreements not long after the dust had settled on the battlefields. When the treaty was ratified in the Assembly of Jamaica during its May 1739 session, a preamble was added which did not appear on the battlefield document which Kojo signed:

> Whereas upon the late *submission* of Cudjoe, and all the *rebels* under his command, to His Majesty's government, and his engaging for Accompong, and the party of rebels under his command, to accept of such terms as the said *Cudjoe sued for*, articles of agreement were entered into and executed by colonel John Guthrie, who commanded a party of militia, and lieutenant Francis Sadler, who had the command of a detachment of soldiers, in the late expedition against the rebels, and the said Cudjoe; the tenor of which articles is as follows (12 Geo 2, Cap. 5) [emphases added]…

This is a fundamental departure from the wording and tone of the battlefield treaty and, presumably, what the Maroons thought they were agreeing to. Nowhere in the original treaty did the words 'submission' or 'rebels' appear. In fact, in the ledger notes of the Act, as it was printed for ratification, the text of the treaty itself is described as the "Articles of Pacification" (12 Geo 2, Cap. 5).[42] To cap this great act of historical revisionism, the preamble states that Kojo sued for peace, whereas even their own archives, as explained above, make clear that it was the British who were seeking terms, with Guthrie's mission coming after a great many years of planning and frustrated attempts. Furthermore, in the supplemental sections of the Act, the number of white resident-supervisors who are to reside with the Maroons on behalf of the governor is raised from two to four (12 Geo 2, Cap. 5, § 3). Finally, the ratified Act specified the amount the Maroons were to be paid for each retuned captive, stipulating 10 shillings per person (roughly USD$110 at 2015 value).

These changes indicate a substantial shift in the nature of Maroon relations from the perspective of the British. Rather than two militarily unequal but sovereign powers coming

[42] Bryan Edwards (1996, 236) also described the treaty as a form of pacification.

together to establish the terms of peace, as is represented in the battlefield treaty, the ratified Act paints the Maroons as rebels who re-submitted to the prima facie authority of the King of England and were thus granted a pardon. Such a disjuncture in understanding, and indeed, dishonesty on the part of the colonial government, would have grave consequences for the Maroon relations with the colonial and independent Jamaican governments in the centuries to come. But such problems took time to manifest, and in the decades following the ratification of the treaty, Maroon issues were dealt with by the British in a delicate manner.

No sooner had the ink dried on the ratified treaty than the plantocracy rushed to enclose the arable lands of the interior of the island, previously made inaccessible by the Maroon War (Kopytoff 1973, 136). Indeed, by 1770 Jamaica was the world's second greatest exporter of sugar with an annul output of 36,000 tons; the plantocracy's thirst for arable land was insatiable (Higman 2011, 104). Given that the Maroons had been used to having the run of the interior for generations, with semi-nomadic communities that would periodically migrate when conditions dictated, the expansion of the plantations set up the first possibility of conflict between the colonists and the Maroons since the peace was forged (Kopytoff 1973, 136). For the Leeward Maroons this tension was heightened by a discrepancy in their treaty, which while providing the 1500-acre land grant for Trelawny Town, established no such territorial delimitation for the town of Accompong itself (NLJ MS 260; 12 Geo 2, Cap. 5). Likely after receiving complaints from the Accompong Maroons about this lapse, the government established a committee and sent out a surveyor, William Wallace, to allot 1,000 acres to Accompong Town (Campbell 1988, 181). This endeavour produced the first known map of Accompong, appended below from an 1807 reproduction of the original (see Map 2.1 below).

With the survey concluded, the new boundaries were enshrined into law through an Act of Assembly in 1758 (31 Geo 2, Cap. 9). Maroon tenure of the land was presumed to have been governed by the same stipulations created for Trelawny Town in the original treaty, indicating that the Maroons and their posterity were to hold this land forever, with the notable addition that any surveyors or trespassers who disturb the Maroons on their land is to be fined £500, or roughly USD$90,000 at 2015 value (31 Geo 2, Cap. 9, § 3).[43] This massive penalty suggests that the colonial government was at great pains to reduce any possibility of tensions with the Maroons. The rationale of the plantocracy in dealing diplomatically with the Maroons was already made evident when Kojo, in collaboration with the British, crushed the 1742 anti-slavery coup against his rule and would be further clarified two years after Accompong Town's land-grant when the Maroons played a decisive role in crushing Tacky's rebellion.[44] Although the Scott's Hall Maroons took the lead in physically stopping the rebellion, the colonial legislature

[43] Interestingly, 31 Geo 2, Cap. 9 is worded in a such a way that indicated Kojo and Accompong, now both promoted to Colonel, were still alive at this time. If it is true that Kojo escaped from a plantation in 1690, then he would have lived well into his 80s.

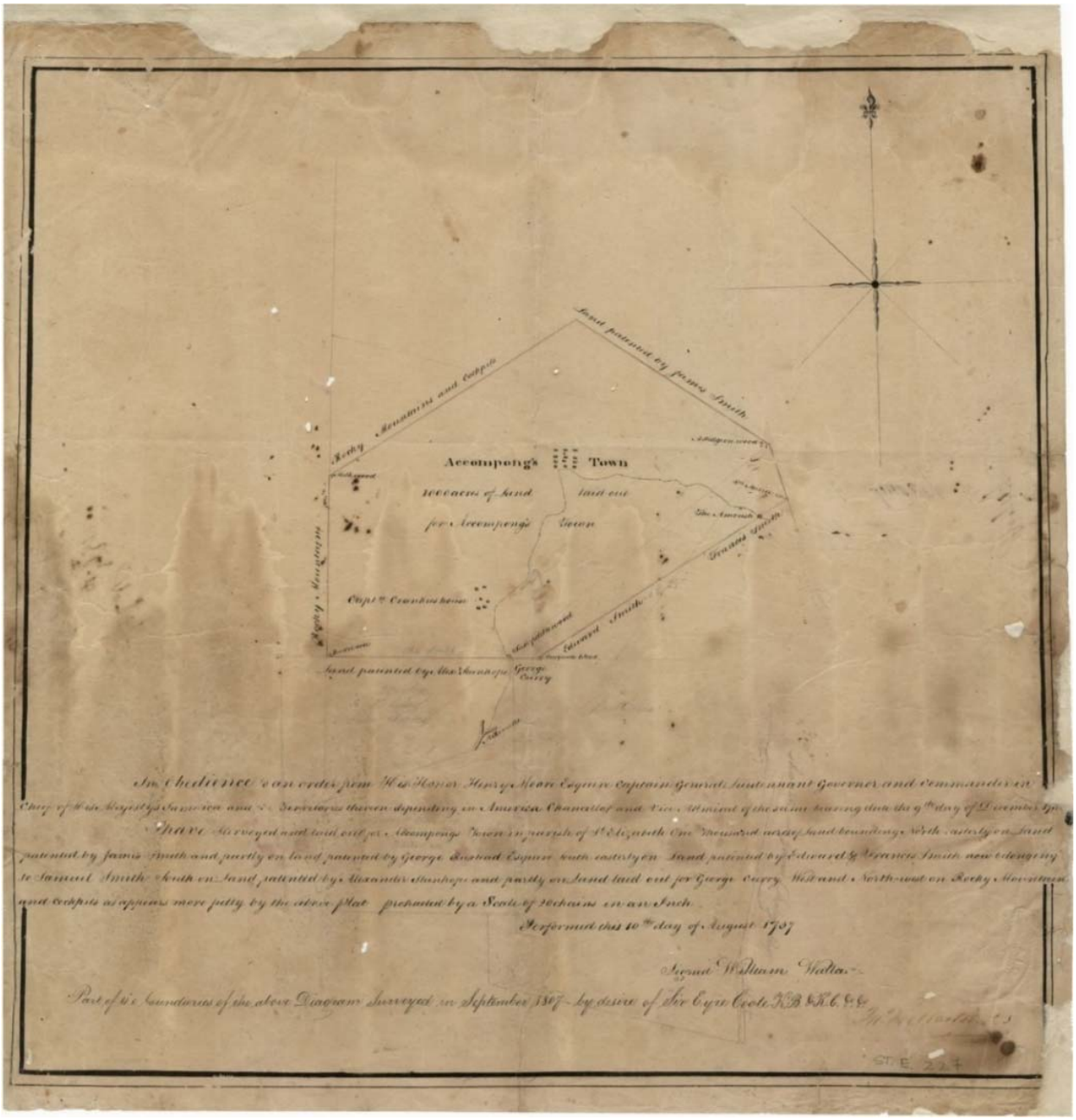
[44] Tacky's Rebellion, a large 1760 uprising of the enslaved eponymously named after its leader, was put down by the British with Maroon assistance (Campbell 1988 154-56). Tacky himself was killed by the Maroon marksman Davy (ibid.).

was impressed enough with the Leewards' supporting role that they granted them a £450 award (roughly USD$93,000 at 2015 value) to "encourage their future service" (Campbell 1988, 155). The following year, in 1761, Trelawny Town Maroons helped break up another uprising, this time in Westmoreland (Kopytoff 1973, 237). A non-treaty Maroon settlement established by Kongo ex-captives was routed in 1795; the community had existed for some 20 years (ibid., 238). But in that same year simmering tensions between the Trelawny Maroons and the colonial government would come to a head.

Once again, the treaty's inadequacy in regard to land produced tensions between the colonial government and both Trelawny Town and Accompong Town, even though both communities had been granted sizeable portions of Cockpit Country by 1758 (1,500 and 1,000 acres respectively) (12 Geo 2, Cap. 5; 31 Geo 2, Cap. 9). But with expanding populations and terrain which was difficult to farm, both Trelawny Town and Accompong Town were wanting for land, and indeed, this situation was causing tension between the two erstwhile sibling communities. On December 9th, 1791, the Assembly of Jamaica, unilaterally and in contravention of the treaty on several points, replaced a 1744 law (ibid., 240) with a sweeping Act, the *Law for the Better Ordering of Negro-Towns,* to address multiple perceived problems with the Maroons, including standardizing punishments, preventing Maroon itineracy, increasing the pay for capturing runaway captives, and allowing Maroons to leave the official Maroon towns and settle elsewhere with the full rights of a free Black person (32 Geo 3, Cap. 4, § 24). Although the last point had the express purpose of easing population pressures on the Maroon communities, this did not have the desired effect, and four years later, the consequences of Maroon land tensions became explosive.

With Trelawny Town under pressure, aggrieved, and restless, a relatively minor spark set off Jamaica's Trelawny Town War, also called the Second Maroon War (Campbell 1988). Tensions were already high on the island because of the war with Republican France and the colonists were fearful that the Haitian Revolution would spread to Jamaica. This state of alarm was openly fostered by the newly arrived governor, the reactionary Alexander Lindsay, Earl of Balcarres (Craton 2009, 211-12). In the summer of 1795 two Maroons caught for theft in Montego Bay were flogged by certain enslaved persons, an act the Maroons claimed as an affront to the treaty and a serious blow to their sense of pride (ibid., 214). Trelawny Town responded by expelling the white resident-supervisor on July 13th (ibid.). When the Trelawny Town leadership, sensing a trap, declined an order from the governor to descend from Cockpit Country and explain themselves to the governor, Balcarres declared martial law and laid siege to the Maroon town. When a final ultimatum on August 13th passed for the Maroons to submit themselves with only 36 of the 660 Trelawny Town agreeing to do so, full war broke out (ibid., 215).

Map 2.1 Accompong Town, 1757



Source: NLJ MS ST. E. 227

The fighting lasted through the summer and into autumn and winter, and even though British forces were able to wield greater numbers and arms, including the encirclement of Cockpit Country, the deft use of guerilla tactics allowed Trelawny Town to put up a tenacious defence. The dynamics of the war will be further discussed below, but suffice it to say that it was only through deceit (the promise of a pardon and not to be transported out of the island) and the deployment of Cuban tracker/attack dogs that finally compelled the Trelawnys to surrender on January 14th, 1796 (ibid., 220). The war exposed the deep contradictions for the British in allying

with the Maroons. As the enslaved population was reaching its peak of 370,000 captives in 1808, the master-enslavers were all the more in need of their Maroon auxiliaries lest the island go the way of Haiti (Higman 2011, 159). Yet, the fear of armed Black groups in the island who could join, foster, or support enslaved revolutionaries, as happened in Haiti, created deep anxieties among the master-enslavers (Craton 2009, 211-12; Fouchard 2011; Geggus 2014). The Windward Maroons and Accompong Town maintained a stance of neutrality through the conflict but, as a sign of how much the competition for scarce land had damaged relations between the Accompong and Trelawny Maroons, Accompong Town offered to assist in the mopping up operations (ibid., 221). The Trelawny Maroons were transported to Nova Scotia before their final exile to Sierra Leone while the Assembly of Jamaica ruled to sell off their land to the highest bidders (ibid., 222; 36 Geo 3, Cap. 33).

The Accompong Maroons continued to offer their military services to the British through the 19th century proving themselves effective paramilitaries. They were praised by an Act of the Assembly of Jamaica in 1805 for helping to prepare the island against invasion during the Napoleonic Wars, although Governor Sir George Nugent in a letter to the Colonial Secretary Viscount Castlereagh expressed his fears that the decision to put the Maroons on a war footing so soon after the Trelawny Town War was a risky endeavour (45 Geo 3, Cap. 31; CO 137/114/59, 27 December 1805).[45] This exchange reflects the balance of fear and dependency that guided British actions toward the Maroons in the post-treaty period. In 1824, Accompong Town assisted in the destruction of a Maroon community which had established itself in Cockpit County, at a place still called "Me no sen', you no come" (Kopytoff 1973, 238). Even in the Baptist War (25 December 1831 – 4 January 1832), when Sam Sharpe lit the fires of freedom so bright that the British were forced to choose abolition-from-above over abolition-from-below, Accompong offered itself as an auxiliary to the sweepingly violent British suppression of the revolt.[46] For their efforts, the Assembly of Jamaica on April 28th, 1832 once again passed an Act which comprehensively intervened in Maroon internal affairs, this time laying the groundwork for the abrogation of the Maroon treaties altogether. While seeming to update the previous Maroon Act, the new Act would merge Maroon privileges with those of the free Blacks of the island even in the Maroon towns, thus stripping individual Maroons of any distinct rights (32 Geo 3, Cap. 4; 2 Wm 4, Cap. 34, § 2). It would be another ten years, however, before the final hammer fell on de jure Maroon autonomous rights in the colonial legislature.

[45] The Colonial Secretary, officially titled the Secretary of State for the Colonies, and variously, the Secretary of State for War and the Colonies, Home Minister, or Secretary of War depending on the historical period, was the British Cabinet minister in charge of managing the empire's colonies. Up until the 20th century the post was invariably held by a ranking member of the peerage.

[46] The brutal conduct, massive loss of life, and wide-scale property damage inflicted during the Baptist War was a major shaper of public opinion in the lead up to the British parliament's promulgation of the Slavery Abolition Act on August 28th, 1833 (Craton 2009, 318-19).

Standoff: *Oppositional Stability* in the Post-Enslavement Era 1842–1905

Bilby writes that (2005, 89) that Maroon communities were "both the offspring and antithesis of plantation slavery." The history of Jamaican Maroons as elaborated above adds a further dimension to this axiom in that while Maroon struggle and existence is the antithesis to plantation enslavement, Maroon polities and plantocracies were able to come to accords when it suited them. Yet, the British stance toward the Maroons in the period immediately preceding legal abolition reveals the paradox of the treaty; while the system of enslavement was able to make decisive use of Maroon forces for their security needs, there was still a deep anxiety among the colonists about the Maroon presence. The now almost hundred-year-old wounds of defeat still stung and, as exemplified by the 1832 Maroon Act, the master-enslaver class devised increasingly complex legislation to keep the Maroons under ever deeper political control while establishing the basis for their dissolution, yet still preserved their potency as a fighting force (2 Wm 4, Cap. 34).

In 1838, with the ending of the Slavery Abolition Act's phase of apprenticeship, or "slavery by another name" as Henrice Altink (2001) termed it, the existential purpose of a Maroon patrol force was called into question. The Assembly of Jamaica answered the question with their usual speed; in 1842, the *Maroon Lands Allotment Act* was passed, unilaterally voiding the treaties and dividing all Maroon lands, hitherto held in common (5 Vic, Cap. 49). The Maroons themselves were to formally become British subjects with the same status as all Afro-Jamaicans at that time, while Maroon territory was to be held as crown land and divided or sold as the colonial government saw fit (5 Vic, Cap. 49, §2). It would have been a fatal blow to the Accompong Maroon polity and, presumably, the end of the Maroons as a distinct population, except for the fact that the Maroons simply ignored it.

Up until this point, the analysis has focused on the British attempts to define the nature of their relationship with the Maroons via legislation. The historical narrative previously elaborated and brought into sharper relief with the *Maroon Lands Allotment Act, 1842,* indicates three distinct phases in the approach of the colonial government to the Maroons. The first phase began with the ratification of the treaty in 1739 and lasted until 1791 with the *Law for the Better Ordering of Negro-Towns* (12 Geo 2, Cap. 5; 32 Geo 3, Cap. 4). In this period, we find the plantocracy attempting to undermine Maroon sovereignty by casting them as rebels who came to submission, while still dealing with Maroon polities in a delicate manner. When the Accompong Maroons complained of lacking a defined territory, the Assembly duly allotted them the 1,000-acre grant (31 Geo 2, Cap. 9). No added stipulations were put on the Maroons at that time and pains were taken to ensure that they were not disturbed by increasing plantation encroachment on the fringes of Cockpit Country.

The 1791 *Law for the Better Ordering of Negro-Towns* commenced a more interventionist, second period of state relations with the Maroons (32 Geo 3, Cap. 4). Wary of a perceived growing disorder among Maroon communities, which the plantocracy feared could

play into the hands of conspiratorial captives or rival foreign powers, the Act had multiple goals: to restrict Maroon movement around the island; provide tighter juridical control over the communities than the treaties allowed; enforce better regimentation of Maroon forces under the direct command of white officers in times of crisis; and punish unauthorized Maroon contact with the enslaved (ibid.). For all the services the Maroons had provided in securing the internal security of the plantocracy, the tone in which the 1791 Act is written represents a marked shift away from the previous diplomatic disposition one would take toward an ally. In the *Law for the Better Ordering of Negro-Towns* we find the manner of a disappointed parent berating an errant child.

The third period of state relations was initiated in 1832 with the passage of the comprehensive re-ordering of Maroon polities (2 Wm 4, Cap. 34). By this point, the disposition of the plantocracy toward the Maroons was one of pure diktat. The colonial government once again sought to re-order Maroon internal affairs by emphasizing the need to punish all Maroons who disobey orders from the governor or his representatives, and prevent large gatherings of captives on Maroon land. This Act was very much about security and the terms it prioritizes tends to indicate that previous efforts at establishing hegemony over Maroon governance had failed, and that the master-enslavers were still deeply suspicious that the Maroons were secretly collaborating in, or at least facilitating, conspiracies to overthrow them. As previously mentioned, this new *Law for the Better Ordering of Negro-Towns*, was the first to entertain the possibility that the very existence of the Maroons as a distinct political entity could be unilaterally legislated away. One wonders if the Baptist War, which was suppressed mere months before the 1832 Act was passed, put so much fear into the plantocracy of Black independence, especially Black armed independence, that they could no longer countenance Maroon polities in their midst, regardless of the paramilitary services rendered.

The attempt to completely eliminate the Maroons as an autonomous polity and distinct society came with the *Maroon Lands Allotment Act, 1842* (5 Vic, Cap. 49). British authoritarianism and official condescension toward the Maroons had reached the level where the Assembly of Jamaica perceived Maroon society to be a direct appendage of the state, which could be done away with the stroke of a pen as one would dissolve an administrative office or disband a military unit. Indeed, the colonial government considered the Maroons a “military community under the governor’s control” (CO 137/179/52, 14 December 1831). The Assembly gave the Maroons one year to comply, but their response was devastating in its ease and austerity; they simply refused to comply and carried on the life of their, by now, centuries old polities as if no such legislation existed. The plantocracy tried again in 1850, this time supposedly granting the Maroons an extension on submitting to the terms of the *Maroon Lands Allotment Act, 1842* (13 Vic, Cap. 32). The silence of the Maroons must have been deafening. Lamenting the complete lack of compliance from the Maroons to disband their societies, the Assembly recapitulated the previous Act, this time with no deadline, as the *Maroon Townships Land Allotment Act, 1856* (19 Vic, Cap. 25). In 1739, the Maroons forged their survival with a

mastery of guerilla warfare. 100 years later they had also learned to skillfully deploy the arts of legislative evasion and non-compliance.

Unfortunately, there is little information on the internal functioning of Accompong in the mid-19th century. The role of the white supervisors had long since been prone to vacancy and hence their reports are absent, but Christian missionaries were active in Accompong during this period (Kopytoff 1973, 312n63). In particular, the Church Missionary Society (CMS) of the Anglican Church of England were the first missionaries to be active in Accompong, establishing a school and chapel in 1828 (CMS 1828, 128). Indeed, Accompong is the oldest CMS mission in St. Elizabeth parish (CMS/B/OMS/C W 070, 10 July 1845). Missionary records provide an alternate archival view into the 19th century Maroon polities. Being administratively separate from the colonial government, although still in league with the colonial purpose, the missionary's goals were ideological rather than directly instrumental on the indigenous political structure, at least in the first instance (Hansen and Twaddle 2002). Reviewing their correspondence with the metropole indicates that the missionaries of the CMS, though heavily biased, were more interested in reporting on the day-to-day tenor of life and social stability in their communities of proselytization than the military resident-supervisors.

In fact, the missionaries and the military sometimes worked at cross purposes. In late 1831, the Church of England complained to the Colonial Secretary, the Viscount Goderich, that the government had interfered in their Accompong mission's proselytizing (CO 137/179/52). Defending himself in a letter to the Colonial Secretary, the Governor of Jamaica, the Earl of Mulgrave, complained that under the Bishop of Jamaica's administration a dangerous preacher, the catechist J.C. Sharpe, had been employed for Accompong (CO 137/179/52, 14 December 1831; Dunkley 2011, 45). This man proceeded to stir up so much trouble as to undermine the authority of the white resident-supervisor in the community, thus threatening the security of the island by agitating the Maroons. The letter was dated December 14th, 1831, a mere 11 days before the start of the Baptist War. Governor Mulgrave admonished that the zeal to proselytize should not outweigh the need for security, especially when it came to the Maroons.

J.C. Sharpe would have worked closely with Mr. W. Manning, CMS lay minister of Accompong as of January, 1829. Contrary to contemporary colonial reports of disorder and strife in the community, Manning paints a picture of civility and integrity, although he does acknowledge the Maroons' reputation of being thieves and murderers (whether this opinion was held by the whites or non-Maroon Blacks is not made clear, though elements of both groups would have reason to despise the Maroons) (CMS/B/OMS/C W 056, 28 March 1829). Countering this, Manning believes the source of the Maroons' good order and civility is the fact that they were born in freedom as opposed to enslavement, comparing them to the non-Maroon Blacks of which he is quite contemptuous; "[they live] in a state of fornication… they love darkness, rather than light… [they] profane the sacred morning with a devil dance" (CMS/B/OMS/C W 056, 26 December 1828). Given that Manning does not appear to be naturally inclined to think well of Black people or their cultural practices, his praise of the

Maroons is suggestive that he really did find a significantly different social order in Accompong. He also reports an active school attendance, recording an enrollment of 25 boys, 30 girls, and 30 youth and adults (CMS 1828, 157).

By the time of the next correspondence in 1835, however, things had changed in the Church of England's Accompong Station. A subsequent lay minister, Mr. Panton, wrote that the school was in disarray and suffering from a lack of teachers and supplies (CMS/B/OMS/C W 065/11, 30 November 1835). Very little detail is given to the causes, but such circumstances would give credence to Kopytoff's (1973, 277-78) findings that the Maroons suffered a serious economic decline in the 1830s due to the elimination of their patrol function and task of maintaining the roads to their communities, their main wage earning activities. In such a situation, tithes and offerings would likely become a low priority for the residents. In any case, the lay minister Mr. Paton also reported being in poor health and was advised to return to Europe. No more of Accompong Station is heard of for the rest of the decade.

The next report on Accompong, from Rev. H. L. Dixon in 1842, reporting from nearby Siloah, indicates that while Accompong Station had been closed for some time, and that many Maroons ended up rejected Christian teachings, the Church still had an influence in the community (CMS 1842, 81). By 1845, lay minister Mr. Redford had re-opened the mission and was reporting well-attended services (CMS/B/OMS/C W 070, 10 July 1845). Redford's correspondence reveals that the economic troubles of Accompong had somewhat lifted by then; the parishioners were able to contribute £13 to the church's school that year (roughly USD$1800 at 2015 value). Returning to Kopytoff's (1973, 277-78) theory of a mid-19th century economic decline in Maroons communities because of legal abolition, by 1845 the community may have been able to shift to other sources of income, such as cash crops, livestock, the selling of jerk pork, or migratory waged labor elsewhere in Jamaica. In Redford's correspondence, he indicates that the Maroons were once more building roads, but besides ease of access to the church, the full scope and extent of this construction remains unreported (CMS/B/OMS/C W 070, 10 July 1845). Otherwise, Redford (ibid.) reports a community eager to enroll in the school in numbers now superseding those of 1828, with 75 children and 22 adults. Redford (CMS 1845, 274-75) continues in the tradition of his predecessors by praising Maroon discipline and dedication to the church services while disparaging their non-Maroon neighbors, complaining that in Siloah the people have sunk into "a state of moral degradation" for want of religious instruction and, through their entanglements with Obeah-men, display a level of "credulity and superstition which almost exceeds belief."

From this point forward, it would appear that the mission would grow steadily and maintain itself as a permanent presence in Accompong which, in the 19th century, was still considered the most remote of the Maroon communities. To this day, the small Anglican chapel established in 1828 stands in the heart of Accompong and is surrounded by the main graveyard of the community (now controlled by the United Church in Jamaica and the Cayman Islands), although the school is now a public primary school . Religious life does play a central role in the

social fabric of Accompong, with this topic further taken up in Chapter 3. Returning to the 19th century, the governmental wing of the British colonial project in Jamaica, rather than the church, would become the Maroons' main adversary in the post-legal abolition period.

The first direct confrontation between the Maroons and the state in the post-legal abolition period occurred in 1868 surrounding an attempted government survey of contested lands west of Accompong in an area called Cooke's (or, alternately, Cook's) Bottom. The field surveyor was chased away by angry Maroons who even threatened to kill those responsible for the perceived incursion (Kopytoff 1973, 284). While Kopytoff (ibid., 285) finds that the situation somewhat resolved itself, with the surveyor later being able to return undisturbed, further archival research reveals that the incident prompted the Inspector-General of Police of Jamaica to personally visit Accompong in the midst of the incident. The Inspector-General, Major H. Prenderville (CO 137/437, 29 December 1868), who appears to have known very little about the Maroons before his visit to Accompong, met with the then Maroon leadership, Colonel Henry Rowe, Major Foster, Captain Wright, and a Mr. McLeod. Prenderville was taken aback by the special "privileges" the Maroons claimed, but was curious to learn more about these "strangely interesting people." Prenderville recounts that the community was made up of 50-60 cottages ringing a large Cockpit, much the same layout found today, noting that the geological features of the terrain contribute greatly to Accompong's remoteness. A few years later, in 1871, the Director of Roads and Surveyor-General was able to ascertain that the community had a population of 600 people (JNA 1B/5/76/3/5, 19 August 1870). Prenderville also reported that the roads leading up the community were very bad, a situation which persists to the present day, identifying this infrastructural deficiency as another leading cause of the Maroons' relative isolation. In this letter, we also find the first indication on record that the Maroons have steadfastly been refusing to pay taxes, a situation which Prenderville blames for the poor road quality since the colonial government will not repair them nor will they pay the Maroons to do so since the apparent legal dissolution of their treaty rights with the *Maroon Lands Allotment Act, 1842*.

Commencing negotiations with the leadership and assembled village "in the most kind and conciliatory manner of which I was capable," Prenderville (CO 137/437, 29 December 1868) argued that it was illegal for the Maroons to chase the surveyor away in such a violent manner and that, furthermore, because of the *Maroon Lands Allotment Act* of 1842 (and he makes direct reference to 5 Vic, Cap. 49 in his negotiations), the Maroons should pay taxes and divide up their lands. The Maroons seem to have taken this in stride, with the leadership apologizing for the interference and even handed over the suspects for trial. However, Prenderville found the Maroons to be so steadfast in their refusal to pay taxes or break up their communal land that he comes to the conclusion that it would be best to not push the Maroons on this at that time, in the hopes that doing so would make them more amenable to negotiations on these issues in the future.

Another significant aspect of Prenderville's report is that it was written directly to the Colonial Secretary, the Earl Granville, rather than through the governor as is the usual protocol found in the archival records. This indicates that even in the second half of the 19th century, the highest levels of power in the British empire still took a direct interest in Maroon affairs. However, to contextualize this, we would do well to remember that the Inspector-General's visit to Accompong came a mere 3 years after the outbreak Morant Bay Rebellion, in which the Windward Maroons played a decisive role in suppressing, even capturing the leader of the uprising Paul Bogle.[47] Perhaps the Colonial Secretary and Inspector-General decided that it was a most inopportune time to antagonize the Maroons, and quietly let the issue of taxation and land allotment drop while the survey would be permitted to continue (ibid.). In this event, the new survey of the area actually turned out in the Maroons' favor, as the lands were found to contain 1,220 acres, rather than the originally allotted 1,000. However, the surveyor, Mr. Harrison, notes that the Maroons were at that time claiming 3,000 acres of land, including the unpatented areas to the east, north and west of their original grant, for which he concedes that for all intents and purposes they already possess, given its inaccessibility to all but the Maroons (JNA 1B/5/76/3/5, 10 December 1868). The surveyor's preliminary adjustments can be seen penciled in to an 1868 map (Map 2.2) followed by the new Maroons lands being incorporated into official maps of the area by 1894 (Map 2.3).

As it turned out, the question of Maroon taxation would not be settled so quickly or quietly. The Inspector-General's recommendation to hold off on this issue aside, in 1871 the Director of Roads and Surveyor-General, Col. R. C. Mann, took on the issue of the poor state of the road to Accompong (JNA 1B/5/76/3/5, 14 January 1871). Putting himself in direct correspondence with the Colonial Secretary's local Jamaican office, Col. Mann relayed the Accompong Maroons' complaint that they had not been paid for road work since 1832 and hence had done nothing to maintain it (ibid., 7 March 1871). The response of the Colonial Secretary's representative in Jamaica, Edward E. Rushworth, was swift and consistent with the government's position that, because of the *Maroon Lands Allotment Act, 1842*, the Maroons had no special rights and, certainly, no legal reason to not pay taxes or keep their lands in common tenure, but the body of correspondence surrounding the tax conflict demonstrates a much more nuanced approach (ibid., January 1871).

Much of the intra-governmental correspondence of this event relates to different departments confirming with each other that the Maroons did indeed have no formal rights to the claims they were making, a situation which the many administrators involved in this case seemed not entirely certain. The legal precedence was excavated, and after an exhaustive search of the legislative history stretching back to the ratification of the treaty in 12 Geo 2, Cap. 5, the colonial administrators once again convinced themselves that the Maroons had no legal basis for their demands (ibid., 29 September 1870). In the meantime, the Maroons responded to government dismissals of their argument by claiming that, because of Maroon assistance in suppressing the

[47] See Heuman, Gad, 1994.

Morant Bay Rebellion, their privileges had been reacquired (ibid., 4 August 1868). But the Maroons then softened their blanket opposition to taxation and suggested that they would be open to paying taxes if the government made funds available for not only the repair of the road, but also for medical aid, the maintenance of schools, and a recognition of their hold on the unpatented lands ringing their community (ibid., 31 August 1870).

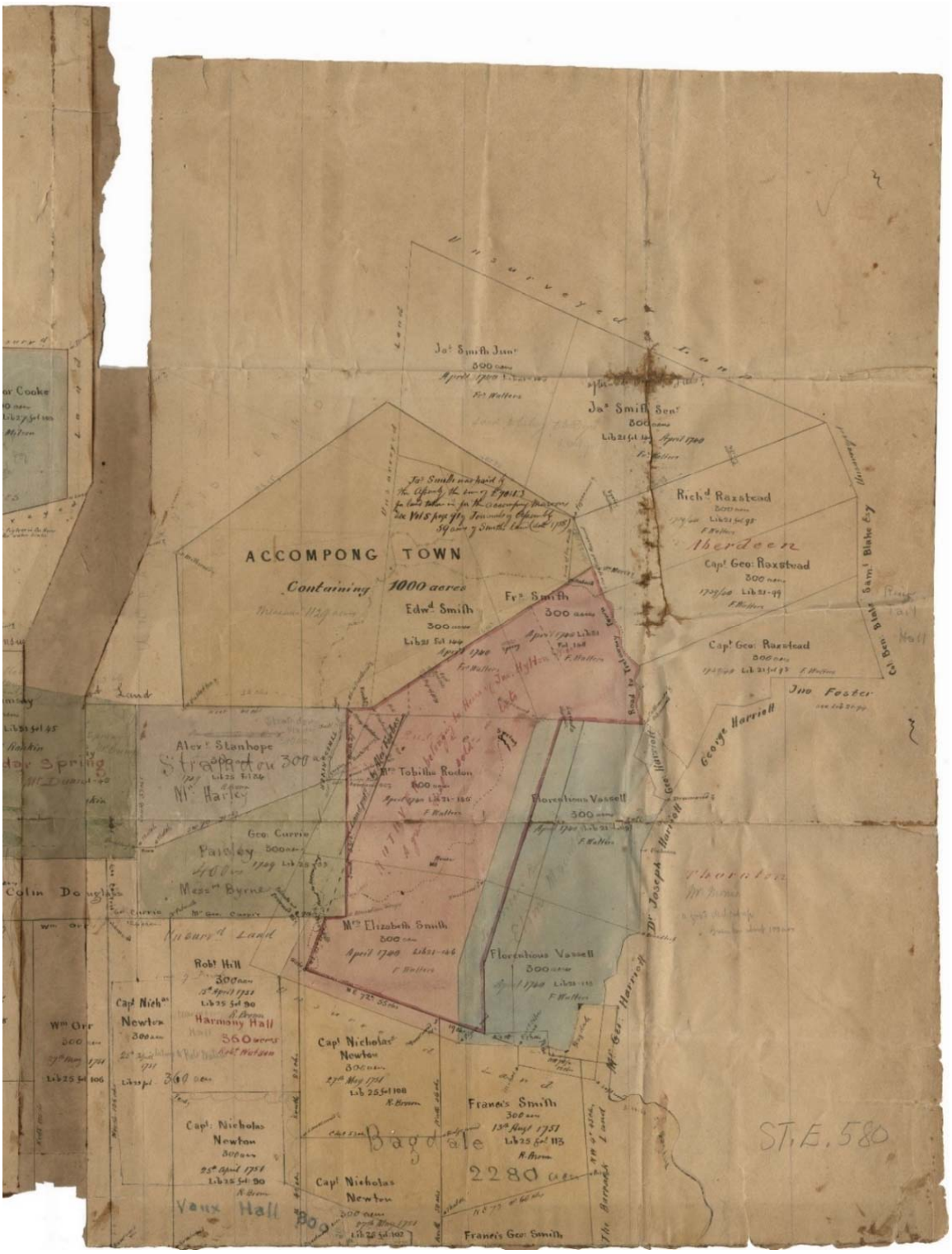
By then, other calculations were entering the government's approach to the Maroons as well. Given the Office of the Colonial Secretary's guidance that "unless this matter is very carefully dealt with it may give rise to great trouble… as a matter of policy it is very desirable to maintain the loyalty of these people," and that much of the Cockpit County land in question was already deemed worthless by the colonial government, the government determined to give the Maroons what they asked, despite their "ignorance" of the law, as a token of "the good intentions of the government" (ibid., 17 December 1868; 31 August 1870; 1 September 1870). The money was granted to the Maroons and the maps updated to reflect the new expansion of Accompong (see Map 2.3), and in return the Maroons stayed the course and continued their refusal to pay the taxes (Kopytoff 1973, 286). Ultimately, an exasperated colonial government determined that "the amount to be derived [from forcibly collecting the taxes] would not compensate for the irritation consequent therein" and simply dropped the matter (JNA 1B/5/76/3/5, 30 May 1870). This decision further highlights how Maroon resistance continued make it costly for the colonial state to effectively control and exploit them.

This pivotal moment in Maroon negotiations with the colonial state reveals the nexus between political and economic calculations in government decision-making on how to approach Maroon autonomy. The imperial metropole, as represented through the Colonial Office, had an explicit desire to "maintain the loyalty of these people" as a matter of policy (JNA 1B/5/76/3/5, 17 December 1868). Thus, the importance of maintaining peace in rural Jamaica by placating the Accompong Maroons was still salient to the state. Yet, these assessments were also balanced by economic calculations in which Maroon land was deemed worthless (ibid.) such that the potential loss of stability in attempting to force the political disbanding of Accompong was simply not worth the economic gain in doing so (1B/5/76/3/5, 30 May 1870).

There is no commensurate written record of Maroon political economic calculus, but their actions during this period suggest an awareness of the British dilemma which the Maroons were eager to exploit through a continuation of their diplomatic offensive. In a demonstration of their willingness to bypass the colonial state, in the spring of 1874 the Accompong leadership collaborated with one Mrs. Strachan, a local white woman they recruited, to draft a letter directly to Queen Victoria listing the multiple complaints and grievances of the Accompong Maroons (CO 137/476/13). This letter produced enough of an impact in the British government to have the Colonial Secretary, the Earl of Carnarvon, personally intercede in the situation, reaching out, as his predecessor had done, directly to the Inspector-General of Police in Jamaica, Maj. H. Prenderville (CO 137/476/13, 20 March 1874). In response to the Colonial Secretary's queries

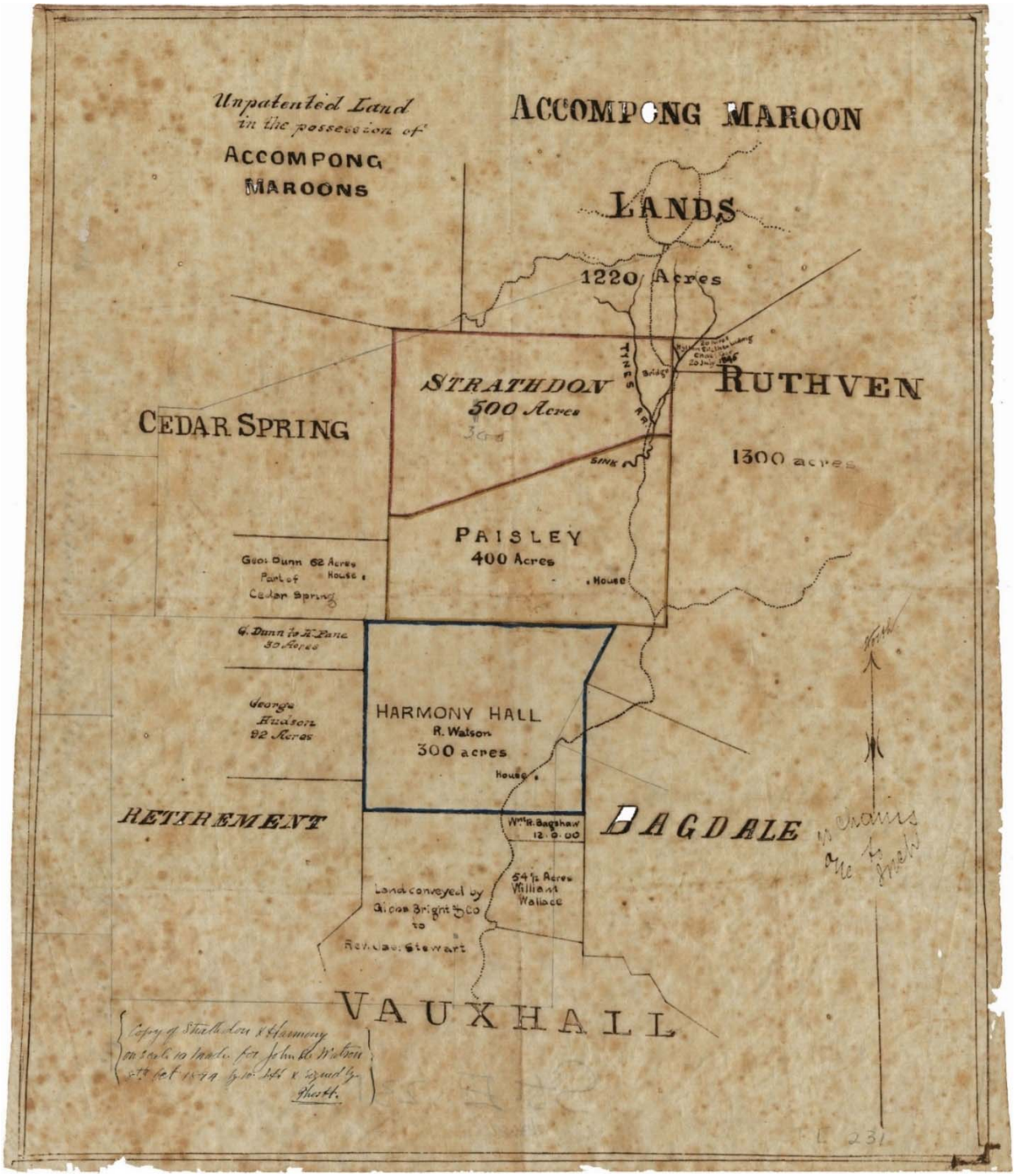
about the Maroon claims of dispossession and want, Prenderville (ibid.) refuted each point, dismissing it as "a highly coloured and sensational account."

Map 2.2 Accompong Town, 1868



Source: NLJ MS ST. E. 580

Map 2.3 Accompong Maroon Lands, 1894



Source: NLJ MS ST. E. 231

Penning his letter, Prenderville was no longer able to maintain his "kind and conciliatory manner" toward the Maroons and launched into a bitter diatribe. Speaking to the point that the Maroons were deserving of distinct privileges given their assistance in suppressing the Morant

Bay Rebellion (which in any case was an action of the Windward Maroons, not Accompong Town), Prenderville retorts that the Maroons only offered their assistance once it was clear the rebels would lose (Heuman 1994, 131).[48] He also insisted that, contrary to their claims, the Maroons rarely ever assisted in the capture of common criminals, nor are they called upon to do so. To the complaints of the Maroons lacking aid for medical care, schools, or roads, Prenderville reminds the Colonial Secretary of the recent concessions the government made. Most audaciously of all, Prenderville strongly counseled against the Maroons' request to be rearmed by the government, labeling such a plan as "suicidal" (CO 137/476/13, 20 March 1874).

It must have been surreal and enraging for Prenderville to see the Maroons go directly to the Queen and reassert demands that the colonial government had already submitted to, while requesting even more concessions after the Maroons themselves deigned not to even uphold their end of the bargain in the 1870-1871 taxation negotiations. For their part, the Colonial Office seemed quite annoyed at the situation, describing Mrs. Strachan as "this troublesome female," yet also stressed that their refusal to meet the Maroons' new demands must be conducted in a kindly manner (CO 137/476/13, 20 March 1874). Still, the grievances concerned the British establishment enough that the Colonial Secretary advised the Admiralty to remain on alert for any trouble upwards of a year after Mrs. Strachan's letter (CO 137/480/18, 3 May and 15 May 1875).

The events of 1868–1874 represent a kind of diplomatic coup for the Accompong Maroons and a stark example of 'punching above one's weight.' In the face of a concerted legislative effort in the post-legal abolition period to eliminate their polity, the Maroons instead sought to leverage the fear in which they were still held and deftly calculate that this would moderate the colonial government's willingness to enforcing its will upon them. Using tactics of evasiveness, stalling, and skillfully playing different elements of the British Empire against each other (the Inspector-General of Police against landowners covetous of Maroon territory, the Queen against the Colonial Secretary), the Maroons were able to turn a dire situation of collapsing infrastructure, impending taxation, and the enclosure of their commons, into a victory which somewhat improved their position. This is all the more astounding given that Accompong consisted of only 600 people, in the remote wasteland (as the British saw it) of a small colony of diminishing economic importance (Augier 1960; Higman 2011), in the largest empire in history at the zenith of its power. However, the question remains as to how the Accompong Maroons were able to push back against the designs of near hegemonic power when, in the past, coercive force was used against rebellious Maroons, evidenced by the Trelawny Town war? Indeed, British military capabilities in 1868 were far superior in all measures to those of 1795. Furthermore, by at least 1871, all other Maroon communities in Jamaica had fallen into line with the *Maroon Lands Allotment Act* of 1842, including the paying of taxes (JNA 1B/5/76/3/5, 14

[48] Indeed, the charge that even the Windward Maroons who did participate in the physical suppression of the Morant Bay Rebellion did so only with exaggerated effort was levied by some British officers (Heuman 1994, 131-45).

January 1871). I argue that it was precisely because of the unfolding of the 1795 war that the government was, henceforth, very unwilling to militarily engage with the Maroons again.

By 1795 the ability of the British military to deploy forces to Jamaica was already formidable by a much greater magnitude than was possible in the original Maroon War (1660-1739). Governor Balcarres, himself a general in the British Army, was able to recall troops from Haiti for a fight, and organized an island-wide sweep of all dwellings of the enslaved to search for weapons or materiel which could be used to support the Maroons (Campbell 1988, 215-16). He also had considerable intelligence on Trelawny Town itself given the white resident-supervisors who had been living there for decades by that point (ibid., 216). With no inclination to appease the Maroons, especially in the context of the Haitian Revolution, Balcarres fielded 1,500 soldiers, backed up by thousands of reserves, who ringed Cockpit Country with a network of armed outposts (ibid., 216-19). Yet the Trelawny Town Maroons, numbering a mere 500 of which only 167 were able to bear arms, withstood the siege for almost half a year and even took the offensive, slipping in and out of Balcarres' cordon at will and undetected to raid plantations (ibid., 216, 224). The plantation raids reached such a severity that much the 1795–1796 coffee harvest was destroyed resulting in a staggering economic blow (ibid., 224). The human cost was just as severe; by November the British were facing casualty rates of 8-12 men upon each encounter, with still no confirmed kills of any Maroons, and these were not the drunken militiamen of the 17th and early 18th centuries but trained professional soldiers (ibid., 226). In the end, the British were only able to defeat the Trelawny Maroons through trickery and deceit: the promise of pardon that Balcarres never intended to uphold, and "biological warfare" in the form of Cuban attack dogs which even King George III ordered Balcarres to stop deploying because of the "abhorrence of the mode of warfare" (ibid., 230; Youngquist 2012).

These painful lessons would have weighed heavily on the British political order and been imprinted in the institutional memory of the colony and empire. Returning to the 1868–1874 tensions, the prospects of fighting another war in Cockpit Country with unpredictable collateral effects, in a colony already so prone to volatility, must have been unpalatable to the colonial authorities indeed. By wielding the unspoken threat of their power to cause chaos and disorder in the heart of the colony, not only were the Accompong Maroons able to preserve their system of communal land tenure, but increase the recognized acreage of their community and receive funds to maintain their roads, school, and medical service, all the while avoiding paying a cent in taxes out of sheer refusal to do so. Furthermore, it is evident that that both the British and the Maroons were well aware of the enviable strategic position of Accompong vis-à-vis other Maroon communities (JNA 1B/5/21/4, 10 October 1898-6 February 1899); the government did not waver in imposing the full extent of the *Maroon Lands Allotment Act, 1842* on Scott's Hall despite organized protests, nor did they hesitate to crush the Charles Town Maroons with police action over a similar land dispute as those experienced in Accompong. The weak strategic position of these communities, lacking any natural fortress like the Cockpits to be used as a redoubt in times of emergency, enabled the British to handle them with a heavy hand. In fact, dispatches between

the governor and Colonial Secretary at the time of the Charles Town troubles make comparative reference to Accompong (ibid., 10 October 1898). Thus, British leeway to Accompong should not be viewed as the outcome of a magnanimous stance or filial nostalgia for good services past rendered, but rather as a reflection of a Maroon negotiating philosophy playing to their strategic strengths and projecting a willingness to use their disruptive/destructive potential if pushed too far.

Finally, as a Maroon political coup de grâce, Accompong was able to pursue its ends without being seen as deliberately undermining their adversary's power. The archival record reveals examined above suggests that from low-level officials (at least initially) to the Colonial Secretary himself, the British viewed Maroon intransigence and non-compliance merely as frustrating byproducts of the ignorance, simple-mindedness, and shiftlessness which they supposed was the natural mentality off all Africans. It simply never dawned on any official that the Maroons were pursuing a concerted strategy to maintain the integrity of their polity and communal lands in the face of a militarily and economically overwhelming adversary. The Maroons were thus able to exploit British racism as a weakness of their system, in the same vein as the work slowdowns, tool breakages, habitual thefts, deliberate incompetence, surreptitious poisonings, and feigned illnesses were deployed by the enslaved as strategies to undermine and survive the system of enslavement while their masters found delusional succor in false notions of racial hierarchy (Camp 2004).

Yet post-legal abolition political conflict with the state has also revealed divisiveness among the Maroons themselves, the limits to territorial expansiveness, and some inherent weaknesses of Accompong's governance. Little was heard of Accompong in the archives after the land and tax conflict of 1868–1874, save for an 1883 proclamation by Governor Anthony Musgrave and Acting Colonial Secretary E. N. Walker that the Maroons no longer have any duty to perform military service for the colony (JNA 1B/5/76/33, 16 April 1883). It is unknown what spurred the re-statement of what had already been longstanding policy at that time. On or about October 30th, 1895, Colonel Robert Wright,[49] now head of Accompong after the presumed death of Col. Henry Rowe, became entangled in a dispute over the Fullerswood Estate, a 1,000-acre plot of land 16 miles south-southwest of Accompong. Col. Wright claimed that a Mr. Salmon had taken illegal possession of his land, countered by Mr. Salmon's claim to be the rightful legal owner (Kopytoff 1973, 298-90). After a Maroon land invasion, which resulted in arrests for trespass (though not of the Colonel), Col. Wright and Mr. Salmon were able to come to terms with each other roughly one year later (ibid., 290). The newfound tranquility on Fullerswood was soon to be shattered when another group of Accompong Maroons, apparently against Col. Wright's wishes, occupied the land (ibid.). It would seem that a section of the community was not happy with Col. Wright's handling of issue, perhaps unwilling to accept whatever terms he had come to with Mr. Salmon, and took matters into their own hands.

[49] The archival records are unclear if Col. Wright is the same Capt. Wright who helped negotiate with Inspector-General Prenderville in 1868.

At this point, Governor Sir Henry Arthur Blake took notice of the situation unfolding and began direct correspondence with the Colonial Secretary, Joseph Chamberlain (JNA 1B/5/21/4, 22 November 1896). The governor and the police were eager to make arrests for the second land occupation, but when Inspector Pratt of the constabulary attempted to make the arrests in Accompong, he was blocked by a gathering of Maroons who made violent threats against the officer (ibid.). Governor Blake acknowledged the great danger inherent in antagonizing the Maroons, which he numbered as only 600-700 at that time but, in league with the Inspector-General, was still considering a military assault if persuasion should fail (ibid.). By December 7th, 1896, however, Governor Blake (ibid., 7 December 1896) was more optimistic that with the help of Col. Wright, the arrests could be made.

Such optimism proved misplaced. By the new year, it was evident that Col. Wright no longer had the authority to deliver the wanted men to the police. At this point, however, Colonial Secretary Chamberlain stepped in to reduce tensions, mildly chastising the police for taking leave of their senses by even contemplating an attack on the Maroons for what, in his view, was a matter of mere personal irritation. Chamberlain (ibid., 4 January 1897) also ordered the governor to draw down and have patience that the process of law would run its course in due time. A week and a half later, Governor Blake acknowledged to the Colonial Secretary that there would be nothing to gain by apprehending the culprits through force and that, in any case, the situation at Fullerswood had calmed, after which the Chamberlain (ibid., 16 January 1897; JNA 1B/5/76/3/65 17 February 1897) replied with his satisfaction "that the matter ended without any disturbance." Once again, powerful elements of the British colonial establishment committed to maintaining stability intervened to de-escalate with the Accompong Maroons, who in this case were able to benefit from divisions in the colonial government. However, as these events were unfolding, the situation was becoming far less stable in Accompong itself.

Not long after the Colonial Secretary was assured no direct action would be taken against Accompong, the police tried a subtler approach to controlling the Maroons. Internal police documents show that a plan was put into effect by Inspector W. Jameson Calder to recruit Col. Wright himself as a police agent, a role which he accepted by March 24th, 1897 (JNA 1B/5/76/3/65, 24 March 1897). This decision deeply alienated the community and it would soon become clear that Accompong had lost confidence in Col. Wright. The incident which would trigger his downfall came in June when the community became aware that a surveyor investigating the unpatented lands surrounding Accompong. After a meeting of the community, Col. Wright was impeached and replaced by Isaac Miles (ibid., 19 June 1897). This is the first documented case of an Accompong Colonel being removed from power. The debate surrounding the impeachability of the Colonel is salient in present-day Accompong (see Chapter 3). Col. Wright's (ibid.) own recounting of the events in a letter he penned to the governor pleading for assistance indicates that, after his open collaboration with the police, the community feared he might further assist the government in taking Accompong's most precious resource, its land. The disagreements over how to handle Fullerswood also likely contributed to Wright's downfall.

Col. Wright (ibid.) lamented that the Maroons, in removing him from office, knew full well that Colonels are supposed to serve for life. As such, he still claimed the Colonelship, even though he had been effectively stripped of any power. This demonstrates a remarkable contradiction in the function and role of Colonel of Accompong. The Colonelship does indeed derive its official authority from the treaty as a generalized codification of Maroon governance structures. The legitimacy of the Colonelship, however, derives from its perceived usefulness to the community as their representative voice, able to work productively with the state in pursuing the community's goals. From their end, the British were willing to deal with the Colonel for a similar reason; his ability to control his community, ideally, toward the ends of the colonial government. To the British, this task became all the more critical once the role of the white resident-supervisors had fallen into disuse. In Accompong's history, this arrangement seemed to have functioned reasonably well in the period when the Maroons and government were allied to suppress the resistance of the enslaved. But once disbandment and assimilation became the colonial design for the Maroons, the Colonelship was inevitably heading toward a crisis. And so, to his misfortune, this contradiction finally became untenable under the leadership of Col. Wright, as he was caught between trying to show the governor he could still be an ally while his own community demanded disobedience. In this case, the bulk of Accompong's population demonstrated that they cared more about the preservation of their collective autonomy than the preservation of their traditional hierarchies. In the end, it would appear that Col. Miles was able to form an administration legitimate the Maroons while ex-Col. Wright disappeared from the archival record.

For their part, the governor did not seem to offer ex-Col. Wright any tangible support, although the police did direct him to continue monitoring his community for them (ibid., 13 July 1897). Shortly after this correspondence, the new leadership of the community drafted their own letter to the governor duly signed by the Colonel Isaac Miles (ibid., 6 July 1897). In their letter the new leadership avoids the topic of Wright's impeachment and instead requests support for their campaign to evict 'squatters' from their claimed territory, a pursuit which, along with chasing away surveyors, would become the focus of attention for both Accompong and the colonial government in the opening years of the 20th century.

Stagnation: 20th Century Political Impasse

By the dawn of the 20th century, the local tactics of the state's coercive apparatus toward the Maroons had undergone a marked shift from the period surrounding legal abolition. Gone were the sentiments among the local bureaucracy (police, surveyors, tax collectors) that the Maroons were well-meaning but confused people to be dealt with "in the most kind and conciliatory manner" (CO 137/437, 29 December 1868). Now the Maroons were viewed as objects of suspicion and a potentially criminal element to be monitored, infiltrated, and sanctioned where possible. On the contrary, the Colonial Secretary's Office, thinking of the long-term stability of the empire and their ceaselessly troubled Jamaican colony, ordered moderation and acted to curtail the police and governor's more militant plans to control the Maroons. Indeed, it would

appear that Colonial Secretary Chamberlain's rebuke of the governor and local constabulary left an indelible impression. There would be no recorded major raids or incursions on the Accompong Maroons until the 1980s.

But in the first decade of the new century the situation was anything but stable. The parish of St. Elizabeth was tense; in late 1896, the Maroons had repelled police attempting to make an arrest and then, in 1897, had impeached their own Colonel in part because of his collaboration with the police. Now, with Colonel Wright out of the way, elements in Accompong concerned with actively defending and expanding the community's land claims felt freer to act. Reminiscent of their war practice of raiding plantations far from their bases of operations, the first attempt of the Maroons under the new administration to further their territorial claims was in the parish of Westmoreland, to the west of St. Elizabeth and far from Accompong. On May 30th, 1899, a group of Maroons under Captain Stone arrived in the parish to claim a property called "Water Works" (JNA 1B/5/76/3/65, 680). This led to some consternation among the locals, especially since the reasons upon which the Maroons were laying claim to the land appeared spurious to the residents (ibid.). Threats of bloodshed and use of obeah by the Maroon party provoked the police to actively monitor the situation (ibid.). Although the situation resolved itself once the Maroons withdrew in June, the archival materials surrounding this case reveal the considerable police surveillance network which had been established in the region, with the reports of the local informants monitoring the Maroon party being passed to the Inspector-General on a near weekly basis (ibid.). This incident repeats an interesting phenomenon also seen in the Fullerswood Affair where plots of land purchased or otherwise claimed by individual Maroons, even if far afield from Accompong itself, were still considered part of the commons and, thus, within the purview of collective defense.

The next incident of land conflict would occur much closer to home over the Strathdon Estate, a 500-acre property, and portions of the Ruthven Estate, a 1300-acre property, both immediately abutting the southern surveyed boundaries of Accompong (see Map 2.4). As early as March 1898, the Maroons had been petitioning the governor to recognize their claim over the estate, arguing that it had been in their possession from the time of their forefathers and citing its economic importance as the area where the Maroons graze and water their cattle (JNA 1B/5/76/33, 15 March 1898). The surveyor, whose arrival triggered the impeachment of Col. Wright, was in fact the Surveyor-General himself, Colin Liddell, a man determined to take on Maroon expansionism. On or about May 28th, 1900, Maroons working the Strathdon estate were ejected by a party of police (ibid., 28 May 1900). After the Colonel, who was now one Henry Ezekiel Wright,[50] complained to the governor about the eviction, Liddell justified the action by countering that the land actually belonged to a Mr. Watson, from whom the Maroons had effectively stolen (ibid., 28 May 1900; 12 November 1900). Even so, Liddell acknowledged that

[50] It is unclear what became of the Colonelship of Isaac Miles, whose next appearance in the archival documentation (another petition from Accompong) is listed as holding the rank Captain (JNA 1B/5/76/33, 6 November 1900). Given Accompong's tendency toward familial factions, perhaps Henry Ezekial Wright was chosen as a compromise leader to placate ill-feelings from the Wright family after the impeachment of Robert Wright.

the Maroons had a right to Strathdon and portions of Ruthven given the length of their possession, but they were still obliged to pay taxes on it. The Maroons escalated the stakes of the issue by claiming, in a subsequent petition, that Strathdon was the only reliable source of water for the community, and that the conflict had become a symbol of the ongoing tensions between the Maroon and non-Maroon inhabitants of the region about the extent of Accompong's borders and privileges (JNA 1B/5/76/33, 6 November 1900).

On December 17th, 1901, Liddell (ibid., 17 December 1901) encountered aggressive opposition to his presence in Accompong, but through negotiation he and the Maroons were able to come to an agreement: first, the 1,220 acres of Accompong would be resurveyed to determine what portion, if any, of the Strathdon and Ruthven Estates lay within its territory; second, that the Maroons purchase any lands they are using outside of that boundary; third, that the Maroons will have to pay taxes on any lands outside their territory; and fourth, that the sources of water in Strathdon will be publicly held and never any single individual's property. It seemed as if Liddell had finally solved the land conflict between the Maroons and colonial government, so it was quite to his surprise that when he returned on February 4th, 1902, to finalize the survey and arrange for the collection of land payments and taxes, he was greeted by an angry group of some 300 Maroons (ibid., 4 February 1902).[51] Because of the frightening experiences of his previous visit, Liddell had asked for a police escort which was denied to him, likely out of the government's concern to avoid sparking further tensions with Accompong. In this case, the lack of an escort seems to have almost cost Liddell his life, and he was only able to escape with the help of a local non-Maroon who led him though the bush to safety. In his report to the Office of the Colonial Secretary, Liddell had lost what little patience he already had for the situation. In a rare example of bureaucratic candor, Liddell lambasted the Maroons for their "ignorance and swellheadedness," and very much doubted that they had any intention to uphold their end of the deal. He was equally scathing of the colonial government for giving him no support in the situation with the police "being conspicuous by their complete absence." He refused to return to Accompong and charged the government that "it has to be decided whether these lands are to be abandoned to the Maroons, or law and order are to be upheld." Liddell continues:

> Mr. Lea [a local reverend] informs me that the conduct of these Maroons is being observed and commented upon by outside people in the neighborhood who think it very hard that the Maroons should trespass at their pleasure, but that whenever <u>they</u> [non-Maroons] trespass they should be brought before the court, and that they should pay taxes while nothing is contributed by the Maroons… As to any idea of the Maroons… coming to the aid of the government in any remote possibility of a negro rising it is the veriest nonsense. They are far more likely to join in the game of grab, themselves, than to aid in suppressing it. Indeed in 1865 [Morant Bay Rebellion] it is notorious that the Maroons hung back and only came forward in support of the government when it was seen that the

[51] With a population counted as between 600-700 for much of the 19th century, a 300-person attack against Liddle represents a remarkably united and emphatic show of force for Accompong.

> government had put down the disturbance. So far indeed from the Maroons being friends of the government I would point out that the two recent disturbances at Annotto Bay [a 1895-1900 land conflict with the Charles Town Maroons] and Fullerswood were caused by and through the Maroons themselves, and in my humble judgment the existence of these people as a separate community with particular privileges is a source of danger to the community (ibid.).

These recriminations, and especially the complaints against the Maroons by local farmers, display the deep economic shifts at play contributing to the increased tensions over land beginning in the second half of the 19th century. After the de facto legal abolition of enslavement at the end of the Apprenticeship period in 1838, most of the recently freed captives eventually left their former prisons, either by choice or though eviction for failure to pay rent, and settled in the geographic fringes of the plantations (Higman 2011, 168). The extent of this migration off the plantations was so great that land which was unsettled in 1838 became the most densely populated areas of the island (ibid., 169). This pattern was accelerated by the collapse of Jamaica's sugar industry in the post-legal abolition period. Whereas the number of plantations peaked at roughly 1,000 in 1770, they had been reduced to merely 300 by 1870 (ibid.). As previously discussed, the expansion of sugar plantations caused the first tensions between the Maroons and the colonial state in the 18th century post-treaty period. At that time, the government intervened to secure Maroon land rights. Now, one hundred years later in the late-19th century, the newly freed small holders were the source of tensions on the borders of Accompong. Once again, the colonial government intervened in the general favor of the Maroons.

To wit, returning to Liddle's lament, although the government was sympathetic to his predicament, once again, the colonial authorities would belay the recommendations of the local officials; no action would be taken against the Maroons for their conduct.[52] The colonial government would make one last effort to resolve the issue with the Maroons, however. On June 13th, 1905, the Governor of Jamaica, Sir James Alexander Swettenham, made the unprecedented move of personally visiting Accompong to present a final plan for the settling of the land issues. In exchange for a modest increase of Maroon lands, the new plots and the commons should be divided individually and taxes paid on all properties (Gleaner 1938, 9). While some in the community professed an agreement with the plan, at least in a modified form which would preserved the commons, no consensus could be reached, and the governor's offer was withdrawn several months later (Kopytoff 1973, 308). With the death of this final attempt at negotiation, the colonial government gave up on an over 60-year design to force the political assimilation of Accompong into rural Jamaica, although privately, in internal discussions, the government had long ago conceded there was no chance in forcing the Maroons to pay taxes (JNA 1B/5/76/3/33,

[52] In the aftermath, some individual Maroons did avail themselves of the December 17th, 1901, agreement to purchase plots in Strathdon and Ruthven estates (Kopytoff 1973, 300).

31 July 1895). The colonial government of Jamaica would never again pursue this course of action for the remainder of its existence.

There is an anecdote about Soviet leader Vladimir Lenin and his use of the Russian tactics of deception and denial called *Maskirovka*, literally "something masked" (Ash 2015). One day, the Polish ambassador, furious about Soviet incursions and attacks along the border, demanded an audience with Lenin. Lenin apologized profusely, claiming that it must be some mistake or the work of rogue military commanders. In any case, he assured the ambassador that he would personally see to the problem at once. Satisfied and relieved, the Polish ambassador left to tell Warsaw that all was well. When Lenin's aid asked him if he should now order a halt to the offensives, Lenin replied, "no, increase them!" The doctrine of using feint, deceit, and misinformation is as old as war itself and a strategy which the Maroons' own ancestors employed to great effect stretching back to the 17th century. In their November 6th, 1900, petition for possession of the Strathdon and Ruthven estates, the Maroons made reference to the loyal Maroon Juan de Bolas, whose allegiance with the English helped them win the war for Jamaica. However, Accompong Maroon political tactics in the 19th and 20th century more resemble the actions of the notorious Juan de Serras and his Vermahaly Maroons.

This practice had a long history among the Jamaican Maroons. In an incident not recounted in this chapter's earlier narrative of Serras, the Maroon leader found himself in a difficult positon by 1665 when, as the only other sizeable and active group still fighting the English, he was increasingly drawing all their attention (Campbell 1988, 26-27). In 1667, Serras offered the English a "peace" overture, declaring that "he and all his people did acknowledge themselves 'subjects and soldiers' of the King of England" (ibid., 29). Serras concluded negotiations by humbly asking if his now submitted people would be permitted to come and go freely across the island to trade with the English, promising not to associate with any other Maroons (ibid.). Weary of war, the English governor leapt at the opportunity, proclaiming a peace treaty on March 28th, 1668 (ibid., 30). The English were lulled into a false sense of security as Serras' forces rested, healed, scouted the island, accumulated vital supplies, and reconsolidated their strength. Two years later, at a time of their choosing, the Vermahalys viciously struck out at the English in a surprise attack killing many whites, then led a fighting retreat northeast into Blue Mountain Range, with the English too weary, demoralized, and stunned to pursue them (ibid., 31-32). There the Vermahalys would establish what became the Windward Maroon nation into which Nanny would rise.

By the time of the 20th century, armed conflict between the Maroons and the government had not occurred for over a century. Yet the Maroons were still able to fight an asymmetric political and diplomatic war to maintain their autonomy. The events of 1868-1905 represent the solidification of an *oppositional stability* between the Maroons and the Jamaican state which would persist through the 20th century. Through the various conflicts and negotiations described above, the Maroons and the government probed each other's political limitations and weaknesses. For the Maroons, they simply would not brook any division and enclosure of their

commons, nor would they pay taxes on most of the land in their possession, but they would fall back from land occupations if the police intervened. For the government, they would not legalize Maroon expansions into neighboring properties, but they would no longer insist on taxation or the breakup of the common, nor would they send police incursions into the treaty boundaries of Accompong. I argue that the outcome of this status quo ante was a relatively favorable one for the Maroons. While most of the land conflicts were not resolved in the ways that the Maroons would have wanted (tax-free legal recognition of territory greater than the 1868 boundary adjustment), they still held de facto possession of many properties ringing the recognized boundaries. But more importantly, they circumvented and made unenforceable a series of laws designed to terminate their incorporation as a distinct political entity with communal land, as well as avoiding the paying of any taxes within the 1868 boundary. And while, when pressed,[53] the government would usually defer to the *Maroon Lands Allotment Act, 1842*, to show that there was no legal basis for Maroon autonomy, it was plain to see that the core of Maroon autonomy had been preserved (JNA 1B/5/76/3/33 8 December 1920).

A few more pre-independence incidents are worthy of note. In 1949, a dispute arose among the Maroons about the nature of their leadership structure, especially on whether the Colonel should be an elected position. The testimony that Governor Sir John Huggins was able to collect reveals some insights on mid-20th century political changes in Accompong. According to Ex-Col. H. A. Rowe (CO 537/4899, 29 March 1949), the Colonelship was originally passed down through family lines, until he was selected by Col. Henry Ezekiel Wright as his successor upon retirement in 1921. Col. Rowe then left office in 1939 after an undisclosed dispute, upon which his deputy, W. J. Robertson, took over. Starting at some point in the mid-1940s, Major Thomas James Cawley began agitating for fixed-term elections for the Colonelship (ibid.). A political crisis ensued with Robertson labeling Cawley a usurper and attempting to enlist outside help to secure his position while at the same time pushing to reopen the Cooke's Bottom land claim. That outside help was Tom Driberg, Labour Member of British Parliament (MP) for Maldon in England. It is unclear exactly when or how Robertson reached out to Driberg, but the MP began making inquiries to Governor Higgins, Colonial Secretary Arthur Creech Jones, and the Minster of State for Colonial Affairs Lord Listowel about the Maroons. The governor was forced to mediate Accompong's leadership crisis, something for which he originally had no intention of doing: "The total population of Accompong is only something between 500 to 600 people and their difficulties constitute one of the most minor of the problems with which I have to deal with here" (ibid., 9 February 1949). In the end, as this small rural community once again held the attention of the empire, the governor was compelled to help Accompong establish an electoral commission, at the government's expense. Cawley won the 1951 election with a majority of votes and the government publicly recognizing his Colonelship (Gleaner 1951a). For

[53] It would appear that the Maroons once again pressed their land claims in 1920 (JNA 1B/5/76/3/33, 8 December 1920).

a more detailed analysis of the long-term impact of this electoral turn in Accompong, see Chapter 3.

Through the Maroons' ability to attract powerful patrons, such as Mrs. Strachan in the 19th century, the Maroons were able to magnify their political power. Driberg proved to be a powerful ally who was able to advance their cause in Parliament, much to the annoyance of the governor (CO 537/4899, 12 April 1949). After going to the press on February 8th, 1951, to reaffirm their autonomy (Gleaner 1951b), the new Colonial Secretary, James Griffith, was compelled to declare before the February 22nd session of Parliament that Maroon "self-government" would be preserved (Gleaner 1951c). Ultimately, however, the government did not budge on the issue of land grants, sticking to their limitations in the *oppositional stability*. The Maroons complained, but did nothing to push their claims further.

As the 1950s progressed, the island became increasingly focused on impending independence and the ramifications it would hold. The significance of this historical shift was not lost on the Maroons and they lobbied hard to have their voices heard at the negotiation table. Harris Cawley, Colonel of Accompong from 1983-1988, in personal conversation with the author, remembers the incident well when the Maroons finally had a meeting with the Premier Norman Washington Manley in the lead-up to independence.[54] As a teenager, Harris Cawley joined the delegation of Colonel Robertson and Wright to the capital.[55] There, they met with Manley and one of his cabinet ministers David Cole. When the Maroon delegation explained their case for sovereignty and the settlement of land disputes, then formally asked for recognition of their state, Cole exclaimed that "there is only one state in Jamaica!" Apparently, the situation almost came to blows, and the breakdown of negotiations left a deeply negative impression among the Maroons. Michael Manley, Norman Manley's son, was far more receptive to the Maroons during his own leadership of the country (Bilby 2002). Harris Cawley remembers Michael Manley's prime-ministership as being a time of relatively lowered tensions coinciding with a period where the Maroons were becoming viewed as symbols of patriotism and forbearers of independence (Gleaner 1975;1978). Nonetheless, powerful elements of the Jamaican state would not let such praise go too far, and in 1980, Governor-General Florizel Glasspole publicly warned that the Maroons must not be seen as a separate nation (Gleaner 1980).

In the aftermath of the failure to negotiate the political status of Maroons during the transition to independence, from the 1950s to the 1980s, Maroon and state conflict would be largely confined to rhetoric and recriminations in the media, except for incidents related to the War on Drugs. On January 23rd, 1956, police raided the Accompong home of Maroon Secretary of State Man O. Rowe, finding a sizeable amount of cannabis, as well as undisclosed prohibited publications (JLR 7, 46). Rowe was convicted by the local magistrate in St. Elizabeth parish but

[54] The precise date was indeterminate but the meeting must have happened sometime during Manley's Chief-Ministership/Premiership from February 2nd 1955 to April 29th 1962.
[55] Robertson was the previous Colonel of Accompong defeated by Thomas Cawley in 1951 but returned to office through the election of June 12th, 1957.

appealed to the High Court in the case *R. v. Man O. Rowe* on the grounds that the treaty gave jurisdiction for all but capital cases to the Colonel. On July 31st, 1956, the Court of Appeal of the High Court of Jamaica dismissed Rowe's appeal citing (predictably) the *Maroon Lands Allotment Act, 1842* (5 Vic, Cap. 49). The real tensions surrounding drug interdiction in Accompong, however, would not begin until the escalation of the War on Drugs in Jamaica in the 1980s.

Map 2.4 Current Cadastral Map of Northern St. Elizabeth Parish (Date Unknown)

Source: National Land Agency of Jamaica

There is little information or documentation on this period of tension in Accompong, which is unsurprising given the ongoing nature of drug interdiction in Jamaica and the generally secretive nature of the War on Drugs. The few residents who would speak at all about the topic, on the condition of anonymity, confirmed that members of the community had been growing cannabis for many years by that point, and that it was never considered a crime under Maroon law. However, Accompong was caught up in the 1980s efforts of the United States to urge the Jamaican government toward a more aggressive stance on cannabis production in the island. Documents of meetings between Jamaican and U.S. representatives (United States 1984, 102-08) show a move toward the destruction of fields rather than solely the interdiction of trafficked cannabis by the early 1980s. This would coincide with the time frame that Maroon respondents report aerial incursions into Accompong, beginning with the blanket spraying of defoliants. This had a terrible collateral impact on Maroon agriculture as the cannabis was usually planted close to, or interspersed with, food crops or legal cash crops. Occasionally, Maroons would be rounded up and arrested during these operations (Gleaner 1986).

The Maroons bristled at the incursions and took the opportunity of Kojo Day, 1987, to denounce the cannabis raids in front of the U.S. ambassador himself, complaining of the loss of property and even charging that an elderly community member had died of fright during one of the helicopter sweeps (Gleaner 1987). Nonetheless, tensions escalated and the Maroons fought back, with one police officer being "beaten and chopped to death" during a raid (Gleaner 1988). The practice of spraying would be discontinued by the 1990s (United States 1999, 11) but this was replaced by police raids directly to the fields to burn the crops. All nine respondents interviewed about this issue, including members of the leadership, regard these acts as grave violations of the community's sovereignty. Such actions would leave a bitter sentiment in the community by the turn of the millennia when the Maroons would claim even greater territory or stewardship over Cockpit County in the face of new land conflict over the mining of bauxite in the 21st century.

This long history of Maroon self-preservation and advancement in Jamaica would also leave bitter feelings among some of the non-Maroon population, resentments which persist to this day. Indeed, few topics in Jamaica are as divisive as the legacy of the Maroons, a considerable feat given the island's history of contentious politics and social conflict. On the one hand, there is a reverence for the Maroons as heroes of freedom, exemplified by the famed leader and obeah priestess Grandy Nanny being elevated to national hero in 1982. Such praise remains common in official rhetoric; at Accompong's celebration of Kojo Day on January 6th, 2014, Lisa Hanna, the then Minister of Youth and Culture, lauded the Maroons for their historic resistance against enslavement while pledging to renovate and augment Accompong's museum given the need for all Jamaicans to be aware of the Maroons' triumphs (Jamaica Information Service 2014). On the other hand, when Maroons are brought up in Jamaican news media, or even in casual conversation, a more bitter assessment of their history becomes evident in the popular consciousness, competing with the nation's official extolling of Maroon virtue. Virtually all of

this contention stems from the terms of the 1739 Maroon-British peace treaty, in which the Maroons were obliged to capture fleeing captives and put down rebellions of the enslaved. Consider Jerome Henry's letter to the editor of the *Gleaner* newspaper supporting an article (Taylor 2013) advocating that 18th century freedom fighter Tacky, who was killed by the Maroons working in concert with the British, be made a national hero while emphasizing his death at the hands of Scott's Hall Maroons:

> The article highlighted the paradox - some may say even hypocritical reality - that we today revere Maroons for their contribution to nation building, even to the point where Nanny is today a national heroine, when they were complicit in the continued enslavement of their black brothers and sisters, by capturing and returning fleeing slaves to their masters for a price … Is the Maroon deserving of an esteemed position in our history? Tacky gave his life for the freedom of all enslaved persons. The Maroons were certainly traitors to his cause (Henry 2013).

Maroon advocates presenting their issues in the media are sometimes also the subject of public opprobrium, such as the *Jamaica Observer's* positive coverage of the Scott's Hall Maroons' attempt to develop their community as a site of eco-tourism. One internet commentator to the article opined, "Maroons are sell outs. They fought for their freedom and won, then turned around and conspired with the slave masters to deny freedom to slaves seeking said freedom that they got" (*Jamaica Observer* 2015). More alarming is commentary that takes on an inflammatory, conspiratorial tone, such as this response to an article on Accompong's demands for financial compensation from the state:

> It was Cudjoe [Kojo] and his crew of Maroons that caused such a strong hatred from runaway Jamaican slaves and admiration from the British. These same Maroons were encouraged by the American embassy to maintain self rule within Jamaica. Check visits to maroon celebrations by the British & American officials and read their messages to the maroon leadership. Maroons are seriously considered the worst of it [*sic*] kind, and are known to be traitors (Sutherland 2014).

David Fitton, the British High Commissioner to Jamaica, did indeed attend Kojo Day in 2014, as did US Ambassador Pamela Bridgewater in 2012 (Henry 2012), although my field observations of Fitton's speech reveal that no such encouragement for self-rule was given to the Maroons. While there is little evidence that anti-Maroon public opinion is having any direct impact on relations between the Maroons and the Jamaican state, that the very concept of Maroon self-rule can be articulated as a threat to the stability of the nation, or even international intrigue, cuts to the heart of the stakes in contemporary Maroon tensions.

Such judgements of the Maroons are not limited to the public sphere but are also found in the academy. Note the title for Mavis C. Campbell's expansive work on the 17th and 18th century Maroon War, *The Maroons of Jamaica 1655–1796: A History of Resistance, Collaboration & Betrayal*. Kofi Royston Barima's (2009, 227) doctoral dissertation, *Without Treaty: Runaways*

and Maroons in Jamaica, The Foundation of Opposition to the State, urges an apology for enslavement from the Maroons on par with that being demanded of colonial European nations. It is within this context of both a public lauding and skepticism of the Maroons that Accompong continues to develop its political structures and mechanisms of autonomy in the 21st century. Yet, as will be discussed in Chapter 4, Accompong's continued maintenance of autonomous self-governance is unique in the Maroon world, as demonstrated through comparison to the Surinamese Maroons, the most similar still-existing Maroon societies to Accompong in terms of history and social formations. For the Ndyuka Maroon polity, the Surinamese case study examined in Chapter 4, *oppositional stability* did not survive the early 20th century, and as their land was deemed economically important to the Dutch colonial state, Ndyuka autonomy would be increasingly undermined, first through the environmentally destructive activities of the bauxite mining industry, and then through the deadly and socially destructive civil war waged between the Maroons and the military dictatorship of independent Suriname in the 1980s. Such a context would force the Surinamese Maroons to radically depart from the sovereign trajectory of the Jamaican Maroons, compelling a strategy of state entryism to further Maroon self-preservation.

This chapter has established the historical context of 21st century Maroon struggle and the volatile political terrain on which it is waged. Setting out the historical narrative of conflict between the state and the Maroon polity of Accompong from the 17th to the 20th century, I argued that only through their deliberate efforts to foster and maintain a relationship of *oppositional stability* with the colonial state was Accompong able to preserve their autonomy. The state response to Maroon autonomy was, in turn, influenced by the perceived low value of their land. As I will elaborate in the following chapter, the Maroons of Accompong continue to pour their collective energies into developing governance structures responsive to 21st century challenges while facing considerable socio-economic barriers in doing so. As the Accompong Maroons adjust to the challenges of the 21st century, they continue to rely on the maintenance of an increasingly precarious *oppositional stability* to further their aims.

CHAPTER 3. CONTEMPORARY POLITICS OF GOVERNANCE AND AUTONOMY IN ACCOMPONG: FROM TREATY TO CONSTITUTION

As evident from the research in the previous chapter, the contours, scope, and development of Maroon autonomy have been central to Jamaican history, but the legacy of the Maroons has also inspired research based far-afield from the Caribbean. In *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, James C. Scott's (2009, 24) compelling and provocative study of the resistance to state-making, he draws direct inspiration from the Maroons in his analysis of the non-state hill-polities of Zomia.[56] Indeed, drawing on Aguirre Beltrán's (1979) concept of "regions of refuge,"[57] argues that the people of Zomia, like Maroon communities, were both a product of state expansion and, "at the same, a state-resistant social space forged in conscious response and opposition to subordination." The defense of open common-property land tenure in the face of enclosure; hunting, foraging and swidden agriculture; refusing taxation; and the settlement in difficult and relatively inaccessible terrain evident in Zomia all mark "a long process of marronage" in Scott's (2009, 127) analysis. Following from Chapter 2, the parallels between the Accompong Maroons and Scott's articulation of Zomia's social formations and strategies of resistance to colonial rule and independent nation states are further evident in their "agricultural practices, their social organization, their governance structures, their legends, and their cultural organization in general," all of which "bear strong traces of state-evading or state-distancing practices" (ibid., 127-28). However, Scott (ibid., 324-25) concludes his research with the assessment that such regions of refuge are fast disappearing, and that his analysis is "less applicable to the situation after the Second World War," when his periodization ends. The rarity of state-resistant communities in the contemporary period makes research into the autonomous politics of 21st century Accompong all the more pressing.

In this chapter I seek to fill the lacuna in the scholarship on contemporary Jamaican Maroons as political communities enmeshed in ethnic, class and gender struggles. I argue that while the Maroons of Accompong remain the heirs of monumental struggles against enslavement, with political systems founded in the context of their fight for freedom, in the 21st century, the historical contours of this resistance can no longer adequately account for the contours of their political strategies and governance dynamics as they struggle to preserve their land and autonomy from the encroaches of capital and the state. Rather, economic shifts in Jamaica and a new desirability of Cockpit Country as a source of mineral wealth is upturning the *oppositional stability* which evolved in the 18th century, as described in the previous chapter. Indeed, the late 20th and 21st century has already witnessed intense conflict and remarkable changes in the structures of Accompong. The 2004 promulgation of a constitution for Accompong was contemporaneous with an escalating conflict over land rights, resource

[56] Zomia is the geographic locus of Scott's (2009) research, a transborder mountainous region of Southeast Asia distinguished by swidden agriculture, semi-nomadism, and non-state polities.
[57] Researching within the context of colonialism and its legacy in Latin America Beltrán (1979, 11) defines a region of refuge as the socio-spatial manifestation of the cultural resistance to processes of domination.

extraction, and the extent of Maroon autonomy. Thus, while Maroon governance structures trace their roots to their resistance against enslavement, 21st century Maroons are central actors in very modern power struggles as their traditionally non-state agrarian communal societies increasingly move from the geographical fringes of national state control to the centers statecraft and globalized capitalist production.

In order to situate contemporary Accompong in the political and economic formations of the modern nation state, this chapter will begin by establishing the demographic and social profile of the community in order to better understand the material context within which the Maroons seek to minimize the reach of the state and defend their territorial and cultural integrity, all the while pursuing the socio-economic development of their society. Upon establishing the sociological data, this chapter will proceed to detail the contours of contemporary Accompong Maroon governance and social organization, drawing on field observation and interviews, policy analysis, and archival research. My research finds that the traditional governance structures of Accompong are transitioning into a Maroon adaptation of the constitutional republican political form, as Accompong attempts to move from maintaining autonomy to exercising sovereignty by building the structures of a state in its own right as part of a defense against existential risk to their political formations posed by bauxite mining.

21st Century Accompong: Community Profile

Firm demographic and socio-economic data on Accompong and other Maroon communities in Jamaica is sparse and inconsistent. This is largely due, at least in the first instance, to the ongoing inability of the Jamaican government to regularly collect statistical data on Maroon communities. Census data is not disaggregated to the village level in any case (Statistical Institute of Jamaica 2017). At least some of this lack of detail likely has to do with the general levels of scarcity the Jamaican state operates under. However, this dearth in data is equally, if not more so, the making of the Maroons themselves. As described in the methodological discussion in the introductory chapter, although secrecy, evasiveness, and distrust of outsiders are typical barriers in many type of ethnographic research, Maroon communities are particularly notorious for these traits. Maroon ethnographer Kenneth Bilby (2005) traces the genesis of this disposition to the legacy of the Maroon Wars of the 17th, 18th and 19th centuries, where betrayal and espionage were constant and deadly threats to these military communities. Strategies of counter-intelligence became ingrained in Accompong's cultural fabric. The increasing stakes of Maroon conflict with the state over the extent of their autonomy and territorial boundaries seems to have only exacerbated this dynamic; to wit, a Jamaican government adviser interviewed for this research, speaking on conditions of anonymity, described recent (2014) attempts to survey the community being obstructed and impeded by local residents. Unsurprisingly, in a situation of escalating conflict, even the mundane gathering of census data could be viewed as a form of espionage.

Nonetheless, two sources of data provide key insights into the demographics of Accompong, both synchronically and diachronically. The Social Development Commission

(SDC) of Jamaica conducted a census of Accompong from February to March 2009 (updated in 2011), and every general election since universal adult suffrage in 1944, and every Parish Council (local government) election since 1986, has enumerated Accompong as a polling station listing the number of registered electors in the community. I will begin by detailing the survey data from the SDC as this provides the most complete statistical analysis of Accompong's people. For the SDC study, I will note aspects of the data which diverge from either how my respondents categorize their community, or my own research data.

First, it is notable that the SDC thanked the community of Accompong for their cooperation in this survey (SDC 2011, 3). What accounts for Accompong's openness toward this entity but a general wariness to data collecting from other branches of the Jamaican state? I cannot conclusively explain this apparent deviation from Maroon secrecy. However, I believe that the SDC's roots in the 1930s as nationalist project to develop the working class, its function as an incubator for community organizations and locally-based development projects, albeit under government aegis, and its mandate of social uplift and participatory development planning, all likely contributed to a heightened sense of trust and the perception of mutually beneficial relationship to Accompong.

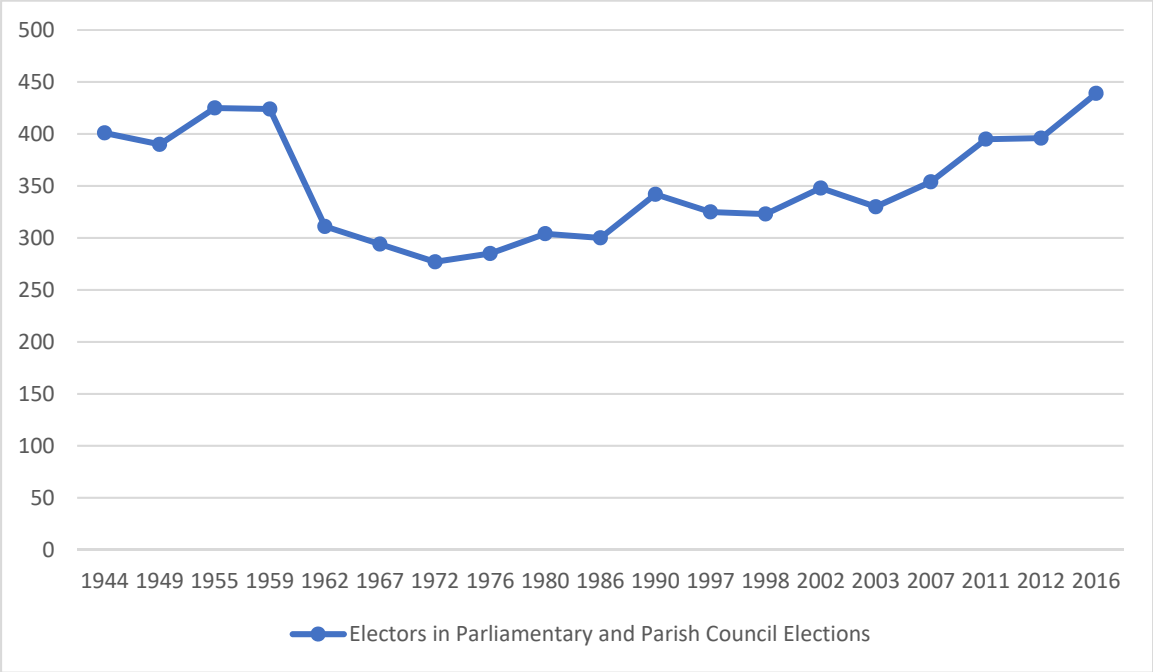
The SDC Household Survey (2011), based on a 10% random systematic survey of each household head consisting of an 84-point questionnaire and interviews, found 202 families living in Accompong with an estimated population of approximately 788 persons. This diverges markedly from Jean Besson's (2016, 62) figure of about 3,500 adults and Ex-Colonel Harris Cawley's 1991 estimate of roughly 2,000 individuals in 160 households, with another 6,000-7,000 on the outskirts of the community (ibid., 65). My own observations align more with the SDC's figure, revised slightly upwards to less than, but approaching, 1,000 permanent residents within the municipal area and its immediate surrounding farmland. While some of the divergence in numbers likely has to do with the natural growth of the community (i.e. Cawley's 1991 estimate of 160 households vis-à-vis the SDC's 2011 finding of 202 households), any enumeration is complicated by the contested boundaries of the village itself and the highly migratory nature of the population. For instance, Cawley includes the disputed lands of Bethsalem, Cooke's Bottom, Elderslie, Jointwood, Retirement, Thornton, Quick Step, Whitehall, and Aberdeen as all belonging to Accompong, stolen by the government (Besson 2016, 65-66), hence his upward figures from which Besson derived her own estimate. The SDC only included five districts of municipal Accompong in its study.[58] Furthermore, deriving population figures based on Maroon elections, as Besson does, is less likely to produce accurate figures given that Maroons will travel to Accompong from all over the country and internationally to vote, although it is a useful source of data on the transnational size of the Leeward Maroon population.

With the Jamaican national and local electoral lists, we are able to determine a rough rate of growth of the community over a 72-year period. Accompong was enumerated as a distinct

[58] The Constitution of Accompong lists fifteen districts within the boundaries of the community.

voting district since the first national elections in 1944 and, on a local governmental level, since the 1986 Parish Council elections.[59]

Table 3.1 Number of Accompong Electors: 1944-2016



Source: Electoral Commission of Jamaica, 2017. Election Results. http://www.eoj.com.jm/get_subpage_by_id.php?spid=183

Besides the obvious enumeration restricted to voting aged adults, other factors complicate the use of electoral data as a measure of population growth over time: an unknown percentage of adult residents are likely not registered to vote or lack the documentation with which to do so; people who make their regular domicile in Accompong, especially on its geographic fringes, may be registered to vote in neighboring districts; and, conversely, people normally living outside the community may nonetheless still be registered to vote therein. Still, the voting data suggest a community that is steadily growing since 2003, but only in 2016 has it surpassed the rough population level it had before a considerable population drop between 1959 and 1962. Since no calamity is known to have befallen the community during that period of time, it is likely that this fall is coextensive with the national trebling of emigration surrounding independence in 1962 (see Table 3.6 below).

Returning to the SDC study, further disaggregation of the demographic data is provided. The SDC (2011, 16-17) survey shows a community that has slightly more women than men,

[59] The 1983 national election was uncontested and no list of electors was released. Data for Accompong in the 1989 and 1993 elections is missing from the files of the Electoral Commission of Jamaica.

bucking the trend the parish, and a youthful population with a working age (15-64yrs) percentage (59.7%) a significant 19% higher than the national average.

Table 3.2 Age and Binary Gender Distribution of Accompong

AGE COHORT (YRS)	% MALE	% FEMALE	% TOTAL
0-4	3.2	4.9	4.1
5-9	9.0	9.3	9.1
10-14	12.8	7.4	10.1
15-19	10.9	11.7	11.3
20-24	7.1	4.3	5.7
25-29	3.2	5.6	4.4
30-34	6.4	5.6	6.0
35-39	5.8	6.2	6.0
40-44	9.0	6.2	7.5
45-49	7.7	6.8	7.2
50-54	6.4	3.1	4.7
55-59	0.6	4.3	2.5
60 – 64	3.8	4.9	4.4
65+	14.1	19.8	17.0
	100.0	100.1	100.0

Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica.

Educationally, the statistics paint a picture of a struggling community. Accompong has a primary and secondary school and 81.2% of household heads having attained at least a secondary school education (SDC 2011, 25). However, 82.4% of Accompong residents have not earned any academic qualifications beyond secondary school and, up until 2009, no residents held post-secondary academic degrees of any level.

Economically, Accompong is an agrarian community with agricultural production as the main economic activity (Table 3.4). While participating in the 3rd Agroforestry Farmer Field School in Accompong on January 23rd, 2014, held through a partnership between the United States Agency for International Development (USAID) and the Jamaica Rural Economy and Ecosystems Adapting to Climate Change Project (Ja REEACH), I documented the agricultural inventory conducted by a self-selecting sample of farmers. They determined that the main crops in cultivation were coffee (25%), taro (dasheen) (20%), and bananas (16%). Other major crops were apples, breadfruit, cassava, cocoa, coconut, papaya, sorrel, sugar cane, and yellow yam. Of

course, the other major cash crop, cannabis (ganja), was left unmentioned and unaccounted for. Although average earnings were not possible to determine, and are in any case highly variable over time, farmers of both licit and illicit crops complained of low returns when marketing their produce, with most value being added further upstream on the commodity chain (facts which the farmers were very much aware).

Table 3.3 Higher Educational Attainment of Household Members 14 Years and Older

	Level of Academic Qualifications Attained	**% Attainment by Gender**		**TOTAL**
		MALES	**FEMALES**	
1	None	46.4	36	82.4
2	GSAT/ Common Entrance	5.7	5.7	11.4
3	Grade 9 Achievement Test	0.5	0.9	1.4
4	O-Level Examination	1	2.9	3.9
5	A-Level Examination	0	0	0
6	College Certificate / Diploma	0.9	0	0.9
7	Vocational (Certificate)	0	0	0
8	Undergraduate / Graduate / Professional	0	0	0
9	Other Program(s)	0	0	0
	TOTAL	54.5	45.5	100

Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica.

A startling outcome of the inventory was the discovery of high degrees of crop wastage, to the point of being the predominant fate of all crops, eclipsing sales. The reasons are manifold: plant diseases ravage the crops; sometimes the harvest would rot before making it to market or remain unsold; and, interestingly, what the facilitators listed as praedial larceny (theft). Yet the illegality and even undesirability of alleged larceny was a bone of contention between the US AID workers and the farmers. The farmers related the experience of the crowds invited for large events (funerals, celebrations, church functions, family reunions) helping themselves to the produce in the fields. Rather than take umbrage from this though, the farmers treated these common occurrences as almost a matter of custom, revealing the existence of an implicit gift economy running parallel (and in this case in competition to) capitalist markets. The existence of such dynamics is further supported by the SDC survey (2011, 54), in which only 10.9% of the produce is destined for export of local markets exclusively. Given the deep embeddedness of this praedial largess in the ethos and social praxis of the community, it is unlikely that the farmers will take action against such activity in the near future. The farmers were, however, in agreement with the Ja REEACH representatives that climate change was having a notable impact on the agricultural productivity. Plant diseases were listed as on the rise, particularly the ubiquitous black rot and coffee leaf rust (*Hemileia vastatrix*), which was taking its toll on one of Accompong's most valuable cash crops. Furthermore, seasonal droughts were becoming worse

and worse, causing apple production to collapse. All of these were considered likely symptoms of climate change.

Table 3.4 Occupational Classification of Heads of Households

Types of Occupation	Percentage
Service Workers and Shop and Market Sales Workers	17.4
Skilled Agricultural Workers	63.8
Plant and Machine Operators	2.9
Elementary Workers	2.9
Occupation Unspecified	13
Total	**100**

Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica.

Tourism is another notable economic activity of Accompong, the expansion of which many in the community are pinning their hopes for development and prosperity. However, at the time of field research (2014-2017), the Maroon government exercised a monopoly on tours itself, conducted by specifically appointed guides. The proceeds are lucrative especially considering the low average incomes in the community (Table 3.9). Mark Wright, a Maroon councilmember who organizes tours, lists the prices (2014) as follows: Hiking Tour (3-5 hours into Cockpit Country), USD$60/person or USD$40/person in groups over 10; Village Tour (Museum, Village, Kindah Grove), USD$20/person or USD$15/person in groups over 10; Peace Cave Hike, USD$40/person or USD$30/person in groups over 12. The income from tours are split between the individual guide(s) and the Maroon council, although this process is opaque. Nonetheless, Accompong's guides complain of relatively few tours making it to the community, blaming poor roads and a lack of advertising. In any case, the only chance for non-guide residents to directly profit from tours is if tourists visit a shop, purchase a piece of craftwork, or receive a service in the community during their stay, although January 6th Kojo Day celebrations, when hundreds of people visit the community, is a community-wide opportunity for the sale of goods and services. Overnight stays in Accompong are rare.

Finally, in terms of infrastructure (Table 3.5), Accompong is lacking many amenities, although for a community of such a relatively small size, this is not surprising. Survey respondents have themselves rated the condition of each existing amenity. However, the issue of social infrastructure becomes all the more pressing and vital when the political aspirations of the community are accounted for. There is a view among some sectors of the Jamaican government that if Accompong is to reinforce its autonomy and build a sovereign state, then it would not simultaneously expect the Jamaican state to provide infrastructural and social resources as a given. This is coupled with a viewpoint in Accompong that the community has not had access to piped water in over 10 years as a form of "punishment" for their refusal to pay taxes (only 6% of

Accompong residents received their water through the public grid, compared to an 83.5% national average – SDC 2011). Yet, given the Maroon history of defending their autonomy while extracting concessions from the state (see Chapter 2), this may indeed be a gambit the community plays in any future Maroon/state negotiations. I will return later to the economic foundations of Accompong and how they factor in to the prospects of an independent state, but for now it is necessary to establish the contours of the nascent state structures in Accompong which, beyond reinforcing the foundations for governance independent of the Jamaican state, takes under their purview the social and economic development of the community.

Table 3.5 Social Service Infrastructure within Accompong

Types of Social Service	Number	Condition
Hospitals	0	
Health Centers	0	
Health Clinics	1	Poor
Schools	2	Fair
Churches	4	Good
Post Office/Agency	0	
Police Station	0	
Fire Station	0	
Community Centre	1	Good
Sports Complex	0	
Cemeteries	1	Good
Markets	0	
Financial Institutions	0	
Recreational Sites	1	Good
Playfields	1	Poor
Heritage/Tourist Sites	Multiple	Good to Fair
Court Houses	0	
Libraries	2	Good to Fair

Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica. Updated to reflect the author's field observations (2014-2017).

Formal Maroon Governance Structures and State Formation: The Maroon Republican Project

"War is the foundation from which this [Maroon] state [of Accompong] was built and war is the only means from which it will be destroyed." So spoke Robert "Bobby" Cawley, the heir of a prominent Maroon political family that produced no less than two leaders of the community in the second half of the 20th century. Indeed, in the first instance, Accompong cohered as a military community above all else, as did most Maroon societies to varying degrees. The resonance of the 17th and 18th century wars is still reflected in the formal titles of Maroon officialdom: a Colonel and Deputy Colonel presiding over a council of Majors, Captains, and Lieutenants. However,

there is some divergence between the colonial archival records and the oral histories on the power wielded by Maroon leaders during the war period. British assessments of the great hero and founder of Accompong, Captain Kojo ("Cudjoe" in the colonial archives), certainly fit the image of a military strongman. Orlando Patterson's (1973, 273-74) analysis of the archival documentation found that Kojo would brook no dissent amongst his ranks and even had two of his officers executed, and another two exiled, for rejecting the contentious treaty he signed with the British. To this day in Accompong there is a widely-expressed reverence and nostalgia for the *first-time* leaders who, through the sheer force of their willpower and a strict adherence to military discipline, were able to save their community from annihilation and re-enslavement. Barbara Kopytoff (1973, 74) echoes this by describing Kojo's rule as a form of "absolute command" demonstrated by his willingness to execute soldiers who disobeyed his orders. Yet, other Maroons speak of a more consensus based model of decision making in the early history of the polity. Indeed, among the earliest Maroon communities Kopytoff (ibid., 12) finds evidence of ad hoc leadership "acting in response to some kind of group consensus." Meanwhile, the pre-treaty Windward Maroons had a process of dismissing leaders who stepped out of bounds, with some even facing a firing squad of their own troops for transgressions (ibid., 76). It is possible the British archives played up a Kojo dictatorship given the transnational preference of colonial administrations to be suzerains over autocratic chiefs, for in the 19th and 20th century political history of Accompong there are examples of Colonels being deposed by their people (ibid.). Furthermore, Maroon oral traditions describe Kojo as exercising a more consensus-based rule (see below). In any case, the degree of power centralized in the Colonel, the fostering of spiritual fortitude, agricultural methods, the harnessing of plant-based medicines, and the semi-nomadism of the community had to be oriented toward collective survival against an ever-present and mortal threat in the pre-treaty context.

In present-day Accompong, nostalgia for a Black Sparta is often deployed in rhetorical combination with complaints against the perceived inadequacies of the contemporary leadership and state of affairs, but much has changed in the social reality of the community since the signing of the treaty in 1739. Accompong has not been on a sustained combat footing for 278 years, so if war is no longer the anchor of the community, what dynamics now shape the coherence and social vision of Maroon society? How has the praxis of Maroon governance changed to meet internal and external pressures? How have the Maroons adapted their traditional formal political structures to accommodate new political ideas and methods? The articles of the Constitution of the Trelawny Town Maroons of the Sovereign State of Accompong (2004) now codify all formal Maroon governance structures, of which a description of the most relevant sections and clauses will support an analysis of the constitution's implementation and impact.

Initiated in 1998 and ratified in 2004, the Constitution of Accompong serves as the most significant political change in the polity since the treaty, yet the governance ethos which would later be codified in the 21st century was initiated by Col. Thomas James Cawley, leader of the community from 1951 to 1957. According to his son, ex-Col. Harris Cawley, universal adult

suffrage and fixed terms of 5-years for the office of Colonel were initiated during his father's administration. Col. T. J. Cawley's experiences and interpretations of the traditional leadership structure led him to believe that the previous practice of informal elections to choose a Colonel-for-life no longer worked for the community. Old men wielding power until their death beds tended to stagnate Maroon governance, Col. T. J. Cawley argued, hence his institution of fixed terms for the position. However, Jean Besson's (2016, 69) own conversations with ex-Col. H. Cawley reveals another dimension to the shift away from a lifetime office. In 1944, seven years before Col. T. J. Cawley's term, the Jamaican nationalist movement achieved limited self-rule and universal adult suffrage, an important milestone on the country's path to independence from the United Kingdom in 1962. Combined with the need to revitalize the highest political office in the community, the initiation of fixed terms is a clear example of the Maroon polity responding to national political changes and adapting new principles into their traditional practice. Indeed, ex-Col. H. Cawley (who served as Colonel from 1983-1988) pinpoints this moment as the beginning of a vision for a "Maroon democratic republic."

Constitution of the Trelawny Town Maroons of the Sovereign State of Accompong

53 years after Col. T. J. Cawley first took office, Accompong as a unicameral republic is now the *de jure* form of government in the community. Power is shared between a Colonel wielding executive and administrative power and a Full Maroon Council which, as described by Deputy Colonel Norma Rowe-Edwards, operates akin to a legislative senate. The Full Maroon Council has its pre-constitutional roots in the Administrative Board which would take over administration of the community when there was no sitting Colonel (Gleaner 1962). The Colonelship maintains its own council, which functions as a cabinet (the Colonel's Executive Cabinet). The Council of Elders and the Council of Overseas Maroons, although selected by the Full Maroon Council, advises both the Full Council and the Colonel. The constitution stipulates eight ministerial offices,[60] although not all of them appear to be functional (see below). As of 2017, the constitution encompasses eight articles headed by a preamble. No amendments have been made. The opening paragraph of the preamble demonstrates the strong influence of the language and rhetorical flourishes of the United States constitution on Maroon constitutionalism:

> We, the people of the Trelawney Town Maroons of the Sovereign State of Accompong, in order to form a more perfect and sustainable union, establish justice and democracy, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of freedom to ourselves and our posterity, as is ordained by the Trelawney Town Treaty of 1738-9, do hereby establish this Constitution for the

[60] The ministerial offices of Accompong: Office of Agriculture; Office of Information; Office of Health; Office of Education and Culture; Office of Foreign Affairs; Office of Transportation and Works; Office of Housing; Office of Security and Justice; Officer of Youth; and the Office of Environment and Community Development (art. I, § 12).

> Trelawney Town Maroons of the Sovereign State of Accompong, in the parishes of St., Elizabeth and Trelawney, Jamaica, West Indies.

Following the ethos of the U.S. constitution the subsequent paragraph emphasizes the commitment of the Sovereign State of Accompong to the protection of individual rights within the framework of classical liberalism:

> The Colonel and or the full Maroon Council of the Trelawney Town Maroons of the Sovereign State of Accompong shall make no law representing an establishment of religion, or prohibit the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The final three paragraphs of the preamble relate to the separation of powers and clear limitations to the office of Colonel:

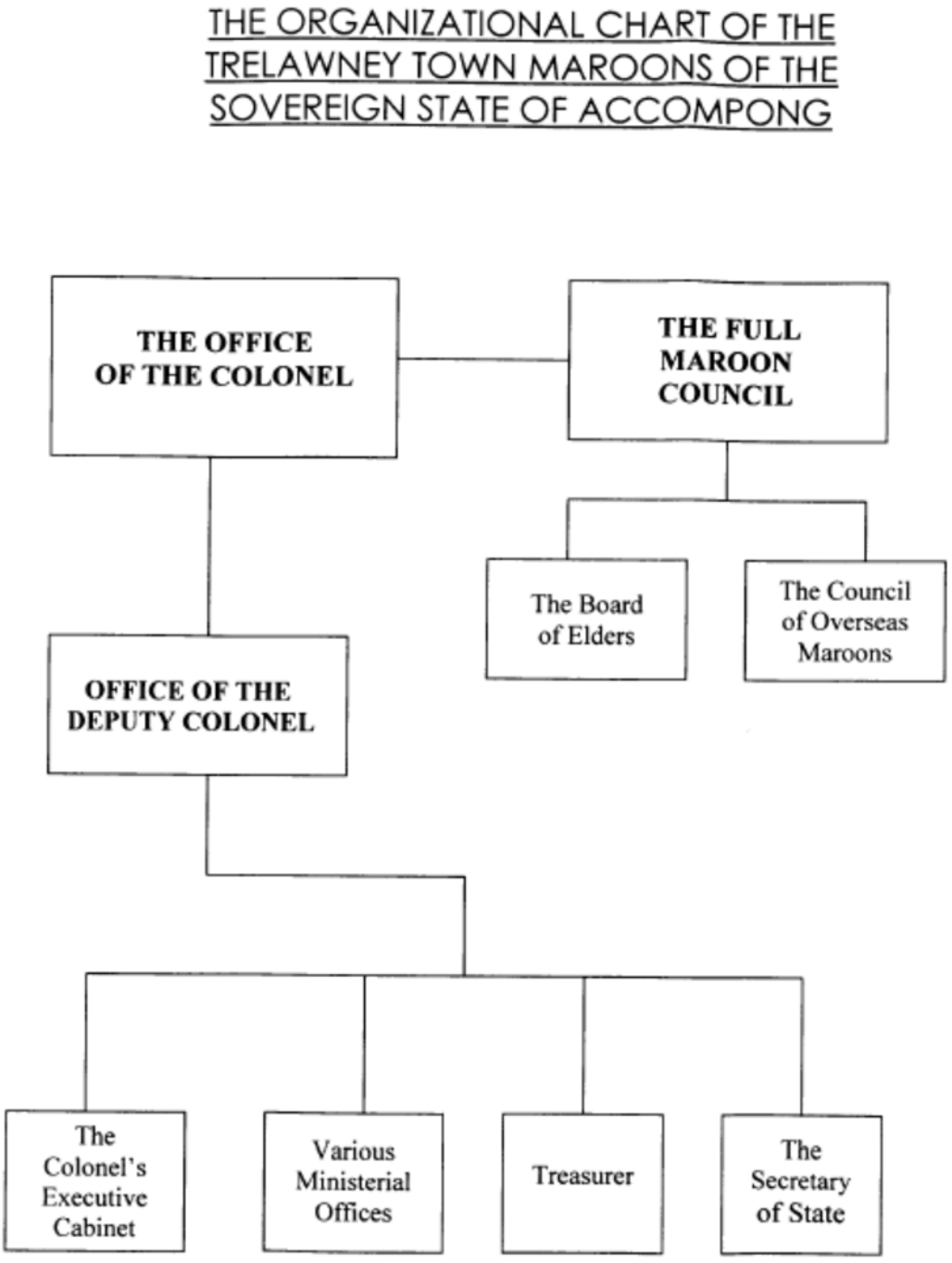
> The Colonel shall not have the sole power and or authority to enter into any agreement on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong without the consent of the full Council.
>
> It is customary and traditional that the Colonel does not have the right to enter into any transaction or agreement on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong without the approval of the Council.
>
> It is also customary and traditional that the Colonel, the full Maroon Council and the Council of Elders are to be involved in all business matters concerning the Trelawney Town Maroons of the Sovereign State of Accompong.

The preamble alone is the clearest articulation of Accompong's claim to an independent polity since the signing of the treaty itself, and stands as an emphatic rebuff to the Jamaican government's position that Accompong has no such autonomous status, let alone sovereignty. Nonetheless, there has been no public response or even acknowledgment of the existence of the Constitution of Accompong from the Jamaican government since its ratification in 2004.

Article I of Constitution of Accompong is the most sprawling (taking up over 6 pages of the 14-page document) and is the core of establishing the contours, scope and functioning of formal Maroon governance. The extent of the concentration of authority in the Colonel and the separation of powers is taken up immediately in the first section of Article I:

> All Legislative power herein granted shall be vested in the Colonel in conjunction with the full Maroon Council. Also, the Council shall appoint ex-officio Maroon Council of Elders as Advisors. The Colonel will be responsible to appoint his or her Executive Council.

Figure 3.1 Infographic of the Maroon Governmental Structure and Organization



Source: Print Copy of the *Constitution of the Trelawny Town Maroons of the Sovereign State of Accompong*, 2004

Figure 3.2 Monument Square: Commemorative Plaque to Kojo and Flag of Accompong

Thus, legislative power is to be shared with the Full Maroon Council, which in turn appoints a Council of Elders and an Overseas Maroon Council (art. I, § 3). Section 2 enacts a term length of seven years for all councilmembers, and invests the council with the power to impeach the Colonel. Citizenship of Accompong is gained through blood relation or naturalization by a minimum residency of 10 years in good standing in the community, to which Article V further identifies marriage as a path to citizenship (art. V, § 6). Members of council be citizens of at least 3 years of residency in good standing and, similar to the United States constitutional clause on the citizenship of the president, only natural-born citizens of Accompong are eligible to become Colonel.

Section 3 details that all citizens are eligible to be nominated for council and run in district elections of which there are two council seats per district. Accompong itself is divided into 15 districts but, in an acknowledgment of the diasporic nature of the Maroon population councilmembers can be chosen from Maroons living "wherever true Maroons are to be found" (art. I, § 3). However, note that all voting must take place in Accompong itself, thus necessitating that any emigrant Maroons physically return to the community in order to participate in the electoral process (art. I, § 2).

Sections 4 and 5 establish the procedures for special meetings and financial compensation for the Colonel and Full Maroon Council. Section 6 outlines the process of passing bills to enact laws, requiring a two-thirds majority in the council and the Colonel to sign a bill into law. Section 7 outlines the specific duties of the Maroon legislature:

> The Colonel and the full Maroon Council shall have the power to collect duties to pay the debts and should provide for the general welfare of the State as follows:
>
> 1. To make rules and regulations of the land in collaboration with the Colonel.
> 2. To borrow money on the credit of Accompong with the Council's approval.
> 3. To establish rules of Immigration and Naturalization.
> 4. Establish and implement an Immigration Office.
> 5. To establish post office, roads, and financial institutions.
> 6. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writing and discoveries.
> 7. To define and punish piracies and felonies committed against the Laws of Accompong.
> 8. To exercise exclusive legislation in all cases over such Districts as may, by cession of particular districts, by the acceptance of the Full Council; become the seat of the Government of the Trelawney Town Maroons in the Sovereign State of Accompong, and to exercise authority over all Maroon territories, by all powers vested by this Constitution in the government of the Trelawney Town Maroons in the Sovereign State of Accompong.
> 9. Establish a Landmark Commission.
> 10. Approve Executive Council Appointments.
> 11. Implement Town Identification for all Maroons.

Although these duties outline an ambitious project of state formation, especially given the small size of the population of Accompong, relatively little of the state apparatus outlined above has yet been created. In regard to Clause 1, however, the Full Maroon Council does have an active Land Committee. Its president, Kenroy Cawley, describes its function as follows:

> [S]ometimes because the [personal] land doesn't really carry a *boundary*, sometimes families are having an issue. So, we have to go in and try to, as best, to kind of do something to kind of get the both parties to come to some agreement. And, sometimes, someone wants to lease, then we also have to go and identify where the person is leasing and for how many years, and sign off to that. So that, after the end of the term - or, say for instance, you maybe want to lease a piece of land and you maybe offer a certain particular person and you know sometimes persons go and do business but don't involve the relevant authority, which is the Council's Land Committee, and then they end up having [a] problem! But when you come through the Land Committee, then surely you

> will get your justice, even ten, twenty years down the line, everything still stands remaining as the deal, you know!

The Maroon Land Committee thus operates with much the same purpose as a land regulatory agency in many nation-states, except in this case they deal with communal land that is usually only divided in a usufruct manner with familial tenure. Kenroy Cawley explains the centrality of family in the functional ethos of Maroon communal land transfers: "My own [land] will always pass down to my sons, my daughters, the family! *Only* with their agreement [can anything be done with the land]." Indeed, the communal basis of Maroon land tenure is enshrined in the Constitution which prevents the commodification of Maroon territory. In Article IV, § 7, the entire section is dedicated to prohibiting individual Maroons from selling their plots of land and any construction or destruction of the forest is also regulated by the state:

> No Maroon lands shall be sold. No Maroon lands shall be leased without the permission of the full Maroon Council.
>
> No lodgings shall be constructed without the permission of the full Maroon Council. No Maroon dwellings or forestry shall be demolished or destroyed without approval of the full Maroon Council.

In terms of Clause 2, while it was beyond the purview of my research to collect such sensitive data as the financial records of the Accompong government, the Comptroller, Geral Rowe, was able to provide insights on the Maroon financial structure:

> With the finance now, if somebody in the community feels sick and has to go the doctor and doesn't have money - we will give them money. I'll give them money from the Council. If a child needs to go to school and doesn't have any lunch money - I'll give it to them. And like the community center now, I will see to it that it's taken care of by cleaning, and [that] the persons that work there, I pay them. [This is funded] from the money that we collect from the school kids and from the visitors when they come here. That's our income. And then, if somebody dies, I would be advised by the Colonel to give them whatsoever the Council can afford to help with the funeral.

Officially, the duties of the Comptroller are to maintain custody of all funds, property and securities of the Maroon Council, be a co-signatory to all financial transactions conducted by the council, and keep account of the receipts for income and disbursements while arranging quarterly independent financial audits of the town. Mrs. Rowe reveals that beyond the expected work of fiscal management for the community, however, the Office of the Comptroller also acts as the disbursement arm of an implicit welfare state, mediated through the Colonel's guidance. Gaps in the implementation of the constitution emerge in regard to Clauses 3, 4 and 5 where, as of yet, there is no Office of Immigration, although the process of acquiring citizenship is further elaborated in Article V, where marriage is identified as another path to citizenship (art. V, § 6). Furthermore, there is no post office or financial institution in the community (Maroon controlled

or otherwise). Any official promotion of the arts and sciences is indeterminate (art. I, § 7, cl. 6), however, in regard to law enforcement (art. I, § 7, cl. 7) the Maroons do have a system of response consisting of community members empowering themselves to intervene in security situations, although I was never able to identify an Officer of Security and Justice as per art. I, § 9.[61] During my field research I was able to observe this collective response in two crises.

Over the night of May 9th, 2014, a series of house burglaries occurred in the community. The speed and scale of the robberies shocked Accompong and indicated an inside job. An emergency public meeting was held the next night to address the situation in the shaken community. Tyshan Wright, Chairperson of the Full Maroon Council,[62] and resident Elizabeth Campbell, one of the robbery victims, convened the meeting urging greater vigilance and unity in the face of crime, noting that Maroon social cohesion has traditionally protected the community from the rampant crime common in the rest of Jamaica. Witnesses were urged to come forward and the Colonel (not present at the meeting) was implored to take decisive action. The meeting, which lasted roughly and hour and fifteen minutes, involved four other community members airing their grievances and demanding a swift response.

A more serious and tragic incident occurred when Hansel Charles "Rupee" Reid[63] was murdered in the early morning hours of May 15th, 2015 (Clarke 2015). The alleged murderer was a fellow Maroon known to the victim; the crime was apparently sparked by an interpersonal dispute. Once the accusation was made, a large group of community members self-organized to apprehend the suspect. Although the suspect managed to escape and is now virtually exiled from the community, according to the constitution (art. II, § 1), in cases of murder the accused is to be handed over to the Government of Jamaica for trial, with the constitution stipulating that a holding cell must be maintained for the purposes of detention and punishment (art. II, § 2).

Clause 8 stipulates that the Accompong government has full legislative power over all Maroon territories, even if certain districts under the current purview of the constitution cease to exist. This is a very important clause because the stipulation that a change in the seat of government would not diminish the power of constitution is a recognition of the semi-nomadic history, and potential future, of the Maroons. During the Maroon Wars the community had to periodically relocate out of military necessity, and due to the prevalence of flooding, the original town of Accompong is actually located a less than a mile northeast of the present community. If this is clause anticipates Accompong needing to physically relocate again for environmental or political reasons while keeping their state structures coherent and intact, then it demonstrates a remarkable spatial adaptivity in keeping with the kind of precarity of typical of Maroon history.

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[61] The role of Officer of Security and Justice may very well have been fulfilled by Col. Ferron Williams himself, given his former career as a police officer before being elected Colonel in 2009.

[62] "The Chairperson shall have general charge of the day-to-day activities of the full Maroon Council. The Chairperson shall perform all duties which may be assigned to him/her by the Colonel through the full Maroon Council" (art. I, § 19).

[63] Mr. Reid was a ceremonial Abeng blower and a central respondent for my research.

The remaining three clauses of Article I, § 7, deal with the establishment of a landmark commission (Clause 9), the approval of executive council appointments (Clause 10), and the implementation of identification for all Maroons (Clause 11). Of these three only Clause 11 remains unimplemented. In sum, Article I, § 7, lays out a robust, though only partially implemented, framework of legislative power for an emergent Maroon republic. One particularly notable emphasis of the Constitution of Accompong is the limitations on the powers of the Colonel. This is revisited in Section 11, Executive Power, where the limited and elected nature of the Colonelship is restated:

> The Executive Power vested in the Colonel of the Trelawney Town Maroons of the Sovereign State of Accompong shall not at any time be used maliciously or discriminatorily against any member of the community.
>
> The Colonel shall reside solely in the Sovereign State of Accompong.
>
> The Colonel shall hold the Office of the Colonel in the highest regard during the term of his/her five-year reign, and, together with the Deputy Colonel, collaborate with the full Council on all matters pertaining to the governance of the Town.
>
> The electors shall cast their votes by ballot for the Colonel, and the Deputy Colonel in the Sovereign State of Accompong Town only.
>
> They shall name in their distinct ballots the person voted for as Colonel, and in distinct ballots the person voted for as Deputy Colonel and they shall make distinct lists of all persons who voted for the Colonel and all persons who voted for a Deputy Colonel, and the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the Trelawney Town Maroons of the Sovereign State of Accompong in collaboration with the Electoral Office of Jamaica.
>
> The Colonel and the Deputy Colonel in the presence of the Electoral Office and the Executive Council shall open all the certificates and the votes shall then be counted; the person having the greatest number of votes for Colonel shall be the Colonel.
>
> The person elected by the people as the Deputy, shall be the Deputy Colonel. The Deputy Colonel shall act as Colonel in the case of the death or other constitutional disability of the Colonel.
>
> The Colonel-elect and his Executive Council shall work in harmony with the full Maroon Council at all times.

Sections 17 and 18, “Duties of the Colonel” and “Duties of the Chairperson,” further emphasize that the Colonel and Full Council are tightly bound, with the Colonel requiring the assent of the Full Council to conduct negotiations on behalf of the town, whereas the Chairperson of the Full Maroon Council is obliged to carry out any duties assigned by the Colonel. Such checks and balances do not fit in within the historical analyses of the Colonel as a

military strongman wielding absolute power, as described by Kopytoff (1973, 74) and Patterson (1973, 273-74). However, according to ex-Col. H. Cawley, there was an element of consensus in Maroon decision-making even in the earliest days of the community:

> Governance here in Accompong, has been coming from way back, from many years back, from Kojo's day. And the thing about Kojo and his men, you know, they always lived together, they thought out their problems together, one man didn't just pull ahead of everything, he would suggest to the others "we are going to do this." Like when they were going to attack these 'states - the sugar estate or the slave plantation down in the south, St. Elizabeth – they came together and made the decision about what the strategy would be and how they were going to work with it. And so Kojo was able to go along with his men and they followed him.

In this articulation of the Maroon chain of command even combat strategy was within the purview of democratic decision-making, at least among the standing army. This represents a significant disjuncture between the assessment of early Maroon leadership from the colonial archives, upon which Kopytoff and Patterson base their research, and the Maroons' own oral histories. If the colonial assessment is accurate, then the constitutional limitations on the Colonelship represent a great departure from traditional Maroon governance. However, if the veracity of Maroon oral history is accepted, then the republican transformation of the polity reflects both change and continuity with Maroon history, a conclusion Jean Besson (2016, 69-70) also drew from her own field research and interviews with ex-Col. H. Cawley.

Figure 3.3 Proposed Alternative Flag of Accompong as seen in Cawley Residence

The Council of Overseas Maroons: A Nodal Diasporic Network in Action

One more section of Article I rounds out this overview of the contours and scope of the Maroon republican project, one which will better provide a segue into further discussing the ideological roots of the Constitution of Accompong. At the very beginning of the document, as a subtitle to the introductory heading, is the statement "Prepared by the Accompong Town Constitution Committee and the Overseas Council of Maroon, Inc." Incorporated as a domestic not-for-profit entity in New York City, the Overseas Council of Maroons is headed by Carol Burnett, who also chaired the Constitution Committee. The membership of the Constitutional Committee was also made up of ex-Col. Harris Cawley as vice-chair, Robert Cawley as Assistant Secretary and both the sitting Colonel at the time, the late Sidney Peddie, and his Deputy, Melville D. Currie, among others. Deputy Colonel Rowe-Edwards was familiar with the process:

> [The constitution] came into being by Maroons. And there's one individual overseas – Carol Burnett – she came and she had a Steering Committee from the community, working on the Constitution. She was here, I guess, probably almost ten month in the community - talking with people, getting them to understand. Plus, there was a core committee of persons working to make this thing happen. And then there was a vote … And it *is* a legal document, of course … *every* household was *given* a copy.

Land Committee President Kenroy Cawley the Overseas Maroon Council "were the ones who were heavily involved" in the constitutional process. That the Overseas Council had such a deep influence on the historic transformation of the Maroon polity strongly suggests the very active presence of a diasporic link serving as a site of ideological production and politically transformative action. In particular, the United States node of the Maroon diaspora, with its significant concentration in the greater metropolitan area of New York City, has played an instrumental role in political change in Accompong, a role through which diaspora theory provides a productive analytic lens.[64]

Drawing from the genealogy of diaspora as a sociological concept elaborated in the introductory chapter, the definition of diaspora developed in this research is as *a transnational intercommunal nodal network interconnected on the basis of sustained intergenerational[65] flows. Network nodes differ in the relative scale and activity of aggregate flows.* However, rather than limiting the nature of diasporic flows to formal politics and economics, drawing from the cultural studies literature on diaspora, *cultural and ideological flows are an equally important connective link in the network*. Although the General Theory of Network Governance (Jones, Hesterly and Borgatti, 1997) was not developed within the broad field of diaspora theory, I apply it to the conceptualization of

[64] In this sense the Maroons, as African descendants, occupy the rare space of being a diaspora within a diaspora.
[65] Intergenerational is stressed here in an attempt to differentiate diasporas from migrant communities. Rogers Brubaker (2005, 7) and Khachig Tölölyan (1996, 16-17) note that it is common for collectivities of first generation migrants to maintain active transnational flows, but the question is whether those flows will persist over an extended time.

diaspora here such that *each node is responsive to both the activities of other nodes in the network and the activity of the network as a whole*. Drawing further from the general theory of network governance, *the diasporic network is marked by its instability and hibernetic nature*, that is, a propensity for specific network flows to experience periods of relative inactivity and specific nodes to experience periods of relative delinking from other nodes or the network as a whole.

Maroon emigration cannot be understood outside of the wider patterns of Jamaican migration, which has almost always been due to economic pressures. Indeed, as discussed in Chapter 2, a major outcome of the peace treaty was the integration of the Maroons into the waged labor and agricultural commodity sectors of the colonial economy (with the notable exception of sugar, of which the white planters were determined to maintain their monopoly). Thus, since the legal abolition of enslavement, the economic fate Maroon and non-Maroon Jamaican peasant farmers have been closely intertwined, although the Maroon farmers hold the significant advantage of having perpetual access to collectively secure communal land, at least in the immediate vicinity of Accompong.

Labor migration has been a major aspect of Jamaican emigration stretching back to the 19th century. From the manual laborers who crossed the Caribbean Sea to build the failed French-led Panama Canal effort in the 1880s, to those who enrolled in the American guest worker program to fill World War II labor shortages, the presence of Jamaican workers has been regionally impactful (Jones 2008, 2). However, Terry-Ann Jones' (ibid., 3) research indicates that it was not until after national independence in 1962, when free migration to Great Britain ended, that wide-scale emigration to the United States began. This was exacerbated by Jamaica's downward economic prospects, rising unemployment, and political instability since national independence.

In Table 3.6, note the over two-fold increase in Jamaican immigration in the 1970s over the previous decade. This period coincides with the low-level civil war surrounding Michael Manley's democratic socialist government and the punitive International Monetary Fund austerity programs initiated during his two terms in office. Under Edward Seaga's conservative government in the 1980s Jamaica experienced the downturn of the bauxite industry upon which much of the economy is dependent (Jefferson 1999, 5-6). Fuel riots in 1985, escalating political-gang warfare by 1987, and the devastation wrought by Hurricane Gilbert in 1988, the most destructive storm in Jamaica's history, trebled emigration to America (ibid.). Indeed, in if the trends in the Tables 3.6 and 3.7 continue, then the 2010s will see historic increases in Jamaican emigration to the United States, surpassing the peak numbers seen in the 1980s by over 30,000 people. With the return of Manly to power in 1989, and new series of social welfare programs with him, poverty was reduced and massive investments in Jamaica's tourism sector provided a new source of income for Jamaicans. Emigration dropped and leveled off in the 1990s and 2000s, although if current trends continue then the 2010s will see a rise in emigration which will eclipse the peak levels seen in the 1980s.

Table 3.6 Jamaican Permanent Residency to the United States by Decade 1950s-2000s

Decade	Number of Migrants	Jamaican Net Migration Rate (Avg.)
1950-1959	7,397	-12.05
1960-1969	62,218	-18.1
1970-1979	130,226	-10.85
1980-1989	193,874	-10.6
1990-1999	177,143	-7.55
2000-2009	172,523	-6.6
Total	743,381	-10.96

Sources: United States Department of Homeland Security Yearbook of immigration Statistics, Table 2. Persons Obtaining Lawful Permanent Resident Status by Region and Selected Country of Last Residence: Fiscal Years 1820-2015. https://www.dhs.gov/sites/default/files/publications/Yearbook_Immigration_Statistics_2015.pdf United Nations Statistics Division, UN Data, Net Migration Rate. http://data.un.org/Data.aspx?q=net+migration+rate&d=PopDiv&f=variableID%3a85

Because of the distinct socio-political structure of Accompong, the community was largely able to avoid the violence that plagued Jamaica from the 1970s onward. However, they were a direct target of United States Drug Enforcement Agency/Jamaica Constabulary Force operations due to widespread cannabis plantations in the area (see Chapter 2). This loss of revenue, combined with the same dependency on (legal) cash crops of inconsistent value experienced by most Jamaican peasant farmers, suggests that Accompong faces the same strong pressures to emigrate found island-wide. Neither the American, Canadian nor British governments collect data on the Maroon status of Jamaican immigrants and, as previously mentioned, the Jamaican government itself does not systematically conduct any enumeration of Accompong except for electoral polling purposes. As such, within the context of this research, the size of the Maroon diaspora and the specific nodes therein is impossible to quantify, although the polling data did indicate that Accompong experienced a sharp drop in population around the time of national independence in 1962.

Nonetheless, virtually every Maroon household that I encountered throughout my field research either had members of their immediate family living overseas (usually the United States, less often the United Kingdom, and Canada only in one confirmed case), or had members who had previously lived overseas and had returned. Furthermore, in a 1964 interview the then Colonel Robertson, he stated that there were over 100 Accompong Maroons living in England (Gleaner 1964). This suggests emigration rates commensurate with the rest of Jamaica.

Therefore, as Maroons joined the great waves of Jamaican migration to find prosperity and better economic horizons elsewhere, they would have established themselves in the core Jamaican immigrant communities of New York City, Miami, Toronto, and London. Reflective of the popularity of the United States as a destination for Jamaican migrants (by an over seven-fold magnitude compared to the United Kingdom and an over eight-fold magnitude compared to Canada), the Maroon diasporic node in America wields considerable influence. Specific demographic data this Maroon migration to the United States is lacking, but the impact on the community is far more evident. I have already discussed the decisive role that the Council of Overseas Maroons played in drafting the Constitution of Accompong.

Table 3.7 Jamaican Permanent Residency to the United States, Canada, and United Kingdom by Year 2010-2015

Year	*United States*	*Canada*	*United Kingdom*
2010	19,439	2,321	4,316
2011	19,298	2,059	3,071
2012	20,300	2,174	1,668
2013	19,052	2,480	2,064
2014	18,804	3,050	1,213
2015	17,362	3,426	821
Total	114,255	15,510	13,153

Sources: United States: United States Department of Homeland Security Yearbook of immigration Statistics, Table 2. Persons Obtaining Lawful Permanent Resident Status by Region and Selected Country of Last Residence: Fiscal Years 1820-2015. https://www.dhs.gov/sites/default/files/publications/Yearbook_Immigration_Statistics_2015.pdf
Canada: Immigration, Refugees and Citizenship Canada, Facts and Figures 2015: Immigration Overview: Permanent Residents. http://open.canada.ca/data/en/dataset/2fbb56bd-eae7-4582-af7d-a197d185fc93?_ga=1.161747704.517187602.1485393430
United Kingdom: Home Office, National Statistics, Immigration statistics, July to September 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572372/settlement-q3-2016-tables.ods

The constitution (art. I, § 10) mandates that the Council of Overseas Maroons, and specifically its United States wing, shall be the sole foreign representatives of the Sovereign State of Accompong. So even though the overseas seats on the Full Maroon Council are to be shared equally (2 seats each) between the American, British, and Canadian branches of the overseas councils (art. I § 3), the power of the American council is clear:

> The Council of Overseas Maroons with headquarters in the United States of America shall be the sole foreign representative, in conjunction with the Council of Overseas Maroons in England and Canada, of the Trelawney Town Maroons in the Sovereign State of Accompong. No other foreign agent(s) or agency(ies) is authorized to do business on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong unless they receive approval from the full Maroon Council through the Council of Overseas Maroons.

The question remains, what transformations did the American node of the Maroon diaspora undergo in order to affect such ideological change in the community? The answer requires troubling the fixed notions of home, identity, exile and geographic, political and cultural space that "homeland-hostland" conceptions of diaspora, common to the social sciences, often reinforce (Braziel and Mannur 2003, 6). Black British Cultural Studies has a comprehensive body of literature challenging approaches to diaspora based on cultural fixity. Stuart Hall (2003, 236) identifies the artifice entailed in ideas of cultural identity grounded in stability and homogeneity by pointing to the Caribbean experience as being marked as much by ruptures and discontinuities as by similitude. In essence, Hall (ibid., 234) attempts to historicize cultural identity, arguing against a homogenous and monolithic understanding of cultural identity as "'one people,' with stable, unchanging, and continuous frames of reference and meaning, beneath the shifting divisions and vicissitudes of our actual history." Indeed, according to Hall (ibid., 236-37), because of "the power [the colonizer had] to make us see and experience ourselves as 'Other'" (a clear reference to DuBoisian double consciousness), the colonial experience as such cannot be fully understood without a framing that recognizes cultural identity as "not an essence but a positioning." As such, given over 400 years of the ravages of colonialism, to which the Maroons would not have been insulated, Hall (ibid., 241) is skeptical that Africa is the unchanged origin of Afro-Caribbean identity to which its people can return. Hall (ibid., 244) concludes:

> The diaspora experience as I intend it here is defined, not by essence or purity, but by the recognition of a necessary heterogeneity and diversity; by a conception of "identity" which lives with and through, not despite, difference; by hybridity. Diaspora identities are those which are constantly producing and reproducing themselves anew, through transformation and difference.

Following Paul Gilroy, this diasporic hybridity of identity can take on highly transformative, oppositional, and even utopic qualities, a topic which will be explored in more depth in Chapter 5. Gilroy similarly invokes heterogeneity and diversity in his diasporic "Black Atlantic" concept, the incitement for which he draws from a strong opposition to notions of cultural purity and exclusivity. Noting the perceived mutual exclusivity of Black and English subjecthood, Gilroy (1993, 1) writes:

> [W]here racist, nationalist, or ethnically absolutist discourses orchestrate political relationships so that these identities appear to be mutually exclusive, occupying the space between them or trying to demonstrate their continuity has been viewed as a provocative and even oppositional act of political insubordination.

As such, foregrounding the hybridity and interdependence of "always unfinished identities" (ibid., ix) is politically potent. As discussed earlier, demographic evidence suggests that the Maroon diasporic node in the United States emerged in the late 1950s and 1960s. Seeking better economic prospects away from the uncertainty of national independence, Maroons settled in the United States, and in so doing, adapted to new forms and expressions of hybridized identity. In this ferment, Jamaican Maroon immigrants would engage with the dominant political formations and ideologies of the United States. As the diasporic flow with Accompong was kept alive through remittances and return visits for festivals, family events, and holidays, the American ideals of republicanism, constitutionalism, checks and balances, and secularism came with them, culminating in the formation of the Council of Overseas Maroons and the promulgation of the Maroon constitution.

The reaction to this diasporic influence in the community has been mixed. Ex-Col. Cawley has highly supportive of the Maroon diasporans making their mark on the community and likened it to capacity building (recall the relatively low educational levels of the community in Table 3.3):

> They're [the national government] realizing that we're getting more *brains* in the system [our community]. Because people from abroad, they are out there. Maroons are everywhere. If we should call back all Maroons, we don't have land space to hold them! And they are listening too. Because what I have heard from those who have come along since 6th of January – this is their greatest heritage!

Kenroy Cawley, President of the Land Committee, is more cautious about the role of the Overseas Council and the power that diasporic Maroons are able to wield in the community, due to their organizational and economic strength:

> Well, you know, it [the power of the Overseas Maroons] is not really something … approved by the Government of the Maroons. But, you know, time and time again, they would try to put their ideas to the Maroon Council and so forth. And, you know, *not* every time things would go well … But, you know, members from that council would come back at certain times of the year - especially around about January [Kojo Day] … They would, you know, come back to contribute to the community, especially in many areas! In many areas and so forth. So, you know, as I said again, the Council don't really put a block on what they do in the community.

Caution and hesitance towards the constitutional process gives way to open hostility in some cases. For example, one respondent, a tour guide, herbalist, and craftsman of the Rastafari faith, expressed derision and rejection of the constitutional process:

> You're going to write a constitution and your constitution becomes like the English, or becomes like the Jamaican Government, and becomes like Babylon [oppressors] and becomes like police, becomes like the soldier and becomes like criminals … It's just Kojo as a piece of paper that rules in this time [the constitution an empty facsimile of Maroon traditional authority]. It won't work, because Kojo didn't have that [laws on paper]! It won't *work*! So I'm trying to tell you…they are watering down the things [Maroon polity] only to run into the English, colonial, slave master ways … which is totally against the tradition of real Maroon people.

When pushed to describe their experiences and views of the constitutional consultancy process, the guide replied, "[The] Americans, they just pushed it down our throats!" Although such a robust criticism is not the majority view in the community, the guide is far from alone in being angry. Even some supporters of the constitution concede that it was not been received with open arms by the whole community. The sitting Colonel, Ferron Williams, acknowledges that the constitution needs amendment, but insists that it is workable. Deputy Colonel Norma Rowe-Edwards also acknowledges that there is confusion in the community about the nature and function of the constitution, but stresses that it is now the law of the land in Accompong. It is important to keep such skepticism of the constitutional process within context, however. My observations do not indicate that criticisms of the implementation of the modern Maroon republic equaled a dismissal of democratic ideals in toto; rather, such dissent often came from a place of desiring more community control and participation in governance. Ex-Col. Meredie Rowe summed up this attitude succinctly, saying, "Decisions of gravity cannot be done by the Colonel himself; that's fascism! [Instead], collective decision making should be paramount." Furthermore, my research indicates that such internal discord has only been catalyzed by the promulgation of the constitution, and that the mixed reception to the Maroon republican project is reflective of deep-seated fissures along class and gender lines, which in turn have heightened Accompong's tendency toward factionalism along familial lines, the topics to which I now turn.

"A Gang Against Themselves": The Class, Familial, and Gender Dynamics of Maroon Political Factionalism

The concept of "Kindah" is a central theme of Accompong Maroon history vital to the cohesion of the community. Embodied in the form of a large mango tree in a clearing adjacent to the burial grounds and overlooking the old town of Accompong. According to Maroon oral histories, this was the very site of Maroon ethnogenesis, a process in which the disparate African ethnic affiliations through which Maroon struggle had been waged were put aside in powerful ceremony of kinship, officiated by Captain Kojo himself. Melville Curry, who is widely regarded in Accompong as the community's top historian and is once again Deputy Colonel under Ferron Williams, highlights the significance of Kindah as the basis of Maroon unity today:

> You hear people say that they were all brother and sisters – Nanny, Kojo, Kofi, Quako, Accompong – they weren't immediate family, sister and brother, you know. They became sisters and brothers because of the blood … drinking of the blood! Each tribe drank another tribe's blood. That tribe drank this tribe's blood. So, [with] the blood that runs through all of their veins now, they say that they are one! They are kin, they are one family. Hence, they said they are brothers and sisters, as how they would have said it in Africa.

As discussed in the previous chapter, Currie is describing the historic ritual of the mixing and drinking of blood to signify oaths of unity. Currie's historicized account of Maroon ethnogenesis supports some of the significant anthropological literature on the subject. Besson (2016, 138), in disagreement with anthropologist Werner Zips' (2011, 104) assessment that Kindah is derived from the Twi word *kyinie*, denoting the complex of rituals renewing the authority of the Asante monarchy,[66] draws on her own interviews with Deputy Colonel Currie, positing:

> Instead, the reference point for Kindah is the common creole kinship that is said by Accompong Maroons to have been forged (through 'tribal' intermarriage) to fight the First Jamaican Maroon War (1725-38/39) and that characterizes the maroon community, which is portrayed as cognatically descended through both males and females from Kojo and Nanny.

Similarly, drawing on Currie, Bilby (2005, 82) frames the Kindah ceremony as a decisive turn within Maroon history, where, despite internal ethnic divisions, the Maroons were able to use ritual in order to unite in common cause against the British. Like Besson, Bilby (ibid., 87) found that this process of ethnogenesis had more to do with the expediencies of warfare and the necessities of survival, through the means of kinship and forged family ties, rather than the retention of African monarchical practice.

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[66] Many Maroons trace their roots to the Asante [or Ashanti] nation in West Africa, and indeed, there is a specific Asante burial plot on the Kindah grounds for the first-time Maroons who traced their

United as one people, the Maroon polity survived against the odds and, for a time, it was good. The Maroons were able to fight with common purpose and bring the British to terms in 1739. As the historical narrative in Chapter 2 demonstrates, a relationship of *oppositional stability* emerged between the Maroons and the colonial government in the 18th century. Conflict over land and taxation would periodically flare up and the two governments grew far apart on defining the scope and extent of Maroon autonomy and distinct rights. While splits and internal power struggles marked the Windward Maroon polity, in the Blue Mountains of eastern Jamaica, from the years shortly after the signing of the treaty (Kopytoff 1973, 142-143), the Leeward Maroon ancestors of Accompong remained remarkably stable, with the notable exception of the events surrounding the short and limited Second Maroon War (1795-1796) and the aftermath of the Fullerswood Affair (1895). However, by the 21st century, significant social stratification was apparent in the community, visible from the moment one enters the community.

Figure 3.4 The Kindah Tree: "One Family"

Figure 3.5 Panoramic View of the Kindah Grounds Facing the Old Town (Not Visible)

Figure 3.6 Entrance to Accompong

To reach Accompong by road from Santa Cruz, St. Elizabeth, the closest major town, roughly 20 mile drive up into the mountainous Cockpits County. Given the poor quality of the roads, which are subject to washouts, riddled with potholes, and at points reduced to gravel, the journey can take over an hour.[67] Upon reaching the southern limit of municipal Accompong

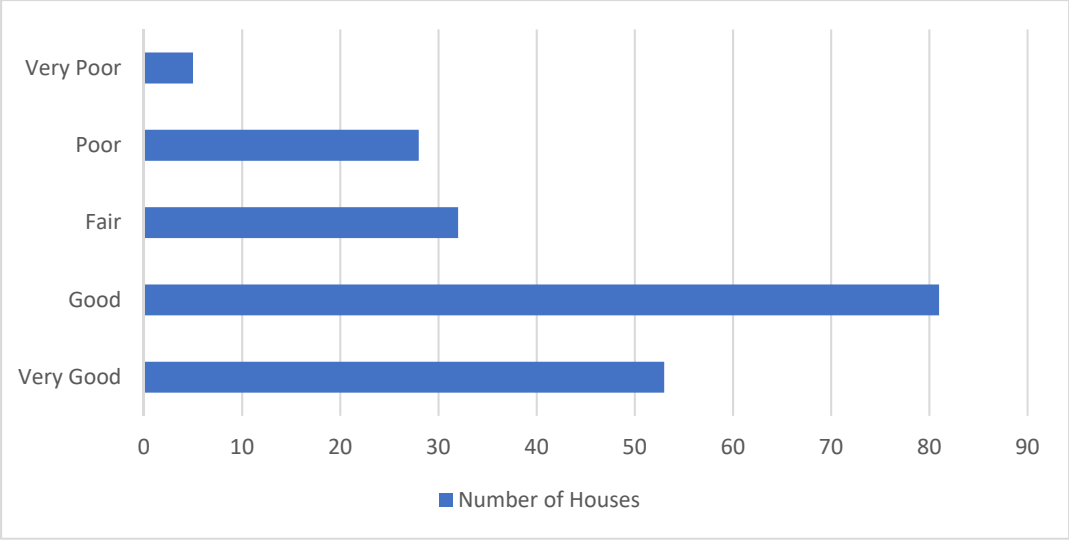
[67] Recent (2016) repairs to the road approaching Accompong have reduced the precariousness and travel time of the journey somewhat.

(which is of course not seen by the Maroons as the limit to their territory), one is greeted by a gate adorned with sculptures of the Abeng, the Maroon ceremonial horn, and a guardhouse. Climbing further (the total route is a climb of approximately 1,445 feet), the disparity between houses becomes apparent shortly after entering the community. Some, especially directly abutting the main roads, can reach almost palatial size, built with poured or block concrete, complete with shops as part of multi-structured compounds. Yet, venturing further off the thoroughfares, one encounters wooden shack-like dwellings with tin roofs and crumbling facades, or people living in half built houses with open roofs. The disparity often reaches even greater extremes the closer one approaches the edge of the deep forest.

The Social Development Commission's study (2009, 31) used a five-point scale for assessing housing quality finding that almost one-third (32.7%) of the 199 houses they were able to assess were of Fair to Very Poor quality (Table 3.8):

> Very good - Sound physical structure, freshly painted and doors and windows are intact
> Good - Structure sound, may not be freshly painted but is in good physical condition
> Fair - May or may not need painting, however, may have need for minor repairs
> Poor - Damages to the structure, cracked / missing window panes / blades / doors
> Very poor - Not fit for human habitation

Table 3.8 Housing Quality in Accompong



Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica.

In terms of income, the aggregate numbers indicate a low-earning community with high unemployment. One-third of the community is living on less than USD$340 per month, although note the high proportion of respondents who refused to answer the survey question on monthly income, likely given the sensitive nature of the question (Table 3.9). In terms of unemployment (Table 3.10), the most impacted demographics are males aged 20-24 (21.4%) and women aged

60+ (36.7%) with those age ranges also experiencing the highest all-gender aggregate unemployment rates at 13.6% and 31.8% respectively. The statistical data complements the condition of my respondents who, across age and gender, complained of irregular or non-existent income and difficulty meeting their monthly needs, let alone future aspirations.[68] In turn, such complaints were usually coupled with expressed desires to emigrate, or at least, find seasonal labor overseas.

Table 3.9 Monthly Income from all Employment in March 2009 U.S. Dollars

	Monthly Income	**Percentage**
1	Less than $42	1.7
2	$68 - $113	3.4
3	$114 - $227	13.6
4	$228 - $340	15.3
5	$341 - $454	3.4
6	$455 - $909	1.7
10	Did Not Answer	61
11	**Total**	**100.1**

Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica. Jamaican currency converted to U.S. dollars at March, 2009 rates.

Table 3.10 Unemployment Status of Household Members by Age and Binary Gender

Age Group	**MALES**	**FEMALES**	**TOTAL**
14-19	0.0	6.7	4.5
20-24	21.4	10.0	13.6
25-29	10.7	13.3	12.5
30-34	14.3	8.3	10.2
35-39	10.7	5.0	6.8
40-44	7.1	10.0	9.1
45-49	10.7	1.7	4.5
50-54	3.6	1.7	2.3
55-59	0.0	6.7	4.5
60+	21.4	36.7	31.8

Source: SDC. 2011. *Community Profile: Accompong*. SDC Research Department: Kingston, Jamaica.

[68] Indeed, many Maroons familiar with the data thought these numbers were highly understated, and while individual estimates of the community's unemployment rate varied, they ranged as high as 95%, at least for waged employment.

I should note that such levels of poverty are not atypical of rural Jamaica; in fact, Jamaica is among the top percentile of countries for wealth inequality with the World Bank's (2004) latest data for the country indicating a Gini Coefficient of 45.46, or the 36th most unequal county out of the 154 studied. Unsurprisingly, the development needs of the community are legion. The SDC (2011, 63) survey noted five major barriers to development, in order of severity: high adult unemployment; high youth unemployment; low skill levels; limited or no opportunities for training; and poor representation by elected leaders. On that last point, the study did not specify whether the elected leaders referred to national or parish representatives, or the Maroon leadership, but as discussed below, neither would be an uncommon focus of communal ire.

During the 2017 Kojo Day speeches, the community presented somewhat more pointed and specific demands on the Jamaican state for resources and aid, this time explicitly in the form of a "wish list" read out publicly by a young student from the community. The "wishes" included a school bus, repairing or reattaching the public water grid, and fixing the roads leading to the community. This last point was particularly noted as a necessity for further developing Accompong's tourism capacity, seen as a vital plank of the community's long-term development strategy. Sheldon Wallace, head of the Accompong Development Committee [ADC], explains that the community defines development in very broad terms: "[The] total objective [of the ADC] is to try to transform the community for the youths' benefit, whether financially, socially, economically, even physically." This drive is grounded in the need to actualize the polity's sovereignty, and Wallace sees his task as nothing less than making good on the sacrifice of the first-time Maroons and honoring the sacred treaty:

> We got our sovereignty, based on blood! Blood! It was blood we fought, we fought for blood, we had to kill some persons along the way to get what we have, and then the Peace Treaty itself was signed with blood; We cut the forearm of the British, cut the forearm of the Maroons, mixed it in a calabash with rum, [and] drank it! It is signed with blood! Persons need to understand.

Wallace's list of development needs mirrors the SDC research and the Kojo Day "wish list" in many respects. Access to water was the top concern, as was better infrastructure for the school, with Wallace emphasizing the need to repair and upgrades the play field so as to support better sports training in the community. There was also a keen awareness of lack of education and training as a major barrier to development. Indeed, Wallace's figures indicate only 6 to 7 percent of youth advance past secondary school in their education, and that Accompong had only a 53% rate of literacy as compared to the national average of 87%. Ultimately, Wallace displayed the anti-dependency perspective of the ADC by judging Jamaica's cyclical economic slumps as the result of a failure to self-sufficient means of production. Accompong's solar energy plans would be one way for the polity to embark on a more stable and sustainable development path, as would the production of cannabis products with as much value addition as possible before export.

Despite the bleak development profile presented above, Accompong does have some distinct advantages over many rural communities, the most significant being that no taxes are paid on the land. Homeownership is also very high with 83.17% of the community owning their own homes and 6.93% renting and another 6.93% living for free (SDC 2011, 31). Although housing conditions vary dramatically and unemployment rates are high, I did not observe any consistent open-air sleeping. Furthermore, because of the land is held in common by the community, each Maroon is guaranteed access to the land, although one's proximity to the roads, the most fertile land, and other resources will vary. In any case, as previously mentioned, there is evidence of an implicit gift economy at work and, through the comptroller, community members are supposed to have access to a rudimentary form of social assistance in the form of monetary disbursements.

Even with preferential access to land, however, only relatively few Maroons, and from my observations only men, have the capital and ability to call up the extra labor to conduct intensive cash crop production. In interviews with the unemployed and low-income people of Accompong, there was a common viewpoint that with economic strength came (disproportional) political power. This is unsurprising, of course, if for nothing more than that the expenses of running a political campaign tend to favor those with the capital to do so, a dynamic likely amplified in Accompong where there are no political parties to cover the costs of individual campaigns. Consequently, I have observed that those most active in the Maroon government also tend to be those from prominent families in the community, and with greater access to levers of power and resources in the Maroon polity, the apparatus of the Maroon state tends to be harnessed by those from the same extended families. Greater access to state power in turn opens up further economic advantages for family networks, thus structuring a factionalism based on economic interests, effectively rendering the government as little more than the vessel for a nepotistic patronage network. At worse, a palpable fear in the community is that such dynamics are already slowing development and progress, or at least precipitating mismanagement when nepotism takes the place of meritocracy. Given the sensitive nature of the topic, most of my respondents opted to remain anonymous, but one segment of an interview represents a common concern in the community. When asked about the state of communalism in Accompong, the respondent answered as follows:

> No [there is no communalism], it's a gang against themselves. Small gangs of stupid [people]. Not really any orchestrated village-wide community gang, just a gang [who] forget about the politics [of running the community]. Those are the gangs. I call them cronies. They don't have any [Maroon] *council,* [just] cronies!

It is a damning indictment, and one reflective of the high stakes of Maroon politics and the fears arising from the deep levels of economic dispossession in the community. But factionalism and discord are not solely symptoms of inequalities in the community. I found the general political ethos of the community to be one of active engagement with the polity's affairs and behavior of the leadership. Indeed, away from public political events, such as Kojo Day, it

seemed that many inhabitants were quite willing to criticize the conduct of the Colonel and/or the Council without any perceived fear of retribution. Indeed, a respect for independent thought and sticking to one's opinions seemed deeply valued in the community such that what at first glance may appear to be a disgruntled populace is also an outcome of a vibrant democratic spirit among the Maroons, although there are certainly many reasons to be dissatisfied.

A considerable level of stratification exists along gender lines in the community. Returning to the demographics of the Maroon state leadership, only one woman has held a formal leadership position in the recorded history of Accompong or in the known oral histories. Norma Rowe-Edwards was Deputy Colonel from 2009-2014, chosen at the outcome of an election in which she was running for the colonelship. Her candidacy was highly controversial, with one of her opponents, ex-Col. Meredie Rowe, publicly trying to disqualify her due to her gender, claiming that "a woman should not be leader" (Irie FM 2009). In this case, the Maroon Electoral Committee dismissed ex-Col. Rowe's complaint (recall Article I, § 11 of the Constitution of Accompong which clearly states the Colonel, and by implication all other government positions, can be held by either a man or a woman).

For her part, Rowe-Edwards explains that the sexist attitudes she encountered are less a facet of Maroon tradition and more a result of Maroon exposure to the mores and culture of wider Jamaica:

> The legacy of Nanny is still in the air. And having participated in running for Colonel, back then, there's a lot that I didn't know about folks. I still think, to some extent – and those are things [sexism] that have been not handed down [from Maroon tradition] but, more so, obtained through assimilation between the other, you know, the wider Jamaican [society]. But when you look here, in Accompong, you will realize that many of the households are managed by women. And even those, you know, where the male figure is present, you'll find that the women play a very strong role in the administration and management of their own homes.

Matriarchally run homes are indeed common throughout Accompong, this, in and of itself, does not represent gender liberation as other respondents[69] indicated steep barriers for the advancement of women were still rife in the community. Most consequential among these barriers are that the means of production in the community was completely dominated by men, but also, all official tour guides in the community were men, and thus, a central aspect of the community's public face is overwhelmingly male. Clearly, women's indispensability to family units does not necessarily equal direct economic or political power.

[69] My positionality as a male-identified researcher created understandable barriers for data collection on this topic. Future research in the community would be best served by the creation of women staffed research teams to develop analytics and collect data based on their own standpoint knowledge of gender dynamics in Accompong.

The Pulpit of the Maroons: Kojo Day as Political Ritual

In spite of such deep divisions in the community, the Kojo Day celebrations, the highpoint of the Accompong Maroon calendar, is a time when the Maroons display their remarkable ability to muster a united front. Marked as the anniversary date that treaty with the British was signed on the battlefield,[70] it is celebration of freedom and a time of reverence for the community's wartime hero; the day is also sometimes described as Captain Kojo's birthday and/or the day of his death. The day begins in Kindah Grove with the preparation of sacramental pork, seasoned only with pimento (allspice) as the *first-time* Maroons would have done. By 10am drumming and dancing under Kindah Tree are fully underway as guests assemble waiting for a taste of the pork and to join the procession that will depart from the old town (off limits to non-Maroons during Kojo Day). At around noon the procession leaves the old town, dressed in the ceremonial vines that Maroons call "ambush," and enters Kindah Grove to join the music. Picking up the waymakers,[71] dancers, drummers, and guests, the lively procession walks to Monument Square where the crimson (though not quite maroon) colored flag of Accompong flies in the wind, and then back to the schoolground where visitors and dignitaries will assemble to watch speeches and cultural performances. It is the day Accompong is on the world stage and it has become a ritualistic forum through which the leaders of the community laud their strengths and past glories while airing their grievances.

It is unclear when January 6th began as a celebration open to the public; many Maroons hold that it has been celebrated since the days of Kojo, and a *Gleaner* (1979) article from 1979 describes of event as being held for "generations." The first archival mention of the celebration as a politicized event is from 1985 (Gleaner 1985). The atmosphere was described highly-charged, with the then Colonel, Harris Cawley, vociferously demanding recognition of the community's sovereignty and an audience with the British High Commissioner while threatening to take the Maroons' case to a higher body, namely the United Nations (ibid.).[72] Given the significance of Kojo Day for Maroon politics, it is all the more appropriate that in 2007 the commemoration set the stage for the latest showdown between the state and Accompong.

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[70] As explained in Chapter 2, January 6th cannot reasonably be the literal anniversary of the treaty signing as all documentation indicates negotiation beginning in February 1739 followed by British ratification on March 1st. Although highly speculative, perhaps January 6th is Kojo's birthday and/or death anniversary which, had some point, had the treaty celebration folded into it. Further research is needed.

[71] "Waymaking" is a specific task for some members of a Maroon procession who lead at the front and clear the path for the rest of the group.

[72] According to Maroon Councilmember Mark Wright, negotiations with the United Nations to intercede on the Maroons' behalf were still ongoing as of 2014, although I was unable to ascertain the precise nature, scope and content of this contact.

Figure 3.7 Maroons and Visitors Celebrate Kojo Day Under the Kindah Tree, 2017

Figure 3.8 Deputy Colonel Melville Currie Exits the Stage, Kojo Day, 2014

In late 2006, it became public information that the American aluminum corporation Alcoa had been granted a prospecting license for Cockpit Country by the Jamaican government in May 2004 (at the time it appeared to be the only corporation to have acquired one) (Walker 2006). By that time, the Maroons of Accompong had been claiming the Cockpits as their treaty-won territory (Myers, January 4 2007), although it is unclear precisely when that demand entered Maroon political discourse. Nonetheless, the then leader of Accompong, the late Colonel Sidney Peddie, publicly declared on Kojo Day 2007 that any such mining would be a grave breach of their sovereignty and a violation of the treaty tantamount to "war" (ibid.). As will be discussed below, bauxite mining for aluminum production dates back to the 1950s in Jamaica, causing grave ecological consequences for the island, but it had been the first time there had been serious moved to consider mining in the Cockpits. the possibility that the mining corporations UC Rusal, Noranda Bauxite, and Alcoa will be unilaterally granted bauxite-mining concessions in Cockpit Country (Williams 2008).[73]

On Kojo Day 2014, the atmosphere was still highly charged over the conflict over mining, with the Maroons opening their ceremonies with a rendition of the newly unveiled Accompong national anthem ("Accompong Town, Tis of Thee"). This was followed by Col. Ferron Williams' denunciation of further rumors that mining would begin in the Cockpits and urging alternative development aid for the community. In 2017, the second year I observed the celebrations, the tone was even more militant, and although no mining had yet been initiated, the political struggle between the Maroons and the Jamaican state is still marked by sharp rhetoric. Indeed, the ceremonies once again opening with the Accompong national anthem, sung in front of the assembled Jamaican government delegates, and punctuated by a speech of now Deputy Colonel Melville Currie announcing the community's preparedness for war and willingness to defend itself. Furthermore, in 2017 as in 2014, the official program handed out to guests had the words "Sovereign State of Accompong" displayed prominently in the title.[74]

For Accompong, January 6th represents a ritualized, iterative, (re)declaration of independence, sovereignty and autonomy, while simultaneously acknowledging a financial and infrastructural dependency on the Jamaican state. On display are all the symbolic trappings of a state: flags, anthems, officialdom, a bureaucracy, and at least the threat of martial capabilities. Underlying this are functional or semi-functional governance structures, of with the latest rendition is a constitutional republic. At times the polity can appear riven by internal divisions, but, throughout the period of my field research, the public rhetoric and internal consensus regarding the proper relationship with Jamaica has been a stance of separatism, despite the paradox of dependency. The threat of mining is now the perennial fulcrum through which

[73] Negotiations between states and extractive industry are sometimes murky; to wit, it took years for the Maroons and Jamaican public to become aware that a prospecting license had been granted to Alcoa. Other licenses may well exist for Cockpit Country but have not yet been divulged.

[74] To say that such rhetoric is provocative would be an understatement considering that government ministers attended both the 2014 and 2017 Kojo Day proceedings, including the Minister of National Security in 2017. In both cases the reactions of the government dignitaries has been a masterful example of studied avoidance of the issues.

ongoing tensions between the state and Accompong over the extent of Maroon territory and autonomy are waged.

With the ratification of the Constitution of Accompong, the community has once again reaffirmed the position on sovereignty that it has held for 278 years. Yet, while the constitution represents a clear de jure (re)commitment to sovereign self-rule emergent from the collective political aspirations of the community in the context of their own governance praxis, the de facto status of Maroon sovereignty is much less conclusive. Put another way, a state only exists on its ability to exercise its authority, feed itself, and defend itself (Scott 1996, 40-50). No future is guaranteed for Accompong and only time will tell how effective their political strategies will be in advancing Maroon demands. In Accompong, the "agree-to-disagree" stasis of their autonomy vis-à-vis the state has reigned for over 200 years, but the current conflict over mining threatens to disrupt this because of the unprecedented stakes involved, while fundamentally changing the contours of Maroon politics.

21st Century Maroon Struggle and the Future of Cockpit Country

It is difficult to overstate the importance of aluminum to industrial modernity. Lightweight, ductile, resistant to corrosion, and electrically conductive, aluminum ore and its alloys are processed into a myriad of components vital to contemporary commodity production. The industries of defense, transportation, packaging, and construction, to name but the most prominent, are completely dependent on aluminum. As a sign of its ubiquity, few Western domestic households would be complete without a stock of the multiuse aluminum foil. As such, the dynamics and productivity of the aluminum industry is of the utmost importance for global capital and the state in the 21st century (Sheller 2014, 1-2).

During the Second World War, the aluminum industry discovered rich sources of bauxite in Jamaica. In 1942, while testing soil conditions for the cause of low crop output on certain Jamaican plantations, bauxite was found in commercial quantities in St. Ann's Parish (Davis 1989, 72). By 1952, the interests of Great Britain, the Jamaican colonial government, and a group of mining corporations coalesced to establish the bauxite industry in Jamaica, initiating a major shift in the country's source of export earnings (ibid., 135). Although initiated some 30 years later than Suriname, which will be discussed in the following chapter as a comparative case study, the Jamaican bauxite industry experienced a much more rapid growth with the Aluminum Company of Canada (Alcan), Reynolds Metals, and Kaiser Aluminum reporting a total extraction of 1,173,000 metric tons by 1953 alone, a single year into their operations (Manley 1987, 18). Alcoa would have been represented in this group through its control of Alcan (which it founded as the Northern Aluminum Company in 1901) if not for anti-trust legislation which forced the conglomerate to divest itself from Alcan in 1950-1951; from then on Alcan would

operate as an independent company (Smith 1988, 108;273).[75] Alcoa would not commence its own Jamaican mining operations until 1959 (Jamalco 2014).

A distinguishing factors of bauxite industry in Jamaica, as distinct from the Surinamese case discussed in the following chapter, is that it is spatially diffuse across the island and lacks self-enclosed and centralized mining complexes. Indeed, Jamaican economist George Beckford (2000, 302) argued that Jamaica does not have any bauxite towns as such because the bauxite-alumina industry has had a minimal impact on urban development in the country. Another distinguishing factor is that the bauxite industry quickly became one of the most unionized sectors of the economy, however, gaining relatively high pay from collective bargaining mostly thanks to the organizing efforts of the National Workers Union, the trade union affiliated with Jamaica's People's National Party (PNP), which would lead Jamaica through its socialist transition in the 1970s (Alexander 2004, 48). Yet, despite its centrality to the Jamaican labor movement, the mining sector utterly failed at alleviating Jamaica's alarming unemployment problem given its capital-intensive rather than labor-intensive structure (Rose 2002, 33). Indeed, the early growth of the bauxite industry in Jamaica likely exacerbated Jamaica's unemployment problem as the Jamaican agricultural workers were even further dispossessed of their land to make way for mining tracts while the colonial government allowed such socially hazardous expansion to take place uncontrolled (Beckford et al. 1985, 6). Former PNP Prime Minister Michael Manley (1987, x) reports that by the time he came to power in 1972, unemployment was 24%, illiteracy ranged anywhere from 30%-50% and, as a measure of the vastly unequal access to land, 45% of the arable land was owned by 0.2% of the population. Unsurprisingly, few Maroons have ever been employed in the Jamaican bauxite industry. Of all my research respondents in Accompong, only one worked in the bauxite industry, even though bauxite and alumina remain Jamaica's most significant mineral export, with production of bauxite rising from 7.8 million metric tons in 2009 to 9.5 million tons in 2013 (peaking at 10 million tons in 2011) (USGS 2013). Yet the industry never employed more than 1% of the labor force even though mining is the most labor intensive node in the aluminum GCC (Beckford, 2000, 300), highlighting the very low labor intensity of aluminum production on national scales.

Although very few Maroons have ever been employed in the aluminum industry, the ecological consequences of bauxite mining and alumina refining would have been readily apparent.[76] Norman P. Girvan (1991, xv) found that between 1952 and 1990, some 62,735 acres of land had been extensively damaged by bauxite mining, which has also displaced thousands of families. Describing surveys of Jamaican bauxite production centers conducted in the 1970s, public health researcher David McBride (2009, 252) recounts that "[t]he excavation and transportation of bauxite materials left behind '[c]louds of red dust . . . and a fine layering of red covers much of the scene, spreading far downwind'… there prevails 'a distinct, acrid smell of

[75] As noted by Smith (1988, 273), "It was the first time in history that American investors were ordered to relinquish their control of a foreign company." Such had the scale of Alcoa's global monopoly grown.
[76] See the interview in Chapter 4 for specific examples of the ecological awareness the Accompong Maroons have in terms of the risks of bauxite mining.

bauxite dust in the air'." It is important to note, however, that unlike in Suriname, because of the relative inaccessibility of Jamaican Maroon territory to heavy machinery because of Cockpit Country terrain, and more easily accessible deposits elsewhere, bauxite extraction has yet to occur in Maroon lands. Furthermore, vigorous Maroon opposition to the execution of the bauxite concession on their claimed lands, a resistance articulated as integral to the defense of their autonomy, has been decisive in delaying the commencement of any mining therein (Myers, January 8 2007). How long such restraint will be held remains to be seen.

Since the mid-2000s, when Accompong became aware of plans to mine the Cockpits, the polity has played a leading role in an unprecedented anti-mining coalition of environmental non-governmental organizations, activists, academics, and local stakeholders reflective of the high stakes of the struggle (ibid.). Prominent among these stakeholders is Hugh Dixon, director of the Southern Trelawny Environmental Agency, which is dedicated to preserving and protecting the Cockpit Country and has been at the center of this environmental campaign. According to Dixon, the Maroon presence in the Cockpits is itself a powerful example of ecological sustainability:

> [T]he fact is that the Maroons who occupy Accompong and, by treaty, earned rights to a particular amount of land, have really occupied the Cockpit country, living *within* it, quite sustainably! But living where they live, if you look at the period of their occupation and the landscape, you'd have to *really* be in awe that it's not denuded, it's still pristine, it's still intact… So, their lifestyles have really been nestled, or nested, within the landscape without much disturbance.

Although the Maroon social organization and cultural practice cannot be replicated outside of its own context, and is indeed riven by its own structural inequalities, such as pervasive gender hierarchies, the very biological vibrancy of the Cockpits stands as a testament to the effectiveness of Maroon preservationist practices of environmental management and forest use. The Maroons have been living in and using the sensitive ecology of the Cockpits for some 360 years (if we consider that the region likely had a Maroon presence stretching back to the English invasion), yet the levels of endemism remain so high that the summit of an individual hill may contain a unique ecosystem not found anywhere else in Jamaica or the world (Bedasse and Stewart 1996, 57). The Maroons rely on the Cockpits for food, water, medicine, animals, materials and inspiration for artistic production, recreation, and as the spatial anchor of their oral histories and spiritual identity. They understand their relationship with the land as one of reciprocity, where the environment provides for the Maroons' needs while they, in turn, remain actively cognizant of the ecological health of the Cockpits (ibid., 66). As Accompong's chief historian and Deputy Colonel Melville Currie explains, the Maroons are well aware of the unique biodiversity of the Cockpits and their critical role as a watershed in Jamaica:

> We want the Cockpit to stay as it is! If you go through Jamaica, the only green areas you find now is the Cockpit mountains. And the Cockpit mountains provide water for the parishes of St. Elizabeth, Trelawny, St. James, [and] Westmoreland. Water from the

> Cockpit Country goes down to these areas, because it cannot settle up here, because we are on top of the hill. So, it is soaks down and it goes to Black River. It runs from the Cockpit mountains. You have another [river] in St. James, Tangle River, [which] comes from Cockpit mountains. You have the one they use for doing the rafting on the [Martha Brae] River. It comes from the Cockpits! So, we cannot see how the bauxite company is going to dig those areas. Then what happens to the water? It goes! Because you dig here, you dig *there*, [and] eventually the water goes! So we say, "No! Not gonna happen!" So that's how we come to the conclusion that we will fight it to the death!

In an age of climate change and increasingly severe droughts in Jamaica, such concern for the island's water security can only be seen as the height of prudence. Maroon environmental consciousness is similarly grounded in the floral abundance of the land, with Maroon medicine particularly notable as a practice dependent on both the biodiversity of Cockpit Country and the received knowledge of the ancestors (Hirzel 1998). During the period of *first-time*, plant-life was vital to the Maroon pharmacopeia and ensured the health of the community and wounded or ill fighters. To draw on but one example, in an interview Col. Lumsden identified Donkey Weed, or *Sylosanthes Hamata*, as an old Maroon medicine to treat colds and reduce fevers. This plant would have been collected for use during extended ambush operations or plantation raids to treat any illnesses which may have arisen among the warriors. During my field research in Accompong, I was able to identify 21 specific plants used as medicine and fifteen multi-plant preparations for the treatment of ailments ranging from gastric discomfort to cancer. Katherine R. Hirzel (1998, 114-25), in her more extensive botanical survey of Accompong, documented 39 plants significant to Maroon healing and spiritual practices. To this day in Jamaica the Maroons are famed for their medical skills, and it was not uncommon for Accompong to be visited by those in search of healing. Indeed, a research responded who is an herbal practitioner in the community was eager to explore the prospects for international partnerships in order to better understand and develop the pharmaceutical potential of the Cockpits ("the cure for cancer is in those hills"), while simultaneously being wary of the exploitative reputation of that industry.

So far, the defense of the Cockpits has been successful, with mining delayed for over a decade since Alcoa's exploration of the region came to light. Allying with the Southern Trelawny Environmental Agency, the Jamaican Caves Organization, and the Cockpit Country Stakeholders Group and Windsor Research Center, enough pressure was mounted in in the decade following 2006 to halt any mining. In 2007, the state announced that no mining would occur in the Cockpits, a promise repeated by subsequent PNP and JLP governments, but that a boundary study would be initiated to determine the precise contours of this contested region (JEAN 2007). Yet the conclusions of the most recent study commissioned by the Ministry of Agriculture & Lands - Mines & Geology Division (Mitchell, Miller, Ganapathy & Spence 2008) remain unaccepted by the Accompong Maroons. This contention remains the case even after an extensive follow-up period of public consultation conducted by the University of the West Indies

(UWI), Mona Campus, Center for Environmental Management (Webber and Noel 2013).[77] However, while acknowledging no clear consensus, the UWI study (ibid.) argues for the recognition of at least a core region of the Cockpit Country encompassing 317mi^2, although this is its absolute minimal extent, spreading across six parishes: St. James, Trelawny, St. Elizabeth, Manchester, and the very northwestern tip of Clarendon. This delineation is based on geological, geomorphological, and biological parameters, but ultimately, it is Cockpit Country as a site of cultural heritage and historical significance that grounds Maroon resistance to its mineral exploitation.

The concern now among the Cockpit Country preservation movement is that the government will declare a forest preserve[78] covering only the central core of the area, while mining on its peripheries. As of 2017, the state has yet to confirm an official boundary of the Cockpits but, in delivering the Throne Speech to the Jamaican parliament laying out government programs for 2017/18, Governor-General Sir Patrick Allen did declare that the boundary would be finalized the end of the year (Jamaica Observer 2017). Ominously, in the same speech, the governor-general also announced that the Alpart alumina refinery in Nain, St. Elizabeth, a mere 20 miles away from Accompong, would reopen after 8 years of being mothballed due to uneconomical production (Davis 2008). It seems unlikely that such a high capacity plant, capable of processing 4.9 million tons of bauxite annually (Rusal 2017), would be reopened unless new lucrative sources of ore were under consideration.

For their part, the Maroons insist that the entirety of Cockpit Country, and not solely the 1,000 acres enshrined into colonial law in 1758 (31 Geo 2, Cap. 9), later adjusted to 1,220 acres. In fact, it is an oft-heard maxim in Accompong when the subject arises that the entirety of the island, "from Falmouth seaport to Black River seaport," was provided for the Maroons in the treaty, and its absence in the document's articles was a result of British trickery. This is a huge expanse of territory stretching across the entire width of the island; Black River and Falmouth are over 35 miles apart. As such, this Maroon territorial claim could conceivably cover most of the parishes of St. Elizabeth and Trelawny and a rudimentary plot the area indicates this new land claim could be upwards of 273,944 acres. It is unlikely the Jamaican state would ever accede to such a demand and it is unclear when this claim entered the Maroon political discourse; the record of late 19th and early 20th century land conflict makes no mention of the Maroons pushing such a right (see Chapter 2). However, as will be discussed in Chapter 5, fighting for utopic possibilities and fostering seemingly impossible freedom dreams has been a distinct marker of Maroon struggle since its inception. In any case, if the Maroons are indeed adapting their historic negotiation strategy of brazen ultimatums and bellicose rhetoric in order to

[77] These consultations included public consultations in 15 rural villages in or around the Cockpit Country, four town hall meetings, and incorporated the views of NGOs, community-based organizations, private land owners, and government agencies.

[78] The idea of the Cockpits as a UNESCO World Heritage Site goes back at least to Jamaican geographer L. Alan Eyre's (1995:268) direct appeal to the then Prime Minister, P. J. Patterson, to make it so.

create a more pliable atmosphere for asymmetric diplomacy, then Accompong and the Jamaican state are once again locked in their oppositional maneuvers.

The political ecological factors influencing the future prospect of Accompong's autonomy are brought into sharper relief when compared to another circum-Caribbean Maroon community with a commensurate history, the Ndyuka Maroons of Suriname. Resource extraction has been one of the central catalysts of 20th and 21st century tensions between the Surinamese state and the Ndyuka Maroon polities of Moengo, with the later resisting the expansion of the bauxite industry into their claimed territory while attempting to manage the impact of 100 years of intensive mining on their land. An investigation of the Maroon/state conflict in Suriname as it compares to events in Jamaica, the topic of the following chapter, clarifies why the political trajectory of Accompong is, so far, unique in the Maroon world despite similar environmental priorities. Although both the Accompong and Ndyuka Maroons have similar histories of resistance against enslavement and the maintenance of autonomy against a colonial state, the irresistible value of the bauxite bearing soil in Ndyuka territory changed the political calculus of the state vis-à-vis their tolerance of Maroon autonomy. As such, the markedly different political ecological contexts in the 20th century curtailed the Ndyuka's ability to follow Accompong's push to sovereignty.

CHAPTER 4. COMPARATIVE MAROON POLITICAL ECOLOGY: SEPARATISM, STATE INTEGRATION, AND PRESERVATIONISM

Sylvia de Groot (1986), in her *Comparison Between the History of Maroon Communities in Surinam and Jamaica*, provides one of the relatively few direct historical comparisons of the two groups in the literature on *marronage*. De Groot's (ibid., 173) lines of analysis include the formation of the Maroon groups in each respective country, the conduct of the guerilla wars, Maroon relationships with the colonial powers, the terms of the peace treaties, and the extent of geographical, social and economic isolation both groups experienced. In regard to the administrative structure of the systems of enslavement and the brutal treatment meted out to the captives, the two plantation colonies were remarkably similar (ibid., 174). The periods of escalation of Maroon activities and master-enslaver responses were also roughly parallel, with the number of Maroons in both territories estimated at between one thousand to several thousand by the 1730s, by which point both colonies had been reeling from decades from escalating guerilla wars with multiple groups of Maroons (ibid.). In fact, the first successful Maroon peace treaty in Suriname, between the Dutch and the Ndyuka in 1760, was inspired by the terms and process of the 1739 Leeward and Windward treaties in Jamaica (Groot 1986, 176; Dragtenstein 2009).

However, de Groot (1986, 178-81), taking at face value the falsehood of Kojo's submission fabricated by Dallas (1803)[79] while relying on Kopytoff's (1973) political analysis, which was itself weakened by uncritical adoptions of colonial archives,[80] contended that the Jamaican Maroons were effectively conquered by the peace treaty, resulting in the subsequent stripping of their autonomy. Conversely, de Groot (1986, 181) concludes that the Surinamese Maroons, negotiating from a position of strength, were able to use a much vaster territory and greater numbers to preserve their autonomy, at least until the legal abolition of enslavement in 1863, when her periodization ends. Rather, in this chapter, I will argue that through expanding the scope of the historical comparison into the 20th century, the opposite situation vis-à-vis Jamaica and Suriname is evident, revealing the centrality of capitalist extractive industry to state tolerance of Maroon autonomy.

Following de Groot, I agree that the similarities between the foundational periods of both Surinamese and Jamaican are stark. First, both Jamaica and Suriname were, historically, exploitation colonies founded by European powers for the purposes of enslavement, exploitation, and economic extraction. Second, Maroon communities emerged as a resistance to enslavement, with men and women escaping captivity and setting up independent communities outside the political and military orbit of the imperial powers. Third, the Maroon communities in each colony made deft use of the environment to wage resistance to enslavement and build an

[79] Unfortunately, de Groot's (1986, 179-80) otherwise incisive analysis is marred by her uncritical adoption of Dallas' fabrication of Maroon surrender, as well as an untenable dismissal of Jamaican Maroon autonomy in the post-treaty period. See Chapter 2.
[80] See the discussion on Kopytoff's methodological issues in Chapter 1.

existence separate from the plantations. Fourth, each Maroon community developed unique and distinctive societies with their own political, economic, and gender dynamics. Fifth, the Maroons of both nations developed a history of negotiating treaties with the state to end their wars against enslavement. Sixth, both Maroon groups developed profound ecological philosophies that emerged from their formative experiences on the land. In other words, through a history of using the environment for survival and as an anchor to their cultural formation, the Maroons developed elaborate ecological philosophies of human/nature relationship, philosophies that became increasingly entrenched and constituent of Maroon life as the decades and centuries passed. Seventh, the economic stakes of the Maroon struggle in each historical period varied in significant ways at each historical juncture. For example, during enslavement the economic issues are revealed primarily in the great cost to the master-enslavers of Maroon attacks and the expense of fighting their communities; after legal abolition, the costs became far lower, and amounted to no more than the loss of Maroon labor and taxable land in the national economy; and during the 20th and 21st centuries, the discovery of valuable resources dramatically increased the potential economic value of Maroon land. Finally, eighth, Maroon communities in both nations resisted state measures to coopt and incorporate their societies in the larger polity and economy of each state.

My comparison of Jamaica with Suriname in this chapter throws into greater relief the specifics of the unfolding of relations between the Maroon community of Accompong and the state, as well as the current relations between them. In this way, I highlight how specific historical conditions and the outcome of each period of negotiation shaped the present configuration. Thus, whereas Accompong was able to maintain relative, though increasingly contested, autonomy up to the present day (as established in Chapters 2 and 3), Ndyuka autonomous governance in Suriname was seriously undermined over the course of the 20th century through the activities of the aluminum industry and a civil war which raged through the country in the 1980s. Even though, as de Groot highlights, the Surinamese Maroons were better placed to maintain and defend their autonomy in the post-treaty period because of geographic and demographic factors,[81] the willingness of the Surinamese state in the 20th century to seize and use Maroon land for ecologically destructive resource extraction, while militarily attacking their communities, shattered any stability in Maroon-State relations. As such, the destabilization of Maroon autonomy is directly linked to the increased economic value of Maroon land and contiguous areas in the 20th and 21st century due to resource extraction; this is where the political trajectories of both Maroon communities diverge. This compelled the Surinamese Maroons to pursue a strategy of *state entryism* to defend their communities in place of an untenable autonomy. Despite divergent political directions, however, both communities display a culturally embodied dedication to ecological preservationism grounded in the importance of their land to Maroon collective historical consciousness. This historical comparison and political ecological

[81] The Maroons of Accompong were hemmed in on all sides by white plantations (Groot 1986, 177), although, as discussed in Chapter 2, the strategic advantage of having Cockpit Country as a military redoubt should not be overlooked.

analysis brings into sharper relief the causal variables which influenced Accompong's 21st century move toward sovereignty, a singular and unique achievement in the contemporary Maroon world, while identifying a shared approach to environmental stewardship which guides the contemporary political priorities of both communities.

Of Kinship and Distance: Major Parallels and Disjunctures in Pre-20th Century Jamaican and Surinamese Maroon History

The Surinamese Maroon societies trace their roots to the earliest period of colonization in Suriname. In 1630, English Captain John Marshall established a plantation colony on the banks of the Suriname River, but by the 1640s it had failed with most, if not all, of the European inhabitants perishing (Price 1983, 3). In 1650, Lord Francis Willoughby, Governor of Barbados, sent a party to re-establish the English colony. However, during the interval between Lord Willoughby's arrival and the collapse of Captain Marshall's colony, all the surviving enslaved Africans had absconded from the failed plantations into the dense jungle hinterland from which they began to raid the re-established plantations (ibid.). The former captives used crises in the system of enslavement to establish their communities (Groot 1986, 173), although the Maroon Wars in Suriname was waged for over 100 years longer than the conflict in Jamaica and would eventually involve much larger numbers of Maroons (ibid.). A pivotal turning point in Suriname's history occurred in 1667 when, during the Second Anglo-Dutch War, the Netherlands invaded and occupied the struggling colony, permanently supplanting the English (Price 1983, 3). Many enslaved Surinamers used inter-European conflicts and invasions to secure their freedom by establishing Maroon groups (Groot 1986, 173).

By 1675, continuous flows of enslaved Africans were being transported to work the sugar and coffee plantations in the increasingly lucrative Dutch colony (Thoden van Velzen and Wetering 2004, 6). An irrepressible yearning for freedom, fueled by the brutality inherent to the system of enslavement resulted in continual acts of *marronage* for the duration of the Maroon Wars (ibid.). By 1793 the Maroons had coalesced into six communities: The Ndyuka, the Saamaka, the Matawai, the Aluku, the Paamaka and the Kwinti (ibid., 10-12), each with their own distinct historical narrative. The Ndyuka themselves trace their founding to the captives who escaped during a 1712 French invasion of the Dutch colony (Price 1976, 30-31), who used the confusion to flee deep into the recesses of the Amazon rainforest along the Tapanahoni River in the extreme southeast of present-day Suriname.[82] Like in Jamaica, in the face of constant colonial military campaigns against the Surinamese Maroons, military effectiveness was centered as one of their top organizational priorities (Stedman, Price and Price 1988). To wage their war, the Maroons needed a keen sense of their geography in order to make effective use of the terrain for defense, and John Stedman's narrative of his mercenary work for the Dutch colony reinforces how frustrated the master-enslavers were in their often-futile attempts to combat a shadowy enemy on hostile terrain (ibid.).

[82] The Ndyuka would migrate to the Cottica region, where Moengo is situated, after the peace treaty in 1760 (Thoden van Velzen and Wetering 2004, 17).

Incessant conflicts with various Maroon groups brought the colony so close to the brink of ruin that the Dutch had little choice but to make peace (Price 1976, 28). The Ndyuka won their treaty in 1760, the Matawai and the Saamaka in 1762, the Aluku in 1860, the Kwinti in 1881 and the Paamaka in 1887 (Kambel and MacKay 1999, 58-61). Indeed, the Dutch governor Jan Jacob Mauricius (SVS 305E/35/1/1, 13 May 1749) modeled the initial treaties after the Anglo-Maroon peace in Jamaica, with the basic principles of each including the recognition of the Maroons as free and people sovereign over their land, a remarkably similar blood oath initiated by the Maroons, the demarcation of the territory of each community, the obligation to refer serious crimes to the colonial courts, white monitoring of their communities (called resident-supervisors in Jamaica and *posthouders* in Suriname), and the establishment of responsibilities to henceforth capture and return escapees (ibid.; Groot 1986, 180). But, whereas the Jamaican treaties regulated a relationship of trade and commerce between the Maroons and colonial society, in Suriname there was the creation of a system for provisioning the Maroons with manufactured goods as a form of "tribute" to bolster their subsistence horticulture, hunting and fishing, the mainstays of the Maroon economy as well periodic wage labor in colonial society (Price 1976, 3-6).

Successfully removing themselves from the plantations enabled both Jamaican and Surinamese Maroons to adapt West African socio-cultural structures to their New World situation (Price 1996). But in Suriname, the Maroons were able to develop more explicit markers of distinct ethnogenesis such as unique Maroon languages, music, lore, hunting practices, spirituality and family structures (ibid., 188-91). This was largely due, following de Groot's (1986, 177) analysis, to the overwhelming Dutch concern with enforcing Maroon isolation, whereas the Jamaican colonists were content to develop their plantations in relatively close proximity to Maroon communities. As a result, in Jamaica, the creolization process occurred much earlier due to their sustained proximity to plantation society, whereas the vast expanses of the Amazon created a natural isolation for the Surinamese Maroons until well into the 20th century (Price 1976, 3). As such, the Surinamese Maroons (Groot 1963; Price 1976; Price 1996) rarely had to deal with the same disruptive conflicts over land and taxation that increasingly confronted the Jamaican Maroons as the 19th century progressed, as detailed in Chapter 2, although the Dutch colonial government would still try to interfere in their social development, as described later in this section.

Richard Price (1976, 3n2) notes that because of the ferocity of the war against the master-enslavers and their contempt for those creolized Africans who had remained enslaved, the Maroons had a strong distrust of colonial society which reinforced their seclusion (see also Groot 1969, xii). Perhaps the Maroon aversion to colonial Suriname was also a mark of prescience since, by the legal abolition of enslavement in 1863, the economy experiencing a deep crisis. Large numbers of estate owners had liquidated their assets and remitted their capital to the Netherlands, while the newly freed captives were quite averse to working in their former plantation-prisons (Lier 1971a, 183). Attempts to bolster the resulting labour shortage through

immigration failed and by the 1870s the colony was in recession (ibid., 186). The chronic lack of labor power in the colony led the colonial administration on its first efforts to make the Maroons a source of cheap labor (Groot 1963). In the 1840s and 50s the Dutch *posthouders* stationed amongst the Ndyuka attempted to manipulate the *Kabiteni* (village leaders) compel their people to work for the Dutch (ibid.). Yet, through an obstinacy reminiscent of Accompong in the 19th century, the Maroons were able to preserve their status as independent timber traders rather than wage laborers (ibid.).

A similar Dutch plan for the Ndyuka was tried again in 1917 (Groot 1969). Much more interventionist in its approach, the Dutch framed their new labor-integration project as the desire to bring progress to the "backwards" Maroons who, by imitating European ways such as waged labor, would be "civilized" and integrate into colonial society through education, agricultural instruction and medical aid (ibid., xii). The development project failed by 1926 primarily because the Maroons proved once again to be highly resistant to such changes, especially when dictated by the colonial government (ibid., 89-94). As such, the Ndyuka were able to maintain a weaker form of the *oppositional stability* present in the Jamaican case, albeit in a context of labor rather than land, whereby the Maroons were able to push back against state designs to incorporate them into the national economy as wage laborers without provoking a violent response. Therefore, at the dawn of the 20th century the Ndyuka Maroons had proven themselves as well-positioned to resist state encroachments on their autonomy as their contemporaries in Accompong, if not more so given a population numbering in the thousands rather than hundreds facing a state which passed no laws ordering the disbandment of their communities (Price 2002). And yet, political ecological transformations in Suriname emergent circa the First World War would result in a dramatic turn of fortune for the Maroons.

As the 19th century drew to a close, the declining terms of trade, stiff competition from other colonies and devastating plant diseases ended agricultural exports as a source of significant revenue for Suriname (Lier 1971a, 199-200). Gold and balata became mainstays of extractive industry by the final two decades of the 19th century, although earnings from these exports soon dried up as well when, in the case of gold, easily accessible deposits were exhausted or, in the case of balata, the market collapsed (ibid., 200). Just as the colonists were staring bankruptcy in the face, however, a new resource boom emerged on the horizon which would have an impact on Maroon society like none before. In order to better contextualize the impact of the aluminum production on Ndyuka society, the basic technical processes and global rise of the industry, exemplified by the history of Alcoa and how it came to Suriname, will first be established.

The Gleaming Dream: The Rise of the Aluminum Industry and its Encounter with the Maroons

As a prominent source of bauxite ore, Suriname has been historically central to the operation of the global aluminum industry, and likewise, the aluminum industry has exercised considerable influence in the recent histories, economies, and social dynamics of the country. What would become a nightmare for the Ndyuka was initially presented as a promising era of wealth for the

emergent Surinamese nation (IBRD 1952). The development of the aluminum industry was to be the vehicle for advancement beyond their plantation economy past and become vital links in the global production chain of a lucrative, strategic, and thoroughly modern industrial input (IBRD 1952, 17). Indeed, Suriname, as will be described below, even developed the capacity to produce primary aluminum metal, the first such peripheral country to do so in the history of the aluminum industry (IBRD 1952).

As the most abundant metal in the earth's crust, aluminum's centrality in industrial modernity is mirrored by its ubiquity in the natural environment (Ullman and Bohnet 2009, 483). Like other metals, aluminum must undergo a process of refinement from a base ore, in this case bauxite, to become a finished metal, requiring a large and consistent supply of bauxite and electricity along with the requisite infrastructure. Virtually all the world's primary aluminum, chemical symbol "Al," is smelted from bauxite, a reddish ore containing a composite of aluminum bearing minerals which can include: gibbsite, $Al(OH)_3$; boehmite, γ-AlO(OH); and diaspore, α-AlO(OH) (ibid., 609).[83] Bauxite is commonly found in the upper substrate of the topsoil and is predominantly located in the Caribbean basin, western and southern Africa, Eurasia, and Australia (USGS 2017). In 1821, French geologist Pierre Berthier first analyzed bauxite in the village of Les-Baux-de-Provence, from which he derived the name (Carr 1952, 65). Berthier's findings revealed that his bauxite samples consisted of 52% aluminum oxide, 28% iron oxide and 20% chemically combined water (ibid.). Long eluding human discovery given the high amount of heat required to separate the pure metal from its oxide, aluminum was finally isolated only in 1825 by Danish chemist Hans Christian Ørsted by using chemical amalgams (Davis 1989, 2). However, the advent of an economical way to refine aluminum had to wait until 1886 for the Hall-Héroult process. American inventor and chemist Charles Martin Hall and French metallurgist Paul Héroult discovered, simultaneously and independently, that aluminum oxide (commonly known as alumina – a white metallic compound often produced as a salt) could be reduced to aluminum metal through a process of electrolysis (ibid., 5). This opened the door for the industrial production of aluminum. Two years after his discovery Hall would go on to found the Pittsburg Reduction Company, which would itself become the Aluminum Company of America in 1907 (coining the acronym Alcoa in 1910) (Sheller 2014, 48).

The final metallurgical discovery making the modern aluminum industry possible was the advent and patenting of the Bayer process by Austrian chemist Karl Josef Bayer in 1888 (Davis 1989, 16). The Bayer process was an efficient and economical way of precipitating alumina from bauxite ore thus removing the final barrier to industrialized aluminum production.

<u>The Bayer Process[84]</u>

> After bauxite rock is crushed, milled, filtered, and washed, the bauxite slurry is mixed with sodium hydroxide, NaOH (also known as lye or caustic soda), and heated to almost

[83] All chemical processes described herein are sourced from Ullman and Bohnet 2009, 607-45.
[84] For gibbsite bearing bauxite, which constitute Jamaican and Surinamese deposits.

200˚C such that the gibbsite, previously bonded to the impurities in bauxite ore such as iron, is dissolved as sodium aluminate.

$Al(OH)_3 + NaOH \rightarrow NaAl(OH)_4$

Sodium aluminate is then precipitated upon the cooling of the slurry producing pure gibbsite.

$NaAl(OH)_4 \rightarrow NaOH + Al(OH)_3$

The gibbsite is then calcinated by heating it to over 1000˚C producing aluminum oxide, or alumina. The reduction entailed in the Bayer process is approximately 50%, meaning that it takes roughly two metric tons of bauxite to produce one ton of alumina.

$2\ Al(OH)_3 \rightarrow Al_2O_3 + 3\ H_2O$

The Hall-Héroult Process

A molten salt bath (heated to upwards of 980˚C) made of alumina, cryolite, and calcium fluoride undergoes electrolysis, the current ranging anywhere from 100 to 350 kiloamperes depending on the age and sophistication of the smelter. The liquefied pure aluminum is then tapped off the bottom of the solution and cast into ingot. Two tons of alumina are required to produce one ton of aluminum, thus making a four-to-one ratio for the entire aluminum production process from bauxite ore to ingot (one metric ton of steel, by comparison, requires 1.4 tons of iron ore).

Electrolysis: $Al^{3+} + 3\ e^- \rightarrow Al$

Overall reaction: $2\ Al_2O_3 + 3\ C \rightarrow 4\ Al + 3\ CO_2$

Full Vertical Integration: Alcoa's Ascendance

The Pittsburg Reduction Company acquired the rights to the Bayer process in 1905 (Smith 1988, 99). Using alumina as a secondary stage between bauxite and aluminum became all the more important because the company's early experiments in smelting aluminum directly from bauxite had failed (ibid.). This technological leap compelled the company to seek out its own sources of bauxite and alumina refining infrastructure, rather than remain dependent on other companies to supply its alumina through inefficient and expensive processes (ibid.). It should be noted that the Bayer process and the Hall-Héroult process are still the means with which aluminum is industrially produced, with the fundamental processes remaining unchanged from the 19th century except in scale and supporting technologies.

As a result of these technical advancements the foundations of aluminum's global commodity chain were being laid. By the eve of the First World War, Alcoa was an almost completely self-sufficient enterprise. Note economist George David Smith's (ibid., 101) description of Alcoa's production process at that time:

> By World War I, the ore from Alcoa mines was crushed, ground, and dried by a beneficiation plant built at the mines near the company town, Bauxite, Arkansas. The ore was shipped on Alcoa transport to the East St. Louis refinery, which then shipped alumina to Alcoa smelters at Niagara Falls and Massena, New York; Shawinigan Falls, Canada; Alcoa, Tennessee; and Badin, North Carolina.

Smith (ibid., 101-105) continues that Alcoa also owned the generators to convert the electrical current and in many cases even owned the hydroelectric dams themselves. The company retained an engineering staff and constructed its own railways and ports, while maintaining its own fleet of barges for bauxite ore (ibid.). Alcoa even began producing its own aluminum commodities, thus becoming its own main customer for aluminum ingot. As the First World War broke out, Alcoa and its subsidiaries were the United States' sole supplier of aluminum ingot and the Western Hemisphere's sole aluminum producer, having since bought up its local competition while being protected from European competition by trade tariffs and the formation of an (illegal) international aluminum cartel (Carr 1952, 49). Counting among its chief shareholders the powerful Mellon banking family, few corporations have reached the zenith of Alcoa's influence (ibid.).

By the 20th century, however, a serious weakness in the commodity chain was identified by Alcoa, a problem inherited from its forerunner, the Pittsburg Reduction Company. Although bauxite was discovered in Arkansas in 1887, which the then Pittsburg Reduction Company began to mine in 1903, most American bauxite proved to be of poor quality and rich outcroppings of the ore was rare (ibid., 67-72). Charles C. Carr's (1952, 72) research suggests that the extraction of bauxite was strategically planned to be externalized to the peripheral world in order to spare what few deposits of high quality ore the United States had.[85] As such, in 1915 Alcoa went to Suriname on a prospecting mission for bauxite in order to feed their expanding business (Smith 1988, 98). Satisfied with the quality of ore and cheap labor, Alcoa organized the *Surinaamsche Bauxite Maatschappij* (Surinamese Bauxite Company) in December 1916 (ibid., 98;178) and in 1922 Alcoa's first Surinamese mines began exporting ore from the area around the Maroon village of Moengo (Alcoa 2013) in the Ndyuka territory of the Cottica River basin. By 1928 Alcoa had decided to make Suriname the permanent source of its ore supply (Carr 1952, 189). By 1943, when demand for aluminum reached historic heights given its importance to military industries, Suriname was supplying three-quarters of the North American war effort's bauxite needs (Hoefte 2013, 45). Such was the importance of Suriname, and in specific the Maroon

[85] If this was indeed the reasoning behind Alcoa's decision to pursue sources in the peripheral world (and this can only be a speculative conclusion until more research is conducted) then this decision represents remarkable foresight on the part of Alcoa, given that in the Cold War period the United States legislated that aluminum and bauxite must be stockpiled as a strategic resource vital for the war industry (Davis 1989, 145;249).

territories of Moengo, to the allied war effort that the U.S. military effectively occupied the country and guarded the mining sites during the Second World War (ibid., 117).[86]

The military-industrial necessity of aluminum during WWII caused a peak in demand for Surinamese bauxite and by 1950, Suriname became Alcoa's primary source of bauxite (Smith 1988, 142). For their part, as will be described below, the Surinamese Maroons relate this period of mining expansion as a litany of dispossession and destruction of their ancestral lands. In order to further elaborate the stakes of the ongoing three-way struggle between the Maroons, the state, and the international aluminum industry, as well as situating the Maroons' own experiences of the development of the industry into a wider context of capitalist production, a political ecology adaptation of Global Commodity Chain Analysis will be applied to the Surinamese context.

Aluminum Chains: A Political Ecological Adaptation of Global Commodity Chain Analysis

Having described the political economic history of aluminum production in the global core, exemplified by the United States, and peripheries, exemplified by Suriname, a more detailed investigation of the structural properties and social dynamics of aluminum production can be conducted using Global Commodity Chain (GCC) analysis. GCC has been used by political economists to show how specific processes of production are shaped by social relations (Gereffi et al. 1994, 2). In order to adapt GCC to for ecological analysis, I will take into account the social realities of Maroons and workers as well as environmental externalities normally ignored in the corpus of GCC studies, thus adapting GCC as a tool of political ecology. Given Alcoa's aforementioned pioneering role in the aluminum industry and its significant operations in Suriname, it is all the more appropriate to use the corporation as the case study for this GCC analysis. Once again drawing on network governance theory, GCC adapts Terrence K. Hopkins and Immanuel Wallerstein's (1986, 159) definition of a commodity chain as "a network of labor and production processes whose end result is a finished commodity," with each step of production (or link in the chain) as equivalent to a separate node in the network. The main analytical categories of GCC analysis include: the "driveness" of a commodity chain (that is, whether the dynamics of the chain are buyer-driven or producer-drive); the length of a chain (that is, how many inputs and units of production exist in a particular chain); the density of a chain (that is, the amount of subcontractors involved in production); and the depth of a chain (that is, the number of processes required to actualize production at a single node of the network) (Gereffi et al. 1994, 7-8). Related to length, the geographic spread of a GCC can be analyzed, such that the core-like or peripheral spread of the chain can be determined (Hopkins and Wallerstein 1994, 18). Furthermore, GCCs can be studied synchronically or diachronically, the latter of which is most useful in identifying broader changes in the world-system (ibid.).

[86] The military concern was not without good reason: in the two years after the U.S. entered the war, German U-boats traversed the Atlantic to disrupt the transportation of bauxite, sinking 26 Alcoa ships in 1942 and 1943 as they sailed between Suriname and the Gulf Coast (Carr 1952, 72).

Aluminum production, as exemplified by Alcoa's operations, consists of a four-part transnational commodity chain: bauxite extraction; alumina refinement; aluminum smelting; and the further processing of the metal into a myriad of manufactured commodities. As such, the length of the chain is relatively short. Physically integrating the aluminum commodity chain are domestic and international transportation links of varying distances. Bauxite and alumina are transported across the Caribbean Sea and Gulf of Mexico by ship, with the distance from Alcoa's Gulf Coast ports to Suriname being 2500 miles (Carr 1952, 67). Given that Suriname is, at this point, restricted to the extraction and processing of raw materials, whereas the more technically advanced and profitable components of the chain (the smelting of ingot and component and commodity manufacturing) occur in the United States, Alcoa's GCC displays the classic traits of a core-like commodity chain. This is commensurate with the broader political economic structuring of the capitalist world-system where interzonal movements along commodity chains go from a peripheral product to a core product (Hopkins and Wallerstein 1994, 17). Given the extreme vertical integration of Alcoa's production process, its GCC contains virtually no density. It does display a high degree of depth, however, unsurprising given the technically complex process of producing aluminum. It is though the metric of depth that social and environmental externalities will be included in this modified GCC analysis.

Bauxite Extraction

At the primary mining stage of aluminum production labor is the main input; indeed, the mining of bauxite is the most labor intensive stage of the entire GCC. As with labor relations anywhere in the capitalist world-system, a regimen of worker control and disciplining is required (Wolf 1982, 22-23). In Suriname, despite the modernity of the aluminum industry as a process of production, a stratification of the labor force harkening back to the era of plantation enslavement was employed (Hoefte 2013). Commissioned by Alcoa's Surinamese subsidiary, the *Surinaamsche Bauxite Maatschappij*, circa 1920 and designed to house a population of 4,000 (1,000 workers and their families), the Moengo mining complex was constructed from its founding to be a segregated community mirroring Suriname's ethnic, class and gender hierarchies (ibid., 114-16). The Americans and Europeans lived in a spacious neighborhood quarter complete with large houses, wide avenues, and a social club, reminiscent more of an upscale American suburb then the deep jungle terrain that constituted Moengo's surroundings (ibid., 116). Indeed, as an example of the isolation Moengo from the rest of Suriname, the community would not have road access to the rest of Suriname until 1964, over 40 years after its founding (ibid., 115). After the whites, the Chinese were next on the ethnic labor hierarchy, followed by Creoles (non-Maroon Afro-Surinamers), Javanese and Maroons.[87] In stark contrast to the American and European bosses, the Creoles and Javanese were segregated into cramped family houses and barracks (ibid., 116). This segregation stayed in place until the 1970s (ibid.).

[87] However, during interviews conducted during the field research for this paper, Maroons from the Moengo area claimed that their people were shut out of employment altogether in the early period of the mining complex, save for helping to build the initial site. This is confirmed by Hoefte (ibid., 23) who found that the Alcoa hired Javanese and Maroon workers only when necessary, a practice which persisted at least until 1970.

Labor discipline was rigid; the clock was set forward one hour so that the day would start earlier and, given the complete integration of Moengo's infrastructure into Alcoa's mining operations, being fired would require one to leave the community with all the social dislocation and loss of benefits entailed (ibid., 115).

Rosemarijn Hoefte and Anouk de Koning's history of the development of Moengo, included as a chapter in Hoefte's 2014 *Suriname in the Long Twentieth Century*, is arguably the most thorough analysis of the community's historical labor force in either Dutch or English. Yet, their scholarship on the subject contains a significant gap given the absence of Maroon oral histories, their research relying largely on colonial primary sources instead (de Koning 2011, 32). Examination of the Maroons' own voluminous oral histories reveals a more complete picture of the development of Moengo, unsurprising given that these communities lay at the historical center of the aluminum industry in Suriname. For instance, Da Baja, the *Kabiten* (village head) of Peto Ondoo, an Ndyuka Maroon village a mere three miles east from the Alcoa mining complex in Moengo, described how the Maroons in the Moengo area periodize the Alcoa presence into three distinct intervals. Corresponding to Hoefte and de Koning's research into the racialized hiring practices of Alcoa in Moengo, during the initial period of the mine's existence, beginning with construction in 1916, Maroons were confined to cutting weeds and brush, hired by a Creole contractor named Tuinfort who worked for the company. This was a highly laborious task in the age before mechanized excavation. However, Tii Kooman, *Kabiten* of Adjoema Kondee, a now heavily mined village some 12 miles east of Moengo, states that the Maroon assistance to the fledgling mine was even more critical than clearing brush; Maroon familiarity with what was at the time a very remote area of the country helped Alcoa orient themselves on the land. Tii Kooman identifies one Maroon guide in particular, Da Apa Ingii, as the person who helped Alcoa locate terrain they could not pinpoint on their maps. This period ended circa 1922 when Alcoa built a railway to transport the ore. Besides cutting through the jungle undergrowth for the rail lines, the Maroons were also hired on a contract basis to cut wood for the railroad ties and other equipment. It was at this point that Maroons were hired as miners. Da Simo Akoeba, the *Basia* (village deputy head and keeper of oral histories) of Peto Ondoo, adds that in the first two periods the Maroons were also hired to cut wood for and build *tasi*, huts in which Alcoa housed its workers. These two periods are both categorized in Okanisi, the language of the Ndyuka Maroons, as the *Ameekan Juu*, literally the "American hours."[88] The third period, beginning at the end of the Second World War and continuing into the present, is marked by Maroons being hired on a permanent basis for a greater diversity of positions within the Moengo mining community, although the growing possibility of waged labor for Maroons would have still been constrained by the racial hierarchies and segregation in place until the 1970s.

[88] Note that in 1938 (Alcoa in Suriname, 2015) Alcoa built another mine to support its operations. Paranam, on the Suriname River 17 miles south by southeast of the capital Paramaribo, would be the future site of the peripheral world's first aluminum smelter in 1965, the crowning achievement of the Brokopondo Project. However, there is no evidence that Maroons played a significant role in the development of the Paranam site.

Working for Alcoa was certainly not without its advantages. Indeed, Hoefte and de Koning (ibid., 23) describe how aluminum industry workers were considered a labor aristocracy, given their unprecedented high pay relative to local standards, unionization, and benefits. Residents of Moengo were provided advanced sanitation and medical infrastructure (ibid., 116), inexpensive housing with free water and electricity, loans to workers who wanted to build their own houses, access to a company store and dedicated company dairy and vegetable farm, and educational scholarships for the family members of workers (ibid., 125-126). This last part was particularly significant for the social development of Maroons who found employment with Alcoa, a group systematically denied educational opportunities and the accompanying social advancement. The *Kabiten* of Peto Ondoo himself, Da Baja, worked for Alcoa for 28 years as did many in his village, and a Maroon student from Moengo interviewed during my field research, indicated that for as much pain as Alcoa has caused her community in the form of environmental destruction, if it were not for her father's employment she would never have been able to pursue her academic career. This was a common theme among Maroon professionals I interviewed in Suriname and speaks to the dominance and centrality of Alcoa as the largest and often sole industrial employer for much Suriname's history since 1916. From the period of 1957-1974, bauxite extraction accounted for a steady one-third of Suriname's GDP, rising from yearly output of 3.5 million metric tons of ore in 1957 to 4.4 million metric tons in 1966, when the processing of bauxite into alumina and aluminum began, to a historic peak of 7.0 million metric tons in 1974 (Centrale Bank van Suriname 2014, 19). Even with the gradual decline of production beginning in 1975, the year of Suriname's independence, bauxite still accounted for over 80% of export earnings in 1980.

The contention for Maroons in being employed by Alcoa is an old one, as are tensions between them and the Creoles. Da Simo Akoeba describes how in the first period, although largely shut out from employment at Alcoa, the Maroons did not relish such employment anyway, considering it a form of enslavement, a position reminiscent of the Maroon rejection of Dutch projects to bring them into waged labor described earlier in this chapter. They preferred managing their own labor and setting their own schedule, rather than the routinized work demanded in the mines, and the remuneration of cutting wood on contract was perceived as more lucrative than waged labor. However, this advantaged diminished when, as Da Simo Akoeba accused, the Creole middlemen cheated the Maroons from a just share of the timber sales, thus making work in the mines more appealing if only for the steadier and more predictable income.

The environmental externalities of the extractive node of the aluminum GCC are manifold. Open pit mining, also known as strip-mining, is the preferred method for extracting bauxite as the ore is almost always found near the surface of the soil. This method of mining entails the digging up and discarding of all surface biota and soil above the ore deposits (JEAN 2007). Decades of mining near Moengo have turned significant tracts of the once lushly forested landscape into a virtual moonscape, with mining activity taking place twenty-four hours a day, seven days a week (Kambel and MacKay 1999, 103). By 1991, three Alcoa mining concessions

had encroached on Adjoema Kondee (Kambel and MacKay 1999, 103). Alcoa moved to relocate the village without any consultation or negotiation with the inhabitants, and although the Maroons initially resisted this move, they eventually acquiesced when the depth of ruination done to their land became apparent (ibid.). The desperate villagers petitioned the government stating:

> Our agricultural plots and houses have been destroyed, without any compensation; our river has been polluted so badly we can no longer use it … health problems have occurred from villagers using the river water; use of dynamite by the company causes noise pollution and has contributed to the loss of game animals we use for food; and, destruction of the forest and pollution of the river has also substantially limited our ability to hunt and fish on our lands (ibid.).

Observations and interviews conducted in Adjoema Kondee confirm the extent of damage persisting in 2014. The most significant impact on the terrain of the village has been a 4.5-meter-high excavation bisecting the heart of the village. The inhabitants bitterly complained of being blatantly tricked and lied to by Alcoa about the ramifications and extent of mining. *Kabiten* Tii Kooman explained that every farm in the village was eventually destroyed, and the water is so contaminated with bauxite residue that it is no longer fit to bathe in, let alone fish. However, from the case discussed in the previous chapter, to the extent that Tii Kooman signed a contract with Alcoa, Martin Misiedjan, himself a Saamaka Maroon, Presidential Commissioner on Land Rights for the Republic of Suriname, claims there was little the government could do to alleviate Adjoema Kondee's situation. The *Kabiten*, on the other hand, states emphatically that he was tricked and coerced by the company and that the government should therefore intervene:

> Suralco [Alcoa] came and mined but never did anything for the people… What they could do in one year they haven't even done half of it in three years. They were going to do seven things for the people: build houses, water, toilet, agriculture, build a market place, and cattle breeding. They put some taps in the village but water never ran out of them and it's been 3 years now… All the farms were destroyed due to the mining activities and we can't take a bath in the water because it's dirty… Now there is not even ground left for us to plant and cut our farms… If we take Suralco to the court it could help, but we don't know how to do that.

Figure 4.1 Former Open-Pit Mine in Central Adjoema Kondee/Suralco-built Community Center

Figure 4.2 A Typical Open-Pit Mining Tract. Moengo Region Near Adjoema Kondee

Alumina Refinement

Moving up Alcoa's aluminum GCC, the next node of production is alumina refinement. Conducted in the United States as well as in Jamaica and Suriname, alumina refinement is currently the only link in the chain which spans the core and peripheral zones. The main input here is bauxite and chemical agents, of which caustic soda is most important given its function in extracting alumina minerals from ore. The four major stages of the Bayer process are digestion, clarification, precipitation, and calcination (Davis 1989, 97). It is during digestion that "red mud," a combination of caustic soda and mineral impurities, is created, to be separated out from the bauxite slurry during clarification (ibid., 98-99). Red mud is a dangerous chemical byproduct of bauxite refining, yet in Jamaica, from 1952 to 1990, 200 million metric tons of caustic red mud, along with 50 million metric tons of solid bauxite waste, have been released into the ecosystem (Girvan 1991, xv). A US Army Corps of Engineers survey in 2001 indicates that red mud lakes,[89] containing high levels of sodium, hydroxide, and iron oxides, are ponded "with no consideration of the environmental effects," leaving the effluent "free to seep into the subsurface, or to mix with precipitation, creating caustic ponds" (USACE 2001, 22). The production of one metric ton on alumina creates about one ton of red mud waste, and with Jamaica producing almost 9 million tons of alumina between 2009 and 2013 (USGS, 2013), the US Army Corps of Engineers (ibid.) concludes that "[t]he land mass cannot accommodate this high volume of waste." Similar red mud ponds exist next to the alumina refinery in Paranam, Suriname.

In terms of the impact of alumina production on health, consider the high prevalence of hypertension and cardiovascular disease in Jamaica's population is often blamed on diet, obesity or genetics (McBride 2009, 263). McBride (ibid.) raises the compelling question of to what extent red mud (with its contents of lead, arsenic, cadmium and mercury) is actually associated with these health problems. Unfortunately, this is a very under-researched topic requiring more investigation, and any causation between red mud the statistically high rates of hypertension and cardiovascular disease in Jamaica's population can only be considered speculative at this point.

Aluminum Smelting

The next node on the aluminum GCC chain is alumina smelting where the profit margin for aluminum products begins to significantly increase. Although Alcoa operated an aluminum smelter in Suriname from 1964, the first such smelter outside the core nations, it was mothballed in 1999 (Alcoa 2015a).[90] Alcoa's smelters are now almost exclusively located in the industrialized core countries of North America, Europe and in Australia, with the exception of

[89]The largest of which is the approximately 303 acre WINDALCO Residual Lake, 0.5mi north of Mandeville, Jamaica's sixth largest city. It is clearly visible from the A2 highway, one of the country's main thoroughfares, which makes up part of the lake's southern shore.

[90] Thus, from 1965 to 1999 Suriname once had infrastructure for three of the four fundamental production chains of the aluminum production GCC, a remarkable feat for a nation that was still a colony for the first decade of the smelter's operation.

Brazil which has two smelters. The primary input for the smelting is alumina and massive amounts of electricity.

Suriname's smelter, located alongside the Suriname River in Paranam, just south of the capital Paramaribo, was a major outcome of the Brokopondo Project. The Brokopondo Project was an expansion of the aluminum industry creates as part of a 10-year development plan formulated for Suriname in 1952 by the International Bank for Reconstruction and Development (IBRD), now known as the World Bank. The project ultimately became a partnership between Suriname's colonial government and Alcoa, which in the process changed the name of its Surinamese branch from the *Surinaamsche Bauxite Maatschappij*, to the Suriname Aluminum Company, or Suralco (Alcoa 2013). In order to provide the large and consistent supply of electricity for the smelter, the project entailed the construction of a hydroelectric dam (Suriname-Suralco 1959, 15). Toward that end, the government of Suriname and Suralco began construction of the Afobaka Dam on the Suriname River in 1960 (Lier 1971a, 414). The dam embankment was closed on February 1st, 1964, and the water began to rise (Walsh and Gannon 1967, 19). The importance of this project to the Dutch colonial metropole was illustrated by the attendance of the Netherland's Queen Juliana at the dam's official opening day on October 9, 1965 (Alcoa 2015a). An over 600mi^2 size area was eventually flooded, which included half of the Saamaka's ancestral land (Kambel and MacKay 1999, 105). The IBRD (1952, 207) report which initiated the project, however, made scant mention of the Maroons living in the area that would be flooded, the heartland of the Saamaka, other than to say their numbers were relatively small. Alcoa (Alcoa 2013) itself, the company that became the partner for the project, considered the region designated for submersion to be a virtual *terra nullius*, although the text of the Brokopondo Agreement (Suriname-Suralco 1952, 31) acknowledges that the Maroon inhabitants of the land to be submerged would be displaced though transmigration. 43 villages were inundated and 6,000 Saamakas (about one fifth the entire Maroon population in the 1960s) were relocated to transmigration villages built by Suralco (Walsh and Gannon 1967, 26). The concern of some environmental activists of color that the mainstream wilderness-inspired environmental movement cares more about endangered species than racialized communities (Di Chiro 1996, 311) was brought to life when international media attention and outcry that many animal were at risk of drowning spurred the Society for the Prevention of Cruelty to Animals and the International Society for the Protection of Animals to mount a massive and expensive rescue operation for the animals of Brokopondo (Walsh and Gannon 1967, 19-20). No attention whatsoever, let alone aid, was given to the Saamaka Maroons from either the news media or international animal welfare organizations (Price 1976, 57).

The conditions in the transmigration villages were appalling and completely alien to the Maroons. The Saamaka traditionally built their villages on the banks of the rivers they relied on for food, water, washing and transportation (Walsh and Gannon 1967, 51). The largest of the transmigration villages is Brownsweg on the shore of the Brokopondo reservoir, a stagnant and fetid body of water completely useless to the Maroons (ibid.) despite promises from the IBRD

and the government that it would be a source of wealth and opportunity (IBRD 1952, 12). To add insult to injury the Maroons only received "USD$3.00 [each] in compensation for their loss and … were not provided with secure land rights in their new areas" (Kambel and MacKay 1999, 105).[91] Furthermore, the dislocation and loss of traditional lands caused by the dam led to high unemployment among the Maroons (Dew 1978, 148). Many opted to move to Paramaribo, thus disrupting social and demographic balances there (Hoefte 2013, 97). Frequent conflict between the displaced Maroons and the authorities was reported up until 1966 and delegations were regularly sent to the capital city of Paramaribo to make demands on the government (ibid., p.137). The attitudes of many urban Creoles made this a difficult task for the Maroons with Price (2011, 59-60) documenting at length the ethnic bigotry faced by the Maroons:

> [A]mong lower class Creoles, who have the most contact with Maroons … there is widespread denigration: as one scholar wrote, "deprecating stereotypes are widely foisted on Bush Negroes [Maroons] by urban Creoles." Or as another put it, "indigenous peoples and maroons… still are perceived by urban residents as a kind of remnants of the stone age who need to be 'developed' or brought into the modern era." Among the elite of Paramaribo, including government officials, the downward-tilted continuum seems to run from a highly paternalistic (br)othering (there but for the grace of education and bourgeois upbringing go I, your dark-skinned city brother) to deep disdain (for the brutish, dirty, and uncivilized) … [A visiting doctor from French Guiana] described to me his shock, during a medical inspection he and a team of specialists had made to monitor the medical situation in Paramaribo, at the "utter disdain" shown by urban, educated Surinamers—including physicians and public health officials—for Maroons. "They see them," he said, "as the lowest of the low, as hardly human."

For the Saamaka Maroons, the dam represented a massive disruption of their traditional socio-economic order and, in their vulnerability, exposed them to the virulent ethnic hierarchies arrayed against them.

Commodity Manufacturing

The final stage of the aluminum GCC is the fashioning of primary aluminum metal into commodities and components. The main inputs are aluminum ingot and the tools, processes and technical knowledge with which to fashion the primary metal into desired commodities. The highest profit stage of Alcoa's GCC, such manufacturing has never occurred in Jamaica or Suriname, but in the contemporary arrangement of the capitalist world-system, this node is increasingly being found in the semi-periphery of the BRICS[92] nations and Eastern Europe and in some peripheral nations (Alcoa 2015).

[91] However, Saamaka paramount leader *Gaanman* Agbagó claims the Maroons were not paid anything at all (Price 2011, 34).
[92] Brazil, Russia, India, China, South Africa.

The Ndyuka Maroons: Survival Through *State Entryism*

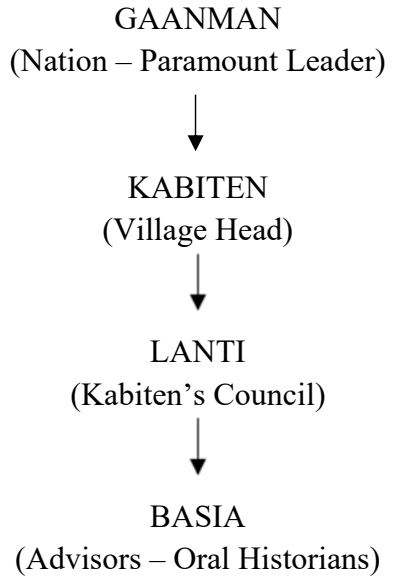
As elaborated earlier in this chapter, the Surinamese Maroons emerged out of a similar historical context as their Jamaican counterparts. Although successfully resistant to 19th and early 20th century Dutch attempts to undermine their autonomy, the 1916 arrival of the aluminum industry in eastern Suriname undermined the territorial integrity of the Maroon polity. As the political situation changed for the Surinamese Maroons they, like their Jamaican counterparts, needed to adapt to shifting national social dynamics, made more dangerous by the increasingly high stakes of resource extraction. The socio-political outcomes for the Jamaican and Surinamese Maroon polities under investigation, while still in play in both countries, would prove remarkably different. Whereas the threat of mining has been the latest accelerant for Accompong's drive to sovereignty, as described in Chapter 3, the lived experience of almost 100 years of mining and a civil war in the 1980s has shifted the Ndyuka political trajectory toward a strategy of *state entryism*.

Like their Jamaican counterparts, the Ndyuka social and governance structures date back to the military struggles for freedom against the master-enslavers with similar treaty outcomes (Groot 1986). Indeed, an Ndyuka village head is called a *Kabiten* in Okanisi, the Ndyuka language, derived from *kapitein*, the Dutch word for captain, paralleling the military ranks earned by Accompong officials (Colonel, Captain, Lieutenant). Demographically, however, the Maroons of Suriname represent a substantially higher portion of the national population than the Maroons of Jamaica. The 2012 Surinamese census enumerated a population of 117,567 Maroons, or 21.7% of the population, the second largest ethnic group in the country after the Indo-Surinamers (Hindustani). While the Surinamese census does not further disaggregate the Maroon population by group, Price's (2002, 82) early-21st century figures estimate the Ndyuka population as 50,500 spread across a vast area of eastern Suriname. In Jamaica, although the figures are far less quantifiable, roughly 1,000 people live in Accompong proper, the largest settlement, with perhaps another 2,000 Maroons in the three other official Maroon villages means the four villages. Out of a Jamaican population of 2.7 million, this accounts for only 0.1% of the national population, although this infinitesimal Maroon population ratio is somewhat illusory given many other Jamaican Maroons living across the island and internationally. Again, since Jamaican Maroons are not specifically enumerated in the island's census, their precise number is difficult to determine.

Given such a relatively large nation and physically dispersed community, the Ndyuka have a paramount chief with authority over the entire nation, the *Gaanman* (Pakosie 1996, 263). There are also *Ede Kabiteni*, or Head Captains who represent the *Gaanman* in an entire region. On the village level, the *Kabiten* is leader, followed by his *Lanti* (council of advisors) and the *Basias*, who serve as advisors. Urmie Ifna Vrede, a Saamaka Maroon who was the Permanent Secretary of the Ministry of Regional Development at the time of my field research in 2014, discusses the historical context and functioning of Maroon governance as follows:

> The maroon communities have been established after the slavery period. To organize them there is a leadership structure. So, there is someone to talk to, someone who can take can take care of things, someone who can guide the people but also someone to be in contact with the local [branches of the national] government. So, the *Kabiten* is the head of every village and the *Basias* are his assistants. The *Kabiten* needs to know what the governments wants from the people of the village but also what the people expect from the government. At the head of every tribe there is a *Gaanman*.

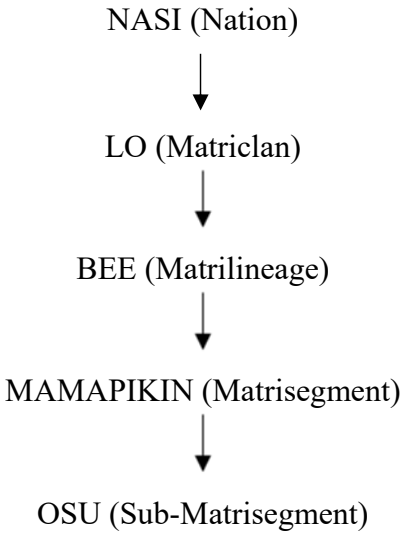
Figure 4.3 Ndyuka Maroon Traditional Governance Structure



As well as the administration of the village, the *Basias* play an important role in the collective memory of the community as the holders of the oral histories. In Peto Ondoo, one of the two Ndyuka villages of the Moengo region of eastern Suriname where I conducted my field research, a *Basia*, Da Simo Akoeba, elaborated on his role in Ndyuka governance:

> One becomes a *Basia* when the *Kabiten* looks at you and chooses you. In a village, there is one *Kabiten*, two male *Basias* and two female *Basias*. Two of the *Basias*, one male and one female, must be [from] a *Bee* [matrilineage] of the village or one who came to live in the village as an in-law. In a *Bee,* there are different families. So earlier, when a *Basia* died, the next *Basia* must be from another family of the bee … Before [the council] has a meeting, they call for the elders and the *Kabiten* through a *Basia*. For major issues, the *Kabiten* comes to help solve it, but for minor issues he just allows the elders to solve the problem themselves. There is a special house where they go to make their decisions, but [the *Gaanman*] is another one where they go when higher authorities come to them.

Figure 4.4 The Kinship Structure of Ndyuka Society



Source: Pakosie, André R. M. 1996. "Maroon Leadership and the Surinamese State (1760–1990)." *The Journal of Legal Pluralism and Unofficial Law* 28(37-38):263-277.

Similar to Accompong, the Ndyuka villages operate on a principle of collective leadership, and while both communities view this governance ethos as a continuation from the early histories of their nations, the Ndyuka have not codified their system into constitutional form. Nonetheless, André R. M. Pakosie (1996, 269-70), an Ndyuka oral historian and *Kabiten* of the Ndyuka diasporic node in the Netherlands, describes the communities of his society as "village republics":

> A nineteenth-century *Ndyuka* village was virtually an independent republic. Most of its older citizens had a say in village politics. The elders, men and women, particularly women with many children, and the spirit mediums all could influence social life ... The daily affairs of the community were settled through lengthy palavers *(kuutu).* A strongly democratic and egalitarian atmosphere pervaded village life. Usually young people did not participate directly in village government. Most women were not prominent in public meetings, but they were heard behind the scenes … Co-operative and harmonious living, and practices of sharing among many kinsmen and affines [a relative by marriage], were believed to be essential for the survival of *Ndyuka* communities.

Indeed, anthropologists H.U.E. Thoden van Velzen and Wilhelmina van Wetering (2004, 22) describe Ndyuka society as "zealously egalitarian," identifying no distinct social classes within the broader community. This is a major departure from Accompong where, as discussed in the previous chapter, income is a significant cleavage in the polity. My observations of the Ndyuka villages of Peto Ondoo and Adjoema Kondee lends credence to a weaker expression of Thoden van Velzen and Wetering's (ibid.) assessments where, while certainly not leveled

entirely, the outward manifestations of class stratification were largely absent.[93] Another large distinction between the social structures of Accompong and the Ndyuka communities is made apparent by Da Simo Akoeba and Pakosie's descriptions of kinship and its role in governance. The Ndyuka inhabit a world of tightly demarcated kinship rules determining, at least in part, one's ability to hold specific roles in the leadership structure. In Accompong, while similar patterns of familial clan linkages did once exist, Bilby (2005, 437n12) suggests that they have almost died out, existing only as "traces" in the community. Besson (1997, 314) still found such a system resonating in Accompong mainly through stereotypes of speech and phenotype to denote Coromantee or Congo descent.[94] Typical Maroon discourse observed during my field work about the diverse descent of the community indicate that such ethnic affiliations were also viewed as dispositional, with those of apparent Congo descent being more traditional and "militant," though nothing of the consistency and specificity of Ndyuka matrilineality seems to have existed in Accompong for a long time, if ever.

The importance placed on kinship in Ndyuka communities is closely linked to the religiosity of the community (Pakosie 1996; Thoden van Velzen and Wetering 2004). Although this will be explained in more depth below, especially in terms of how Ndyuka Maroon cosmology relates to environmental praxis, suffice it to say that Ndyuka traditional social practice is marked by a collective navigation of a highly complex constellation of magic, divination, oracles, possession, and the ubiquitous presence of the living sprits of their ancestors and deified formations of the natural world. Indeed, Pakosie (1996, 263) describes that the ultimate function of the different branches of the Ndyuka government is to jointly share "responsibility for a good relationship between human and the world of gods and spirits." Contrast this with the increasing, and now legally bound, secularization of Maroon governance in Accompong, although Jamaican Maroon intimate culture also contains a spiritually grounded cosmology rooted in the legend and lore of the *first-time* Maroons, as described in the following section.

Even late 20th century social transformations in Ndyuka society reveal the inextricable convergence of Maroon religious priorities and social concerns. In 1972, a prophetic movement took hold in Ndyuka society triggering revolutionary changes to the social structure of the Maroon polity. A shaman named Akalali claimed to be possessed by the spirit of one of the most powerful deities in the Ndyuka pantheon (Thoden van Velzen and Wetering 2004, 141). Vowing the cast out evil and corruption in the society, Akalali and his followers challenged one of the most powerful religious institutions in Maroon Suriname, the *Gaan Tata* priesthood, keepers of the oracle which uncovers witchcraft. Witchcraft was, and to a large extent still remains, a significant social concern among the Ndyuka (ibid., 3). Yet, by the 1970s, the *Gaan Tata* became

[93] The house of the *Kabiten* of Adjoema Kondee was significantly larger than the other dwelling seen in the village, although the house may serve communal functions justifying its size.
[94] The Ashanti (Asante) make up the third African ethnicity thought to have originally populated the Leeward Maroons alongside the Congo and Coromantee. Each ethnicity has its own traditional burial plot in Accompong in or adjacent to Kindah Grove, although these plots are long disused.

widely perceived as corrupt and an economic burden on the society, compelling families to pay for expensive rituals and even confiscating the inheritances of individuals posthumously deemed to be witches (ibid., 198). As such, when Akalali shut down the oracle and redistributed the wealth in goods that had amassed there, while simultaneously simplifying the witch hunts and providing a means for living individuals to be redeemed on the spot, the community was euphoric (ibid., 203). However, the other main function of Maroon governance was to have a negative impact on this revolution and eventually draw it to a close.

As Permanent Secretary Vrede discussed above, the *Kabiteni* must be in contact with the Surinamese government as a liaison between them and their people. However, such contact can come with undue influence. In the political ferment leading up to independence in 1975 the head of the soon-to-be deposed *Gaan Tata* priesthood openly aligned with the ethnic Creole *Nationale Partij Suriname* (NPS), the driving force behind independence. This was done in exchange for political favors to the high priest, but was a highly unpopular move in Ndyuka society where the locus of decision-making is supposed to be the *Lanti* (traditional councils), not distant political interests (ibid., 190). This stood as one more mark that would facilitate the fall of the *Gaan Tata* priesthood. Yet, once Akalali ascended to power, he was in turn courted by the *Verenigde Hindoestaansepartij Suriname* (VHS) an ethnic Indo-Surinamese party who opposed independence and were the main rivals of the NPS (ibid., 219). Akalali's increasing affiliation with the VHS earned him the enmity of the ascendant NPS, who, fresh from their victorious 1975 independence campaign and now the country's first independent government, set about undermining his already precarious position.[95] So far, the Accompong Maroons have been able to resist such direct interference from Jamaican political parties.

These events exemplify the critical role internal dynamics have played in modern Maroon social transformation, and unlike in Accompong, there is little evidence of the diasporic nodes playing major role in the aforementioned historical events. Although the diasporic flows of the Ndyuka diaspora appear to be more financial and generative of intellectual production (as with the example of Pakosie himself being made *Kabiten* of the nation's Dutch diasporic node), government intervention has played a far more decisive role in Ndyuka politics than with their Jamaican contemporaries. Indeed, the February 25th, 1980 coup in Suriname, and the subsequent civil war (1986-1992) between the military government and Maroon communities (particularly the Ndyuka), would have such devastating consequences that, in the words of Price (1999, 3-4) "[it brought] back to life many of the horrors of the 18th century colonial struggles." All Ndyuka respondents in this research attested that the martial regime, the internal and international displacement, looting, physical destruction of villages, and massacres left deep traumas in the Ndyuka community. Ironically, however, the military coup was initially greeted with jubilation in Suriname.

[95] By 1975 Akalali's witch-hunting practices were widely perceived as failures in the community, which was ultimately the fatal blow to his power (Thoden van Velzen and Wetering 2004, 219).

The economic and political failure of Dutch-Surinamese development cooperation leading up to and following national independence in 1975 (Buddingh' 2001, 83), along with ethnic polarization and frustration with oligarchical politics, contributed to the discontent upon which coup leader Master Sergeant Desi Bouterse's government initially thrived. Indeed, the 1980 parliamentary New Year address displayed a surprising candor about the malaise gripping the nation:

> Looking back at 1979, we have to admit that it has not been the year that brought us closer in national unity; it was not the year in which…the new Surinamer finally emerged. With all our hearts we had hoped that at the end of 1979 we could proudly say that production, devotion to duty, honesty, and love of country and people had risen. Alas, we have to record just the opposite: flight from Suriname, criminal assaults in the streets and even in the home, avoidance of work, and negativism in our development and conduct have been predominant (Dew 1994, 37).

It is little wonder, then, that one of Suriname's major newspapers, the *Vrije Stem*, greeted news of the coup with the headline "*EINDELIJK*!" (Finally!) (ibid., 45). As such, it seemed at first that the coup, though militant in its methods, offered the potential for a new direction in Surinamese politics (ibid.). Renewal of the political/administrative, socioeconomic, social, and educational orders was promised by Chin A. Sen, the civilian prime minister installed after the coup, and the *Nationale Militaire Raad* (NMR) - National Military Council, had taken to the street to hold televised meetings in the neighborhoods, villages, and factories of Suriname (ibid., 49-50). This process of popular participation was influenced by the Grenadian and Nicaraguan revolutionary experiences and was institutionalized in the form of *volkscomites* (people's committees). Although rooted in radical left-wing politics, even Prime Minister Chen, widely considered a moderate who would later break with Bouterse, understood their potential. As related by Edward M. Dew (ibid., 64), Chen saw the *volkscomites* as "'a new dimension to self-government' in this activity and urged local activists to go 'house-to-house in the neighborhoods to talk with the people about their problems and to look for their solutions.'" From 1981 until 1983 Suriname also aligned itself with Cuba, which in turn heavily involved itself in advising the military government (Meel 2001, 138-39). Although an intriguing experiment in grassroots democratization, which could have, given time, influenced the development trajectory of the country, the *volkscomites* were coopted and overshadowed by the inevitable authoritarian bent of the military government and the corruption therein. In a context of increasing labor disputes and national discontent at military violence, such as the December Murders of 1982 when 15 prominent critics of the government were tortured and killed (Dew 1994, 82-84), on January 9th, 1984, Bouterse forced the cabinet to resign. This ushered in a new technocratic government extinguishing any idealism upon which the coup initially cloaked itself (ibid., 96-97).

Within this national crisis, the Maroon civil war (or *Binnenlandse Oorlog* – Interior War – as it is known locally) begun under relatively minor pretexts. In the days leading up to and immediately following New Year in 1986, a small group of young, discontented Ndyuka

soldiers, led by Ronnie Brunswijk, robbed a bank and seized government property then absconded into Ndyuka territory (Thoden van Velzen and Wetering 2004, 240). The military response was fierce and involved collective reprisals against the Ndyuka population of the Cottica region, centered in Moengo (ibid.). Entire villages were surrounded by the army who would then displace the residents and loot their homes (ibid.), as the government initiated a deliberate attack against the very foundations of Ndyuka culture by desecrating and destroying shrines (Price 2011, 83). Indeed, a 1987 human rights report concluded that the campaign against the Maroons was tantamount to genocide (ibid.). Meanwhile, with his community reeling, Brunswijk was able to organize a guerrilla movement called the Jungle Commando, enlisting young Ndyuka men, as well as Saamaka and Paamaka, who launched their first successful attack on July 21st, 1986 (Thoden van Velzen and Wetering 2004, 240). By November, 1986, the Jungle Commando had swelled to 1,500 soldiers, representing a serious counter-force to the army (ibid.). The military's response was to increase their brutality.

On November 29th, 1986, the army surrounded the Maroon hamlet of Moiwana, some 6 miles southeast of Moengo (Price 2011, 84). With orders to raze the community to the ground, the soldiers systematically murdered anyone they found, which amounted to at least 39 unarmed Ndyuka civilians, including babies, pregnant women, and the elderly (ibid.; MacKay 2006). In December alone, observers reported that at least 244 Maroons in eastern Suriname had been killed, with at least 5 Ndyuka villages completely leveled using bombers, helicopter gunships, and bulldozers (ibid.). Panic gripped the entire Ndyuka nation as thousands fled to French Guiana or western Suriname (Thoden van Velzen and Wetering 2004, 240). In the face of such overwhelming repression, combat had largely subsided by 1989 as the Jungle Commando retreated deeper into the interior (ibid., 259). The withdrawal of the Jungle Commando from the Ndyuka population centers of the Cottica region would prove a pyrrhic victory for the military, however; under mounting domestic and international pressure, which escalated as news of the massacres spread, the military regime was forced to call national elections in 1987 (Hoefte 2014, 152-54). This opened the process for the 1992 constitutional provisions which finally removed the military from state control and purged the high command, including Commander-in-Chief Bouterse himself (ibid.).

By that point, thousands of Ndyuka Maroons had been living in refugee camps far away from their ancestral homes for six years (Price 2011, 91), the particular traumas will become evident in the following section describing the importance of a sustained connection to the land in Maroon cosmology. By 1992, Surinamese Maroon society, and the Ndyuka in particular, had experienced its most violent transformation since the days of enslavement, but one highly consequential outcome was that it forced the Maroons to integrate with Surinamese society as never before, producing a shift in traditional gender hierarchies. Vrede, a living witness to that historical period, describes the impact on Maroon society:

> One of the consequences of the civil war is regression, families falling apart and hopelessness but still the migration took place and a lot of maroons occupied buildings

> and ground to build their houses in Paramaribo [the capital city of Suriname] … People spread everywhere during the civil war. Some moved to Paramaribo, some moved to [neighboring] French Guiana. Although the civil war was a bad thing it helped the Maroons integrate more in society. They had to learn to survive and the government was not helping, so they decided to go where the government is and make something of their life.

In essence, the civil war sparked a reckoning in Ndyuka society. My main research gatekeeper in Moengo, a survivor of the war, described it as the terrible feeling of being all alone in the world. As the army moved in and committed atrocities,[96] no one in the world came to help them, and indeed, even the spirit world appeared to have abandoned them. Falling back on the Ndyuka cultural trope of "never again," a sentiment passed down from the horrors of enslavement (ibid., 273), once the din of war subsided and civilian government returned to Suriname in 1991, the Ndyuka refugees set about entering civil society and placing their own claim to Surinamese society. A pivotal aspect of this transformation was the founding of a Maroon political party, the Maroon Unity Party, in 1973 by Maroon activists disaffected by the NPS. Re-founded as the *Broederschap en Eenheid in de Politiek Partij* (Brotherhood and Unity in Politics Party - BEP) in the waning days of the military dictatorship in 1987, Patricia Meulenhof, a board member of the BEP and representative of the Marowijne District at the time of field research in 2014, describes the evolution of the party and the impact of the post-war Ndyuka integrationism:

> In the 1940's and 1950's all political parties were ethnic. For example, there was a Creole party, a Hindustani party, etc. The BEP also started as an ethnic organization who was a party for the Maroons. The first ideology of the party was to stand up for people in the interior and the lower class. In 2005, the BEP reached a coalition for the first time [with the] other Maroon parties. In 2005, they came together which meant more representatives in the [National] Assembly and also more support from the people. The people in the interior didn't believe in politics. They saw it as an instrument to fool the people because of earlier experiences with other political parties. Most of the people were member of the NPS who promised them a lot but never did anything for them. So, the Maroons decided to start their own political party and get the support of the people, because they knew and understood the people.
>
> I am from the Ndyuka tribe. As a student, I worked at the ministry of Regional Development, that's how I came in contact with politics. NDP [*Nationale Democratische Partij* – National Democratic Party] was the leading party after the NPS. I saw that there was not a clear vision and strategy about the development of the interior and that caused

[96] The most infamous massacre was on November 29th, 1986, in the Ndyuka village of Moiwana near Moengo. At least 39 people were slaughtered in a military incursion (MacKay 2006, 7).

many problems. When the Maroon parties came together I saw the power of politics for the people so I decided to enter and help develop the interior and the people.

Figure 4.5 Monument to the Victims of the Moiwana Massacre, Suriname

During the elections of 2010 the two Maroon parties, the BEP and the *Algemene Bevrijdings- en Ontwikkelingspartij* (General Liberation and Development Party - ABOP) were able to form an electoral coalition together and hold the balance of power in parliament. Through negotiations with the NDP the Maroon parties were able to become junior partners of the NDP minority government. Although a member of the parliament for the NDP at the time of field research, rather than a Maroon political party, Saamaka Maroon environmental activist Hugo Jabini concurs with Meulenhof on the importance of having Maroons in office:

> Now [2014] there are 13 Maroon members in parliament. One of the first points on the agreement to form the government together [in coalition with the Maroon parties] was the recognition of the land rights of the Maroons and the indigenous people. This is placed high on the agenda of the government and the Ministry of Regional Development has this as priority.

Currently, the most important Maroon political concern is the issue of land rights. As Meulenhof explains, "most of the maroon people begin with politics because of the land rights issues." But the rise of Maroon political parties has also represented a milestone for Maroon women. The gender hierarchies in the Ndyuka social order manifest in the realm of traditional politics Meulenhof explains that all formal decision making was invested in the men of each Ndyuka community, although she stresses that there was a consultancy mechanism for women, especially elders: "[Women] don't make the decisions but the men have to go to the mothers [and] grandmothers to say what they want to do so it's a big power for the women." Pakosie (1996, 269) adds that a woman's say increases with the number of children she has, but this means that a woman's power is directly tied to her matrimonial relations. Echoing Sally Price's (1983, 461) analysis of Saamaka gender subjugation, natalism, like matrilineality, should not be confused with matriarchy. Indeed, among the Saamaka, Price (1983) found the means of production, including the socially important production of arts, to be dominated by men. Social power further concentrated in their hands through polygamous marriages, the common stigmatization of female widowers and childless women, and the socially enforced seclusion of women during their menstrual cycles (ibid.).

As discussed by my research respondents, in the face of these deep gender asymmetries, the Maroon exodus to the city during and after the civil war, the concomitant educational opportunities, and their increasing involvement in Surinamese civil society all contributed to Ndyuka women being able to access greater political power than was afforded them in traditional society, at least in the national context. This in turn is having a reverberated impact back on Maroon village level politics, exemplified by the case of my own field work gatekeeper, a refugee from the civil war, who was able to achieve high educational accomplishments in the city and now wields influence both in Maroon party politics and village governance (though still unofficially in the latter case). Furthermore, two of my other main respondents into the internal workings of Maroon party politics were women with similar stories. Reflecting on the gendered outcomes of the civil war migrations, Vrede concluded, "Maroons and indigenous people had

better opportunities to reach the city and have their children educated. So, those who could afford to stay in the city stayed and educated their children. Many maroon children reached university (mostly girls)."

With women playing a decisive role in Maroon party politics, Maroon *state entryism* has opened the field for collective political demands to be advocated and fought for on the terrain the national state. Yet the dual governance structure between traditional chiefs and Maroon politicians is not without its friction. Pakosie (1996, 274) identified a critical weakness in Ndyuka dual governance where upwards of 90% of the *Kabiteni,* and even the *Gaanman,* are uneducated and unable to evaluate national affairs. Meulenhof concurs that this as a major difficulty, particularly when it comes to addressing issues of resource extraction, where "the *Kabiteni* are not educated and can't write so they just signed papers with the government [permitting resource extraction]." Although Meulenhof identifies the Maroon parties as an important corrective to this, "now there are young educated maroons who can say that it's not the way," problems and misunderstandings between the parties and the traditional governments persist.

Consider the case of bauxite mining in Adjoema Kondee, a topic explored in more depth in the following chapter. *Kabiten* Tii Kooman states that the mining company, Suralco, deceived him into granting them mining rights, resulting in devastating ecological costs to the community with little benefit to show for it. He believes that the government, especially if it now purports to represent the Maroons, should intervene and settle this matter so Adjoema Kondee can get its just compensation. Yet Martin Misiedjan, Presidential Commissioner on Land Rights for the Republic of Suriname, a Saamaka and perhaps one of the most powerful Maroons in the country, responds that *Kabiten* Kooman's requests are not so simple. In a state established on laws and market principles, Misiedjan explains, the government cannot unilaterally abrogate contracts. In this case, there is little to be done. This creates an interesting dilemma for Maroon dual governance where Maroon parties, in rising to political power, may be coopted or otherwise compelled into supporting the logic, worldview, and priorities of a capitalist state, thus putting them at odds with their own constituency and traditional co-leaders. It remains to be seen to what extent the Maroon traditional worldview and communal priorities will themselves impact the functions and structures of the state as more Maroons circulate the halls of the National Assembly in Paramaribo.

In the short term, however, Suriname's multi-party system has provided the Surinamese Maroons with an ability to represent themselves within the governance of the state, an option the Jamaican Maroons do not have with their county's two-party system, where both the People's National Party and Jamaican Labor Party hold a skeptical and, at times, obstructionist stance toward Maroon autonomy. Furthermore, in the Surinamese political arena, the Maroons have been able to use their demographic strength to great advantages in elections, although the Jamaican Maroons have been able to counterbalance their low numbers with de facto autonomous institutions and political rhetoric and rituals able to capture the attention of the

nation. Circumstances differ immensely, but each Maroon polity is playing to its strength: for the Ndyuka, it is their demographic strength translated into national political power when combined with their other Maroon allies; for Accompong, it is the fait accompli of a state apparatus functional enough to govern the community without national state involvement combined with the psychological power of a momentous victory over enslavement which still resonate on the island. However, although divergent in political strategy, both Accompong and the Ndyuka are still guided by a distinctly Maroon environmental cosmology, which continues to guide their collective political decisions.

Maroon Preservationism

In facing the ecological crises unfolding on their lands, the Maroons draw from a wellspring of environmental knowledge derived from their own historical lived experiences in the territories they have traditionally inhabited. The Maroons harness within the contours of their social order and spiritual cosmology an approach to the environment bridging a preservationist ethos with an explicit politics of human-environment inseparability. Indeed, it is within their oral histories that Maroon environmental consciousness is encoded, as revealed through a cosmology in which the world is made up of the inextricable intertwining of humans, the natural environment, and spiritual forces. The multitude of events that make up early Maroon history are all eternally connected to specific spaces according to Maroon cosmology. The interconnection between Maroon history and the natural environment, along with the specificity of the spatial markers, forms the basis of Maroon preservationism. They practice politics of environmental protection grounded in ancestral connection to the land, communal dependency on their habitat for subsistence, and aspirations for sustainable development yielding an increase in quality of life through the benefits of modernity without the ecological destruction common to capitalist development.

As previously discussed, the historical context of 21st century Maroon environmental struggle is grounded both in the rights the Maroons claim as autonomous polities and the development dynamics of resource extraction in their countries, often, though not always, through the expansion of the aluminum industry. Beginning with Suriname, where the conflict has flared up longer and with more intensity, Maroon responses to resource extraction took a more concerted and militant turn in the mid-1990s, even as the civil war shattered an isolated autonomy which had been maintained for centuries. The Forest People Programme, a non-governmental organization focussing on the rights of indigenous people living in forested environments, published an article in the radical environmental journal *Do or Die* (2003, 180-82), reporting that in March 1994 a group called the 'Surinamese Liberation Front' took 26 hostages at the Afobaka Dam, a hydroelectric dam built to power Suriname's aluminum smelter and other infrastructure, demanding that the licence of the nearby Rosebel goldmine, currently run by the Canadian mining corporation IAMGOLD, to be revoked. Although the identity of the hostage takers remained unclear, after the incident Saamaka Maroon villagers blockaded a road to the goldmine for five weeks, ultimately being dispersed by police violence (ibid.). The

development of the goldmine opened old wounds; Saamaka Maroons arrived in this area because of displacement from the Brokopondo Project, an aluminum development plan for which the Afobaka Dam was built in 1964, flooding half of the Saamaka's land (Kambel and MacKay 1999, 105). 6,000 Maroons either moved further south deeper into Saamaka territory along the Suriname River, or into transmigration villages near the dam. According to Saamaka Maroon environmental activist and former member of the National Assembly, Hugo Jabini, a total of "27 villages in the north had to move to the south." The fears of further displacement from the Rosebel gold mine would have been palpable and the choice of the Afobaka Dam as the target of the hostage-takers was a highly symbolic political act.

These disturbances were followed by events in August 1995 when the Maroon and indigenous Amerindian leadership held a *Gran Kuutu* (Great Gathering). Ramses Kajoeramari, *Kabiten* of Langamankondee, an indigenous Carib village, which combined with the neighboring Carib village of Christiaankondee forms part of the resort[97] of Galibi in the northeastern Surinamese Marowijne District, was at the *Gran Kuutu*. He described how tensions stemming from the civil war in the 1980s drove the Maroons and indigenous people apart, but how upon the war's conclusion, concerted efforts were made to restore unity:

> The Amerindians and the Maroons work together in different ways but since the civil wars they were divided. When the peace treaties of the Maroons and the Amerindians were signed [with the government in 1992] there was a *Gran Kuutu* in Asidonhopo… Before the civil war the Maroons and the Amerindians were like brothers. Amerindians went to Maroon villages and Maroons went to Amerindian villages. There was always a unity, but the civil war caused a separation. After the war, they decided to work together again. They asked the government to develop the communities and they already decided to form a group against the government.

The Forest People Programme (2003, 180-82), reported that the most significant outcome the *Gran Kuutu* was the declaration that "the Maroons and their indigenous allies … made a new declaration of autonomy for the interior, calling themselves the Supreme Authority with the sole power to accept or reject development projects in their region." Ultimately, the Inter-American Court of Human Rights would confirm the validity of Maroon and indigenous aspirations by ruling in 2007 that the Surinamese state has the duty not only to consult with the Maroons about large-scale development and investment projects that will have an impact on their territory, but also receive their free, prior and informed consent before any development begins (Doyle 2009, 52).

For their part, what is a lived reality for Surinamese Maroons is a looming threat to their Jamaican counterparts. With the destabilization of relations between the Accompong and the Jamaican state surrounding the possibility that bauxite-mining concessions in the Cockpit Country, this unique landscape has been a terrain of struggle for at least 350 years (Besson 2016,

[97] A Surinamese 'resort' is a sub-district municipal division.

31-56). In the 21st century it remains the major theatre of Maroon struggle in Jamaica and an ongoing a site of contention between Accompong and the Jamaican state over territorial rights, environmental conservation, and resource extraction, conflicts which are now the predominant issues for Accompong's autonomy and aspirational sovereignty in the 21st century (Besson 2005, 22; Williams 2008). Although as of the writing of this dissertation the mining has not commenced, tensions are such that the possibility of open conflict has been raised (Myers, January 4 2007). The emphatic opposition with which the Maroons approach the danger of unrestricted resource extraction in their territories is a reflection of how vital their landscapes are to their oral histories, spiritual doxa, and collective sense of self.

For the both Jamaican and Surinamese Maroons, their treaties stand as the sacred foundational and organizational documents of their communities and establishes their own social context within their rainforest ecosystems (Bilby 1997). The peace treaties formalized Maroon freedom and land tenure while establishing the details of Maroon-state relations. Richard Price's (ibid., 10) documentations of Surinamese Maroon oral histories indicate that during the wars against the system of enslavement, the *first-time* Maroons acquired vital ecological knowledge from the indigenous people they encountered as they fled to the interior and established themselves. Likewise, Jamaican Maroon oral histories also recount indigenous heritage, although while Surinamese Maroon and indigenous relations are relatively well-documented in the historical records, the very existence of an encounter in Jamaica is highly contested, although, as discussed in Chapter 2, there is a growing preponderance of evidence supporting Maroon claims of indigenous heritage.

Price's (ibid., 13) extensive ethnographic research among the Saamaka reveals a cosmology in which the world is made up of the inextricable intertwining of humans, the natural environment, and spiritual forces. As such, the many incidents that make up *first-time* Maroon history, the challenges of adapting to new terrains or the battles in which entities from the spirit world helped propel the warriors to victory, are all eternally connected to specific spaces according to Maroon cosmology. Consider the story of Saamaka Lángu-clan warrior Makambí, as recounted to Price (ibid.), who fought the whites and their indigenous allies in a fierce battle in 1753:

> Antamá's brother Makambí went off to fight at Victoria. He and Bákisipambo [another Lángu leader], Kwakú, and Kwadjaní [two leaders of the Nasí clan]. They had made camp at Gaán Paatí. It was near the railhead at Kabel. You pass Makambákiíki landing, before you get to Wátjibásu, on the east side, that's where Makambí and Bákisi and Kwakú lived. That's where they left to walk on the footpath to go fight at Victoria. After they had fought for a time, Kwakú and Bákisi called Makambí and said "Let's go, we're tuckered out." Makambí said "It's not time to be tuckered out yet." Three times they called him to leave. Three times he said no. So, they left him there to continue fighting. That's when the Indian hidden up in a tree shot him with an arrow! So, he took the arrow and yanked it out but his guts poured out too. He bent over and shoved his guts back in

> with his fingers. He left Victoria and went up it until he got to a stone called Tósu-gbéne-gbéne. When he got there, Kwakú and Bákisi were already resting at their camp at Gaán Paatí. Makambí couldn't go on, so he lay down on the stone. He began snoring there. The others heard him and went all the way to him. He died just as they arrived. They buried him there in a cave. That place had been Nasí-clan territory but it became Lángu's. And that's why it's called Makambíkiíki [Makambi Creek].

Similarly, Ndyuka Maroon oral histories possess a marked attention to detail in describing the spatial context of the foundational events in their history. Da Simo Akoeba, the *Basia* of Peto Ondoo describes the migration of the Ndyuka after the 1760 treaty and the circumstances surrounding the establishment of his village:

> When they fled from the plantations they settled in Ndyuka [an area of southeastern Suriname within the present-day region of Tapanahoni in the Sipaliwini District] and from there they came to Cottica [a former district of northeastern Suriname roughly coterminous with the watershed of the Cottica River] to work. They came to cut wood and after they sold it they moved back to Ndyuka. The name Cottica comes from [in Okanisi] *Ju Go Koti Kaa*. *Koti* literally means 'cut'. *Kaa* is the cracking sound the wood makes while cutting it. So, that's how the area is called Cottica. All the places alongside the Cottica River were plantations. The white men had plantations in this area and they gave them away to Maroons. For example, Ricanau creek belonged to a white man but he gave it to Gaang Dda Agidi who was one of the elders to sign the treaty [1760]. He was the leader of the Pinasi Lo [clan] and he established the village.

Da Simo Akoeba, continues, providing increasingly rich detail on the foundational events of his village:

> Whenever you go to a place like Cottica to live you must chase away the spirits of the runaway maroons. Gaang Dda Agidi [the *first-time* Maroon leader who helped facilitate the Ndyuka migration to the Cottica region] didn't do that, this was done by Gaang Dda Adjako, his sister's son. He had two wives, he took the first one and when they were about to enter the creek the spirits of the runaway maroons were in the water. They saw something on the water and the wife got scared so he took her back. The first wife was from the Misidjan Lo from Lebi Bee Puketi. After he brought the first wife back he took the second wife with him, she was from the Pataa Lo. When they reached the creek again they saw the things on the water, but the wife was not frightened at all. They went until they reached a place called Gaang Olo were the creek splits. When they reached there he thanked his wife for not being afraid and gave one side of the creek to her and her family and he kept the other side of the creek for his family and himself.
>
> After doing so Gaang Dda Adjako went back to Ndyuka, and when he came back he chased away the spirits together with Gaang Dda Ngojo who was from the Pataa Lo. So, the Pinasi and the Pataa were not living separate. This is how the Pinasi got the Ricanau

> creek. As for Gaang Dda Adjako, he did not settle in Ricanau, he settled in Madaasi. After that he moved to Lokisi and settled there also. After that he moved again and went to Adjoema Kondee. They stayed there for years but the land was low and flooded when it rained. Then a woman called Ma Foo died and there was no place to do the rituals. But before the woman died, Da Soigi from Adjoema Kondee had a farm in Peto Ondoo. So, when the woman died they took the dead body to the village, did the rituals and buried her there. That is how the people of Adjoema Kondee came to stay in Peto Ondoo.
>
> Peto Ondoo literally means 'under the Peto'. The Peto is a very big tree and is nowhere else to be found in Cottica. The village is actually under the tree. The seed of this tree is big and cannot be carried by birds so it only grows where human plant it. The seed of this tree was planted by indigenous people who were in this area for hunting. Some were in the area to fish. They took the seed from the Saramacca River where there are many Peto trees; they threw it here and it grew. So, when the people came to stay here they saw the tree and those who knew it told them the name of the tree and that's how they decided to name the village Peto Ondoo.

Such is the importance of the foundational events and *first-time* actors in Maroon culture, that the elders and traditional leaders I spoke to in the Ndyuka region of Moengo all began their discussions with me by describing the history of their communities, often in great detail, even if the conversation was about other topics. *Kabiten* Tii Kooman of Adjoema Kondee's retelling of his own community's founding is remarkably rich in detail:

> At first nobody stayed in this village. The people who came here came from Sipaliwini. Gaang Dda Adjoema was the first to come to the village that's why the village is named after him. He came together with Gaang Dda Asootiya and Gaang Dda Kwikwi. There weren't roads so they came through the Marowijne River, passed Galibi and through the Oranje Creek they came in Cottica. That's one of the ways to reach Cottica. The other way is through the Marowijne River, through Wane Creek and then Cottica. This was a shorter route.
>
> When the three men came, they were just going to cut a particular kind of wood. They were just passing by. Gaang Dda Adjoema was like the leader of the men. As they passed the area he wanted to relieve himself and when he went to do that he saw the wood they were looking for. When he came back he told the others that he saw the wood and that they would stay back and cut it and after that they would return. After some time, family members came and they stayed. That is how it became a village and it is one the oldest villages in Cottica. This village is from the Piika Lo. Da Bamkina was the first *Kabiten* of Adjoema Kondee; after his death, Da Kaamei became the *Kabiten* but he stayed at Langa Uku. During his time Suralco came to the village. Da Abisoina was the third *Kabiten* and he was the first maroon to make a *tasi osu* [maroon hut] in Moengo for the Americans. There were already people living in Moengo at this time. The person who brought the

> Americans to see Moengo was Da Apa Ingii because the Americans saw the area on the map but they didn't know exactly where it was. When Da Abisoina died Da Dofi became *Kabiten,* and after him I became *Kabiten*.

Note the interconnection between Maroon history and the natural environment, along with the specificity of the spatial markers. In relation to his own research, Price (ibid., 14) reminds us that "this kind of precise encoding of history in the Saamaka landscape—the knowledge that the land around this creek belongs to the Lángu clan because of the heroic death of one of its forefathers on a particular, named boulder there—is typical of the way Saamaka history is tied in with the territory granted them in the treaty of 1762."

Much the same territorial consciousness exists for the Jamaican Maroons. Note Windward Maroon Charles Aarons' recounting of the importance of Stony River to Maroon evasion tactics:

> When de Maroons were puzzling de British, that was another so glorious feat of de Maroons. De English, they went to Cuba to import bloodhound to catch de Maroons. But it was useless. They wouldn't have any success. Because immediately de dogs entered de woods, some way or de other, Maroon realize that that was what happen. Then dem no walk on de land anymore, (laughs under his breath) You understand. They walk in de water, follow up de Stony River, walk in de water. And therefore, de dogs couldn't tek dem scent. De dogs couldn't tek dem scent at all. A man know say, well, from de moment him ina de river, it give de dog a hard time. If you cross de river and go over, de dog will cross de river and go over and pick up back de trail. But as long as you no go over—you no go across de river—him can't find you. Straight up de river. (Bilby 2005, 138).

As an example of the community's awareness of the environmental impacts of the aluminum industry, an Accompong craftsman and tour guide described in great detail both the importance of the ecological integrity of the land to his people, and the stakes involved in mining:

> The land is the protector too! 'Cause the first Maroons … they were like nomads too. They didn't just live in one place. And they used all the bushes and all the herbs…to make their hut[98]… It's the same thing [practices that] we carried here with us [from Africa], to the bush. The same time table [customs], but…it's a lot of history and I can give you the reason why we should be left alone with the land, because that is the land that birthed our foreparents. And…they found all the food they could get in there…they kept the bush knowledge from Africa in this same place, the Cockpit Country. When you look at the whole village, or the whole of the Cockpit Country, you'll realize that we are

[98] "Science Huts" were an important institution in Maroon society, essentially a structure in which Maroon leaders would store and prepare herbs important for medicine and spiritual rites. They were sacred grounds and focal points of Maroon traditional religious practices and seen as seats of power for their leaders.

> the ones who know the heart of it. We are the ones who *dwelled* in the heart of it. We are the ones who grew up and came to know the heart of it. People [non-Maroon residents of the region] live right around and, still yet, they have never come through to the heart of it.
>
> So, we know we're the original owners, because everyone feared coming in there [the Cockpit Country], in the past, to see the Maroons. And, if you wanted to find the Maroons, that's where you had to go. So, it's the same thing [happening] right now - people trying to go up there to mess up the…the ecological system…the eco-system. And why? Because they're gonna put in a mud lake which I heard…you know, as a Maroon, I heard people come in and tell me – "Right now, I'm going to the bauxite factory to get some money, because I put up my house right there and now, I have asthma all because of the dust."
>
> When they [people] drive along the street going to Kingston - up there in Mandeville - when you look, you see a mud lake! A quarter-mile long![99] Of just caustic soda! Red like fire! If a bird drops into it, it just burns out. If a goat drops into it, it would just burn out.

Here, the respondent speaks of the importance of the Cockpit Country to Maroon history and cultural integrity, intertwined with reaffirmations of sovereignty over the land in a context of having witnessed ecological destruction elsewhere in Jamaica, themes that would come up again and again in my interviews and discussions in Accompong. The late Hansel Charles Reid, the ceremonial Abeng player of Accompong, identifies the threat of bauxite mining to the local wildlife, watershed, and soil:

> Yes, the environment of the forest. It [mining] kills out our young birds. It spoils the water environment. They pour out the soil until it becomes gravel, so farmers don't have any soil to do farming. So hunger will take over and we would become as though this place turned into the Sahara Desert.

Harris Cawley, former Colonel (village head) of Accompong, is emphatic in his opposition to the mining concession:

> No. We do not want people to come in to do mining in the Cockpit Country. These are sacred lands. These are lands that have been untouched, in many areas in the Cockpit Country, and the Cockpit Country serves as a breeding area for the whole island of Jamaica. That's where you find the greatest forest and other things that are living there – the fauna and the animal life, bird life and everything that is there. We would not like it to be disrupted.
>
> And if mining is supposed to be done there, the Maroons will have to be…have to give their consent, and also know what we are going to get out of these mining areas. If

[99] The WINDALCO residuals lake is now a mile long at its furthest extent.

> mining is to be done, it must be done without interference to the environment. We are protecting the environment and the other things that are there. They are precious to us.

Particularly striking is the awareness of the ecological uniqueness of the Cockpit Country. As well as the geomorphological distinctiveness of its limestone karst topography, the Cockpit Country is unique in its biodiversity. Indeed, the plant and animal life of the Cockpits represents one of the highest rates of endemism in the world, meaning species of plants and animals that are found nowhere else on the planet. Unsurprisingly, the region is sparking the interest of conservation biologists, who have been paying particular attention to the ferns, birds, reptiles, frogs and land snails of the area. As an anonymous respondent said, "We need to protect the habitat of our species and all of that. And if the mining continues, the birds and all of those things would be…we'd be destroying them. And we won't have the beauty of all of those things."

Given the centrality of the local ecologies to Maroon culture and history, within the context of the litigation brought before the Inter-American Court of Human Rights by the Saamaka Maroons in Suriname, Price (ibid., 121-22) argues that "'the destruction of the Saamaka's forest would mean the end of Saamaka culture,' and that without protective measures 'ethnocide—the destruction of a culture that is widely regarded as being one of the most creative and vibrant in the entire African diaspora—seems the most likely outcome.'" This was the essence of the argumentation supporting the Maroons in the Saramaka People *v.* Suriname litigation, for which Price was an expert witness for the Saamaka. Alarmingly, the problems stemming from the bauxite industry are grave in and of themselves, the Maroons are now also increasingly suffering under logging concessions being granted in their forests. As one Saamakan witness testified:

> We the Saramaka people cannot imagine causing damage to the land because we live there. This is our home. This is the place where we live. We have always been very careful about the environment. There is no way that we would stop-up a creek. This is where our children and grandchildren will live. It is the people from the city who are inviting the Chinese[100] to come, people who don't own the land, who don't live here, who have no concern for the future, for the ecological future of that land, and they are the ones, because it is not their land, who are causing all the damage. Saramakas could never even imagine dealing with land in anything like that fashion (ibid., 169).

Corroborating this narrative, Price (ibid., 187-88) himself testified to the court. Given his extensive research among the Saamaka he was considered an expert witness for the defense (ibid.):

[100] The Surinamese granted logging concessions to Chinese logging companies. Often, these concessions are protected by the Surinamese military (Price 2011:104)

> [T]he difference between the way that Saramakas have always engaged in logging and the way outside companies do it is like night and day. Saramakas cut several trees to make a raft. They go into the forest and find those trees that are commercially viable that they want to sell and that they know people want to buy and they cut ten or twelve or fourteen trees. What those outside companies, like Tacoba,[101] do in Saramaka territory is come in with heavy machinery, bulldozers, all kinds of heavy tractors. And they first of all build roads right across the creeks that Saramakas drink from. They block the creeks, they ruin the gardens. And they do what is called clear-cutting. They cut everything that is standing. They just bulldoze everything. So, they have absolutely no concern for the environment. When the Saramakas do anything in the forest, it is done with the utmost concern for their children who are there in the gardens, for their grandchildren, and for future generations. So, there is no relationship between what Saramakas have done for three hundred years in terms of logging and what these outside companies, which are commercial companies who are trying to make a profit, do … It's as if you went in and just bulldozed the church. All of the sacred places that are there are gone, they're destroyed. The Saramakas who live in a particular village know that that boulder there is the home of a certain forest spirit who speaks through so- and-so's head, my sister's head, let's say, whenever we have ceremonies for forest spirits. Well, what do you think that forest spirit thinks when the Chinese have come in and bulldozed the rock away? These people are going to suffer with a vengeance from those spirits for time immemorial. And they're very concerned about it.

In November, 2007, the Inter-American Court of Human Rights ruled in favor of the Saamaka, judging that the Surinamese state has the duty to not only consult with the Maroons about large-scale development and investment projects that will have an impact on their territory, but also to receive their free, prior and informed consent before any development begins (Doyle 2009, 52). The scope of this ruling clearly sets a critical precedent for indigenous people and Maroons living elsewhere in the Americas.

From these testimonies and oral histories, we can approach two main conclusions about the contours of contemporary Maroon environmental thought. First, it is clear that the Maroons make no separation between humanity and the natural environment. Such a position would be fundamentally contrary to their cosmology, and for the Maroons, the natural environment is the wellspring of their culture. Secondly, Maroon cosmological understandings appear to be strikingly similar to the cosmology of indigenous people in the Americas, unsurprising given the evidence for indigenous-Maroon encounters at the earliest periods of their history in both Jamaica and Suriname.

Consider, for example, the traditional hunting practices of the Kluane First Nation of the Yukon Territory in Canada. For the Kluane, hunting is far more than the exercise of shooting an

[101] A wholly owned, Surinamese based subsidiary of China International Marine Containers (Group) Co., Ltd.

animal; hunting is the "fundamental organizing principle of their culture, structuring and informing every aspect of their entire way of life" (Nadasdy 2003, 64-65). Beyond a simple dichotomy of human hunter and animal prey, the Kluane, while acknowledging difference, do not make a rigid distinction between animal and human at all. Indeed, Paul Nadasdy (2003, 83) has found that like many First Nations people, the Kluane concept of "person" is seen to encompass both the human and non-human. As such, the relationship between First Nation peoples and animals "must be understood primarily as social relations" (ibid., 84).

Likewise, in the Zapotec communities of Mexico, maize is "is a means of linking communities together, either through market transactions or at religious fiestas, where visiting pilgrims requesting lodging are hosted and fed" (González 2001, 105). In this manner maize acts as a social arbiter but is also viewed by the Zapotec as an "plant-person" that exercises a willful agency which, along with the earth as a whole, "can inflict punishment upon offensive humans by causing accidents, holding human souls hostage, or withholding harvests" (ibid., 17).

By way of comparison, the traditional world view of the Kanaka people of Hawai'i is a cosmology reminiscent of the Kluane or and Zapotec which expands the social, ethical, and (in their Kanaka case) even familial sphere far beyond the confines of the *Homo sapiens*. Family members may be reborn as manō (sharks) who act as guardians of their ancestors and the manō deity Kua is credited with my beneficial acts and rescues of humans (Goldberg-Hillier and Silva 2011, 442). Indeed, in pre-colonial Hawai'i there was not even a word for "animal" as is understood in the West (ibid., 433).

The Maroons of Jamaica traditionally consider various animals and plants to be powerful and wise teachers that must be reckoned with throughout life (Alexander 2005, 17; 27-35). This does not mean that Maroons abstain from hunting or harvesting, but these activities are done so with a mentality of respect (ibid., 73). These examples of indigenous and Maroon cosmology are necessarily brief, and further research on these connections are needed. Although the comparison between Maroon and indigenous environmental thought warrants further research, this preliminary investigation suggests that the shared aspects of their ontology implicitly rejects the philosophical dualism at the heart of dominant Western conception of nature, the theoretical underpinnings of which will be discussed in the concluding chapter. Given this, it is of little surprise that the Maroons and indigenous Surinamese were able to collaborate on a response against the development practices of the Surinamese state during their 1995 *Gran Kuutu*. Indeed, the Maroons, through their formation as a distinct cultural group attached to their territory and dependent on it for sustenance, generally meet the criteria of indigenous as defined by the World Bank (2005), the ruling of Saramaka People *v.* Suriname court case, to the extent it becomes legal precedence, will likely have a great impact on indigenous struggle across the Americas.

Furthermore, it is clear from their oral histories that Maroon conceptions of the natural environment stem from deep historical engagements with the land, reproduced in their collective memory and daily practices of culture, spirituality, and survival. Indeed, contributing to a

sociogenic conception of Maroon nature, historical evidence indicates that the Maroons, like the Zapotec of Mexico, made considerable alterations to the forest environment, in terms of agriculture and defense structures, in order to assist their survival during the colonial wars (Price 2011, 11; González 2001, 102). The reflections of the late Colonel Frank Lumsden, leader of Charles Town in Portland Parish, Jamaica, echoes this common environmental thread:

> It's something that… *All*, *all* indigenous people have that innate respect for the bush. And if modern man could have remembered the respect that the ancestors had, the respect and almost innate understanding of the balance of nature, then many of the things that plague us now - that threatens us - would not be. And for Maroons who had to rely on the bush for medicine, for camouflage, for protection, for sustenance, food, [and] housing. Because they used the wood, they had to have an understanding of when to cut it because cutting it certain things at different times of; whether it's full moon or new moon are things that make the difference to the property of wood. A bamboo cut at full moon will rot because the ores are open, but if it's dark and the pores are closed then it doesn't rot. So, it is this kind of understanding, this reflective understanding, that gives them the…that *respect* for the bush.

Figure 4.6 A View of Cockpit Country from Across Central Accompong

Eclipse of the Dream

On December 19th, 1916 Alcoa/Suralco initiated the modern bauxite mining industry with the founding of the Moengo mining complex, securing what would become the main extractive base of its operations for the better part of a century. It is likely that many in the community and Suralco anticipated a grand centenary, celebrating Suriname's decisive role in the historic production of the most significant metal for industrial modernity. Alas, such festivities were not to be. On November 30th, 2015, Suralco idled its alumina smelter and suspended all operations in Suriname, citing dwindling bauxite reserves (Alcoa 2015b) and, on January 3rd, 2017, Alcoa announced that it would be pulling out of the country altogether (ibid., 2017).

Figure 4.7 The Entrance to Moengo, 2014

Those watching the markets would not have been surprised. Bauxite and alumina production had been inexorably crashing in Suriname, dropping from 3 million tons of bauxite and 1.3 million tons of alumina in 2014 (USGS 2016), to 1.6 million tons of bauxite and 748,000 tons of alumina in 2015, with the complete halt to production already recorded for 2016 (USGS 2017). In a slow fizzle, the industry which overwhelmingly shaped the economic terrain of

modern Suriname passed away. In *Aluminum Dreams: The Making of Light Modernity*, Mimi Sheller (2014, 193) on the global record of the aluminum industry and, in particular, on its impact on the developing world:

> Bauxite, similar to other natural resources, seems to come with a curse in which the means of progress are also the seeds of destruction. In turning this ore into gleaming aluminum, the culture of modernity generates both our best dreams of science, technology, and a better future, and our worst nightmares of ecological despoliation, cultural destruction, and perpetual strife.

The age of bauxite is over for Suriname, and with it, the Surinamese must look to the next export boom for an elusive better future.[102] But though an aluminum-driven progress has departed Suriname, the Maroons of Moengo will be left with the scars of ecological despoliation for generations to come. As Tii Kooman, *Kabiten* of Adjoema Kondee, said in regard to the plight of his people after Suralco had finished with their village, "now there is not even ground left for us to plant and cut our farms." The scars of a century of mining run deep in Moengo. As Patricia Meulenhof explains:

> There's almost no bauxite in Marowijne [eastern region of Suriname in which Moengo is located] anymore… The bauxite mining still has a negative impact on the people who lived in or near the mining areas. Most of the people no longer stay in their villages because there is no good drinking water and they can't plant because of the mining. There are schools, but there is no work so the people move out and only go to the village when traditional activities are taking place. It's a trauma but nobody helps them, they have to solve their own problem. The problem is the same with timber [and] gold.

As the old bauxite stalwarts of the Caribbean are gradually eclipsed as the vast reserves and capacities of Australia and Brazil come online,[103] it would seem a bleak economic forecast for a small nation to be so tied to such a fickle, shifting industry. Yet this is precisely the situation Jamaica finds itself in as the 21st century advances. In 2014, bauxite and alumina accounted for 52.9% of Jamaica's export earnings, valued at USD$753 million. Jamaica's dependency on bauxite is compounded by its continued negative trade balance, with a negative balance of USD$4.38 billion (OEC 2017). Indeed, the most recent World Bank (2017) report finds Jamaica to have been one of the slowest growing developing countries over the last 30 years with its national debt ballooning to 120.42% of its GDP in 2008 (World Bank 2016).[104] This would make Jamaica the 8th most indebted country in the world if this figure remained

[102] Oil is a strong contender, with estimated reserves of 13.6 billion barrels, much of it in unexplored off-shore fields (Staatsolie 2017).
[103] Australia and Brazil have the second and third largest proven bauxite reserves in the world, respectively (USGS 2017). Meanwhile, China continues to dominate the alumina market, producing 59 million tons in 2015, compared to 21 million tons for Australia, the world's second largest producer (ibid.).
[104] 2008 is the last year for which Jamaica's debt figures are reported by the World Bank (2016).

constant though to 2013,[105] although there is reason to believe this Jamaica's debt-to-GDP ratio has worsened given the IMF's (2017) most recent assessment that Jamaica remains locked in "an unhappy cycle of high debt and low growth."

In these conditions, the Jamaican state may feel it has little choice but to extract even more export earnings by expanding mining into Cockpit Country. With 300 million tons of bauxite valued at USD$9 billion, the chance for relatively quick economic revenue may be too enticing to pass up. In a 2014 interview with Dr. Oral Rainford, the then Principle Director of Policy, Planning and Development of the Ministry of Transport and Mining, he acknowledged the delicate ecological nature of the possibility of mining in the Cockpits, but stressed that all minerals in the country belong to the national state. Although the government did value the Cockpits beyond the potential mineral earnings (its high endemism was particularly noted), sacrifices would have to be made if necessary. In that case, Dr. Rainford that if mineral resources were found on Accompong Maroon land, the government would respect the treaty by granting them a royalty.

This raises two critical issues for Accompong, this periphery of a periphery. First, as established in Chapter 2, there has, to date, been no settlement of the boundaries of Maroon land. Indeed, territorial delimitations have long been the main source of tension between the Accompong Maroons and the state. Second, given the development needs of the community and its relatively low income, the prospect of royalties may very well be attractive to Accompong and, as previously discussed in the case of Adjoema Kondee, there is a history of Maroon communities in Suriname making deals with industry for promised aid. This may also come to pass in Accompong, especially given the vast development needs of the community described in the previous chapter, but no matter what the outcome of mining in the Cockpits, the tensions surrounding it have revealed a traditional Maroon valuation of the forest so diametrically opposed to the state and capital's strategies of marketization and enclosure that the two positions approach ontological incompatibility.

[105] 2013 is the last year for which global debt figures are reported by the World Bank (2016).

CHAPTER 5. MAROON ECOLOGIES, PLURINATIONALITY, AND FREEDOM DREAMS

The contemporary Maroon struggle for autonomy and its environmental outcomes have deep implications for theories of race and the social construction of nature, diaspora theory and the normative politics of state formation, and the role of utopic ideology and radical imagination in liberatory social transformation. In this chapter I will explore each of these dimensions in turn, building on the data collected and analyzed in earlier chapters. Beginning with race and environmental theory, I argue that the contours of contemporary Maroon ecological preservationist praxis suggests an approach to Nature emergent from specific historical processes. Given their frontline position on an environmental battleground, the Maroons find themselves at the center of debates on the very meaning of nature and humanity's connection to it. Indeed, as stated by Giovanna Di Chiro (1996, 299), "this question of the discrepancy between what does and does not count as 'environmental' is, I believe, crucial to the effort to produce a broadly based environmental movement that really works." In respect to diaspora theory and the normative politics of the state, the lines of conflict in contemporary Maroon struggle stands as an example of ethnic multiplicity in the African diaspora, such that assumptions of fixed Black identities across the diaspora, or even shared originary stories, are disrupted. In the face of Jamaican national politics predicated on a single, ethnically homogenous population, the history of Maroon autonomy suggests a more plurinational approach to state formation. Finally, I argue that both the historical triumphs of Maroon struggle against enslavement and the continued, if precarious, existence of Maroon autonomy stretch the lateral possibilities of freedom as both achievements were deemed impossible in the dominant ideologies of their historical contexts. This aligns contemporary Maroon struggle with the revolutionary thought of Amílcar Cabral, who theorized the existence of a *freedom drive culture*, that is, a socially embedded anti-authoritarian and decentralist ethos, which I argue has been kept alive by the Accompong Maroons for centuries.

Critical Race Theory and the Social Construction of Nature

The convergence of Jamaican and Surinamese development strategies with the needs of the aluminum industry was the catalytic factor in the ecological crises and anxieties faced by the Accompong and Ndyuka Maroon polities at the dawn of the 21st century. This crisis was but the latest iteration of longstanding tensions with the state over the contours and extent of Maroon self-governance, national obligations, and land rights. For both the Jamaican and Surinamese Maroons, the historical legacy of aluminum, a metal both ubiquitous and indispensable to industrial modernity, has dashed hopes for socio-economic prosperity on the fears and lived realities of loss and dispossession. Yet, for all the trauma and high stakes of their contemporary battles, the Maroons are, of course, not unique in their struggles to survive and prosper in the face of rapid ecological change. With the second decade of the 21st century unfolding, the concern for the environment remains a major issue for global politics, global capitalism, social movements, and civil society. Tales of disasters and the threat of looming cataclysms, from global warming to mass extinctions, emblazon the headlines of the news media on a daily basis.

Globally, from the level of international governance down to individual life choices, masses of people are attempting to understand and respond to these ecological changes and humanity's role in it, evidenced by the meteoric rise of environmental consciousness over the last 40 years.[106]

Within these developments, a powerful ethos known as biocentrism, put into practice by the deep ecology movement in the name of environmental preservationism, guides organizations and individuals to arrest the perceived permanent loss of the natural environment through human activity (Merchant 2003, 381-82). On a conceptual basis, the theory and politics of biocentrism equates the natural environment with wildlands, that is, "non-constructed" places understood to be bereft of human activity and habitation (ibid.). As a measure of the success the proponents of biocentrism have had in permeating this definition into popular and political consciousness, the U.S. Wilderness Act of 1964 defined the wilds as areas where "man [sic] is a visitor who does not remain" (ibid., 381). Internationally, the WILD Foundation positions wilderness in opposition to industrialization by defining it as: "[t]he most intact, undisturbed wild natural areas left on our planet – those last truly wild places that humans do not control and have not developed with roads, pipelines or other industrial infrastructure" (WILD Foundation 2017). My analysis here aligns with the position that the deep ecology understanding of 'Nature' is a social construct emergent from specific historical processes. Returning to what I describe as "Maroon environmental preservation," the ecological praxis emergent from a culture grounded in a sacred landscape which anchors their collective history, as detailed in the previous chapter, I position contemporary Maroons in relation to biocentrism, capitalist developmentalism, and environmental justice thought.

The focus on wilderness as the idealized moral good of a human-free space (a paragon of the Natural), has led some environmental organizations to deem issues of race, class and nation to be outside their purview. For example, one radical environmentalist leader interviewed as part of Jake Kosek's (2006, 20) field research for his book *Understories: The Political Life of Forests in Northern New Mexico*, argues that "protecting nature" is the greatest priority, compared to which the needs and desires of communities of color are of little consequence. This statement aligns with an important dichotomous perspective of deep ecology, where to concede the importance of human issues in dealing with the ecological crisis is to be "anthropocentric," a malign positionality to which biocentrism heralds itself as the diametric opposite (Guha 1989, 2). While not necessarily grounded in overt racism, this supposedly self-evident and unbridgeable cleavage between the needs of Nature and the needs of communities of color is revelatory of the racialized basis of biocentric thought.

Indeed, a growing body of scholarship is challenging the universalization of wilderness-as-Nature, positing instead that the biocentric preservationist understanding of wilderness is sociogenic and ideological (Braun 2003; Castree 2011; Cronon 1996; DeLuca 1999; Demeritt 2001; Di Chiro 1996; Kosek 2006; Finney 2014; Soper 1993; Swyngedouw 1999). Much of this

[106] According to the Earth Day Network (2017), Earth Day (April 22nd) is observed by over a billion people in 192 countries worldwide, making it the "largest civic observance in the world"

literature engages directly with the radical environmentalism of deep ecology, taking the position that biocentric thought, despite its focus on naturalness, is deeply entangled with race, class and nation, connections germinating from the very philosophical underpinnings and historical context of the movement, beginning with Immanuel Kant's ([1764] 2011) observations of the sublime as a means of understanding human nature and typologizing humans. While not always apparent in its contemporary public rhetoric, the ideological roots of biocentrism are imbued with racism, classism and imperialism. The confluence of this theoretical and aesthetic grounding with the Euro-American colonial expansion into the western United States produced the framework through which the synonymization of a specific construction of wilderness as Nature could be articulated and disseminated.

In his analysis of the socio-cultural construction of nature, David Demeritt (2001, 29) quotes literary critic Raymond Williams' observation that "'nature' is perhaps the most complex word in the English language." Up until this point in the chapter the word 'nature' has been used rather unproblematically but its semantic and etymological tensions will now be highlighted as they relate to issues of the environment. Kate Soper's expansive theorization of nature stands as a clear example of the immense complexity and difficulty inherent in deconstructing the concept. According to Soper (1993, 2), nature has been understood as both that which is distinct from the human and the cultural and the concept through which humans pose questions about the relative artificiality of their lives, cultural formations and social milieu. Note Demeritt's (2001, 29) parallel, though more ontologically focused, three-fold categorization of nature as:

i) The essential or necessary quality of something.

ii) The inherent force which directs either the world or human beings or both.

iii) The external, material world itself.

These etymological taxonomies suggest a general use of 'nature' that references the natural environment, human nature, and even the constellation of natural laws that direct the universe and all matter within it. It is unlikely that any single text could analyze the interconnectivity of such vast and contested subjects with any kind of rigor, and such an exercise is otherwise divergent from the goals of this paper. Although a rich body of literature exists from Science and Technology Studies on the dialectical relationship between social norms and the natural sciences, and while the 'nature-versus-nurture' debate continues to consume much energy in the fields of psychological and the genetic sciences, this chapter will have to largely skirt these subjects with the acknowledgement that they are inextricably connected to questions of human difference and environmental politics. Soper (1993, 3) herself avoids a mapping of all human attitudes to nature throughout history, understandable given the impossible and quixotic undertaking such a task would be. She is interested instead in staging an encounter between two politicized Western usages of nature arising from the ecological crisis: one usage concerned with the limits to human exploitation of ecosystems, which are valuated in such a way that correcting their plunder and destruction is imperative (biocentrism would fall under this category), and the

other concerned with the way the concept has been employed to reify specific visions of reality while legitimating certain hierarchies and cultural norms (ibid., 7). In a broad sense, Soper's goal of reconciling these two usages of nature is mirrored in the work of this chapter, albeit by differing methodological means. One of her points of reconciliation is the intriguing assertion that some of the foundational assumptions of modern science, what Kevin DeLuca (1999, 219) describes as the Galilean, Cartesian and Baconian construction of nature "as an object to humanity's subject," should be rethought (Soper 1993, 25). Toward this end, Soper argues for a reintroduction and reappropriation of the European medieval cosmology of the Great Chain of Being, in which humans occupy a role within nature such that "we should regard the eco-system as a plurality of beings each possessed of its particular function and purpose in maintaining the whole", thus eschewing a rigid human/nature divide. As will become apparent later in this chapter, this cosmological view has some stark parallels to Maroon and indigenous conceptions of their place in the world.

Returning to the problem of the social construction of nature, viewed from the critical geography perspective of Noel Castree (2001, 6), the common-sense notion of nature as that which is external to, and different from, human society can be challenged along three axes. First, epistemologically, although the biocentric perspective holds that nature can be known "in itself," the knowledge of nature is in fact unavoidably mediated by the biases of the knower (ibid., 10). This assertion parallels a much wider criticism of positivism in the natural and social sciences.[107]

Second, whereas universalist statements on the limits of the natural world are the key rhetorical mainstays of the biocentric preservationist movement,[108] the "physical opportunities and constraints nature presents societies with can only be defined relative to specific sets of economic, cultural, and technical relations and capacities" (ibid., 13). In order to further illustrate this point, consider David Harvey's (2010, 73) assertion that, within the confines of capitalism, it is exceedingly difficult to separate the roles played by scarcities in the natural world as such and scarcities arising from market manipulations on the ecological crisis. Indeed, "[t]he concept of natural resources are, for example, technical, social and cultural appraisals and so any apparent natural scarcity can in principle be mitigated, if not totally circumvented, by technological, social and cultural changes" (ibid.).

Third and finally is the admittedly controversial argument that societies physically reconstitute nature such that the materiality of nature itself is "internal to social processes" (Castree 2001, 15). Note that this is essentially a radical recapitulation of the main intervention of political ecology that ecological processes do "not occur outside the influences of a broader political economy" (Robbins 2012, 13). To qualify this point, Castree (2001, 15) claims that the sociogenic material reconstitution of nature is largely confined to Western modernity given the

[107] See Harding, Sandra. 2008. *Sciences from below: feminisms, postcolonialities, and modernities*. Durham, NC : Duke University Press.
[108] As distinct from the conservationist movement which advocates for the sustainable utilitarian use of natural resources. See below for the history of this division in environmentalism.

industrialism and technical capabilities inherent to it. However, even a cursory historical analysis of the non-Western remaking of nature reveals the fallacy of this point. Demeritt's (2001, 24) own research suggests the "Providential bounty" of the New England forests that early European settlers coveted was in fact the product of Native peoples' management techniques, namely their use of fire to promote the growth of beneficial flora and fauna. There is also evidence that the corn crop is the outcome of generations of selective breeding by ancient Mesoamericans (González 2001). Even a landscape supposedly as natural as the Amazon rainforest may have been, in part, the outcome of Native forestry practices (Meggers et al. 2003). According to Darna L. Dufour (1990, 658), "[m]uch of what has been considered natural forest in Amazonia is probably the result of hundreds of years of human use and management."[109] Given the conclusions of these critical investigative axes I will invoke Erik Swyngedouw's (1999) neologism "socionature" as the term of preference when describing the phenomenon.

This account would be remiss, however, without acknowledging the sometimes-vociferous backlash against the idea of socionature. Patrick Curry (2003, 340) has gone so far as to label social constructionist views of nature as "stupid" and "dishonest," his main contention being that a social understanding of nature denies its "intrinsic value," and perhaps even reality, thus providing intellectual ammunition for the capitalist exploiters of the wilds. Indeed, Curry (2008, 53) echoes the view that social constructionists are the "high end of the 'wise use' movement."[110]

As a response to Curry's concerns, consider Demeritt's (2001, 30) important clarification of social constructionist theory that often gets muddied in the debates on socionature. The constructionist position should not be understood as the denial of the existence of the material world per se (that is, it is not akin to theories of ontological immaterialism), but rather that human interpretations of that materiality will always be mediated by our historical context, culture and social milieu. However, a vital caveat to this statement is "[j]ust because our knowledge of something is socially constructed and contingent does not mean that it must be false or unworthy of belief" (ibid., 32). Even Curry (2008, 54), in a later article, is compelled to address this nuance, acknowledging that any valuation of nature being done by a human is, by definition anthropogenic, and I would add thus mediated through human socialization. Curry (ibid.) continues that in biocentric critiques of socionature, constructionist claims that all valuation of the natural environment is anthropo*genic* are often conflated to mean that all valuation of the natural environment should be anthropo*centric*. This distinction opens the way to articulating pluralistic, socially contingent valuations of socionature that acknowledge both human and non-human needs, as best as humans can understand the latter. This supports the position expounded here that wilderness-as-Nature continues to serve an important role in

[109] The evidence of longstanding human management and development of the Amazon rainforest is of particular relevance here as Amazonia is often held up as the prime ideal type of unspoiled, non-human wilderness (Slater 1996).

[110] The wise use movement being an umbrella term for a coalition of political conservatives, right libertarians and companies that defend resource extraction through the expansion of private property rights (White 1996:172).

environmental politics by promoting some ethics that are worthy of emulation, despite the malign aspects of the philosophy.

Having laid out the general theoretical parameters and necessary elisions of this discussion, the analysis can now turn to the origins and political consequences of wilderness-as-Nature. William Cronon, in *Uncommon Ground: Rethinking the Human Place in Nature*, his groundbreaking 1996 book on the subject, lays out a key conceptual periodization of wilderness-as-Nature originating in the Judeo-Christian world. Initially, landscapes with minimal human habitation and activity were viewed with fear and apprehension; the Bible is replete with descriptions of the wilds as places of terror and moral demise, the abode of Satan and dangerous beasts (Cronon 1996, 70). Importantly, these were some of the same terms that Europeans would come to associate with Blackness, and to which whiteness was held in diametric opposition (Merchant 2003, 384). With the advent of modern Western philosophy and the Scientific Revolution emergent in the 16th century, the conceptual separation of humanity from the natural environment became conceivable for Europeans (as opposed to the Great Chain of Being which came before), a form of Othering that would be essential for separating certain humans from humanity as well. Jane Moeckli and Bruce Braun (2001, 117) draw on ecofeminist philosophy to argue that Cartesian hierarchical dualism entailed gendered oppositional binaries supporting patriarchal norms. This is how women and men became associated with nature and culture respectively, and how oppositional binaries in general became masculinized and feminized, such as reason/emotion, production/reproduction, active/passive and order/chaos (ibid.).

In keeping with this analysis of the gendered dimensions of Cartesian hierarchical dualism, I argue that this intellectual artifice acts in many ways as the ontological bind interlocking gender, race and the separation of nature from human as related and mutually supporting forms of domination. As an example of this intersectional domination in action, consider Achille Mbembe's (2001, 13) position that:

> In many ways, the form of domination imposed during both the slave trade and colonialism in Africa could be called phallic. During the colonial era and its aftermath, phallic domination has been all the more strategic in power relationships, not only because it is based on a mobilization of the subjective foundations of masculinity and femininity but also because it has direct, close connections with the general economy of sexuality.

Correspondingly, Claudia von Werlhof (2007, 24) describes capitalism as the latest expression of the patriarchal form of domination. Arguing that because primitive accumulation (in the form of early modern English land enclosures) gave an embryonic capitalism its original economic base and continued to be vital to its growth, a process which entails a "permanent violence against women," von Werlhof (ibid., 15-16) concludes the violence against women and the devaluation of women's labor through "housewifization" is intrinsic to capitalism (and by extension modernization theory and neoliberal development). As such, implicit gender

hierarchies were bound to persist in theories of development that rely on the capitalist mode of production as its engine. Thus, the ways in which the subjective foundations of masculinity and femininity are mobilized in capitalist developmentalism suggest that the quantum aggregate of oppositional binaries, through which modern western ontology is structured, act as fundamental enablers of the persistence of gender and racial hierarchies and the capitalist hyper-exploitation of the natural environment.

Turning specifically to race, the separation of humans from nature co-evolved with the increasing European self-identification as civilized and developed (Soper 1993, 61). Thus, the epistemological groundwork was being laid for European colonial encounters with the non-European Other, whose supposed "primitiveness, wildness, savagery, and exoticism" were indications of being closer to a "state of nature" (ibid.). Note Mbembe's (2001, 236) observation that for colonial epistemology there is little difference between the idea of the native and an animal. Indeed, "[t]o assert himself as a human being, the colonizer must act out his identity by relegating the native to the status of animality" (ibid.). Similarly, for women, gender hierarchy was explained in terms of a "natural order" and, in time, biological determinism (Soper 1993, 57). Following an analogous line of investigation, David Sibley (1995, 27) argues that this exclusion from civilization through relegation to nature was instrumental in cementing ideological support for the domination and dispossession of women and racialized people. Returning momentarily to the historiographical analysis of Chapter 1, this brings into sharper relief the epistemic violence done to the Maroons by the master-enslavers-cum-historians who painted their former captives as "wildmen," "savages," and "brutes" in their dilettantish screeds.

The dominant Western understandings of the wilds and their social implications were never static, however. Cronon (1996) pinpoints a sea change in Euro-American consciousness of wilderness in the 19th century, a shift in which Scottish-American naturalist and environmental philosopher John Muir would play a pivotal role. Muir's explorations of rural landscapes in the western United States and his early leadership of the biocentric preservationist movement, exemplified by his co-founding and presidency of the Sierra Club, are well documented elsewhere, not the least of which in his own writings.[111] Suffice it to say that Muir was highly effective in using ideas of the sublime to popularize his deep reverence for wilderness while being particularly adept at influencing public policy. Briefly, Muir, judging human culture as he understood it to be "unnatural", advocated instead for encounters with "raw nature" as a fundamentally spiritual exercise (he was fond of likening wilderness spaces to cathedrals and churches) and "universal human need" (Braun 2003). In alliance with President Theodore Roosevelt, Muir was instrumental in the advent of National Parks in the United States (Outka 2008, 2). By the close of the 20th century, however, critical analyses of Muir's philosophy and political project increasingly appeared in environmental discourse.

[111] See Muir, John. 1911. *My first summer in the Sierra*. Boston and New York: Houghton Mifflin Co.

Prominent among these critical works is Kevin DeLuca's (1999) deconstruction of wilderness as a constructed "white nature." In establishing his argument, DeLuca (ibid., 223) is quick to identify a major contradiction in Muir's thinking that, while his writings are steeped in the rhetoric of the wilderness as a sacred source of human civilization, the very definitional existence of wilderness-as-Nature entails an absence of humanity. Troublingly, in its reinforcement of a strict division between humanity and nature, biocentrism finds itself in conceptual commonality with its declared enemies, those who see a non-human world with the sole function to provide for the ceaseless extraction of resources (ibid.). Also, note that both the preservationism of Muir and the conservationism of his rival Gifford Pinchot (who advocated for the sustainable utilitarian use of natural resources, representing an early split in the environmental movement) still hold the same definition of wilderness as an area with little or no human impact, their prime difference being in how humans should engage with the wild.

In response, however, DeLuca's (ibid., 224) argues that the modern notion of wilderness is a reaffirmation of Westocentric thought revealing this dominant definition of nature as particular to the experiences of whiteness. DeLuca's concept of white nature can be demonstrated by considering the status and function of national parks and wildlife reserves in the United States. If, following the biocentric impetus, the focus of environmental politics should be the establishment and preservation of protected wildlands, then environmental politics becomes directed toward outcomes which require a degree of race and class privilege to receive (i.e. the means to take time off work and other responsibilities, travel, and purchase or rent equipment in order to experience "the great outdoors" as recreation), hence the concept of "white nature." The theory of the sublime as developed by Kant is of particular importance here, maintaining that certain landscapes have the ability to manifest communion with the divine for humans. As Cronon (1996, 73) states:

> God was on the mountaintop, in the chasm, in the waterfall, in the thundercloud, in the rainbow, in the sunset. One has only to think of the sites that Americans chose for their first national parks—Yellowstone, Yosemite, Grand Canyon, Rainier, Zion—to realize that virtually all of them fit one or more of these categories. Less sublime landscapes simply did not appear worthy of such protection.

Only certain people, however, had the capability of perceiving the beauty of the sublime. Kant (2011), whose influence on Western thought has been profound, explicitly hierarchized national and racial groups on aesthetic qualities and their ability appreciate his definitions of the beautiful and the sublime. Unsurprisingly, Western Europeans occupied the top of the hierarchy with non-Europeans being various ranks below them (ibid., 58). Kant (ibid.) placed Africans at the very bottom of the ladder, insisting that, "[t]he Negroes of Africa have by nature no feeling that rises above the ridiculous." Kant (ibid., 59) continues, "[s]o essential is the difference between these two human kinds [black and white], and it seems to be just as great with regard to the capacities of mind as it is with respect to color." As such, Kant felt it sound to judge and hierarchized humanity on the basis of a theologically guided aesthetic perception. Muir echoed

Kant's racism in his own writings,[112] some of which Kosek (2006, 155) critically analyses with the understanding that this man was inevitably a creature of his historical moment. Indeed, far more important than the urge to pillory the man for his slurs and bigoted views is the task of understanding what Muir's disparagements reveal about the early life of biocentric ideology.

It is apparent that Muir's preservationism was framed by oppositional binaries reflecting the racial anxieties of his time, such as his concern with purity versus pollution and degradation (ibid.). Note that his life as an author circa the late 19th and early 20th centuries coincided with the rise of Jim Crow segregation and the emergence of the eugenics movement in the United States (Wohlforth 2010).[113] Applying an ethos of purification to the hills and groves of "God's first temples" (Muir 1911, 196), Muir announced that there was "no right place in the landscape" for those racialized Others he detested, those whose very presence robbed him of the "solemn calm" of the wild (Kosek 2006, 156).[114] The expansive solitude Muir sought out in wilderness landscapes was far from a natural solace, however. Presenting another example of the social construction of wilderness-as-Nature, Muir was walking in the footsteps of the U.S. military in their genocidal mission to push the boundaries of the United States ever westward (ibid.). In fact, Muir was supportive of the military presence in Yosemite in order to "keep out perceived undesirables—especially Hispanos and Native American grazers" (ibid.). As Donald Moore, Kosek, and Anand Pandian (2003, 14) suggest in their analysis of National Parks in the U.S. as "dispossessed landscapes," Muir's racist musings and choice of spaces to venerate represents the rhetorical and material elision of racialized Others from the idea of wilderness in such a manner that a concept of nature grounded in the experiences of the white middle class could emerge as hegemonic.

These amputations haunt the biocentric preservationist movement to this day. The emergence and growth of the environmental justice movement, for which the central intervention has been to bring the realities of environmental racism into popular consciousness, is a prime example of the response to biocentrism's ideological baggage. The term environmental racism was coined in 1982 by environmental justice activist and scientist Dr. Benjamin Chavis to denote policies and practices that negatively affect the environmental wellbeing of communities of color at a higher rate or scale than white communities (Connell 2011, 301). In 1986 the United Church of Christ's Commission for Racial Justice, led by Chavis (ibid., 302), produced further evidence of widespread environmental racism through a study of national scope entitled *Toxic Waste and Race in the United States of America*, concluding that race was the most prominent variable in predicting where toxic waste facilities were located. Although large environmental organizations

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[112] Muir lamented that the Chinese, Native and Latino folk he encountered in Yosemite did not share his "enlightened appreciation" for the "majestic grandeur of the mountains" (Kosek 2006:155).

[113] I should make clear that I have uncovered no evidence of a direct link between John Muir and the eugenics movement besides his personal friendship with Theodore Roosevelt, his colleague-cum-rival Gifford Pinchot was instrumental in linking environmental advocacy with the promotion of eugenics in the context of Roosevelt's New Nationalism (Wohlforth 2010).

[114] Indeed, Carolyn Merchant (2003:387) has found a pattern of deep misanthropy in Muir's works.

at that time, such as the Environmental Defence Fund, deemed these issues not "environmental" enough for their interests, preoccupied as they were with issues of wilderness, these watershed events represent the cohesion of the environmental justice movement in the United States (Di Chiro 1996, 299).

Di Chiro (ibid., 300-1), through an analysis of a South-Central Los Angeles activist organization's efforts to stop the construction of an incinerator, is able to reveal how the environmental justice movement forged their own definition of the environment as "the place you work, the place you live, the place you play." The catalyst for this alternative construction of socionature was based in the different gender, race and class composition of the environmental justice movement as compared to the preservationists, the constituents of which tended to be white and middle class with a male leadership (ibid.). Note that in this definition there is no separation made between humans and the environment. This example of a community of people coming to an understanding of nature based on their own gender, race and class positionality demonstrates the very operationalization of socionature. However, this example also cuts to the heart of the divisions in the broad environmental movement. According to Di Chiro (ibid., 311), many in the biocentric preservationist movement, where environmentalism begins and ends with such things as wilderness and endangered species, view people of color as "not caring about 'nature.'" Likewise, activists in the environmental justice movement, whose environmentalism may encompass "militarism and defense, religious freedom and cultural survival, energy and sustainable development, transportation and housing, land and sovereignty rights, self-determination and employment," view preservationists as blind to the problems of racialized communities (ibid., 306).

This disjuncture is evident on a global scale as well. Ramachandra Guha (1989, 2) argues that rather than wilderness loss:

> The two fundamental ecological problems facing the globe are (i) overconsumption by the industrialized world and by urban elites in the Third World and (ii) growing militarization, both in a short-term sense (i.e., ongoing regional wars) and in a long-term sense (i.e., the arms race and the prospect of nuclear annihilation).[115]

These problems are grounded in global political and economic dynamics as well as individual lifestyle choices, rather than revolving around the relative presence or absence of a reverence for the wilds (ibid.). Guha concludes that to the extent the politics of biocentrism have deemphasized these problems in favor of wildland preservation, and to the extent that wildland preservation projects have dispossessed local inhabitants for the benefit of rich tourists, deep ecology can be judged as a harmful for the Global South. Ultimately, echoing Di Chiro's assessment of the environmental justice movement, Guha distinguishes Global South environmental movements from their Western counterparts in that they are constituted by those

[115] Scholarship on the impact of nuclear war reveals that even a regional war involving atomic weaponry, which is still a risk in the post-Cold War era, could produce a global nuclear winter (Erlich et al. 1983).

most impacted by environmental degradation for the purposes of survival while, "[the] solutions they articulate deeply involve questions of equity as well as economic and political redistribution." Guha's categorization of the differences between the environmental justice movement and deep ecology, as they relate in a context of global capitalism, offers a good segue to discussing this interplay as it is manifested in Jamaican and Surinamese Maroon communities.

As detailed in the oral histories documented in the previous chapter, the Maroons have a spiritually grounded preservationist ethos, but unlike Western biocentric preservationism, the Maroon variant does not entail the removal of humans from a landscape nor does it bar the flora, fauna and mineral composition of the forest being used for human needs. In fact, Maroon use of the forest is managed through the very recognition that their continued survival and spirituality is inextricably tied to the wellbeing of that forest. This Maroon environmental praxis, which was brought to international attention through their successful legal battle against the development practices of the Surinamese state, offers an intriguing way out from the biocentric vs. anthropocentric impasse that the broad environmental movement is mired in. To reiterate a major epistemological position taken in this chapter, all knowledge of the natural environment is anthropogenic because nature cannot be known "in itself." To claim otherwise is to make the illusory claim to hold a positionless and totalizing view of reality, or what Donna Haraway (1988, 582) has critiqued as the "god trick", an ideological standpoint that has been used to justify an oppressive and masculinist form of objectivity. This is not to say that that nature does not have a reality outside of human perception (again, I am not arguing ontological immaterialism), but rather that all human knowledge of nature is mediated through human experience, including socialization. However, it is worth reiterating Demeritt's (ibid., 32) point that, "just because our knowledge of something is socially constructed and contingent does not mean that it must be false or unworthy of belief." Also, echoing Curry (2008, 54), anthropogenic valuation of the natural environment need not be exclusively anthropocentric valuation. Indeed, Maroon valuation of the land takes on deeply spiritual dimensions, yet, unlike biocentrism and its widespread advocacy of removing humans from wilderness spaces as the only approach to preservationism, Maroon preservationism is explicitly grounded in use of the land. The biocentric-anthropocentric binary is therefore rendered a false dichotomy though the lens of Maroon and indigenous ontology.

As discussed in the conclusion to Chapter 4, the concern now among the Accompong Maroons is that the government will declare a forest preserve covering only the central core of the area, while mining on its peripheries. If this comes to pass then it will be a demonstration of how biocentric preservationism, often operationalized through the creation of nature reserves and national parks, can work hand-in-hand with capitalist developmentalism, as these reserves create a supposed balance for extractive sacrifice zones to continue elsewhere. Although the future is uncertain for Accompong, through the preservation of their own history Maroon society has embodied a formidable capacity to advance radical social transformation.

Diaspora and Plurinationality

"When I'm here in Accompong I feel like this is utopia." This was the reaction to Accompong Town of a visiting Black English filmmaker whose acquaintance I made during my field work in 2014. To Accompong's more casual visitors this may seem a confused/confusing statement, or at the very least, hyperbolically romantic. On the surface, the community looks much like any other rural Jamaican town and, on a normal day, the general vernacular, dress, and behavior of the Maroons would not mark them as much different[116] from any other residents of this country which few would consider utopic (the leisurely hedonism of the all-inclusive resorts aside). Indeed, daily life in Accompong is a struggle for many Maroons and the material want of the community has been covered extensively in Chapter 3. And yet, it was not the first time the Maroons had been linked to a concept of radical transformation. Daniel Sayers' (2015, 14) reflections on the radical potential of Maroon studies notes this about the field:

> Historical archaeologists of the Left may seek to develop a praxis that can contribute to wider contemporary critiques of and transformative efforts within the modern capitalist mode of production… Following Marx's lead, we historical archaeologists can look for insight into how to proceed to our future through our explorations of the past. While one may wish to think that any site, any group of people, and any context could in theory help in such a project, I think we can refine our search, as it were, and seek out specific moments and groups in modern history who were successful, or even partially successful, in accomplishing the very thing we are trying to achieve for our future—systemic transformation.

I argue that the filmmaker's comment, despite its brevity, is deeply revelatory of the continual salience of Maroon history and survival in the nodes of the African diaspora, the nature of Black struggle, and the possibilities of radical social transformation. As previously mentioned in the introductory chapter and Chapter 3, the utopic qualities of diasporic flows are integral to my operationalization of diaspora theory, a topic which I will resume here before examining the contemporary stakes of Maroon social formations through the lens of Marxist and Anarchist critical theory.

Returning to the theory of diaspora developed in Chapters 1 and 3, I define the phenomenon as: *a transnational intercommunal nodal network interconnected on the basis of sustained intergenerational political, economic, and cultural flows. Network nodes differ in the relative scale and activity of aggregate flows and each node is responsive to both the activities of other nodes in the network and the activity of the network as a whole, which is marked by its instability and hibernetic nature*. Up until this point I have not defined the contours of *intercommunality*, but it is through an analysis of the concept that I will make my definition of diaspora responsive to Stuart Hall and Paul

[116] Of course, as previously discussed, a deeper engagement with the Maroons reveals a distinct and rich cultural life (Bilby .

Gilroy's critiques of essentialism (see Chapter 3) and turn my investigation toward utopia. I take Saidiya Hartman's troubled and provocative diasporic journey detailed in *Lose Your Mother* as inspiration for this element of my research. As an African-American following a self-described path to utopia by visiting Ghana, Hartman was abruptly awoken from her dream of diasporic connection by the reality of foreignness in an African land. With Hartman's (2007, 29) desire for racial solidarity and kinship confronted by stark divisions of class and national privilege, she was compelled to contemplate the critical and vexed question, similarly raised by Hall, of "[w]hat connection had endured after four centuries of dispossession?" Hartman's experiences of alienation indicate that descent from shared ancestry alone is not enough to maintain a diasporic connection and risks reducing diaspora to what Khachig Tölölyan (1996, 30) described as "mere biologism." Referencing Ralph Ellison, Hartman (2007, 73) laments that an "identity of passions," that is, rallying around shared suffering (namely the horrors of the trade in enslaved captives), was similarly insufficient for the coherence of the diaspora given nationally specific perceptions of the importance of the trade in enslaved captives, enslavement, and their legacies among Afro-descendants. Ultimately, Hartman (ibid., 172) settled on the absence of freedom as a unifying bond:

> Had [Jerry] Rawlings [former military ruler and President of Ghana] asked, "Are we yet free?" most Ghanaians would have answered with a resounding, "No." This "no" resonated on both sides of the Atlantic. It was the reminder of what abolition and decolonization had failed to deliver. This "no" was the language we shared, and within it resided a promise of affiliation better than that of brothers and sisters.

In Hartman's (ibid., 233-34) final analysis, it is the common struggle for democracy, autonomy, and a free territory that acts to solidify the bonds of the diaspora. This "freedom dream," to borrow a term from Robin D. G. Kelley (2002), entails utopic aspirations. These are the desires for transformations deemed impossible or unthinkable in hegemonic consciousness. Implied in Hartman's aspiration for diasporic connectivity is an understanding that such solidarity is not fixed or given through phenotypism or perceived shared histories. As such, closed, bounded, essential or pure understandings of blackness are disrupted by Hartman's "freedom dream diaspora." Similarly, Percy Hintzen and Jean Mutebe Rahier (2010, xvii) find the Black diasporic claim of shared originary homeland and destiny, a fundamental idea of Black nationalist projects, to be a metaphor for common experiences of white supremacist violence and Black relegation outside modern civilization through "material relations of rejection, exclusion, and abjection." Hintzen and Rahier (ibid., xix) continue:

> Someone is "black" not on the basis of being West Indian, or Jamaican, or African American, or African, or Black British but by virtue of a black consciousness embedded in the materialities of the social, political, and cultural geography produced out of the universality of hegemonic ruling ideas of supremacy inscribed through the violence of

> white commandment. Africa functions allegorically as an originary myth that, even though fixed, allows mutual recognition across place-bound fixities. Through their entanglement in transnational networks or circuits, differences in social and economic positionalities become bases for new forms of collective self-recognition. Diaspora uncovers the spaces of such recognition across fragmented geographies.

The key point here is the development of a Black consciousness based on a struggle against white supremacy and racist tyranny. Note Hintzen's (2001, 152) ethnographic study of Caribbean migrants to the San Francisco Bay Area where, in the absence of such struggle, "even their [Caribbean migrants'] shared blackness is not enough to create a common identity with African Americans."

Arising from this theoretical move toward an experiential rather than territorial based diaspora begs the question of whether and how a distinction should be made between *Black* diaspora and *African* diaspora. Up until this point I have used the words Black and African interchangeably and unproblematically. Indeed, the Maroons of Accompong have a clear African descent but they are also, and increasingly, identifying as indigenous to Jamaica itself through their encounter with the Taínos during the island's early colonial history. Therefore, a continued reference to territorial fixity may foreclose the possibility of defining diaspora along multi-ethnic lines of identity. The confusion as to what extent Blackness necessitates Africanity is not new. Marcus Garvey, to employ but one example, used the term Black, at times, to refer to his aesthetic conception of a "phenotypically pure" African to the exclusion of mixed-race individuals, while at other times employed the term to encompass Asians, mixed-race Blacks and Jews (Moses 1998, 194).

Later in the 20th century in the United States, another Black freedom fighter would have to grapple with some of the same issues for Black Nationalism. Huey P. Newton, co-founder of the Black Panther Party along with Bobby Seale, articulated a broadening definition of Black similar, but more consistent, to Garvey in his more expansive moments (Spencer 2009, 233). Through his intellectual development and experiences in Black Panther Party internationalism, Newton (ibid.) found that rapidly expanding U.S. imperialism was breaking down the fixity of nationhood that had been a mainstay of Panther ideology. Newton thought that with almost every corner of the world experiencing some form of U.S. domination, the national divisions that had previously separated the multitude of colonized people and their liberation movements were disappearing and, in their place, "revolutionary intercommunalism" was creating a global *pluri-nation* (ibid.). Clearly Newton's hopes for worldwide fraternal socialism did not materialize, and indeed, his theory is challenged by Hall (2003, 238) who argues that although the colonized Other may appear to be the same in the Western gaze, "each has negotiated its economic, political, and cultural dependency differently." Although Newton's theory is underdeveloped, the

21st century has witnessed key moments where a plurinational approach to political formation disrupted the cultural uniformity and homogenizing[117] drive of the ideal-type nation-state.

Nancy Grey Postero (2007, 5-7), in her analysis of indigenous struggle in Bolivia leading to the election of Evo Morales, the country's first indigenous president, and his *Movimiento al Socialismo–Instrumento Político por la Soberanía de los Pueblos* party (Movement for Socialism–Political Instrument for the Sovereignty of the Peoples – MAS-IPSP) explains that their rise to power in 2005 was built on a radically different, plurinational redefining of the state entailing political decentralization and participatory democratization. Of course, racism and capitalist developmentalism still exist in Bolivia and the continued integrity of the indigenous movement is not guaranteed, but Stuart Alexander Rockefeller (2007, 164) reminds us that what Morales and the MAS-IPSP did do was establish the conditions of "dual power," a Marxist and Anarchist idea describing "potentially revolutionary situations in which sovereignty is divided between contending classes."

It is because of the expansive revolutionary fluidity of intercommunal aspirations that I adapted the concept to anchor my own definition of diaspora. The ethnic dimensions of Maroon conflicts with creole Black nationalist nation-states, and an anti-essentialist theorization the African diaspora, suggests no given common cause between Afro-descendants. But plurinational intercommunalism leaves open the possibilities for a solidaristic diaspora catalyzed by mutual transracial/ethnic struggles against capitalism, white supremacy, and their concomitant hierarchies, a connectivity that will ebb or flow as history unfolds based on the operationalization of utopic consciousness, a subject to which I now turn.

Utopic Linkages: Ideology and Social Transformation in the African Diaspora

> "The solution of the social problems, which as yet lay hidden in undeveloped economic conditions, the utopians attempted to evolve out of the human brain. Society presented nothing but wrongs; to remove these was the task of reason. It was necessary, then, to discover a new and more perfect system of social order and to impose this upon society from without by propaganda, and, wherever it was possible, by the example of model experiments. These new social systems were foredoomed as utopian; the more completely they were worked out in detail, the more they could not avoid drifting off into pure phantasies" (Engels [1880] 2001, 45).

This indictment, pronounced by no less an authority on social transformation and revolutionary change then the primary intellectual partner of Karl Marx himself, casts a long shadow over any discussion of utopia. As I will explain below, however, Engels' verdict had much more to do with his own competition with other socialist theorists, and his attempts to claim a paramount place for Marxism in the radical milieu of 19th century Europe, than any deep

[117] Indeed, the motto of Jamaica is "Out of Many, One People."

reflection on the function of utopia. Unfortunately, a lack of deep reflection is the nature of much of the debate on utopia, unsurprising given that over the course of the 130 years since Engels penned those bellicose sentences, the word has been largely made synonymous with fantasy, escapism, folly, fiction, unrealism, madness, dangerous delusion, and other epithets. In effect, the word utopia is now largely held to be an invective. Indeed, the situation provoked Samuel Clark's (2007, 11) complaint that the debate about utopia is less a clash of arguments or intellectual duel, and more a matter of ships passing in the night, with little attention paid to what utopianists actually say, do, or write, let alone any attempt to problematize the malign and/or facile definitions of the concept. Similarly, Anthony Stephens (1987, 11) observes that utopia has been reduced solely to a term of abuse, mainly used, ironically, among circles of political theorists or practitioners whose own thoughts or actions are arguably utopian by more thoroughgoing analyses of the term. Indeed, I will argue that the giants of orthodox and structuralist Marxism greatly contributed to the uncritical synonymization of the utopian with daydreams, fantasies and wishful thinking, while they disavowed their own theoretical dependence on utopic imagination, creating a vagueness that robbed the concept of much of its usefulness.

The definition of utopia, like diaspora, is highly varied even among the multi-disciplinary cluster of scholars who explore its functions beyond the derisive. This ambiguity is actually found in the very etymology of the word utopia itself, originally coined by Sir Thomas More in his 1516 book *Utopia* for the eponymous ideal society he presented.[118] According to the British Library's (2011) investigation of More's etymological motivation, he crafted the word from the Greek *ou-topos*, meaning "no place" or "nowhere." More was, however, also creating a pun because *ou-topos* is identical in English pronunciation to *eu-topos*, meaning "good place." Therefore, the dual root of the word itself contains its elementary binary; nowhere (akin to impossibility) and the ideal.[119]

Germinating from this essential kernel are the differing functions of utopia illuminated by Paul Ricoeur (1986). Ricoeur's intervention in the debate springs from his engagement with Karl Mannheim's meditations on ideology and utopia. Briefly, by the end of his analysis Ricoeur (1986, 310) has identified three distinct operational levels of ideology. On the first level, excavating Marx, ideology is understood as a representation opposed to real praxis (ibid., 165) or, in Althusserian terms, the opposite of Marxist science.[120] This level represents the classical

[118] Conceptions of the ideal are, of course, highly subjective. Note that More's *Utopia* still contained a system of enslavement and gendered subjugation.

[119] Note that the ideal should here be differentiated from perfection. Indeed, despite misconceptions to the contrary, very few utopian writers present a state of perfection (Clark 2007, 12). Sir Thomas More's *Utopia* still had crime, but it was the *process* with which the society dealt with those crimes that made it utopian, not a situation free of problems.

[120] Louis Althusser's (Ricoeur 1986, 7) conception of Marxist science is critical social analysis grounded in the perceived structural (read economic) "base" of society, as opposed to more humanistic or subjective perception of reality, which are, to Althusser, in the realm of ideology (the chimerical and illusory world of the superstructure; mere anthropology).

Marxist definition of ideology as distortion, or more specifically, as Jorge Larrain (1996, 52) writes, the concealment of social contradictions. This is the level of false consciousness, or as Hall (1996, 37) would argue, *inadequate* consciousness, because it is less about the worker being duped and deluded about fundamental aspects of their reality and more about inadequate explanations for the dynamics of that reality. On the second level, ideology legitimates certain political discourses through distortion (Ricoeur 1986, 310). This is akin to ideological hegemony, which is of particular importance here because the construction and reconstruction of political discourses seeking dominance (Larrain 1996, 64) tends to delimit what social options are considered possible, or realizable, in mass consciousness. The third level of ideology functions as a preserver of individual or group identity (Ricoeur 1986, 310). Based in Althusserian thought, the precise function of ideology on this level is to constitute concrete social subjects through the process of interpellation. Ideology recognizes or "hails" a subject into the social order thus making them concrete (ibid., 148-49). On this level, ideology is fundamental to the construction of human beings as subjects; indeed, it becomes the basis of our conscious existence, a neutral and eternal force that is beyond the history of class struggle (ibid, 149).[121]

Ricoeur (ibid., 172) must confront a problem inherited from Mannheim; if ideology is functioning on so many profound levels for human consciousness, how could one ever break free of it and remove ourselves from its cycle? Put another way, if consciousness is so imbued with ideology, either because of the ubiquity of distortion, the dominance of hegemony or it presence in the very construction of social subjects, how can one critique ideology without that critique being ideological itself? Mannheim saves himself from this fatal trap by claiming one may come to "total reflection." By "striving toward a total view," Mannheim argues, we can see ourselves "in the context of the whole," thus representing "in miniature 'the ever widening drive towards a total conception,'" resulting in the particular point of view being transcended (ibid., 172). Ricoeur (ibid., 169-72) is skeptical of this removal of the sociologist from the play; the moves toward a strict empiricist observation of ideology, a non-evaluative concept of ideology, or ultimately, total reflection, are in the end deemed not humanly possible.[122]

The key to extrication from this crisis of judgment is through utopia, "the only way to get out of the circularity in which ideologies engulf us is to assume a utopia, declare it, and judge an ideology on this basis" (ibid.). It is in this theorem that we find the definitive nexus between ideology and utopia. This solution is congruent with Ricoeur's claim that the absolute onlooker is untenable. The utopian approach openly declares itself a polemical point of view, critical in that it is articulated for the betterment of humanity, with no illusion that its existence is "outside

[121] Here, Ricoeur (1986, 148) questions with understandable confusion as to how Althusser could promote this very essential function of ideology whilst still dismissing it as the world of illusion, superstructure and "mere anthropology."

[122] Returning to Donna Haraway (1988, 582), feminist theory has critiqued claims of infinite vision as an illusory "god trick" used to justify a patriarchal approach to objectivity.

the game" (Ricoeur 1986, 173). This conception of utopia is correlative to Ricoeur's (1986, 301) three levels of ideology (distortion, legitimation and identification):

> First, where ideology is distortion, utopia is fancy—the completely unrealizable. Fancy borders on madness. It is escapism and is exemplified by the flight in literature. Second, where ideology is legitimation, utopia is an alternate to the present power. It can be either an alternate to power or an alternate form of power. All utopias, whether written or realized, attempt to exert power in a way other than what exists. At a third level, just as the best function of ideology is to preserve the identity of a person or group, the best function of utopia is the exploration of the possible, what Ruyer calls "the lateral possibilities of reality." This function of utopia is finally the function of the nowhere.

Parallel to the correlation between ideology and utopia, Ricoeur's comparison also speaks to the function of diaspora. Returning to Hintzen and Rahier (2010, ix-x), they locate the emergence of the concept-metaphor "African diaspora" as the self-conscious comparison between the condition of Africans and their descendants world-wide with the Jewish Holocaust, which laid bare the racial violence at the core of the "European modernist project." European anti-Semitic racism had culminated in mechanized genocide while European anti-African racism supported enslavement and colonialism, entailing displacement and dispersal for the Africans. This displacement and dispersal created the condition for the African diaspora, initiated by forced exile (ibid, x). The political and analytical work done by diaspora is, therefore, both as an emphasis for the experiences of unity shared by dispersed African people and as a concept enabling research of African communities across national borders, hitherto restrained by "continental, regional and national discourse" (ibid.). Analytically, by "[opening] up the space of collective self-recognition for examination and analysis", diaspora dispels ideology in its first, distortive instance (in this case the specific ideology being white supremacy (ibid., x-xi)). Politically, the diaspora concept-metaphor works to support what Hintzen and Rahier (ibid., xi) describe as the struggle for African universal collective recognition of modern subjecthood, an endeavor entailing the raising of consciousness. As such, diaspora exerts (counter)power in a parallel fashion to utopia in its second function in that it challenges hegemonic ideology by raising the African mutual-recognition, which was once submerged into consciousness, to the level of "overt political contestation" (ibid., xii). In other words, diaspora entails utopia because it shatters hegemonic ideology by rendering what was hitherto unthinkable or submerged into the realm of consciousness.

It is from these conceptualizations of the functions of utopia and the African diaspora that I will first interrogate the discourse on utopia followed by the utopic catalyst in African solidaristic diasporic connections. To give an entire account of the debate surrounding utopia would far exceed the bounds of this dissertation, or any single text for that matter, but traversal of the discursive terrain of the utopian is necessary in order to successfully contextualize and situate my own intervention. Given its often incendiary rhetorical usage, to evoke the utopian

and interrogate it beyond the merely etymological and, in respect to this chapter's line of investigation, to engage with the function of utopia as theory and practice, is to invite *a priori* skepticism of the very nature of the investigation and run the risks of entering a scholarly morass. Utopia is commonly employed as a malign word, and therefore theorists of social change are often quick to disown any association with the term. In a testament to how deep the fear of the taint of utopia runs in some radical intellectuals, Immanuel Wallerstein who, in presenting his innovative appropriation of utopia as an evaluative method for possible alternative social systems, a tool he called *Utopistics* (akin to Ricoeur's third function of utopia), was simultaneously eager to denounce utopian visions as futile (Gordon 2004, 117). The contradiction in Wallerstein's approach is evident.

In order to enter deeper into this expatiation of utopic discourse, let us dwell on the issue of utopia as fantasy a little while longer. Again, to the extent that the utopic finds its functions in relation to ideology, the classical Marxist position on ideology is that it is opposed to praxis, i.e. ideology as fancy or of imagination (Ricoeur 1986, 271). Congruently, for Louis Althusser, all that predates Marxist science is ideology; a mere "echo" or "reflection" that serves power by masking interest. Thus, as Engels ([1880] 2001, 45) elucidates in *Socialism: Utopian and Scientific*, utopia is interpolated into Marxist critical judgment of ideology as unreal, such that all the socialists who lacked Marxist science or did not agree with Marx's theory of history were hopelessly and contemptuously utopian (Stephens 1987, 14). Critical theorists can no longer ignore or tolerate the folly of this line of argumentation. It is not enough to retort that so-called utopian socialists, like Henri de Saint-Simon, vigorously defended themselves against Engels' attack by stressing the practicality and advantageousness of their systems, and denied Engels' employment of the term utopian (ibid., 11).[123] *We must ask who is in a position to judge feasibility or possibility in the first place*. Mannheim, after failing to apply any formal criteria to the feasibility of utopia, concedes that questions of realizability are so contested because of their inextricable intertwining with hegemonic struggle and polemic, to the point of rendering useless the judgment of utopia (Ricoeur 1986, 178). At best, only the judgment of past utopian projects or plans can make use of formal criterion. Indeed, one of the most powerful aspects of utopian thought is its dismissal by hegemonic realism as impossible, creating an incongruence with dominant society that can shatter the conservative function of ideology (ibid, 176).

Herbert Marcuse (1970, 63) reminds us that the impossibility of the social change advocated in utopian thought is exactly and precisely fundamental to its definition. Marcuse continues that if critical theory is to move beyond mere ameliorative prescriptions for society, it will need to embrace "the extreme possibilities of freedom," and likewise, "Marxism must risk defining freedom in such a way that people become conscious of and recognize it as something

[123] It is apparent that one of Marx and Engels' true reasons for attacking the so called utopian socialists was precisely their disagreement with historical determinism. The destruction of capitalism and socialist rebuilding were argued to be part of the same inevitable process, thus making "utopian" efforts of socialist imposition pointless, ineffective and unneeded (Clark 2007, 21). The other rationale behind Marx and Engels' attack against the utopians was to ensure the hegemony of their own ideas in the realm of socialist politics.

that is nowhere already in existence" (ibid., 69). Thus, critiques of utopia on the grounds that it is unrealizable given that it does not yet exist is fallacious reasoning because it is precisely utopia's impossibility that gives it its character and transformative power; echoing Mannheim, "unfeasibility shows itself only after the fact" (ibid., 63). Furthermore, dismissal of the utopian as unfeasible on the grounds of countervailing tendencies is similarly mistaken because revolutionary projects may be held back by counterrevolutionary forces which are only overcome by the revolutionary process itself (ibid.). Hall (1996, 33) reminds us that Marx himself, in his critiques of political economy, warned that even the truly scientific political economists fell prey to distortion because they externalized as universal certain processes that were specific to a certain phase of historical development; the naturalization process. Similarly, Albert Einstein, in his contribution to the first issue of the *Monthly Review,*[124] clearly drew on Marx's concept of the naturalization process to criticize the deceitful presentation of Economics (and by extension Political Science) as akin to a natural science because of the inability or unwillingness of a great number of its promoters to come to terms with the historicized nature of its "laws." The caveat is that although distortion is rooted in *externalization*, it is not to say that these naturalized categories are false within the limits of their own horizon.

It is necessary at this point to stress that Marcuse (1970, 63) actually does establish a category for realizability, in that utopian projects must be bound by scientifically established laws. It is hard to disagree with this for who could take seriously a utopian project actualized by a violation of physical laws? It seems reasonable to declare that only such *physically* impossible utopias, as best understood by the natural sciences, be categorized as the function of fantasy and delusion. Nonetheless, it would be wise to remember that, reflecting on the scientific leaps forward of the 20th and 21st century, many of our ancestors would consider a world of time-space compression through instantaneous telecommunications, high speed aeronautical travel, organ transplants and other advances now taken for granted to be laughably utopian (fiction, fantasy, escapism). This line of argumentation is not intended to reopen the wounds of the 1990s Science Wars which tore through academia;[125] rather I mean to suggest that new scientific discoveries as of yet unfathomable can make us reevaluate what we once thought to be objective truth, even in the realm of hard science. We would also be wise to not put absolute blind faith in popular conceptions of physical laws given the challenge to Newtonian physics presented by quantum mechanics.[126]

Nonetheless, sweeping reductions of the utopian to its pejoratively fantastical function still persist. Even Marcuse (ibid., 64) seems to get spooked by the negative implications for

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[124] Einstein, Albert, 1949. Why socialism? *Monthly Review* [on-line] 1(1) Available through: http://monthlyreview.org /2009/05/01/why-socialism [Accessed 1 Mar 2017].

[125] See Gross, Paul and Norman Levitt. 1994. *Higher superstition: the academic left and its quarrels with science*. Baltimore, MD: Johns Hopkins University Press; Parsons, Keith, ed. 2003. *The science wars: debating scientific knowledge and technology*. Amherst, NY: Prometheus Books; Sokal, Alan and Jean Bricmont. 1998. *Fashionable nonsense: postmodern intellectuals' abuse of science*. New York: Picador.

[126] See Barad, Karen. 2007. *Meeting the universe half way*. Durham, NC: Duke University Press - Specifically Chapter 7; "Quantum Entanglements: Experimental Metaphysics and the Nature of Nature."

Marxist economic determinism by his own meditations on utopia and backtracks by hastily adding another criteria for realizability: that the intellectual and material forces for radical transformation must be present. But given that it is an outcome of hegemonic ideology to precisely mask or distort the existence of those forces, it is once again unclear how one can be in a position to determine their presence *before* they are actually brought to bear, except from the utopian position. Thus, in terms of dominant discourse, utopic, counterhegemonic alternatives will always be portrayed as impossible, the feasibility of which will only be known when they actually arise. Marcuse's backtracking is all the more perplexing given his view presented in his 1937 essay *Philosophy and Critical Theory* that "[w]hen truth cannot be realized within the established social order, it always appears to the latter as mere utopia" (Gordon 2004, 120).[127]

Chris Matthew Sciabarra (1995, 1-2), representing this dilemma in a somewhat more abrasive fashion, attempts a reconciliation between Friedrich August Hayak and Marx, intellectual nemeses by most accounts, by explicating their anti-utopian common ground. The basis of the argument is that both theorists strive for radical change determined by what is "possible," rejecting the "impossibility" of the utopian, which is rife with "an exaggerated sense of human possibility, aiming to create new social formations based upon the pretence of knowledge" (ibid.). Beyond the arrogance of this line of reasoning, it is instructive in that it poignantly highlights that utopian praxis is still rejected by both the economic right and the orthodox Marxist left. More to the point, however, this line of reasoning falls into the trap of assuming that the "possible" and "impossible" in the social realm can be objectively known at any time. Michel-Rolph Trouillot's (1995) conception of *unthinkable history*, of which the Haitian Revolution is Trouillot's prime example, illustrates my point. Which French subject in 1789 would have thought it possible that the absolute monarch Louis XVI, descendant of *le Roi-Soleil* himself, would lose his head to his own people within four years? And in the case of Haiti, not even the most radical of the Jacobin *sans-culottes* predicted that the human chattel in the colony of Saint-Domingue would initiate, let alone complete, a revolutionary transformative process that resulted in the establishment of an independent Black state and the abolition of enslavement through force of arms (Trouillot 1995, 81). As such, the Haitian Revolution is an excellent example of utopian praxis manifested in the African diaspora, where the facts of the situation were unthinkable even as they transpired. Utopian praxis is therefore the bedrock of unthinkable history and critical theory. The shockwaves the French and Haitian Revolutions sent through the European Enlightenment cannot be overstressed. R. B. Rose (1987, 35) writes that before the revolutionary conflagrations of the 1790s, philosophers (utopian or otherwise) did not generally believe in the possibility of swift social change. It was the French and Haitian[128]

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[127] Ann Laura Stoler (2009, 278) recognizes that the creation of a dominating ontology requires the usurpation of truth and an obfuscation of social realities such that vital lies come to underpin the system. Through an act resembling Orwellian double-think, officials and representatives of the dominant group must navigate between reproducing these vital lies while remaining at least somewhat cognizant of social reality, i.e. a process of contrived ignorance (ibid., 147n18).

[128] Despite Haiti's supreme importance to the development of the Enlightenment (see Buck-Morss, Susan. 2009. *Hegel, Haiti and universal history.* Pittsburgh, PA: University of Pittsburgh Press) the importance of its history has

Revolutions that dramatically slammed the trajectories of Enlightenment thought and the utopian together. Only then did some thinkers start to believe that everything could be changed all at once (ibid., 36).

Thus, we arrive at the utopian in Marx, as loath as he and Engels were to admit it. If utopian thought is the only way of breaking out of the ideological cycle, then this is what must have been the catalyst of Marx's epistemological break.[129] Compelling evidence of Marx's disavowed utopianism permeate his canon. Taking Marx's intellectual corpus as a whole, Damyanti Gupta (1992, 170) aptly illuminates the obvious: "[I]n so far as Marx postulates a definite goal or a preordained finale to human history in the form of establishment of a classless and stateless society, his writings are utopian." Fredric Jameson (2010, 27) notes that Marx and Vladimir Lenin wrote specifically utopian works about the Paris Commune (an example of utopian praxis itself); the former in his lectures on the Commune, *The Civil War in France*, a virtual blueprint for utopian democracy, and the latter in *State and Revolution*, where the Soviet leader's support of direct democracy is expanded upon (though, unfortunately, never applied). One of the most telling examples of Marx's utopianism is found in *Capital* ([1867] 1979, 171), commonly viewed as Marx's most scientific work: "Let us finally *imagine*, for a change, an association of free men, working with the means of production held in common, and expending their many different forms of labour-power in full self-awareness as one single social labour force [emphasis added]." Marx's need to employ (utopian) imagination, in a quite Anarchistic form in fact, to support what is held up as his most scientific work makes Marx, Engels, and Althusser's denigration of imagination all the more frustrating. Sadly, the rhetorical maneuverings and theorizing of these radical scholars has greatly contributed to the intellectually sloppy situation where: "Perhaps the most common attack on utopias and utopianism is the simple use of the adjective 'utopian'. Used to describe a utopia, or any radical proposal, it means unrealistic, impractical, weird, lunatic or unlikely to come true" (Clark 2007, 14). As Anarchist theorist Peter Kropotkin wrote: "False assumptions about the limited possibilities of human sociability can stand in the way of movement towards a better way of life[;] the claim that human limitations prevent the realisation of communism [actually] did so" (ibid., 17). So, to the extent that "the expansion of political imagination may have a revolutionary potential of its own," (ibid.) Marx, Engels, and Althusser committed a great act of self-sabotage with negative repercussions for the entire revolutionary left. Unfortunately, given my own observations of the Marxist left in the late 20th and early 21st centuries, I must concur with Kelley's (2002, 7) lament

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been silenced in the European historical archives and popular consciousness (see Trouillot, Michel-Rolph. 1995. *Silencing the past: power and the production of history.* Boston, MA: Beacon Press, Ch. 3). This is similar manner to the foreclosure of the native informant, as described by Gayatri Spivak (1999, 4), where in the process of the production of the universal European subject, the native informant is encrypted through a psychoanalytic process of foreclosure based on a psychological defense mechanism involving a state denial where an idea is both rejected by the ego and then understood to have never occurred to it at all.

[129] Ricoeur (1985: 178): "I submit, therefore, that there is no mind which liberates itself suddenly without the support of something else. Is it not always the utopian possibilities of individuals or groups which nourish our capacity to distanciate ourselves from ideologies?"

that "[most of] those traditional leftists who have traded in their dreams for orthodoxy and sectarianism … are hopeless."

This engagement with the impossible bears particular importance for African diasporans given the denial of their very subjecthood in dominant Western thought, necessitating some clarification on the impossible and the bounds of African possibilities. That the African was long held in European ontology to be devoid of history and reason and incapable of shaping her own destiny, let alone the ability to act with the foresight and cognizance necessary to wage liberatory struggle, is clear. Recapitulating Michelle Wright's (2004, 33) analysis of Hegel makes it clear that his construction of reason was "synonymous with European values and standards, while irrationality was non-European." Indeed, Blacks were the very anti-thesis of whites such that "where the white is civilized, the Black is primitive; where the white loves freedom, the Black enjoys servitude; whereas the white loves order, the Black embraces chaos, and so on" (ibid., 29-30).

Early in his book *On the Postcolony*, Achille Mbembe (2001, 2) stresses that such simplistic, prejudicial and derogatory views continue to persist. Mbembe (ibid., 176) finds the archetype of colonial discourse about Africa also in the works of Hegel and quotes directly from to reveal his view that:

> The negro is an example of animal man in all his savagery and lawlessness, and if we wish to understand him at all, we must put aside all our European attitudes. We must not think either of a spiritual God or of moral laws; to comprehend him correctly, we must abstract from all reverence and morality, and from everything which we call feeling. All that is foreign to man in his immediate existence, and nothing consonant with humanity is to be found in his character.

Given Hegel's immense influence on European philosophy and science it should be no surprise that, well into the 20th century, white scientists were keeping the animalization of the African alive and well. In his autobiographical book *From Anthropometry to Genomics*, noted biological anthropologist Jonathan S. Friedlaender (2009, 19) relates that as a graduate student at Harvard in the 1960s, a certain professor that would become a top researcher in the field was openly making facile and outrageous analogies between Africans and monkeys. This professor received tenure at Harvard and enjoyed departmental defenses of his views, while the sole faculty member who critiqued him was eventually made to leave the department. Given this racist underpinning to European ontology, I argue that any situation where Africans embark on radically transformative projects for self-liberatory social change will be deemed impossible by dominant ontology and thus rendered utopic.

This reality was certainly not lost on Frantz Fanon, who in his struggle for the reciprocal recognition of the humanity of Black folk was only all too aware of the impossibility, within the confines of colonial (read Western) thought, of what he was demanding. Fanon's ([1952] 2008,

193) explanations in *Black Skin, White Masks* of the stakes entailed in his struggle for a new humanity are very instructive here:

> Only conflict and the risk it implies can, therefore, make human reality, in-itself-for-itself, come true. This risk implies that I go beyond life toward an ideal which is the transformation of subjective certainty of my own worth into a universally valid objective truth.
>
> I ask that I be taken into consideration on the basis of my desire. I am not only here-now, locked in thinghood. I desire somewhere else and something else. I demand that an account be taken of my contradictory activity insofar as I pursue something other than life, insofar as I am fighting for the birth of a human world, in other words, a world of reciprocal recognitions.
>
> He who is reluctant to recognize me is against me. In a fierce struggle I am willing to feel the shudder of death, the irreversible extinction, but also *the possibility of impossibility* [emphasis added].

As much as this passage sets up the opening to the revolutionary program laid out in *The Wretched of the Earth*, where the violence of the oppressed is the only force capable of halting the violence of colonialism (Fanon [1961] 2004, 61), Fanon also explicitly highlights the utopian nature of the struggle in that the new world he seeks is so far removed from colonial reality that it is deemed impossible, the forms of which are beyond imagination, such that Fanon did not (perhaps could not) describe the contours of his new world. Indeed, there is a history of utopian projects and ideas failing or descending into ridicule through their quixotic attempts to create or define social perfection.

The issue of perfection is a contentious one within utopian thought and theory. Some utopian theorists like Eugene Kamenka (1987, 81) firmly argue that utopia is about envisioning social perfection and this is what distinguishes it from other forms of social idealization.[130] Others, such as Erin McKenna (2001, 35), argue that the once-common utopian drive for a final, static goal (what she classifies as "end-state utopianism") leads to a world where there would be nothing to dream about. Indeed, any claim to perfection would be highly dangerous for a society, breeding totalitarianism and a fierce intolerance of dissent (ibid.). McKenna instead draws on Anarchist, feminist, and pragmatist perspectives to call for a *"process model of utopia."*[131] As McKenna (2001, 3) explains: "Rather than seek perfection, the process model of utopia seeks to create and sustain people willing to take on responsibility and participate in directing their present toward a better, more desirable future." Coping with the material conditions of daily life,

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[130] Note Kamenka's opposition to my own argument that it is the engagement with the unthinkable/impossible, such that dominant ontologies are shattered, which defines utopia's key distinctive feature.

[131] In terms of successful process-utopias, Noam Chomsky (Horrox 2009, 87) acknowledges that the early Israeli kibbutz communities "came closer to the anarchist ideal than any other attempt that lasted for more than a very brief moment before destruction;" the anarchist ideal of course being widely considered, either applaudingly or derisively, as the paragon of utopianism.

while elaborating visions of what could be possible, is an experimental process (ibid.). Thus, theory and practice are in fact melded together as praxis in the process-model utopia, where it is the seeking of meaning rather than a perfect end goal that is the key to liberation. I will demonstrate in the coming pages that this process was very similar to Guinea-Bissauan decolonial leader Amílcar Cabral's revolutionary praxis.

Rabaka (2009, xiii), endeavoring to reclaim critical theory from Eurocentric discourse, argues that if critical theory is to live up to its true tasks of critiquing domination and discrimination while offering "accessible and ethical *alternatives* [emphasis added]" to contemporary social, political, and economic crises, it must leave its Eurocentric comfort zone of focusing solely on capitalism and commit itself to a solid and consistent critique of race, gender, and colonialism. In terms of this paper, the function of critical theory, defined as "praxis-promoting theory or theory with practical intent" (ibid, 7), is for the diasporic creation of concrete and actionable alternatives to socio-economic and political crises faced by Africans. As Angela Y. Davis (ibid., 1) wrote:

> Critical theory … has as its goal the transformation of society, not simply the transformation of ideas, but social transformation and thus the reduction and elimination of human misery. It was on the basis of this insistence on the social implementation of critical ideas that I was able to envision a relationship between philosophy and black liberation.

It would be false, however, to suggest that Frankfurt School critical theorists did not also realize and articulate the explicit link between theory and social transformation.

> Social theory is concerned with the historical alternatives which haunt the established society as subversive tendencies and forces. The values attached to the alternatives do become facts when they are translated into reality by historical practice. The theoretical concepts terminate with social change (Marcuse 1964, xi-xii).

Nonetheless, Frankfurt School Eurocentrism led to their complicity in foreclosing African critical theory. This silencing ultimately landed Marcuse into some trouble as he tried to conceptualize how social transformations born of the utopic critical theory he advocated would actually unfold. By the conclusion of his lecture on *The End of Utopia*, Marcuse (1970, 80) was befuddled by the apparently mutually conflicting dependent conditions of theorem; that in order for "new" revolutionary needs to develop, mechanisms that produce the old, hegemonic needs must be abolished. But in order to abolish those mechanisms, the new revolutionary needs must already be in place! On one level, I argue that this cycle was really caused by Marcuse's own inability to truly come to terms with the ontology-shattering power of the utopic. As previously mentioned, at this stage of his intellectual development, Marcuse was unable/unwilling to divorce himself from Marxist economic determinism in order to truly grasp the utopic. On another level, had Marcuse paid more attention to anti-colonial struggles at that time, he would

have encountered a multitude of revolutionary struggles breaking this cycle.[132] Avoiding this pitfall, Rabaka brings to bear the momentum of Africana Studies into the fray. Born of the need to decolonize the minds of Black people, the interpolation of Africana Studies into critical theory ensures a *reconstructive* African critical theory that continually creates and recreates an "anti-racist, anti-sexist, anti-capitalist, anti-colonial and sexual orientation-sensitive critical theory of contemporary society" (Rabaka 2007, 20), such that critical praxis is enabled. However, when the ends of critical theory are pushed toward transformative goals beyond what is deemed possible by the hegemon, such as the reciprocal recognition of the full humanity of Black folk, utopic praxis is the more accurate denotation. As such, utopian praxis can be defined as: *critical praxis guided by visions and goals that decisively break with the hegemonic bounding of possibility*. It is both the practice of Ricoeur's (1986, 301) second, counter-power level of utopia, and the third utopic level of stretching "the lateral possibilities of reality."

Although hitherto articulated as if they were different processes, critical theory and critical practice are in fact inextricably conjoined. Indeed, as Cabral (1980, 123) states, "every practice gives birth to a theory." However, rather than viewing this conjunction as practice-generating-theory (praxis), or theory-generating-practice, as Rabaka (2007, 7) suggests, I argue, taking my incitement from feminist theory that rejects the theory/practice binary altogether (McKenna 2001, 4), that it is more instructive to understand the relationship between theory and practice as a feedback loop, with each end of the spectrum informing and enabling the other. The history of Maroon survival stands as an African diasporic example of utopic praxis *par excellence*.

Jamaican Maroon oral histories dealing with *first-time* stress that it was strict adherence to African spirituality which ensured the *first-time* Maroons' survival of the middle passage (by smuggling objects of spiritual significance and power aboard the ships) and was the key to their resistance struggle. By not engaging in loose talk with their captors, thus avoiding the betrayal of spiritual secrets, by avoiding the consumption of European foodstuffs and eating only "pure" foods, and by maintaining a devotional remembrance of Africa concomitant with their indigenization, the Maroons were able to harness a cultural fortitude that empowered the resolve of their flight to freedom (Bilby 2005, 72-73). The preservation of the past by colonized peoples as an enabler of utopic praxis is discussed below in regard to Cabral. Eugene D. Genovese (1979, xix) concurs that Maroon warriors "drew upon their own cultural identities and collective commitments to reject oppression and to advance alternative social norms." If autonomy and isolation were established in the form of the Maroon enclave, the Maroons, with their hard-won

[132] To be clear, Marcuse (1970, 82) does, at the very end of the lecture, mention that anti-colonial guerrillas were in fact implementing his new theory-of-man, and yet, perplexingly, his praise comes in the form of a strange and trite (non)acknowledgement of the fatal Eurocentrism in his own thoughts on the matter, where he seems more inspired by the size of the park benches in Hanoi than the thoughts and theories of those Vietnamese locked in a tenacious struggle against the world's most powerful war machine.

respite, were free to form a new social order standing as the antithesis of the hegemonic plantocracy, given situational limitations (ibid, 82).

However, in terms of organizing across differences, the Jamaican Maroons broke with their African past by employing innovative strategies to cohere as communities able to withstand the daily hardships of their struggle. In analyzing the formations of Black Internationalism during the Harlem Renaissance, Brent Hayes Edwards (2003, 7) stresses that "the cultures of black internationalism can be seen only *in translation*." For the Maroons, faced as they were with a steady influx of African escapees of often disparate ethnicities, translation became a very real and immediate problem. As discussed in Chapters 2 and 3, Kojo fostered a new hybridized Afro-indigenous culture adopted by the Maroons though the ethnogenic ritual of Kindah. The example of the Quilombo of Palmares in Brazil, a major Maroon settlement, also speaks to the Maroon ability to organize across difference and combat divisive ethnic particularism within their own ranks. Ronald N. Anderson's (1996, 558) research indicates that the entire political structure of Palmares may have been an import from Central Africa brought over by the enslaved and adapted to local conditions, incorporating a syncretized religious structure. In fact, Anderson (ibid.) traces the root of the Portuguese word Quilombo (meaning Maroon settlement) to be the Bantu derived word *Kilombo*, a form of community organizing used by Angolans living in an increasingly volatile situation (the Portuguese trans-Atlantic trade in enslaved captives was taking its toll in the region) for self-defence and the stable organization of people from disparate backgrounds. Apparently the Palmaristas even referred to their primary settlement as "Little Angola" (ibid, 559).

The strategies of hybridized diasporic connectivity employed by the Maroons are reminiscent of the fugitive founded town of Gwolu, Ghana, where Hartman (2007, 233) concluded her "path to utopia":

> The fugitive's dream exceeded the borders of the continent; it was a dream of the world house. If I learned anything in Gwolu, it was that old identities sometimes had to be jettisoned in order to invent new ones. Your life just might depend on this capacity for self-fashioning. Naming oneself anew was sometimes the price exacted by the practice of freedom.

That the Maroons were able to preserve or restore their cultural, physical, and social integrity in opposition to powerful systems of enslavement predicated on the negation of those very aspects of African existence, represents one of the great historical triumphs of utopic praxis, all the more so since a few of those communities still exist as relatively autonomous polities to this day. I will conclude this chapter by arguing that Cabral's political thought offers a compelling framing of the ideological basis of Maroon struggle, past and present, within the context of utopic praxis.

Cabral bequeathed a voluminous trove of writings detailing his development as a revolutionary and his first-hand experiences in the struggle against Portuguese colonialism in the

latter half of the 20th century. Given the relative multiplicity of biographies and analyses pertaining to Cabral, I will not recapitulate his development as a revolutionary here, suffice it to say that by this time Cabral (1980, 141) founded the *Partido Africano da Independência da Guiné e Cabo Verde* (PAIGC) in 1956, he had a firm grasp of the link between culture, utopia (what he calls "the idealist level"), and national liberation:

> The value of culture as an element of resistance to foreign domination lies in the fact that culture is the vigorous manifestation, on the ideological or idealist level, of the material and historical reality of the society that is dominated or to be dominated. Culture is simultaneously the fruit of a people's history and a determinant of history, by the positive or negative influence it exerts on the evolution of relations between man and his environment and among men or human groups within a society, as well as between different societies. Ignorance of this fact might explain the failure of several attempts at foreign domination as well as the failure of some national liberation movements.

Cabral's understanding of the centrality of the African renaissance was contingent on his concept of *returning to the source*, the historical gaze of the colonized that finds the utopic in pre-colonial culture. Cabral was quick to warn, however, not to rush headfirst into romantic essentialism and that *returning to the source* had to be done in a careful, critical way while leaving room for hybridity and what was potentially good or useful in European cultures (Rahmato 1982, 24). Cabral's own exercise in returning to the source yielded profound insights that would impact his politics and, by extension, shape the nature and structure of the PAIGC liberation movement. Reflecting on the Balanta people, an indigenous ethnic group in Guinea-Bissau, Cabral (1980, 37-39) noted that:

> The Balanta do not have great chiefs … Each family, each compound is autonomous and if there is any difficulty, it is a council of elders which settles it. There is no State, no authority which rules everybody. If there has been in our times, you are young; it was imposed by the Portuguese… [A] great number of Balanta adhered to the struggle, and this is not by accident, nor is it because Balanta are better than others. It is because of their type of society, a horizontal (level) society, but of free men, who want to be free, who do not have oppression at the top, except the oppression of the Portuguese. The Balanta is his own man and the Portuguese is over him.

This is the very model of the *freedom drive culture* that Cabral tried to instill among the wider Guinea-Bissauan/Cape Verdean society and for which Marcuse was desperately grasping, unable to truly find it because of his Eurocentric blind spots (Gordon 2004, 125; Marcuse 1970). In essence, Cabral viewed culture as the instrument with which to suture freedom into the very political, social, economic and spiritual fabric of human existence (Zegeye and Vambe 2009, 95). The parallels between Balanta culture and the organizational structure of the PAIGC were striking:

> The truth is that no one can say that in this Party the opportunity to command is not given to everybody. Everybody has this, the way is wide open for everybody … In the Party we have rigorously avoided anything which smacked of some persons being subject to others, or some being stooges of others … [O]ur Party is led collectively, it is not led by one person. At any level, in political action or in the armed forces, in security or in education, anywhere and at the different levels there is always collective leadership (Cabral 1980, 70-73).

This organizational foundation tended to generate a self-managed impetus in Guinea-Bissauan liberated zones. Ultimately, echoing Rabaka (2009, 237), Cabral's revolution was prefigured in a non-predictive manner to help achieve the complete revolutionary destruction of imperialism/colonial racism and its replacement with "democratic socialist global coexistence." It was non-predictive because Cabral was not in the business of crafting grand, intricate designs for the future of his people in the manner of an end-state utopianist. Indeed, Cabral (1980, 45) was fond of instructing his cadre members to "weigh up and make plans which respect reality and not what [you have] in [your] head." Cabral taught that it was only though a rigorous study of reality that revolutionary theory and practice become integrated to the point of inseparability (Davidson 1980, xi). As such, Cabral was averse to any strict doctrinaire style of organizing, hence his repeated assertion that he was not a Marxist; being against the mechanical application of universalist theories to diverse situations (Rahmato 1982, 2). Cabral was a revolutionary practitioner who distrusted the totalizing sweep of Marxism/Marxist-Leninism and greatly deviated from Marxist theory in his own works despite his alliance with the Soviet Bloc (ibid., 12-18).

In the final analysis, Cabral stands unparalleled as an African revolutionary through his ability and drive to unify theory and practice while stressing the vital need to organize across difference. Furthermore, Cabral's struggle represents one of the best examples of *process utopianism* in the 20th century, with the caveat that this does not equal perfection; to wit, vital aspects of his theory were too vaguely articulated to be compelling.[133] Cabral was assassinated by an agent of the Portuguese secret police in 1973, less than two years before *de jure* independence was achieved.[134] Guinea-Bissau and Cape Verde are clearly far from utopic societies, and although Cabral's survival was no guarantee in and of itself that his revolution would have achieved the radical social transformations he envisioned, to the extent that he "represents the zenith of twentieth century Africana revolutionary theory and praxis" (Rabaka

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[133] Such as his promulgation that the so called "revolutionary bourgeoisie" were the truly revolutionary class in Guinea-Bissau/Cape Verde (Cabral 1969, 442-43), defended in almost faith-based terms by justifying their centrality and eventual triumph by means of a dubious and messianic concept of "class suicide" (Nyang 1976, 17).

[134] Chabal (1983, 135-36) writes that Cabral's faith in the redemptive power of his theory and praxis was so great that he refused to go about with bodyguards or even a personal weapon, despite a previous assassination attempt. He also chose not to sanction members of PAIGC who were known Portuguese agents, including the man who eventually killed him. It would seem that Cabral was, ironically, felled by his own utopianism, the source of much of his strength as a revolutionary.

2009, 227) his assassination was a severe blow to the short-term prospects of vigorous utopian praxis in the African diaspora.

The *Freedom Drive Culture*

In response to my filmmaker friend, who found utopia in Accompong, I argue that the veracity of his sentiment is vindicated through the analysis of the ideological axes of Maroon struggle described above. But the intrepid visitor found was not a community resting in idyllic perfection, far from it, but rather a polity that had kept alive a *freedom drive culture* for centuries. The Maroons, as a polity, are not Marxist and most have likely never heard of anarchism, but I have found in Accompong many of the manifestations of process model utopistics. Indeed, in discussions on politics and development, the vast majority of my respondents were eager to discuss their hopes and dreams for Accompong, vibrant with enthusiasm on the potential for their community to foster an ecologically stable future of abundance for the Maroons grounded in a reinforcement of their autonomy and communal lands, if only x, y, or z would change (see the interview with Sheldon Wallace in Chapter 3, which was quite reflective of community attitudes as a whole). Contrast this with the sadly visionless torpor of Western mass society, the political consciousness of which accedes to a supposedly invincible capitalist order so much so that, in the words of Jameson (2003, 76), "it is easier to imagine the end of the world than to imagine the end of capitalism." As the political progeny of Thatcher and Regan harp at shrill pitch that "there is no alternative" (Fisher, 2009), the words of Robin Kelley (2002, xii) act as a sharp corrective:

> Trying to envision "somewhere in advance of nowhere," as poet Jayne Cortez puts it, is an extremely difficult task, yet it is a matter of great urgency. Without new visions we don't know what to build, only what to knock down. We not only end up confused, rudderless, and cynical, but we forget that making a revolution is not a series of clever maneuvers and tactics but a process that can and must transform us.

It is not my role to pass judgment on the feasibility of Maroon freedom dreams, and yes, there are blinders, especially in regard to gender hierarchies. However, reflecting on my field research in Accompong, my assessment is that my respondents were sincere in their desires for self-determination and that such hopes sprang from a sense of justice and dignity. But I also came to believe that those with whom I spoke in government were genuinely committed to national upliftment despite colossal barriers. It is in this shared sincerity that perhaps the Maroon polity and those in the nation-state committed to progress and upliftment can find their interests dovetailing cohesively. Indeed, recall the SDC's (2011) mandate of social uplift and participatory development planning which likely contributed to a heightened sense of trust and the perception of a mutually beneficial relationship allowing for their expansive sociological survey to take place in an otherwise secretive society. Yet, such partnerships will only be possible with a political shift in the higher echelons of government. The counter-power of Maroon polity has presented the state with the fait accompli of dual power in Jamaica. This

suggests the necessity of a plurinational approach to state formation. Only then could a history of relative stability based on oppositionality shift into more productive mutual aid based on solidarity.

CHAPTER 6. CONCLUSION

Through its systematic examination of the Maroon polity of Accompong, Jamaica, this research has provided details and understandings of contemporary Maroon autonomy surviving through a delicate interplay between long-cultivated strategies of resistance and the political economic priorities of the nation state. The comparative example of the Ndyuka Maroons of Suriname highlights the centrality of economic calculations to national state tolerance of Maroon autonomy. Thus, the unfolding crisis over bauxite mining in land claimed by Accompong is of the highest importance for the future of the community. This research has also provided unique knowledge to the historical study of Jamaican Maroon societies, from legal abolition in the 1830s to Jamaican national independence in 1962, and on through to the 1980s, as well as the sociological and political contours of contemporary Accompong. Furthermore, this research described and analyzed a distinct Maroon environmental ideology where human, spiritual, biotic and abiotic realms coexist in a paradox of categorical separation and unity, implicitly rejecting the philosophical dualism between humanity and nature at the heart of dominant Western environmental thought (Price 2011, 188; Soper 1993, 25). Finally, contemporary Maroon struggle in both Jamaica and Suriname advances the normative imperatives of plurinationality as an approach to state formation more commensurate with Maroon collective needs, and further highlights the socially transformative potential of Maroon political action in the 21st century.

The combined historical, socio-economic, and ethnographic data used to develop this detailed analysis of the contemporary social dynamics of the one of the few remaining Maroon societies, not only provides data hitherto unavailable in the literature, but also pushed back against dominant understandings of historical Maroons (Bilby and N'Diaye 1992). Beginning with a reinterpretation of the historical record of political negotiations between Accompong and the state from the mid-18th to the late-20th century, I argued that a form of *oppositional stability* was forged between the Maroons and the British colonial administration made possible by a Maroon strategy of asymmetric diplomatic resistance, reminiscent of the guerilla warfare which ensured the polity's survival during their war against enslavement. While discord over land and taxation was frequent and often punctuated by sharp rhetoric during this period, neither the colonial state nor Maroon leadership would push the other to the brink of open conflict, with negotiations usually coupled to tacit strategies of détente instead of escalation. This was the context in which Maroon autonomy was preserved in the post-legal abolition period, a historical finding which challenges claims in the literature that Jamaican Maroon autonomy was rendered unviable in the 19th century (Groot 1986; Kopytoff 1973). This analysis further emphasizes the importance for Caribbean historiography to move away from state-centric historical research in accounting for legacies of resistance and social struggle.

Building on this historical context in conjunction with the available demographic data and field observations, I established the sociological and political contours of contemporary Accompong, a small autonomous agrarian community of roughly 1,000 people largely engaged in subsistence agriculture and cash copping, with long-entrenched dynamics of labor emigration.

There is now a movement in the Maroon polity, active since the early 2000s, to shape Accompong as a constitutional republic in order to advance its claims as a sovereign power. In this manner, the political momentum in Accompong is one that is no longer content to merely maintain autonomy vis-à-vis the Jamaican state, but is rather seeking to become a sovereign state (or rather, state-within-a-state) in its own right. The 21st century constitutional turn of Accompong is influenced by past practices of consensus in Maroon history, but is also driven by broad desires for increased affluence as well as the intervention of key nodes of the Maroon diaspora in the United States and Europe who, through their sustained and active participation in the community, are incorporating adaptations of Euro-American statecraft into Accompong's governance process. Despite these changes, gendered hierarchies in Accompong still render key decision-making positions in the Maroon governance structure the sole purview of men.

Given the relative absence of scholarship on the politics of contemporary Accompong with a few notable exceptions (Besson 2015; Bilby 2002; Zips 2011), a socio-historical comparison with the Ndyuka Maroon nation of Suriname brings into sharper relief the causal variables at work to position Accompong as a unique example of autonomy in the Maroon world. My interpretation of 20th century Ndyuka oral histories detailing the impact of resource extraction on their society, articulated though a political ecology adaptation of Global Commodity Chain analysis, revealed that the Ndyuka were able to maintain their de facto autonomy up until the point at which their land was desired for its resource value by the state and global capitalist enterprise, in this case the aluminum industry spearheaded by Alcoa in 1916. The Ndyuka are still suffering from the ecological effects of mining, but with the wholesale military assault on Ndyuka communities during the Surinamese civil war in the 1980s, the Ndyuka were finally forced to abandon a strategy of sustaining autonomy in favor of exercising power through *state entryism*. Furthermore, the social transformation of Ndyuka society brought about by the traumas of war shifted the gendered socio-economic hierarchies, traditionally similar to Accompong's, such that Maroon women refugees were able to take advantage of educational opportunities in urban Suriname while coming to positions of power in new Maroon political parties.

These national distinctions have caused widely differing approaches to relations with the state, public rhetoric, and the Maroons' own perceptions of their future in the nation. Yet, drawing on the oral histories of both Maroon groups, both Accompong and the Ndyuka share culturally embodied practices of ecological stewardship and preservationism emergent from the specificities of their historical struggle against enslavement. This distinct environmental praxis continues to influence Maroon politics today and, despite their marked political divergences, maintains a parallel between contemporary Jamaican and Surinamese Maroon struggle. The last hundred years of Ndyuka conflict with the state demonstrates that, in the current period, the critical variable in Accompong's ability to maintain their and expand their autonomy is their collective capacity to preserve the integrity of their communal lands in the face of increasing pressure from the state and extractive industry.

A key driving force in the contemporary Maroon resistance to capitalist developmentalism is an ideology of ecological preservationism emergent from the spiritual and historical significance of the land to Maroon culture, an ethos found in both Accompong and among the Ndyuka. In the case of Accompong, Maroon preservationism is a cultural marker of ethnic multiplicity in Jamaica challenging a dominant narrative of Maroon assimilation into Jamaican creole culture (see Groot 1986, 178-81). Rather, as Jean Besson's (2016) extensive research demonstrates, the Accompong Maroons' creolization reinforced their distinction from other Afro-Jamaicans by engendering a process of indigenization through which their territory became a sacred landscape. Furthermore, Bilby's (2002, 29) assessment of Jamaican Maroon cultural distinction is worth quoting given the assumptions of assimilation that often arise when outside observers note their lack of outward markers of cultural difference:

> Although individual Maroons cannot be distinguished from other Jamaicans today on the basis of readily observable criteria such as physical appearance, dress, or everyday speech, there can be little doubt that the different Maroon communities have maintained distinctive "intimate cultures" that are not shared by other Jamaicans. Thus, Maroons remain different from other Jamaicans not only by virtue of their communally-owned "treaty lands," their governing councils with elected leaders, and other such political and economic features, but because they continue to possess their own religious beliefs, pharmacopoeia, oral historical traditions, music, dance, esoteric languages, and other distinctive forms of expressive culture. This less tangible cultural domain has remained hidden from most other Jamaicans, largely because Maroons choose not to reveal it to outsiders.

In terms of environmental, political and social theory, as discussed above, Maroon preservationism situates contemporary Maroon politics at the center of the debates between a biocentric approach to environment and the priorities of the environmental justice movement. I argued that Maroon environmental praxis supports a socionatural understanding of the environment. Furthermore, as a living example of both autonomy and ethnic multiplicity in the African diaspora, I argued that Maroon contemporary politics in Jamaica and Suriname stand as examples of "dual power" in a national context. This suggests a plurinational and decentralized approach to state formation against the ethnic homogeneity particularly prevalent in Jamaica. Finally, I articulated the broad historical arc of Maroon resistance as a powerful phenomenon of utopic praxis and social resilience best described as Amílcar Cabral's concept of a *freedom drive culture*. Like their ancestors, contemporary Maroons stand as complicated heirs of a potent legacy of freedom. As Brazilian historians João José Reis and Flávio dos Santos Gomes (1996, 23) argue:

> Let [the Maroons] be celebrated as heroes of freedom but what we celebrate in this volume is the struggle of men and women who, in order to live in freedom, weren't always able to act with the certainty and coherence normally attributed to heroes.

This research suggests the need for more investigations on the political formations of contemporary Maroon societies. Brazil, in particular, is notable for Maroon communities making demands on the state for rights and territory (do Rosário Linhares 2004; Véran 2001; Zeltsman 2008). In a global context, contemporary Maroon autonomy has much to teach scholars of politics and the state. As technological innovations increasingly break down the geographic barriers which insulated state-resistant societies, Accompong increasingly stands as a rare example of socio-political autonomy (Scott 2009, 324-25). As such, through their similar political circumstances, Accompong is linked to struggles to defend non-state political systems, territory and/or treaty rights with First Nations people in Canada, the indigenous Adivasis in India, and even the Kurds of Rojava in Syria (Knapp et al. 2016; Poelzer and Coates 2015; Roy 2012).

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NLJ MS *Manuscript Collection*

NLJ MS ST.E *St. Elizabeth Parish Map Collection*

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GS *Gouvernementssecretarie Suriname tot 1828*

SVS *Sociëteit van Suriname*

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APPENDICES

Map of Present-Day Accompong

Legend

1. Community Center, Civic Offices, Museum, Library and Internet Cafe
2. Monument Square with Commemorative Plaque to Kojo
3. Seal Ground
4. New Testament Church of God
5. United Church in Jamaica and the Cayman Islands
6. Seal Ground
7. Accompong Primary and Junior High School
8. Kindah Grove and Old Burial Grounds

Geo II, Cap V: Promulgation of the 1739 Maroon Treaty into Law by the Assembly of Jamaica

[redacted]

CAP. V.

An act for confirming the articles executed by colonel John Guthrie, lieutenant Francis Sadler, and Cudjoe, the commander of the rebels; for paying rewards for taking up and reſtoring runaway ſlaves; and making proviſion for four white perſons, reſiding or to reſide at Trelawny Town; and for granting freedom to five negroes, who were guides to parties.

Preamble. WHEREAS upon the late ſubmiſſion of Cudjoe, and all the rebels then under his command, to his majeſty's government, and his engaging for Accompong, and the party of rebels under his command, to accept of ſuch terms as the ſaid Cudjoe ſued for, articles of agreement were entered into and executed by colonel John Guthrie, who commanded a party of militia, and lieutenant Francis Sadler, who had the command of a detachment of ſoldiers, in the late expedition againſt the rebels, and the ſaid Cudjoe; the tenor of which articles is as follows; *viz.*

JAMAICA, ſſ. *At the camp near Trelawny Town, March the 1ſt, 1738-9.*

Articles of pacification. **In the name of GOD, Amen.** Whereas captain Cudjoe, captain Accompong, captain Johnny, captain Cuffee, captain Quaco, and ſeveral other negroes, their dependants and adherents, have been in a ſtate of war and hoſtility for ſeveral years paſt againſt our ſovereign lord the king, and the inhabitants of this iſland; and whereas peace and friendſhip among mankind, and the preventing the effuſion of blood, is agreeable to God, conſonant to reaſon, and deſired by every good man; and whereas his majeſty George the ſecond, king of Great-Britain, France, and Ireland, and of Jamaica lord, defender of the faith, *&c.* has by his letters patent, dated February the twenty-fourth, one thouſand ſeven hundred and thirty-eight, in the twelfth year of his reign, granted full power and authority to John Guthrie and Francis Sadler, eſquires, to negotiate and finally conclude a treaty of peace and friendſhip with the aforeſaid captain Cudjoe, the reſt of

of his captains, adherents, and others his men; they mutually, ſincerely, and amicably, have agreed to the following articles: *Firſt*, That all hoſtilities ſhall ceaſe on both ſides for ever. *Secondly*, That the ſaid captain Cudjoe, the reſt of his captains, adherents, and men, ſhall be for ever hereafter in a perfect ſtate of freedom and liberty, excepting thoſe who have been taken by them, or fled to them, within two years laſt paſt, if ſuch are willing to return to their ſaid maſters and owners, with full pardon and indemnity from their ſaid maſters or owners for what is paſt; provided always, that, if they are not willing to return, they ſhall remain in ſubjection to captain Cudjoe, and in friendſhip with us, according to the form and tenor of this treaty. *Thirdly*, That they ſhall enjoy and poſſeſs, for themſelves and poſterity for ever, all the lands ſituate and lying between Trelawny Town and the Cockpits, to the amount of fifteen hundred acres, bearing north-weſt from the ſaid Trelawny Town. *Fourthly*, That they ſhall have liberty to plant the ſaid lands with coffee, cocoa, ginger, tobacco, and cotton, and to breed cattle, hogs, goats, or any other ſtock, and diſpoſe of the produce or increaſe of the ſaid commodities to the inhabitants of this iſland; provided always, that, when they bring the ſaid commodities to market, they ſhall apply firſt to the cuſtos, or any other magiſtrate of the reſpective pariſhes where they expoſe their goods to ſale, for a licenſe to vend the ſame. *Fifthly*, That captain Cudjoe, and all the captain's adherents, and people now in ſubjection to him, ſhall all live together within the bounds of Trelawny Town, and that they have liberty to hunt where they ſhall think fit, except within three miles of any ſettlement, crawl, or pen; provided always, that in caſe the hunters of captain Cudjoe and thoſe of other ſettlements meet, then the hogs to be equally divided between both parties. *Sixthly*, That the ſaid captain Cudjoe, and his ſucceſſors, do uſe their beſt endeavours to take, kill, ſuppreſs, or deſtroy, either by themſelves, or jointly with any other number of men commanded on that ſervice by his excellency the governor or commander in chief for the time being, all rebels whereſoever they be throughout this iſland, unleſs they ſubmit to the ſame terms of accommodation granted to captain Cudjoe, and his ſucceſſors. *Seventhly*, That in caſe this iſland be invaded by any foreign enemy, the ſaid captain Cudjoe, and his ſucceſſors herein after named or to be appointed, ſhall then, upon notice given, immediately repair to any place the governor for the time being ſhall appoint, in order to repel the ſaid invaders with his or their utmoſt force, and to ſubmit to the orders of the commander in chief on that occaſion. *Eighthly*, That if any white man ſhall do any manner of injury to captain Cudjoe, his ſucceſſors, or any of his or their people, they ſhall apply to any commanding officer or magiſtrate in the neighbourhood for juſtice; and in caſe captain Cudjoe, or any of his people, ſhall do any injury to any white perſon, he ſhall ſubmit himſelf, or deliver up ſuch offenders, to juſtice. *Ninthly*, That if any negroes ſhall hereafter run away from their maſters or owners, and fall into captain Cudjoe's hands, they ſhall immediately be ſent back to the

chief magiſtrate of the next pariſh where they are taken; and thoſe that bring them are to be ſatisfied for their trouble, as the legiſlature ſhall appoint. *Tenthly*, That all negroes taken, ſince the raiſing of this party, by captain Cudjoe's people, ſhall immediately be returned. *Eleventhly*, That captain Cudjoe, and his ſucceſſors, ſhall wait on his excellency, or the commander in chief for the time being, every year, if thereunto required. *Twelfth*, That captain Cudjoe, during his life, and the captains ſucceeding him, ſhall have full power to inflict any puniſhment they think proper for crimes committed by their men among themſelves, death only excepted; in which caſe, if the captain thinks they deſerve death, he ſhall be obliged to bring them before any juſtice of the peace, who ſhall order proceedings on their trial equal to thoſe of other free negroes. *Thirteenth*, That captain Cudjoe, with his people, ſhall cut, clear, and keep open, large and convenient roads from Trelawny Town to Weſtmorland and St. James's, and if poſſible to St. Elizabeth's. *Fourteenth*, That two white men, to be nominated by his excellency, or the commander in chief for the time being, ſhall conſtantly live and reſide with captain Cudjoe and his ſucceſſors, in order to maintain a friendly correſpondence with the inhabitants of this iſland. *Fifteenth*, That captain Cudjoe ſhall, during his life, be chief commander in Trelawny Town; after his deceaſe, the command to devolve on his brother captain Accompong; and, in caſe of his deceaſe, on his next brother captain Johnny; and, failing him, captain Cuffee ſhall ſucceed; who is to be ſucceeded by captain Quaco; and, after all their demiſes, the governor, or commander in chief for the time being, ſhall appoint, from time to time, whom he thinks fit for that command.

In teſtimony of the above preſents, we have hereunto ſet our hands and ſeals the day and date above written.

JOHN GUTHRIE. (L. S.)
FRANCIS SADLER. (L. S.)
The mark ℒ *of captain* CUDJOE.

And whereas notwithſtanding his excellency the governor hath approved of the ſaid articles, and that they are generally eſteemed ſuch as great advantages may be derived from, yet it may be too much in the power of ſome ill-diſpoſed or inconſiderate perſons, who have a right of property in the ſaid negroes, or ſome of them, to defeat or render ineffectual the ſaid articles of agreement, by diſturbing or ſeizing upon the ſaid negroes, who, in confidence, or under the ſecurity of the ſaid articles, may come in their way: To prevent, therefore, the diſcontents and other ill conſequences that may attend ſuch a perverſeneſs or indiſcretion, **We, your majeſty's moſt dutiful and loyal ſubjects, the aſſembly of this your iſland of Jamaica, do humbly beſeech your moſt excellent majeſty that it may be enacted; Be it therefore enacted by the governor, council, and aſſembly of this your majeſty's iſland, and it is hereby enacted by the authority of the ſame,** That the ſaid articles of agreement, and every clauſe and article therein contained,

The articles ratified.

contained, be, and they are hereby, ratified and confirmed upon the conditions and terms in the ſaid articles expreſſed; and that no perſon whatſoever give any interruption, or preſume to ſeize upon or detain, the ſaid negroes, or any of them, upon a pretence or claim of property, or diſturb the ſaid negroes in the poſſeſſions and privileges granted, or intended to be granted, to them by the ſaid articles of agreement, until a manifeſt breach ſhall appear to be made on the part of Cudjoe, or his ſucceſſors, of the ſaid articles, or ſome or one of them, under the penalty of five hundred pounds for every ſuch interruption, ſeizure, detention, or diſturbance; to be recovered in the ſupreme court of judicature of this iſland, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, imparlance, or wager of law, ſhall be granted or allowed, or *non vult ulterius proſequi* be entered; and one moiety whereof ſhall be to his majeſty, his heirs and ſucceſſors, for and towards the ſupport of the government of this iſland, and the contingent charges thereof, and the other moiety to him or them who ſhall inform or ſue for the ſame.

Perſons infringing them to forfeit 500*l.*

Recovery and application thereof.

II. **And whereas** Cudjoe has engaged to ſend all ſlaves, who ſhall hereafter run away and fall into his hands, to the chief magiſtrate of the next pariſh where they ſhall be taken; **Be it enacted by the authority aforeſaid**, That all runaway ſlaves to be taken by Cudjoe, or any of the negroes at Trelawny Town, under his command, ſhall be by him or them delivered to the next magiſtrate, who is hereby directed and obliged to pay the ſaid Cudjoe, or the ſaid negroes bringing ſuch runaways to him, the ſum of ten ſhillings, under the penalty of five pounds, for every neglect or refuſal of ſuch magiſtrate to pay the ſame: And every ſuch magiſtrate to whom any negro or negroes ſhall be delivered by the ſaid Cudjoe, or any of the negroes under his command, as aforeſaid, ſhall be and he is hereby obliged, under the penalty of five pounds, within ten days after ſuch negro or negroes ſhall be ſo delivered to him, to ſend ſuch negro or negroes to the reſpective owner or owners, if the ſaid magiſtrate ſhall know the owner or owners, and ſhall receive from the owner, for each ſlave ſo ſent, the ſaid ſum of ten ſhillings paid by him to Cudjoe, or any of the negroes under his command as aforeſaid, with a poundage, at and after the rate of two ſhillings and ſix pence *per* pound, for laying out his money, beſides mile-money, ſuch as is ordered or directed to be paid by the owners of runaways, by an act entitled, *An act for the better order and government of ſlaves;* and in caſe the owner ſhall neglect or refuſe to pay the ſaid ſums herein before directed to ſuch magiſtrate, or his order, and oath be made thereof before any other juſtice of the peace, the ſaid juſtice is hereby authorized and required, under the penalty of five pounds, to iſſue his warrant, and direct the ſame to any conſtable, to diſtrain on the goods of the ſaid owner, and [*to ſell*] the ſame, or ſo much thereof as will ſatisfy and pay the ſaid ſums herein before directed to be paid to the ſaid magiſtrate; and in caſe the magiſtrate, to whom any runaway ſlave ſhall be delivered

This clauſe is OBSOLETE, *the diſpoſal of runaway ſlaves being otherwiſe regulated by ſubſequent acts.*

Recited act is repealed.

livered as aforeſaid, ſhall not know, nor be informed, who the owner of ſuch runaway ſlave ſhall be, ſuch magiſtrate ſhall ſend the ſaid runaway ſlave to the next marſhal, who is hereby required to pay to the ſaid magiſtrate the ſums herein before directed to be paid by the owner, in caſe ſuch runaway ſlave ſhall be brought to him, and to be recovered in the ſame manner of the ſaid marſhal, in caſe of neglect or refuſal; and that it ſhall and may be lawful for the ſaid marſhal to detain and keep in his cuſtody the body of ſuch runaway ſlave, until the owner ſhall reimburſe him what he ſhall have paid as aforeſaid for ſuch runaway ſlave, together with ſuch poundage and other charges as are allowed to marſhals paying for runaway ſlaves, by the ſaid act entitled, *An act for the better order and government of ſlaves.*

Recited act is repealed.

III. **And whereas** it is thought neceſſary, that four white perſons ſhould reſide among the ſaid negroes, who have lately ſurrendered and ſubmitted themſelves to the government, in order that ſuch white perſons may receive and communicate ſuch orders as ſhall be ſent by his excellency the governor to the ſaid negroes: **Be it enacted by the authority aforeſaid,** That each of the ſaid four perſons, who are or ſhall be appointed by his excellency the governor, or the commander in chief for the time being, for the above mentioned ſervice, ſhall be paid at and after the rate of two hundred pounds *per annum*, for and during ſuch time as he hath reſided, or ſhall reſide, and be upon actual duty, among the ſaid negroes.

Pay of four white perſons to reſide in the negro towns.

IV. **And whereas** a negro man named Cuffee, belonging to the heirs or repreſentatives of John Laurence, eſquire, deceaſed, and Sambo, belonging to John Roach, of the pariſh of St. Elizabeth, and Quaſhey, belonging to the heirs or repreſentatives of William Williams, eſquire, deceaſed, being lately taken by the rebels, deſerted them, and engaged in the ſervice of the country, by going out as guides with the ſaid party, and led them to the negro town: **Be it further enacted by the authority aforeſaid,** That, as an encouragement for their ſervice, the ſaid negroes, named Cuffee, Sambo, and Quaſhey, be, and they are hereby, abſolutely manumiſed, and for ever ſet and made free, and they are hereby accordingly manumiſed, and for ever ſet and made free.

Three negro men manumiſed.

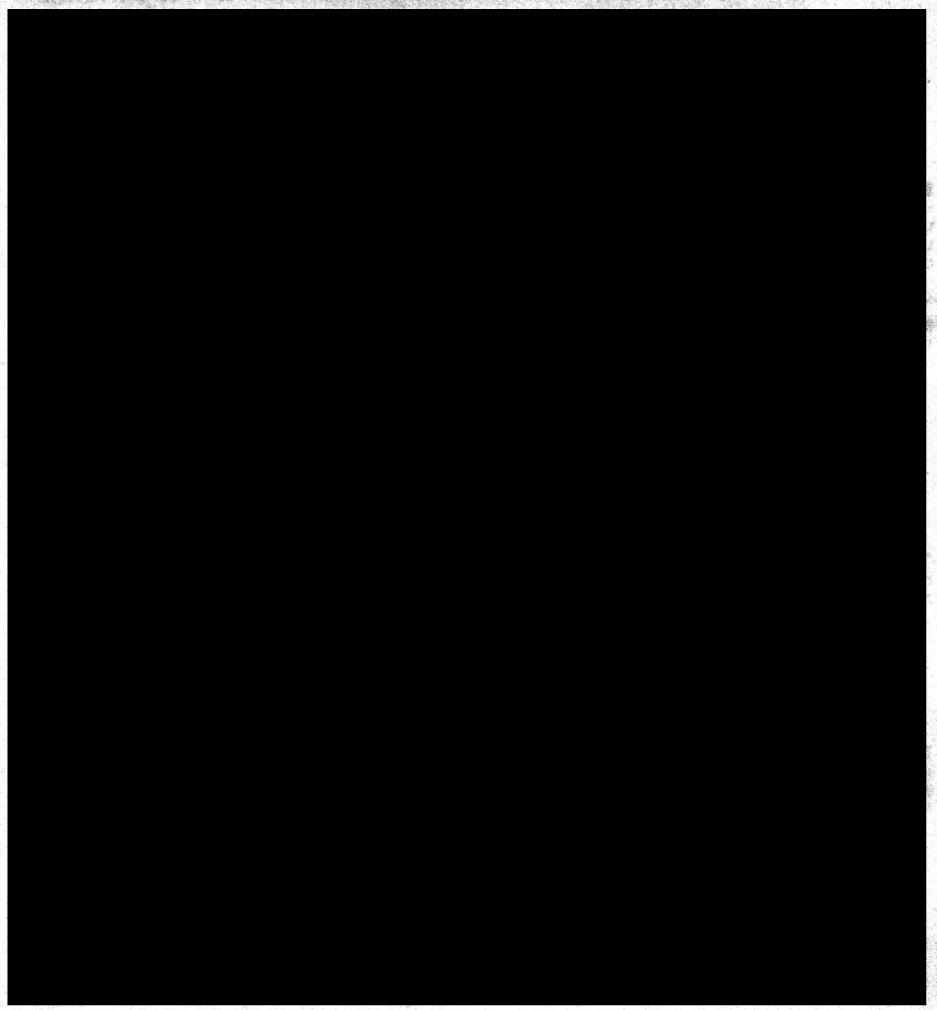
V. **And be it further enacted by the authority aforeſaid,** That the receiver-general do, out of any public money in, or that ſhall come to, his hands unappropriated, forthwith pay to the reſpective owners of the ſaid three ſeveral negroes, the ſum of forty pounds for each of them.

Receiver-general to pay for them.

VI. **And whereas** a negro woman, named Venus, lately belonging to ——— Lamport, of the pariſh of Clarendon, deceaſed, having deſerted from Accompong's Town, acquainted colonel Blake, that moſt of the rebels were gone out a hunting or robbing, and that it was a proper opportunity

tunity to take the town, and lead a party into the ſame: **And whereas** a negro woman named Affiba, about ſix years ſince, belonging to Mr. Garbrand's eſtate, of her own accord deſerted the rebels, and guided colonel Dwarris to the negro town, which he took: **Be it therefore enacted by the authority aforeſaid,** That the ſaid two negro women be alſo manumiſed, and for ever abſolutely ſet free, and they are hereby accordingly manumiſed, and for ever ſet free; and that the receiver-general do forthwith pay to the proprietors of the ſaid reſpective negro women the ſeveral ſums of thirty pounds for each of them, out of any money in, or that ſhall come to, his hands unappropriated.

Two negro women manumiſed.



History and Excerpts from the Maroon Treaty 1738-1739 [Accompong Maroon Document]

History & Excerpts from the Maroon Treaty

1738-1739

Accompong Maroons
St. Elizabeth
Jamaica W.I.

A HISTORICAL OVERVIEW OF THE MAROONS:

In May of 1655, under a plan aimed against Spain known as the "Western Design", the English Fleet of 38 ships and about 8,000 men sailed into Kingston Harbor. The "Roundheads" under Oliver Cromwell's leadership had many motives for attacking the Spanish. Chief among them was to avenge the deportation of English Settlers from St. Kitts in 1629 and the countless attacks on English ships resulting in the murder and enslavement of their crews. Sailing in secrecy from Portsmouth England at the end of December 1654, the Expedition achieved some moderate success when, after five weeks at sea, they stopped in Barbados. There eleven Dutch ships were seized by Admiral Penn to be used as transports. Food and arms were demanded along with 4,000 men recruited for the Expedition Army.

Santo Domingo, capital city of Hispanola and a Spanish stronghold was the next target according to the instructions set down in the "Western Design" plan. Sickness from drinking polluted water and the long march made the Expedition vulnerable to Spanish lancers and local cattle hunters. A complete massacre of the nearly 12,000 man Expeditionary force was only averted by successfully landing a party of sailors who covered their retreat. Nearly 4,000 men were left behind as dead or missing. Fearful of Cromwell's anger over the failure at Santo Domingo, a hasty decision was made to attack another thinly populated and weakly defended Spanish island; Jamaica. With less than 1,500 Spaniards on the island and only about 500 able to bear arms, the English made another blunder. Instead of pressing the attack and taking advantage of the superiority of sheer number of troops, they handed the Spaniards an offer to surrender. Venables, the Expedition leader, unwisely gave the Spaniards time to consider the terms. During this time the Spanish escaped to the North Coast and from there to Cuba.

Before departing, the Spanish turned their cattle loose, freed their slaves and left them behind in the mountains to harry the English until they could amass a force for reconquest of Jamaica. These freed slaves, later to become famous as the Maroons, were organized into a fighting force by Christoval Arnaldo de Ysasi before he too escaped to Cuba. These first Maroons settled mainly in the St. John district of St. Catherine still called Juan de Bolas after one of their chiefs whose real name was Juan Lubolo. The name "Maroon" probably derived from the Spanish "cimarron" meaning wild, untamed. The Maroons numbers kept swelling from the addition of more runaway slaves continued to raid the English plantations and became a problem for the British in Jamaica. They were tolerated until 1663 when an offer was made for land and full freedom to any Maroon who surrendered. The Maroons ignored the offer. This failure to come to terms was to result in 76 years of irregular warfare; expenditure of nearly 250,000 English Pounds and passing of some 44 Acts of the Assembly.

CUDJOE AND THE FIRST MAROON WAR:

In 1690 a large group of slaves in Clarendon, consisting mainly of Coromantees an extremely brave and warlike people from Africa's Gold Coast, rebelled and escaped into the dense woods. Soon they would join forces with the Spanish-freed Maroons under

the able leadership of one of their number named Cudjoe. They say he was "bear-like" in appearance and often acted in a strange wild manner. Cudjoe, with the help of his two brothers Accompong and Johnny (in the West or Leeward side), and two sub-chiefs Quao and Cuffee (in the East or Windward side), began a campaign known to history as the First Maroon War. Disguised from head to foot with leaves and cunningly concealed, the Maroons chose to attack from ambush. This form of warfare and familiarity with the untracked forests along with their legendary skill as marksman baffled and confounded those sent to fight them. Keen-eyed lookouts would spot an approaching force long before their arrival and spread the warning through the abeng horn, made from a cow's horn. Skilled horn blowers could summon members of their party from long distances as if they were face-to-face. The English forces suffered huge losses both from the sharp shooting Maroons and the tropical diseases that were rampant at that time.

In 1734 Captain Stoddart lead a successful attack on Nanny Town (named for a Maroon Chieftainess) aided by Mosquito Coast Indians and tracking dogs. The town was completely leveled and to this day is believed haunted by the ghosts of those who died in that battle. Cudjoe, finding himself less secure, moved further into the Trelawny Cockpits and and established a new village site. The fighting soon resumed. Shortly after a bloody massacre of English soldiers by a band of Maroons led by Cudjoe from a hiding spot in a cave to be later dubbed the Peace Cave, the King of England in 1738 commissioned Colonel Guthrie to seek out Cudjoe and offer him favorable terms of peace.

END OF THE FIRST MAROON WAR: PEACE

On January 6th 1738, Colonel Guthrie and Colonel Cudjoe exchanged hats as a sign of friendship and, after some discussion, the treaty was agreed to under a big tree then called Cudjoe's tree and today called the Kindah One Family tree. By its terms the Maroons were granted full freedom and liberty, given 1,500 acres of land and the right to hunt wild pig anywhere except within a 3 mile limit of a town or plantation. Cudjoe was appointed Chief Commander in Trelawny Town and his successors in order beginning with Accompong and Johnny. The Chief Commander or "Colonel" as he is called today is empowered to inflict any punishment he thinks proper for crimes committed by his people except those requiring the death sentence when then they are handed over to a justice of the peace. The Maroons had to agree to end all hostilities, receive no more runaway slaves and further agreed to help recapture them for a reward when the runaways were returned to their owners. Finally the Maroons had to agree to suppress any local uprising or foreign invasion. The following year a similar treaty was agreed to and signed with Quao, Chief of the Windward Maroons in what is called Moore Town today. The First Maroon War had officially ended and more than 50 years of peace ensued. Two more conflicts were later dubbed the Second Maroon War and the Third Maroon War but neither of these involved the Accompong Town Maroons. They remained neutral in both conflicts, and remain so today ACCOMPONG TOWN MAROONS: PAST, PRESENT AND FUTURE.

THE MAROON TREATY

At the camp near Trelawny Town, March 1st, 1738. In the name of God, Amen.

Whereas Captain Cudjoe, Captain Accompong, Captain Johnny, Captain Cuffee, Captain Quace, and several other Negroes, their descendants and adherents, have been in a state of war and hostility, for several years past our sovereign Lord, the King and inhabitants of this Island and whereas peace and friendship among mankind, and preventing the effusion of blood, is agreeable to God, consonant to reason, and desired by every man; and whereas "His Majesty" George the second, King of Great Britain, France and Ireland, and of Jamaica Lord Ec. Has, by his letters patent, dated February 24th, 1738, in the twelfth year of his reign, granted full power and authority to John Guthrie and Francis Saddler, Esq. to negotiate and finally conclude a treaty of peace and friendship with the aforesaid Captain Cudjoe, and the rest of his captains adherents, and others of his men; they mutually, sincerely, and amicably, have agreed to the following articles:

First

That all hostility shall cease forever.

Second

That the said Captain Cudjoe, rest of his Captains, adherents, and men, shall be forever, hereafter in a perfect state of freedom and liberty, excepting those who have been taken by them, within two years last pass, if such are willing to return to their said masters and owners, with full pardon and indemnity from their said masters or owners for what is past, provided always, that, if they are not willing to return they shall remain in subjection to Captain Cudjoe and in friendship with us, according to the form and tenure of this Treaty.

Third

That they shall enjoy and possess, and their posterity forever, all the lands situate and lying between Trelawny Town and the Cockpits, to the amount of fifteen hundred acres, bearing northwest from the said Trelawny Town.

Fourth

That they shall have liberty to plant the said lands with coffee, cocoa, ginger, tobacco and cotton, and to breed cattle, hogs, goats, or any other flock, and dispose of the produce or increase of the said commodities to the inhabitants of the island; provided always that when they bring the said commodities to market, they shall apply first to the Custos, or any other magistrate of the respective parishes where they expose their goods to sale for a licence to vend the same.

Fifth

That Captain Cudjoe, and all the Captains, adherents and people now in subjection to him, shall all live together within the bounds of Trelawny Town, and that they have liberty to hunt where they shall think fit, except within three, miles of any settlement, crawl or pen; provided always, that in case the hunters of Captain Cudjoe, and those of other settlements meets them the hogs to be equally divided between both parties.

Sixth

That the said Captain Cudjoe, and his successors, do use their best endeavor to take, kill, suppress or destroy, either by themselves or; jointly with any other number of men, commanded on that service by His Excellency the Governor, or commander- in-chief for the time being, all rebels whatsoever they be, throughout this island, unless they submit to the same terms of accommodation granted to Captain Cudjoe and his successors.

Seventh

That in case this island be invaded by any foreign enemy, the said Captain Cudjoe and his successors hereinafter named or to be appointed, shall then upon notice given, immediately repair to any place the Governor for the time being shall appoint, in order to repel the said with his or their utmost force, or to submit to the order of the commander-in-chief on this occasion.

Eighth

That if any white man shall do any manner of injury to Captain Cudjoe, his successors or any of their people they shall apply to any commanding officer or magistrate in the neighbourhood for justice, and in case Captain Cudjoe or any of his people, shall do any injury to any white person, he shall submit himself or deliver up such offender to justice.

Ninth

That if any Negroes shall hereafter run away from their masters or owners and fall into Captain Cudjoe's hands, he shall immediately be sent hack to the chief magistrate of the next parish where they are taken; and those that bring them are to satisfied for their trouble, and the legislature shall appoint.

Tenth

That all Negroes taken since the raising of this party by Cudjoe's people shall immediately be returned.

Eleventh

That Captain Cudjoe and his successors shall wait on his Excellency or the commander-in-chief for the time being, once every year, if there upon required.

Twelfth

That Captain Cudjoe, during his life, and the Captain succeeding him, shall have full power to inflict any punishment they think proper for crimes committed by their men among themselves, death only excepted; in which case if the Captain thinks he deserves death, he shall be obliged to bring them before any justice of the peace who shall order proceedings on their trial equal to those of other free Negroes.

Thirteenth

That Captain Cudjoe with his people, shall cut, clear and keep open, large and convenient roads from Trelawny Town to Westmoreland, and St. James and if possible to St. Elizabeth.

Fourteenth

***That** two white men, to be nominated by his Excellency, or the commander-in-chief for the time being, shall constantly live and reside with Captain Cudjoe and his successors, in order to maintain a friendly correspondence with the inhabitants of this island.*

Fifteenth

***That** Captain Cudjoe shall, during his life, be chief commander in Trelawny Town; after his decease, the command be devolve to his brother, Captain Accompong, and in case of his decease, on his next brother, Captain Johnny; and failing him, Captain Cuffe shall succeed; who is to be succeeded by Captain Quace; and after all their demise the Governor or the commander-in-chief for the time being, shall appoint from time to time, whom he thinks fit for the command.*

In testimony of the above presents, we have herewith set our hands and seal the day and date above written.

John Guthrie, L.S.

Francis Saddle, L.S.

The mark of L X *Captain Cudjoe*

Constitution of Accompong (2004)

THE CONSTITUTION

OF THE TRELAWNEY TOWN MAROONS OF THE SOVEREIGN STATE OF ACCOMPONG

BETHSALEM POSTAL AGENCY
PARISH OF ST. ELIZABETH
JAMAICA, WEST INDIES

FEBRUARY 16, 2004

THIS CONSTITUTION
OF THE TRELAWNEY TOWN MAROONS
OF THE SOVEREIGN STATE OF ACCOMPONG

PREPARED BY
THE ACCOMPONG TOWN CONSTITUTION COMMITTEE
AND THE COUNCIL OF OVERSEAS MAROONS, INC,

The first draft of this Constitution was presented to the then Colonel Meredie Rowe, in 1998, but was not presented to the Trelawney Town Maroons of the Sovereign State of Accompong for Adoption into Law.

The second draft of this Constitution was done on January 9, 2004, by the Constitution Committee which was appointed at a Special Meeting held at the Accompong Community Center on January 7, 2004.

After numerous revisions of the Constitution to incorporate the views of the community a number of Public Meetings were held with members of the community to finalize the Constitution. The Constitution was finalized and presented to the Colonel for Adoption into law on this day, Friday, February 16, 2004.

THE CONSTITUTION COMMITTEE:

Coral B. Barnett – Chair
Harris N. Cawley – Vice Chair
Kern K. Austin – Secretary
Robert N. Cawley – Assistant Secretary
Ditty S. Cawley
Melville D. Currie
Sidney Peddie
Rupert Robinson
Garfield Rowe
Reverend Io Smith
Carlington W. Wallace

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TABLE OF CONTENTS
OF THE CONSTITUTION OF THE TRELAWNEY TOWN MAROON SOVEREIGN STATE OF ACCOMPONG

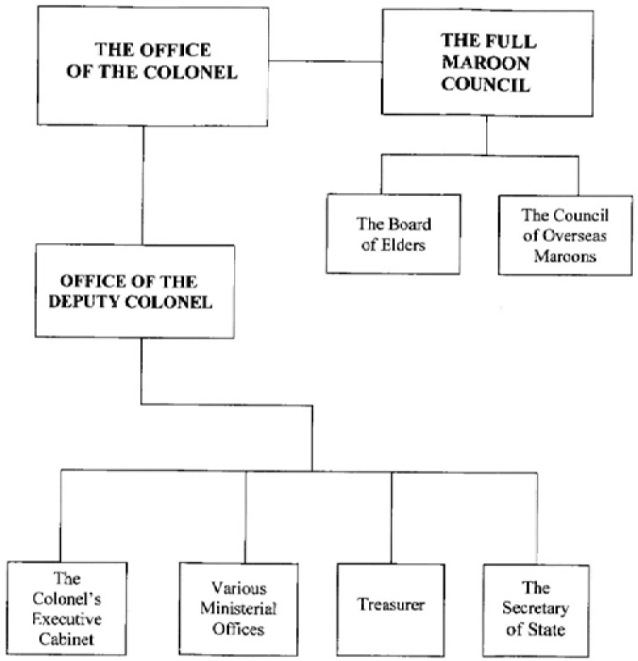
Page(s)

1. **INTRODUCTION**.....(i)
2. **TABLE OF CONTENTS**.....(ii) – (iii)
3. **ORGANIZATIONAL CHART**.....1
4. **PREAMBLE**.....2
5. **ARTICLE I: LEGISLATIVE BRANCH**.....3 - 9
   - *Section 1: Legislative Power*
   - *Section 2: The Full Maroon Council*
   - *Section 3: Composition of the Full Maroon Council*
   - *Section 4: Special Meetings*
   - *Section 5:Compensation*
   - *Section 6: Bills To Carry Out Laws*
   - *Section 7: Duties*
   - *Section 8: Amendments*
   - *Section 9: Agents and Representatives*
   - *Section 10: Sole Representatives*
   - *Section 11: Executive Power*
   - *Section 12: The Executive Council*
   - *Section 13: Seal*
   - *Section 14: Offices*
   - *Section 15: Appointment of Officers*
   - *Section 16: Terms of Office*
   - *Section 17: Duties of the Colonel*
   - *Section 18: Duties of the Chairperson*
   - *Section 19: Duties of the Secretary of State*
   - *Section 20: Duties of the Comptroller*
   - *Section 21: Removal of Officers*
   - *Section 22: Public Entities*
   - *Section 23: Parking Lot*
6. **ARTICLE II: CRIMES AND PUNISHEMENTS**.....9 – 10
   - *Section 1: Crimes*
   - *Section 2: Punishments*
   - *Section 3: Dangerous Weapons*

Page(s)

7. **ARTICLE III: TRANSACTIONS**.....10
   - *Section 1: Permission from the Full Maroon Council*
   - *Section 2: Outside Agencies*
8. **ARTICLE IV: LAND**.....10
   - *Section 1: Sale or Lease of Land*
   - *Section 2: Destruction of Property*
9. **ARTICLE V: ELECTIONS**.....10 - 12
   - *Section 1: The Holding of Elections*
   - *Section 2: Elections*
   - *Section 3: Candidates for the Office of Colonel*
   - *Section 4: Enumerations*
   - *Section 5: Voting*
   - *Section 6: Naturalization*
   - *Section 7: Polling Station*
10. **ARTICLE VI: LIMITATIONS**.....12
    - *Section 1: Activities*
    - *Section 2: Prohibition Against Annual Earnings*
11. **ARTICLE VII: ASSETS**.....12
    - *Section 1: Assets*
    - *Section 2: Treasures*
12. **ARTICLE VIII: SIGNATORS**.....12 –13
13. **ARTICLE VIII: GOVERNMENTAL SIGNATORS**.....14

THE ORGANIZATIONAL CHART OF THE TRELAWNEY TOWN MAROONS OF THE SOVEREIGN STATE OF ACCOMPONG



THE CONSTITUTION
OF THE TRELAWNEY TOWN MAROONS OF THE SOVEREIGN STATE OF ACCOMPONG

PREAMBLE

We, the people of the Trelawney Town Maroons of the Sovereign State of Accompong, in order to form a more perfect and sustainable union, establish justice and democracy, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of freedom to ourselves and our posterity, as is ordained by the Trelawney Town Treaty of 1738-9, do hereby establish this Constitution for the Trelawney Town Maroons of the Sovereign State of Accompong, in the parishes of St., Elizabeth and Trelawney, Jamaica, West Indies.

The Colonel and or the full Maroon Council of the Trelawney Town Maroons of the Sovereign State of Accompong shall make no law representing an establishment of religion, or prohibit the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The Colonel shall not have the sole power and or authority to enter into any agreement on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong without the consent of the full Council.

It is customary and traditional that the Colonel does not have the right to enter into any transaction or agreement on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong without the approval of the Council.

It is also customary and traditional that the Colonel, the full Maroon Council and the Council of Elders are to be involved in all business matters concerning the Trelawney Town Maroons of the Sovereign State of Accompong.

ARTICLE I: LEGISLATIVE BRANCH

SECTION 1: LEGISLATIVE POWER

All Legislative power herein granted shall be vested in the Colonel in conjunction with the full Maroon Council. Also, the Council shall appoint ex-officio Maroon Council of Elders as Advisors. The Colonel will be responsible to appoint his or her Executive Council.

SECTION 2: THE FULL MAROON COUNCIL

The full Maroon Council shall be composed of members chosen every seven (7) years by the Maroon People of Accompong including those that reside outside of the boundaries of Accompong who are blood related, and who shall return to Accompong Town to cast their vote.

No person shall be a Council Member unless they have attained the age of eighteen years (18), and must be a citizen of Accompong. Foreigners living in Accompong for a period of ten (10) years minimum can become a Council member but not Colonel.

The full Maroon Council shall choose their Speaker and other Officers; and shall have the sole power of the removal or impeachment of the Colonel, Deputy Colonel or any Council Member. The Executive Council shall meet once per month and not less than ten (10) times per calendar year as required by this Constitution.

In the event of impeachment, or removal of the Colonel, Deputy Colonel and any of the Council Members, they will be tried by the Executive Council. The findings of the Executive Council will be brought to the full Maroon Council for review.

If the individual is found guilty, a meeting of the Full Council will be called with the residents of Accompong to reveal the findings. A vote will be taken by written ballots for the removal or impeachment of the Colonel, the Deputy Colonel or any Council Member(s).

SECTION 3: COMPOSITION OF THE FULL MAROON COUNCIL

A Special Meeting is to be convened by the Colonel together with his Executive Council who will summon all members of the community who are interested to be nominated to the Council or written ballots to be circulated with the names of individuals who are interested.

The full Maroon Council of Accompong shall be composed of two Council Members from each Council District, chosen by the people for seven (7) years. Each Council member shall have one (1) vote. In the event the votes are tied, the Colonel's vote will be the deciding vote.

The Maroon Council shall be made up of elected-representatives (who will be called Council Members) from the various Councilmanic districts within Accompong which will include but not limited to: River Hole, Pond Side, Monument Square, Hill Top Road, Hill Top, River Pond, Over Yonder, Guinea Grass, Grave Wood, Quarry Bottom, Gipson, Middle Ground, Force Hill and Parade and Cedar Valley.

In addition, other Council Members shall be chosen from the Trelawney Town Maroons living in Windsor, Aberdeen, Whitehall, Retirement, Garlands, Cedar Spring, Eldersley, Cooks Bottom, Quick Step, Flagstaff, Kingston and Montego Bay and wherever true Maroons are to be found.

There shall also be six (6) overseas Council Members as follows: two (2) Councilmembers residing in England; two (2) Councilmembers residing in Canada and two (2) Councilmembers residing in the United States of America.

SECTION 4: SPECIAL MEETING

Special meetings of the Members may be called for any date, time and place by the Chairperson of the Council upon written demand of ten percent of the members, or by majority of the Executive Council.

Written notice stating the date, time, place and purpose for which the meeting is called shall be given not less than seven (7) days before the date of the Special meeting except in case of Emergency Meetings.

The full Council shall assemble at least twice (2) per year prior to and after the January 6 Celebration. Other meetings shall be convened as determined by the Colonel and the Executive Council.

SECTION 5: COMPENSATION

The Colonel shall receive ten percent (10%) compensation for his services once per year, from the proceeds of the January 6 Celebration, after all expenses have been paid.

The Deputy Colonel shall receive five percent (5%) once per year, from the proceeds of the January 6 Celebration, after all expenses have been paid if funds are available.

The full Maroon Council shall seek Reparation for the Trelawney Town Maroons of the Sovereign State of Accompong.

SECTION 6: BILLS TO CARRY OUT LAW

Bills presented by the Colonel must be passed by the Full Council before they become law. If a bill is presented and there are objections, the objections should be reconsidered.

The objections shall be entered on the Journal. Upon approval by two thirds of the Council or the full Council the bill shall be returned to the Colonel for his signature and entered into law.

If any bill is not returned by the Colonel within ten business (10) days after it was presented to the Colonel, the same shall be a law, in like manner as if he had signed it, unless the full Maroon Council by their adjournment prevent its return, in which case it shall not be a law.

SECTION 7: DUITES

The Colonel and the full Maroon Council shall have the power to collect duties to pay the debts and should provide for the general welfare of the State as follows:

1. To make rules and regulations of the land in collaboration with the Colonel.
2. To borrow money on the credit of Accompong with the Council's approval.
3. To establish rules of Immigration and Naturalization.
4. Establish and implement an Immigration Office.
5. To establish post office, roads, and financial institutions.
6. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writing and discoveries;
7. To define and punish piracies and felonies committed against the Laws of Accompong;
8. To exercise exclusive legislation in all cases over such Districts as may, by cession of particular districts, by the acceptance of the Full Council; become the seat of the Government of the Trelawney Town Maroons in the Sovereign State of Accompong, and to exercise authority over all Maroon territories, by all powers vested by this Constitution in the government of the Trelawney Town Maroons in the Sovereign State of Accompong.
9. Establish a Landmark Commission.
10. Approve Executive Council Appointments.
11. Implement Town Identification for all Maroons

SECTION 8: AMENDMENTS

The Colonel and the full Maroon Council, whenever two thirds of the Council shall deem it necessary, shall propose amendments to this Constitution, or, on the Application of the Legislature through a ballot shall propose with majority approval by either case to all intents and purposes, as part of this Constitution.

SECTION 9: AGENTS AND REPRESENTATIVES OF THE TRELAWNEY TOWN MAROONS OF THE SOVEREIGN STATE OF ACCOMPONG

The Colonel in conjunction with the Maroon Council may appoint agents and or representatives and empower them to perform such acts or duties on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong as the full Maroon Council may see fit, so far as may be consistent with these Constitution and to the extent authorized or permitted by Maroon Law.

SECTION 10: SOLE REPRESENTATIVES

The Council of Overseas Maroons

The Council of Overseas Maroons with headquarters in the United States of America shall be the sole foreign representative, in conjunction with the Council of Overseas Maroons in England and Canada, of the Trelawney Town Maroons in the Sovereign State of Accompong. No other foreign agent(s) or agency(ies) is authorized to do business on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong unless they receive approval from the full Maroon Council through the Council of Overseas Maroons.

SECTION 11: EXECUTIVE POWER

The Executive Power vested in the Colonel of the Trelawney Town Maroons of the Sovereign State of Accompong shall not at any time be used maliciously or discriminatorily against any member of the community.

The Colonel shall reside solely in the Sovereign State of Accompong.

The Colonel shall hold the Office of the Colonel in the highest regard during the term of his/her five year reign, and, together with the Deputy Colonel, collaborate with the full Council on all matters pertaining to the governance of the Town.

The electors shall cast their votes by ballot for the Colonel, and the Deputy Colonel in the Sovereign State of Accompong Town only.

They shall name in their distinct ballots the person voted for as Colonel, and in distinct ballots the person voted for as Deputy Colonel and they shall make distinct lists of all persons who voted for the Colonel and all persons who voted for a Deputy Colonel, and the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the Trelawney Town Maroons of the Sovereign State of Accompong in collaboration with the Electoral Office of Jamaica.

The Colonel and the Deputy Colonel in the presence of the Electoral Office and the Executive Council shall open all the certificates and the votes shall then be counted; the person having the greatest number of votes for Colonel shall be the Colonel.

The person elected by the people as the Deputy, shall be the Deputy Colonel. The Deputy Colonel shall act as Colonel in the case of the death or other constitutional disability of the Colonel.

The Colonel-elect and his Executive Council shall work in harmony with the full Maroon Council at all times.

SECTION 12: THE EXECUTIVE COUNCIL

The Colonel is responsible for appointing his staff which will consist of six (6) members including the Deputy Colonel who will form his Executive Committee upon approval of the

Maroon Council. The Full Maroon Council shall assist the Colonel in carrying out his or her duties.

The Executive Council shall include but not limited to the Secretary of State, Personal Secretary, Officer of Agriculture, Officer of Information, Officer of Health, Officer of Education and Culture, Officer of Foreign Affairs, Officer of Transportation and Works, Officer of Housing, Officer of Security and Justice, Officer of Youth and Officer of Environment and Community Development, Captains and Majors.

SECTION 13: SEAL

The Trelawney Town Maroons of the Sovereign State of Accompong may, at its pleasure obtain a seal for the full Maroon Council in whatever form is desired.

SECTION 14: OFFICES

The principal and only office of the Maroon People of the Trelawney Town Maroons of the Sovereign State of Accompong shall be in Accompong Town, in the parish of St. Elizabeth, Jamaica, West Indies.

Ex-Colonels and ex-Deputy Colonels will become official members of the Council and are not allowed to use the power of the office of the Colonel and Deputy Colonel outside the Sovereign State of Accompong Town without the permission of the Council.

Any ex-officer(s) found in unlawful acts against the State will be disciplined and or fined by the full Council.

SECTION 15: APPOINTMENT OF OFFICERS

The officers of the full Maroon Council shall be a Chairperson, one or more Vice-Chairperson, Secretary, Comptroller and a Public Relations Officer. Any two or more offices may be held by the same individual, except the office of the Chairperson and the Secretary.

SECTION 16: TERMS OF OFFICE

The offices of the full Maroon Council, other than the Chairperson, shall be elected from among the members of each Council Districts by a vote of the majority of the members present and voting at the annual meeting of the full Maroon Council at which a Quorum exists, provided that the initial officers of the full Maroon Council shall be so elected at the first meeting of the full Maroon Council to serve until the next meeting of the Council.

The terms of office of such officers shall expire at the end of the seven (7) years. Each officer(s) shall serve until successor(s) is elected, or upon the officer's death, resignation or removal. The full Maroon Council shall hold quarterly meetings or meetings at the discretion of the Chairperson in the event of an Emergency or at the request of the Colonel.

The Colonel shall attend all Council meetings and shall report to the full Council.

SECTON 17: DUTIES OF THE COLONEL

The Colonel is responsible for the Executive and Administrative operation of the Town. The Colonel shall report to the Full Maroon Council.

All negotiations on behalf of the Town by the Colonel must be approved by the full Council before it is enacted.

The Colonel and his Executive Council shall hold monthly meetings and provide the full Maroon Council with minutes of the meetings.

SECTON 18: DUTIES OF THE CHAIRPERSON

The full Maroon Council shall appoint a Chairperson who shall serve at the discretion of the full Maroon Council; the Chairperson shall have general charge of the day-to-day activities of the full Maroon Council.

The Chairperson shall perform all duties which may be assigned to him/her by the Colonel through the full Maroon Council.

SECTON 19: DUTIES OF THE SECRETARY OF STATE

The Secretary of State shall have charge for such books, documents, resolutions and all papers as the full Maroon Council may determine, and shall have custody of the State Seal, if any exists.

Minutes of all meetings held pertaining to Maroon business must be filed with the Secretary of State.

SECTON 20: DUTIES OF THE COMPTROLLER

The Comptroller shall have the custody of all funds, property and securities of the Maroon Council.

The Comptroller's signature with any one of two other persons must always be on all monetary transactions conducted on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong.

The Comptroller shall keep or cause to be kept complete and accurate accounts of receipts and disbursements and shall deposit all monies and other valuable effects of the Maroons, in the name and to the credit of the Maroons in such banks or depositories as designated.

The Comptroller or the Deputy Comptroller must be present at all Finance Committee Meetings. The Comptroller must make a report of the Town fiancés at all monthly meetings.

The finances of the Town shall be audited by an independent outside auditor. This shall be done on a minimum of a quarterly basis.

SECTION 21: REMOVAL OF OFFICERS

Any officer(s) of the full Maroon Council can be removed with a cause, by two thirds of the Council at any meeting of the full Maroon Council at which a quorum exists and for which written notice of the proposed removal action has been given in keeping with the Constitution.

SECTION 22: PUBLIC ENTITIES

All public entities shall be under the jurisdiction of the full Maroon Council which shall include but not limited to: the Community Center, Bickle Village, Development Center, Library, Museum, Monument, Peace Cave, Kindah Grounds, Old Town, and all other public entities.

The full Maroon Council shall have sole jurisdiction on these entities at all times.

SECTION 23: PARKING LOT

Locations for Parking Lots shall be identified and put in place in order for the smooth flow of traffic within the community particularly for the January 6 Annual Celebration.

ARTICLE II: CRIMES AND PUNISHMENTS

SECTION 1: CRIMES

In all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the State wherein the crime was committed, the full Maroon Council is to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favour.

The accuser will be tried by the people in a public meeting. In the event of a heinous crime as murder, the accused murderer will be turned over to the Government of Jamaica for a fair trial and the accuser shall have the assistance of counsel for his defense.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

SECTION 2: PUNISHMENTS

The Trelawney Town Maroons of the Sovereign State of Accompong shall have the right to detain unlawful and unruly citizens, and visitors.

Detainment of unruly and unlawful citizens shall be punished and held in a holding cell.

Any person(s) who is not authorized to conduct business on behalf of the Trelawney Town Maroons in the Sovereign State of Accompong shall be punished.

SECTION 3: DANGEROUS WEAPONS

Any person(s) found with any dangerous weapon(s) including knives, unlicensed firearms, ammunitions, or any other form of explosive in the Sovereign State of Accompong is guilty of a crime and shall be punished by the Council.

The Council shall detain and impose community service or a fine.

ARTICLE III: TRANSACTIONS

SECTION 1: PERMISSION FROM THE FULL MAROON COUNCIL

Neither the Colonel, Deputy Colonel nor Councilmembers shall enter into any binding transaction regarding Land Issues, Tourism, and January 6 Activities, or any matter pertaining to the Trelawney Town Maroons of the Sovereign State of Accompong without consultation of the Executive Council and without the approval of the full Council. Any such transaction shall be null and void.

SECTION 2: OUTSIDE AGENCIES

No outside agency(s) and or individual(s) shall come into Maroon territories to do any form of business including gaming, investing, contracting or to carry out any search, research or experiments without the permission of the Full Maroon Council.

ARTICLE IV: LAND

SECTION 1: SALE OR LEASE OF LAND

No Maroon lands shall be sold. No Maroon lands shall be leased without the permission of the full Maroon Council.

No lodgings shall be constructed without the permission of the full Maroon Council. No Maroon dwellings or forestry shall be demolished or destroyed without approval of the full Maroon Council.

SECTION 2: DESTRUCTION OF PROPERTY

Malicious destruction of property is a punishable crime and person(s) found guilty of such crime will be fined by the Full Council.

Land dispute shall be addressed by the Colonel and final decision by the Full Council.

ARTICLE V: ELECTIONS

SECTION 1: THE HOLDING OF ELECTIONS

The Holding of Elections for the Office of the Colonel, Deputy Colonel shall be, every five years, on the second Tuesday in July unless the second Tuesday falls on a National Holiday; or for unforeseen circumstances such as, natural disaster, or national crisis.

SECTION 2: ELECTIONS

The Electoral Committee in conjunction with the Electoral Board of Jamaica shall have the sole responsibility of Enumeration and Elections.

The Election Committee shall convene six months prior to the five (5) year period and shall inform the Electoral Office of the proceedings. The Electoral Office shall undertake and oversee the Enumeration and Election process to facilitate the Election.

Upon completion of the Enumeration process the Electoral Office shall inform the Electoral Committee when the review of the Enumeration process shall take place.

Upon review and completion of the list, the Election Committee shall inform the full Council. The full Council shall review and approve the list. The Election Committee shall inform the Electoral Office of the Council's Approval at which time a date will be set for the Elections.

SECTION 3: CANDIDATES FOR THE OFFICE OF COLONEL

Person(s) aspiring to become Colonel must be a resident in Accompong for at lease three years (3) prior to Election and must be a Maroon citizen by birth.

Candidates for the Office of Colonel shall let their intentions be known by sending their Application for Colonel to the full Council one year (1) prior to the Election. Applications can be obtained through the Office of the Maroon Council.

Candidates must present his or her deputy with their application to the full Council.

SECTION 4: ENUMERATION

Each prospective candidate shall appoint two (2) persons to work in the Election process one in-door and the other out-door. Each prospective candidate shall appoint one observer to oversee the Enumeration process.

The Elections shall be comprised of an Officer and a Polling Clerk upon agreement by all prospective candidates.

SECTION 5: VOTING

In order for a person to vote in the Maroon Elections he or she must be 18 years of age and a citizen of the Sovereign State of Accompong.

SECTION 6: NATURALIZATION

In order to become a naturalized citizen, the person must live in Accompong for a minimum of ten (10) years. Non-Maroons and naturalized citizens shall not be Colonel or Deputy Colonel.

A person who resides in Accompong for over ten (10) years in good standing can become a naturalized Maroon citizen. Citizenship can be obtained by marriage, or naturalization. For a citizen to become eligible to be a Council Member, he or she must have resided in the Maroon Sovereign State of Accompong for a minimum of three (3) years prior in good standing.

SECTION 7: POLLING STATION

The only official Polling Stations shall be located in Accompong Town in the parish of St. Elizabeth. Only ballots cast in Accompong Town shall be counted as valid.

The official Polling Station shall be open from 7:00 A.M. to 5:00 P.M.

ARTICLE VI: LIMITATIONS

SECTION 1: ACTIVITIES

No member(s) or representative(s) of the Trelawney Town Maroons of the Sovereign State of Accompong shall take any action or carry on any activities by or on behalf of the Council, which is not permitted to be taken or carried out without the approval of the full Maroon Council. Any such action is a punishable crime.

SECTION 2: PROHIBITION AGAINST ANNUAL EARNINGS

No person(s) connected with the full Maroon Council or any other private individual, shall receive at any time net earnings or financial profit from the operations of the Maroon Council without the approval of the full Maroon Council.

ARTICLE VII: ASSETS

SECTION 1: ASSETS

The assets of the Trelawney Town Marcons of the Sovereign State of the Accompong Maroons after all debts have been satisfied shall remain in the hands of the full Maroon Council, and shall be distributed, transferred and paid over, in such amounts to members of the community as the full Maroon Council shall determine or may be determined by a Court of competent jurisdiction upon the application of the full Maroon Council.

SECTION 2: TREASURES

In the event that Treasures are found on Maroon territories such Treasures shall be the property of the Trelawney Town Maroons of the Sovereign State of Accompong.

ARTICLE VIII: SIGNATORS

In the writing of this document, the present Colonel who now serves as the Interim Colonel, with all rights vested in him will attache his signature for the adoption of this Constitution.

WHEREAS, IT IS CUSTOMARY AND TRADITIONAL, for the Colonel do not have the right to enter into any transaction or agreement on behalf of the Trelawney Town Maroons of the Sovereign State of Accompong without the approval of the Council.

WHEREAS, IT IS CUSTOMARY AND TRADITIONAL, the Colonel, the Marcon Council and the Council of Elders are to be involved in all matters of business concerning the Trelawney Town Maroons of the Sovereign State of Accompong.

WHEREAS, the people present constitute a representative body of the Trelawney Town Maroon of the Sovereign State of Accompong, Bethsalem Postal Agency, in the parish of St. Elizabeth, Jamaica, West Indies.

AND WHEREAS, the people present and absent are in agreement with this Constitution.

THEREFORE, I, Colonel Sidney Peddie affix my signature before these witnesses and hereby adopt this Constitution on the 13th day of February, in the year of Our Lord, 2004.

_____ _____

Sidney Peddie Date
Colonel of the Accompong Maroons

WITNESSES:

By virtue of the fact that the present Colonel, Sidney Peddie, whose term expired on December 10, 2003, we, the Trelawney Town Maroons of the Sovereign State of Accompong hereby accept this document (the Constitution) as signed and presented by the Colonel.

K Robinson 16-2-04
1. Witness Date

W. Anderson 16-2-04
2. Witness Date

McCurrie. 16-2-04
3. Witness Date

ARTICLE VIII: GOVERNMENTAL SIGNATORS

Signature of the Colonel:

S. Peddie 16-2-04

Sidney Peddie Date
Colonel of the Trelawney Town Maroons
Of the Sovereign State of Accompong

Signature of the Justice of the Peace:

J K Smith - Harris 04-02-16

Mrs. Veronica Smith-Harris Date
Justice of the Peace
Principal, Accompong Primary and Junior High School

Inter-American Court of Human Rights: Case of the Saramaka People v. Suriname — Judgment of November 28, 2007 (Preliminary Objections, Merits, Reparations, and Costs)

Inter-American Court of Human Rights

Case of the Saramaka People *v.* Suriname

Judgment of November 28, 2007

(Preliminary Objections, Merits, Reparations, and Costs)

In the *Case of the Saramaka People*,

the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court", or "the Tribunal"), composed of the following judges*:

Sergio García-Ramírez, President;
Cecilia Medina-Quiroga, Vice-President;
Manuel E. Ventura-Robles, Judge;
Diego García-Sayán, Judge;
Leonardo A. Franco, Judge;
Margarette May Macaulay, Judge, and
Rhadys Abreu-Blondet, Judge;

also present,

Pablo Saavedra-Alessandri, Registrar, and
Emilia Segares-Rodríguez, Deputy Registrar;

pursuant to Articles 62(3) and 63(1) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Articles 29, 31, 37, 56 and 58 of the Court's Rules of Procedure (hereinafter "the Rules of Procedure"), delivers the present Judgment.

I
INTRODUCTION OF THE CASE AND SUBJECT OF THE DISPUTE

1. On June 23, 2006, in accordance with the provisions of Articles 50 and 61 of the American Convention, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted an application to the Court against the State of Suriname (hereinafter "the State" or "Suriname"). The application originated from petition No. 12.338 presented to the Secretariat of the Commission on

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* *Ad hoc* Judge Alwin Rene Baarh informed the Tribunal that, for reasons of *force majeur*, he could not be present during the deliberation of the present Judgment.

October 27, 2000 by the Association of Saramaka Authorities (hereinafter "ASA") and twelve Saramaka captains on their own behalf as well as on behalf of the Saramaka people of the Upper Suriname River. On March 2, 2006, the Commission adopted admissibility and merits report No. 9/06, pursuant to Article 50 of the Convention,[1] in which it made certain recommendations to the State. On June 19, 2006, the Commission concluded that "the matter had not been settled" and, consequently, submitted this case to the jurisdiction of the Court.[2]

2. The application submits to the Court's jurisdiction alleged violations committed by the State against the members of the Saramaka people, an allegedly tribal community living in the Upper Suriname River region. The Commission alleged that the State has not adopted effective measures to recognize their right to the use and enjoyment of the territory they have traditionally occupied and used, that the State has allegedly violated the right to judicial protection to the detriment of such people by not providing them effective access to justice for the protection of their fundamental rights, particularly the right to own property in accordance with their communal traditions, and that the State has allegedly failed to adopt domestic legal provisions in order to ensure and guarantee such rights to the Saramakas.

3. The Commission asked the Court to determine the international responsibility of the State for the violation of Articles 21 (Right to Property) and 25 (Right to Judicial Protection), in conjunction with Articles 1(1) and 2 of the American Convention. Furthermore, the Commission requested that the Court order the State to adopt several monetary and non-monetary reparation measures.

4. The representatives of the alleged victims, namely, Mr. Fergus MacKay, of the Forest Peoples Programme, Mr. David Padilla, and the Association of Saramaka Authorities (hereinafter "the representatives"), submitted their written brief containing pleadings, motions and evidence (hereinafter "representatives' brief"), in accordance with Article 23 of the Rules of Procedure. The representatives asked the Court to declare that the State had violated the same rights alleged by the Commission, and additionally alleged that the State had violated Article 3 (Right to Juridical Personality) of the Convention by "failing to recognize the legal personality of the Saramaka people". Moreover, the representatives submitted additional facts and arguments regarding the alleged ongoing and continuous effects associated with the construction of a hydroelectric dam in the 1960s that allegedly flooded traditional Saramaka territory. Additionally, they requested certain measures of reparation and the reimbursement of the costs and expenses incurred in processing the case at the national level and before the international proceedings.

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[1] In the report, the Commission concluded that the State was responsible for the violation of: the right to property established in Article 21 of the American Convention to the detriment of the Saramaka people, by not adopting effective measures to recognize its communal property right to the lands it has traditionally occupied and used, without prejudice to other tribal and indigenous communities; the right to judicial protection enshrined in Article 25 of the American Convention, to the detriment of the Saramaka people, by not providing them effective access to justice for the protection of their fundamental rights, and Articles 1 and 2 of the Convention by failing to recognize or give effect to the collective rights of the Saramaka people to their lands and territories. In addition, the Commission made some recommendations to the State of Suriname. *Cf.* Inter-American Commission on Human Rights, *Report Nº 09/06, Admissibility and Merits. Case 12.338. The Twelve Saramaka Clans (LOS). Suriname.* March 02, 2006 (case file of appendices to the application and annex 1, appendix 1, folios 239-297).

[2] The Commission appointed Paolo Carozza, Commissioner, and Santiago A. Canton, Executive Secretary, as delegates, and Ariel E. Dulitzky, Víctor Madrigal Borloz, Oliver Sobers and Manuela Cuvi Rodríguez, as legal advisers.

5. The State submitted its brief containing the answer to the application and observations to the representatives' brief (hereinafter "answer to the application"), in which it alleged it "is not responsible for the violation of the right to property established in [A]rticle 21 of the Convention, because the State does recognize the Saramaka community [a privilege to the land it] has traditionally occupied and used[;] the right to judicial protection has not been violated, because the Surinamese legislation does provide effective legal recourse[, and] the State [...] has complied with its obligation under [A]rticle 1 and [A]rticle 2 of the Convention and therefore not violated these rights". Furthermore, the State submitted several preliminary objections, which the Court has divided into the following categories: legal standing of the original petitioners before the Commission, legal standing of the representatives before the Court, non-exhaustion of domestic remedies, duplication of international procedures, and the Commission's lack of "standing to bring this particular [case] before [the] Court". Finally, the State referred to other admissibility arguments regarding the legal representation of the alleged victims and the roles of Mr. David Padilla and Mr. Hugo Jabini in the present case.

II
PROCEEDINGS BEFORE THE COURT

6. The application of the Commission was notified to the State on September 12, 2006,[3] and to the representatives on September 11, 2006. During the proceedings before the Court, in addition to the presentation of the principal briefs forwarded by the parties (*supra* paras. 1, 4 and 5), the Commission and the representatives submitted written briefs on the preliminary objections presented by the State. Furthermore, on March 26, 2007 the State submitted an additional written pleading, pursuant to Article 39 of the Court's Rules of Procedure, to which the Commission and the representatives submitted their respective observations on April 18, 2007.

7. On March 30, 2007, the President of the Court (hereinafter "the President") ordered the submission of sworn declarations (affidavits) of seven witnesses and five expert witnesses proposed by the Commission, the representatives and the State, to which the parties were given the opportunity to submit their respective observations.[4] Furthermore, due to the particular circumstances in this case, the President convened the Inter-American Commission, the representatives, and the State to a public hearing in order to receive the declarations of three alleged victims, two witnesses and two expert witnesses, as well as the final oral arguments of the parties regarding the preliminary objections and possible merits, reparations, and costs. The State requested that the date of the public hearing be postponed, and the parties were given the opportunity to submit observations on this matter. Having considered said observations, on April 14, 2007 the President reaffirmed his prior decision regarding the date of the hearing, and partially modified the March 30th Order, granting the parties more time to submit the sworn written testimonies and expert declarations, as well as their final written arguments.[5] The public hearing in this case was held on May 9 and 10, 2007, during the seventy-fifth regular session of the Court.[6]

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[3] When the application was notified to the State, the Court informed it of its right to designate an *ad hoc* Judge in this case. On October 6, 2006, the State designated Mr. Alwin Rene Baarh as *ad hoc* Judge. Mr. Baarh participated in the oral hearing in the present case, and subsequently informed the Court that, for reasons of *force majeur*, he could not participate in the deliberation of the present Judgment.

[4] Order issued by the President of the Inter-American Court on March 30, 2007.

[5] Order issued by the President of the Inter-American Court on April 14, 2007.

[6] The following were present at this hearing: (a) for the Inter-American Commission: Paolo Carozza, Commissioner and Delegate, and Elizabeth Abi-Mershed and Juan Pablo Albán A., advisers; (b) for the representatives: Fergus MacKay, attorney for the Forest Peoples Programme, and (c) for the State: Soebhaschandre Punwasi, Agent; Eric Rudge, deputy Agent; Hans Lim A Po, Lydia Ravenberg, Margo Waterval, Reshma Alladin and Monique Pool.

8. On July 3, 2007, the State presented its final written arguments; on July 9, 2007, the Commission and the representatives submitted their respective final written arguments.

9. On July 16, 2007, the representatives were requested to submit the verifying receipts and evidence regarding the costs and expenses incurred by the Forest Peoples Programme in the present case. Said evidence was not submitted.

III
PRIOR CONSIDERATIONS

10. Prior to analyzing the preliminary objection submitted by the State and the possible merits of this case, the Tribunal will address in this chapter whether the Court is competent to address the representatives´ arguments (*supra* para. 4) regarding the alleged ongoing effects caused by the construction of a dam within alleged traditional Saramaka territory.

A. The alleged "ongoing and continuous effects" associated with the construction of the Afobaka dam

11. In its application before the Court, the Commission defined the factual basis for the present case under the heading "Statement of Facts". Here, the Commission included the following statement: "[d]uring the 1960s, the flooding derived from the construction of a hydroelectric dam displaced Saramakas and created the so-called 'transmigration' villages". This one line is the only reference in the Commission's application regarding the alleged displacement of members of the Saramaka people due to the construction of a dam, which the representatives referred to as the Afobaka dam that in the 1960s flooded alleged traditional Saramaka territory. The Court observes that the Commission did not develop in the application any legal arguments regarding the alleged international responsibility of the State for these acts.

12. The representatives submitted an additional and rather detailed, three-and-a-half page account of certain facts not contained in the application, regarding the alleged "ongoing and continuous effects" associated with the construction of the Afobaka dam. Accordingly, under the heading of "Facts" in their brief containing pleadings, motions, and evidence, the representatives described, *inter alia*, the following alleged facts: the lack of consent by the Saramaka people for said construction; the names of the companies involved in the construction of the dam; various figures regarding the amount of area flooded and the number of displaced Saramakas from the area; the compensation that was awarded to those displaced persons; the lack of access to electricity of the so-called "transmigration" villages; the painful effect the construction had on the community; the reduction of the Saramaka people's subsistence resources; the destruction of Saramaka sacred sites; the lack of respect for the interred remains of deceased Saramakas; the environmental degradation caused by foreign companies that have received mining concessions in the area, and the State's plan to increase the level of the dam to increase power supplies, which will presumably cause the forcible displacement of more Saramakas and which has been the object of a complaint filed by the Saramakas before domestic authorities in the year 2003.

13. At this juncture, the Court will address whether the factual basis for the representatives´ arguments regarding the alleged "ongoing and continuous effects" associated with the construction of the Afobaka dam bears a direct relationship with the factual framework submitted to this Tribunal by the Commission in its application, which is

the document that defines the factual scope of the litigation before this Tribunal.[7] In this sense, the Court has constantly held that "[…] it is not admissible [for the representatives] to allege new facts distinct from those set out in the [Commission's] application, without detriment to describing facts that explain, clarify or reject those mentioned in the application, or that respond to the claims of the applicant".[8] Accordingly, the Court must look to the Commission's application to determine whether this is an issue that falls within the factual scope of the case that was submitted for the Court's adjudication.

14. The Court observes that none of the factual assertions submitted by the representatives with regards to the Afobaka dam can be found in the application submitted by the Commission. Furthermore, some of the issues raised by the representatives involve controversies, such as the State's alleged plan to increase the level of the dam, that are still pending before Surinamese domestic authorities.

15. Additionally, during the pubic hearing held in the present case, the Commission was asked how it would "characterize the additional information which was presented by the representatives regarding the alleged effects on the Saramaka people of the dam?".[9] The Commission responded that "[t]here is a single sentence in the complaint and in the Article 50 Report relating to the dam and its effects", and further characterized said information "as a historical fact".[10] Unlike in other cases,[11] the Commission has not alleged that this contextual and historical background is related to the subject matter of the controversy.

16. Consequently, in accordance with the application's structure and object, as well as the Commission's own clarification as to the manner in which these alleged facts should be understood in the present case, the Court considers that this issue was raised by the Commission only as contextual background involving the history of the controversy in the present case, but not as an issue for the Court's adjudication. Thus, in accordance with the limitations regarding the alleged victims' participation in the process before this Court, the Tribunal considers that the factual basis for the representatives' arguments in this regard falls outside the scope of the controversy as framed by the Commission in its application.

17. In light of the above considerations, and in order to preserve the principle of legal certainty and the right of defense of the State, the Court considers that the representatives' arguments concerning the alleged ongoing and continuous effects associated with the construction of the Afobaka dam are not admissible.

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7 *Cf.* Article 61 of the American Convention; Articles 32, 33, 36 of the Court's Rules of Procedure, and Articles 2 and 28 of the Court's Statute.

8 *Cf. Case of the "Five Pensioners" v. Peru. Merits, Reparations and Costs*. Judgment of February 28, 2003. Series C No. 98, para. 153; *Case of Bueno Alves v. Argentina. Merits, Reparations and Costs*. Judgment of May 11, 2007. Series C No. 164, para. 121, and *Case of the Miguel Castro Castro Prison v. Peru. Merits, Reparations and Costs*. Judgment of November 25, 2006. Series C No. 160, para. 162.

9 Question asked by Judge Macaulay during the public hearing held at the Court on May 9 and 10, 2007 (transcription of public hearing, p. 90).

10 Answer by the Commission to Judge Macaulay's question during the public hearing at the Court held on May 9 and 10, 2007 (transcription of public hearing, p. 91).

11 *Cf. Case of Servellón García et al. v. Honduras. Merits, Reparations and Costs*. Judgment of September 21, 2006. Series C No. 152; *Case of Goiburu et al. v. Paraguay. Merits, Reparations and Costs*. Judgment of September 22, 2006. Series C No. 153, and *Case of La Rochela Massacre v. Colombia. Merits, Reparations and Costs*. Judgment of May 11, 2007. Series C No. 163.

IV
PRELIMINARY OBJECTIONS

18. In its answer to the application the State submitted a number of preliminary objections, which will be addressed by the Court in the following order:

A) FIRST PRELIMINARY OBJECTION
Lack of legal standing of the petitioners before the Inter-American Commission

19. The State asserted in its first preliminary objection that neither of the two original petitioners, namely the Association of Saramaka Authorities and the twelve Saramaka captains, had standing to file a petition before the Inter-American Commission. More specifically, the State argued that the petitioners did not consult the paramount leader of the Saramakas, the *Gaa'man*, about filing the petition. This alleged disregard for Saramaka customs and traditions is tantamount, according to the State, to a failure to meet the requirements of Article 44 of the Convention, as the petitioners allegedly had no authorization from the chief leader, and thus no authority to petition on behalf of the whole Saramaka community. Based on these facts, the State was of the view that the Commission should have declared the petition inadmissible. The Inter-American Commission alleged that, under Article 44 of the American Convention and Article 26(1) of the Commission's Rules of Procedure, it is not necessary for the petitioners to be the actual victims or to hold power of attorney or other legal authorization from the victims or next of kin in order to file the petition. The representatives alleged that, although the petitioners consulted with the *Gaa'man*, both prior and after the submission of the petition, there is no requirement, explicit or implicit, in either Article 44 of the Convention or Article 23 of the Commission's Rules of Procedure that the *Gaa'man*, whom the State considers to be the representative of the petitioners, had to submit the petition or that the petitioners had to obtain authorization from the *Gaa'man* to do so.

20. In this regard, the Court must analyze the scope of the provision of Article 44 of the Convention, which is to be construed by the Court in accordance with the object and purpose of such treaty, namely, the protection of human rights,[12] and in accordance with the principle of the effectiveness (*effet utile*) of legal rules.[13]

21. Article 44 of the Convention provides that:

> [a]ny person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

22. Article 44 of the Convention permits any group of persons to lodge petitions or complaints regarding violations of the rights set forth in the Convention. This broad authority to file a petition is a characteristic feature of the Inter-American system for the

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12 *Cf. The Effect of Reservations on the Entry into Force of the American Convention on Human Rights* (Arts. 74 and 75). Advisory Opinion OC-2/82 of September 24, 1982. Series A No. 2, para. 29.

13 *Cf. Case of Ivcher Bronstein v. Peru. Competence.* Judgment of September 24, 1999. Series C No. 54, para. 37, and *Case of Constitutional Court v. Peru. Competence.* Judgment of September 24, 1999. Series C No. 55, para. 36. *Cf.* also *Case of Baena Ricardo et al. v. Panamá. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 66; *Case of Acevedo Jaramillo et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs*. Judgment of February 7, 2006. Series C No. 144, para. 135, and *Case of Yatama v. Nicaragua. Preliminary Objections, Merits, Reparations and Costs*. Judgment of June 23, 2005. Series C No. 127, para. 84.

protection of human rights.[14] Moreover, a person or group of persons other than the alleged victims may file the petition.[15]

23. In light of these considerations, this Tribunal finds no conventional prerequisite that the paramount leader of a community must give his or her authorization in order for a group of persons to file a petition before the Inter-American Commission to seek protection for their rights, or for the rights of the members of the community to which they belong. As previously noted, the possibility of filing a petition has been broadly drafted in the Convention and understood by the Tribunal.[16]

24. Thus, for the purposes of this case, this Court is of the opinion that the Association of Saramaka Authorities, as well as the twelve Saramaka captains, can be considered as a "group of persons" in accordance with the wording of Article 44 of the Convention and the Court's interpretation of said provision. Furthermore, the Court is of the opinion that, in light of the American Convention, it was not necessary for the petitioners to obtain authorization from the *Gaa´man* in order to file a petition before the Inter-American Commission. For these reasons, the Court dismisses the first preliminary objection.

B) SECOND PRELIMINARY OBJECTION
Lack of legal standing of the representatives before the Inter-American Court

25. As a second preliminary objection, the State challenged the *locus standi in judicio* of the alleged victims and their representatives in the proceedings before this Court. The State asserts that, in accordance with Articles 51 and 61 of the Convention, only the State and the Commission may bring a case to the Court and appear before this Tribunal. According to the State, any independent or separate participation by the alleged victims and their representatives would be contrary to the Convention and the principle of equality of arms. As only a draft Protocol exists concerning the standing of individuals before the Court, and because the Court's Rules of Procedure cannot supersede the Convention, the State concludes that individuals cannot yet have legal standing before the Court. Thus, participation of the alleged victims and their representatives can only take place through the Commission. Moreover, the State argued that the representatives do not have standing to separately and independently allege before the Court that Suriname violated the right recognized in Article 3 of the Convention. The Commission and the representatives asserted that, once the Commission submits a case to the Court, the alleged victims or their representatives have standing to submit to the Court requests and arguments autonomously, based on the facts set out in the Commission's application.

26. Indeed, as stipulated by Article 61 of the Convention, the Inter-American Commission is the body empowered to initiate the proceedings before the Court by lodging an application. Nevertheless, the Tribunal is of the view that preventing the alleged victims from advancing their own legal arguments would be an undue restriction upon their right of access to justice, which derives from their condition as subjects of international human rights law.[17] At the current stage of the evolution of the Inter-American system for the

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14 *Cf. Case of Castillo Petruzzi et al. v. Peru. Preliminary Objections*. Judgment of September 4, 1998. Series C No. 41, para. 77.

15 *Cf. Case of Castillo Petruzzi et al., supra* note 14, para. 77; *Case of Acevedo Jaramillo et al., supra* note 13, para. 137, and *Case of Yatama, supra* note 13, para. 82.

16 *Cf. Case of Castillo Petruzzi et al., supra* note 14, para. 77; *Case of Acevedo Jaramillo et al., supra* note 13, para. 137, and *Case of Yatama, supra* note 13, para. 82.

17 *Cf. Case of the "Five Pensioners", supra* note 8, para. 155; *Case of the Massacre of Pueblo Bello v. Colombia. Merits, Reparations and Costs*. Judgment of January 31, 2006. Series C No. 140, para. 54, and *Case of*

protection of human rights, the empowerment of the alleged victims, their next of kin or representatives to submit pleadings, motions and evidence autonomously must be interpreted in accordance with their position as titleholders of the rights embodied in the Convention and as beneficiaries of the protection offered by the system.[18] Nevertheless, there are certain limits to their participation in these proceedings, pursuant to the Convention and in the exercise of the Court's jurisdiction.[19] That is, the purpose of the representatives´ brief containing pleadings, motions and evidence is to give effect to the procedural attribute of *locus standi in judicio* that this Court has already recognized, in its jurisprudence, to the alleged victims, their next of kin or their representatives.[20]

27. It is also well established in the Tribunal's jurisprudence that the representatives may inform the Court of so-called supervening facts, which may be submitted to the Court at any moment of the proceedings before a judgment is delivered.[21] It is also worth mentioning that, with regard to the incorporation of other rights distinct than those included in the Commission's application, the Court has established that the petitioners may invoke such rights, provided that they refer to the facts already included in the application.[22] Ultimately, it is for the Court to decide, in each case, on the admissibility of allegations of this nature in order to safeguard the procedural equality of the parties (*supra* para. 17).[23]

28. The recognition of the alleged victims´ *locus standi in judicio* as well as their right to submit legal arguments that are different from those of the Commission, yet based on the same facts, does not infringe upon the State's right to defend itself. The State always has the opportunity, at all stages of the proceedings before this Tribunal, to respond to the allegations of the Commission and the representatives. This opportunity is available to the State at both the written and oral stages of the proceedings. Furthermore, in the present case, pursuant to Article 39 of the Court's Rules of Procedure, the State was given the opportunity to submit an additional written brief in order to fully respond to all legal arguments put forward by the representatives (*supra* para. 6). Thus, the State's right to defend itself against the allegations submitted by the representatives in the present case has been respected and ensured at all times.

29. The Court is thus of the view that, in accordance with the Convention, the Court's Rules of Procedure, and its jurisprudence, the alleged victims and their representatives were entitled to participate in all stages of the present proceedings and allege violations of rights which were not contemplated by the Commission in its application. For the above reasons, the Court dismisses the second preliminary objection.

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the "Mapiripán Massacre" v. Colombia. Merits, Reparations and Costs. Judgment of September 15, 2005. Series C No. 134, para. 57.

18 *Cf.* OAS, General Assembly, Resolution AG/RES. 1890 (XXXII-O/02), *Evaluation of the Workings of the Inter-American System for the Protection and Promotion of Human Rights with a View to its Improvement and Strengthening,* and OAS, General Assembly, AG/RES. 2291 (XXXVII-O/07), *Strengthening of Human Rights Systems Pursuant to the Mandates Arising from the Summits of the Americas*.

19 *Cf. Case of the "Mapiripán Massacre", supra* note 17, para. 58, and *Case of the Massacre of Pueblo Bello, supra* note 17, para. 55.

20 *Cf. Case of the Massacre of Pueblo Bello, supra* note 17, para. 53.

21 *Cf. Case of the "Five Pensioners", supra* note 8, para. 154; *Case of Bueno Alves, supra* note 8, para. 121, and *Case of the Miguel Castro Castro Prison, supra* note 8, para. 162.

22 *Cf. Case of the "Five Pensioners", supra* note 8, para. 155; *Case of Escué Zapata v. Colombia. Merits, Reparations and Costs*. Judgment of July 4, 2007. Series C No. 165, para. 92, and *Case of Bueno Alves, supra* note 8, para. 121.

23 *Cf. Case of the "Mapiripán Massacre", supra* note 17, para. 58, and *Case of the Massacre of Pueblo Bello, supra* note 17, para. 55.

C) THIRD PRELIMINARY OBJECTION
Irregularities in the proceedings before the Inter-American Commission

30. The State contended that various irregularities occurred during the proceedings before the Commission, including, *inter alia*, that the Commission allegedly: (i) gave the petitioners latitude to submit approximately eleven petitions over the course of the proceedings; (ii) allowed Mr. Padilla –the former Assistant Executive Secretary of the Commission- to act as advisor and counsel to petitioners; (iii) failed to give the State the opportunity to attend the 119th session of March, 2004, by not inviting the State in a timely manner; (iv) required the State to submit a second request for another public hearing on the matter because the Commission failed to respond to the first request; (v) failed to treat the State with respect during the 121st session of the Commission because only one Commissioner presided over the public hearing while a second member left the hearing after the beginning remarks; (vi) failed to send the meeting minutes or other information regarding the 119th session of the Commission to the State despite several requests to this effect, which led to Suriname's lack of information during the 121st session and caused it to be disadvantaged, and (vii) failed to respond to the State's submissions after the adoption of the Article 50 Report and therefore misled the State as to the submission of the application to the Court. The State further submitted that "[s]ince the Commission did not act properly when the petition was in process before it, this Court must remedy the situation and declare the Commission without jurisdiction to submit this particular case to the Court. [I]f the Commission is declared without jurisdiction to submit this petition/case to the Court because of the applicability of the *fruits of a poisoned tree principle*, the original petitioners lack standing to proceed in this case".

31. In response, the Commission alleged that: (i) both parties had ample opportunity to address the Commission both orally and in writing and the State has not demonstrated how the Commission's treatment was different or harmful to the State; (ii) the participation of the Commission's former Assistant Executive Secretary in this case does not contravene the Commission's Rules of Procedure, and no preferential treatment was afforded to Mr. Padilla; (iii) it gave due notice to the State concerning the hearing convened for the 119th period of sessions, in accordance with Article 62(4) of its Rules of Procedure, which allows for one month's notice for hearings; (iv) the hearing requested by the State was convened at the first available opportunity after the State's request; (v) in accordance with Article 65 of the Commission's Rules of Procedure, the President may form working groups for purposes of procedural economy, and furthermore, all hearings are recorded so as to inform the entire Commission about the events that transpired during the hearings; (vi) it has requested in its application that the Court call upon two experts heard at the Commission's 119th period of sessions to allow the State an opportunity to hear and question their declarations, and (vii) it took full account of the information provided by the parties during the time period between the issuance of the Article 50 report and its determination that the case should be sent to the Court. In such a decision, the Commission considered its duties under Article 44(1) and 44(2) of its Rules of Procedures that contemplate whether the State has complied with the recommendations issued and to consider the views of the petitioner as well. The representatives supported the Commission's arguments and views.

32. The Court has previously considered that it will review the proceedings before the Commission when an error may exist that infringes upon the State's right of defense.[24] In this case, it has not been demonstrated how the aforementioned Commission's behavior has

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[24] *Cf. Case of Dismissed Congressional Employees (Aguado Alfaro et al.) v. Peru. Preliminary Objections, Merits, Reparations and Costs.* Judgment of November 24, 2006. Series C No. 158, para. 66.

implicated an error that has affected the State's right of defense during the proceedings before the Commission.

33. In light of these considerations, this Court dismisses the third preliminary objection opposed by the State.

D) FOURTH PRELIMINARY OBJECTION
Non-compliance with Articles 50 and 51 of the American Convention

34. The State asserted that the application filed by the Commission on June 23, 2006 was time-barred because it was submitted to the Court after the three-month period established in Articles 50 and 51 of the American Convention. The State affirmed that the Commission should have filed its application no later than June 22, 2006. Since the conventional time period had allegedly elapsed, the State averred that the Commission should have adopted the report prescribed in Article 51 of the American Convention.

35. Article 51(1) of the Convention sets forth the maximum period in which the Commission can submit a case to the contentious jurisdiction of the Court; after this period the Commission's capacity to do so expires.[25] Said Article reads as follows:

> [i]f, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.

36. This Tribunal has already established that the period of three months shall be counted from the date of transmittal of the Article 50 report to the State concerned.[26] The Court has also clarified that the time limit, though not fatal, has a preclusive character, except in special circumstances, with regard to the submission of the case to this Court.[27]

37. According to the evidence submitted to the Court by the Inter-American Commission, Report No. 09/06 (the Article 50 report) was transmitted to the State on March 23, 2006. The State has not provided any evidence to contradict this fact. Thus, the referral of the case to the Court on June 23, 2006 was done within the three-month timeframe established under Article 51(1) of the Convention. Furthermore, because the case was referred to the Court, the provisions of Article 51 of the Convention are not applicable.[28]

38. For these reasons, the Court finds that the Inter-American Commission submitted the application in the present case to this Court within the conventional time frame established in Article 51(1), and hereby dismisses the State's fourth preliminary objection in this regard.

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[25] *Cf. Case of Almonacid Arellano et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs*. Judgment of September 26, 2006. Series C No. 154, para. 58.

[26] *Cf. Case of Velásquez Rodríguez v. Honduras. Preliminary Objections*. Judgment of June 26, 1987. Series C No. 1, para. 162; *Case of Almonacid Arellano et al., supra* note 25, para. 56, and *Case of Baena Ricardo et al. v. Panamá. Preliminary Objections.* Judgment of November 18, 1999. Series C No. 61, para. 37. *Cf.* also *Certain Attributes of the Inter-American Commission on Human Rights* (Arts. 41, 42, 44, 46, 47, 50 and 51 American Convention on Human Rights). Advisory Opinion OC-13/93 of July 16, 1993. Series A No. 13, para. 51.

[27] *Cf. Case of Neira-Alegría et al. v. Peru. Preliminary Objections.* Judgment of December 11, 1991. Series C No. 13, paras. 32-34, and *Case of Cayara v. Peru. Preliminary Objections*. Judgment of February 3, 1993. Series C No. 14, paras. 38-39. *Cf.* also *Certain Attributes of the Inter-American Commission on Human Rights* (Arts. 41, 42, 44, 46, 47, 50 and 51 American Convention on Human Rights), *supra* note 26, para. 51.

[28] *Cf. Case of Velásquez Rodríguez, supra* note 26, para. 63, and *Case of Baena Ricardo et al., supra* note 26, paras. 38-39. *Cf.* also *Certain Attributes of the Inter-American Commission on Human Rights* (Arts. 41, 42, 44, 46, 47, 50 and 51 American Convention on Human Rights), *supra* note 26, para. 52.

39. Furthermore, the State maintained that the Commission did not take into consideration the State's submission detailing its implementation of the recommendations found within the Commission's Article 50 report. In this regard, the Court reiterates that Articles 50 and 51 of the Convention establish two separate stages.[29] Once the preliminary report established in Article 50 of the Convention is adopted, the Commission need not necessarily adopt a further report assessing the compliance or non-compliance of its recommendations by the State. Rather, the Commission is empowered, within the period of three months, to decide whether to submit the case to the Court by means of the respective application or to proceed in accordance with Article 51 of the Convention.[30] However, this decision is not discretionary, but rather must be based upon the alternative that would most favorably protect the rights established in the Convention.[31]

40. In this respect, the Commission has affirmed that it "took fully into account the information provided by the parties during the time period between the issuance of the Article 50 report and its determination that the case should be sent to the Court". The Court is of the opinion that it is within the competence of the Commission, in accordance with Article 51 of the Convention as well as with the standards set forth in Article 44 of the Commission's Rules of Procedure, to consider whether or not the State has complied with the recommendations of the Article 50 report and to decide the referral of the case to the Court for its adjudication. However, even if the Commission has a certain margin of discretion in this appraisal, due regard should be given to the respect of the procedural rights of the parties.[32] Additionally, the Court will review the proceedings before the Commission when an error may exist that infringes the State's right of defense.[33] However, in the present case there is no evidence that suggests that the Commission failed to comply with the relevant provisions of the Convention or its Rules of Procedure. Therefore, the Court hereby dismisses the State's fourth preliminary objection in this regard as well.

E) FIFTH PRELIMINARY OBJECTION
Non-exhaustion of domestic remedies

41. Suriname affirmed that the alleged victims have not pursued and exhausted the remedies available under domestic law, which the State avowed are adequate and effective. The State argued that effective legal recourse is recognized under several articles of Suriname's Civil Code, namely articles 1386,[34] 1387,[35] 1388,[36] 1392,[37] and 1393.[38]

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29 *Cf. Case of Baena Ricardo et al., supra* note 26, para. 37, and *Certain Attributes of the Inter-American Commission on Human Rights* (Arts. 41, 42, 44, 46, 47, 50 and 51 American Convention on Human Rights), *supra* note 26, para. 50.

30 Articles 50 and 51 of the American Convention. *Cf. Case of Velásquez Rodríguez, supra* note 26, para. 63; *Case of Baena Ricardo et al., supra* note 26, para. 37, and *Case of Cayara, supra* note 27, para. 39. *Cf.* also *Certain Attributes of the Inter-American Commission on Human Rights* (Arts. 41, 42, 44, 46, 47, 50 and 51 American Convention on Human Rights), *supra* note 26, para. 50.

31 *Cf. Case of Baena Ricardo et al., supra* note 26, para. 37, and *Certain Attributes of the Inter-American Commission on Human Rights* (Arts. 41, 42, 44, 46, 47, 50 and 51 American Convention on Human Rights), *supra* note 26, para. 50.

32 *Cf. Case of Cayara, supra* note 27, para. 63, and *Case of Baena Ricardo et al., supra* note 26, para. 43.

33 *Cf. Case of Dismissed Congressional Employees (Aguado Alfaro et al.), supra* note 24, para. 66.

34 "Article 1386: Every lawful act which causes damages to another, imposes an obligation on the person through whose fault the damage was caused to compensate such damage". *Cf.* Civil Code of Suriname (case file of appendices to the application and appendix 1, appendix 4, folio 51).

35 "Article 1387: Everyone shall be responsible not only for the damage he has caused by his act, but also for that which he has caused by his negligence or carelessness". *Cf.* Civil Code of Suriname (case file of appendices to the application and appendix 1, appendix 4, folio 51).

36 "Article 1388: 1. One is not only responsible for the damage cause by one's own act, but also for that which is caused due to acts of persons for whom one is responsible, or by goods one has in one's possession. [...] 3. The principals and those who appoint other persons to represent their affairs, shall be responsible for the

Moreover, the State alleged that an effective legal remedy is available under Article 226 of Suriname's Code of Civil Procedure, which institutes a "summary proceedings procedure" for cases that require immediate urgency. The State asserted that the alleged victims chose not to make use of all these available remedies under national legislation before filing the petition with the Commission. In addition, the State maintained that the fact that the petition lodged with the President of the Republic pursuant to Article 41(2) of the Forest Management Act did not have a favorable outcome does not in and of itself denote either lack of domestic remedies or exhaustion of all available and effective remedies.

42. In the present case, the alleged victims recognized that they did not exhaust the domestic remedies mentioned by the State *supra*. Rather, they contend that those remedies are inadequate and ineffective to address the issues presented to this Court. Instead, the alleged victims filed four petitions with the State regarding the present case: two were lodged with the President of Suriname pursuant to Article 41(1)(b) of the 1992 Forest Management Act, and the other two under Article 22 of the 1987 Suriname Constitution that recognizes the right to petition public authorities. None of these formal complaints were given a substantive reply. Thus, the question is whether the alleged victims should have additionally or concurrently exhausted the domestic remedies mentioned by the State.

43. The Court has already developed clear guidelines for the analysis of an objection regarding an alleged failure of exhaustion of domestic remedies.[39] Firstly, the objection has been understood by the Court to be a defense available to States and, as such, it may be expressly or tacitly waived. Secondly, in order for the objection of failure to exhaust domestic remedies to be timely, it must be pled in the State's first submission before the Commission; otherwise, it is presumed that the State has tacitly waived this argument. Thirdly, the Court has asserted that a State lodging this objection must specify the domestic remedies that remain to be exhausted and demonstrate that these remedies are applicable and effective.

44. In its fourth submission before the Commission on August 16, 2002, the State first raised the issue of non-exhaustion of domestic remedies and did not explicitly specify which alleged domestic remedies the alleged victims had not pursued and exhausted. In a subsequent submission of May 23, 2003, the State made reference to the existence of "a number of articles in the Suriname Civil Code [...] on the basis of which petitioner could have instituted actions". It referred, in particular, to Articles 1386, 1387, 1388, 1392, and 1393 of its Civil Code. In its answer to the application before the Court, the State additionally mentioned the alleged non-exhaustion of the remedy available under Article 226 of its Civil Code. The Court notes that the State did not raise, in its first submission in the proceedings before the Commission, that the alleged victims failed to exhaust the possible available remedies under Articles 226, 1386, 1387, 1388, 1392, and 1393 of its Civil Code.

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damage caused by their servants and employees in the performance of the work for which they have used them". *Cf.* Civil Code of Suriname (case file of appendices to the application and appendix 1, appendix 4, folio 51).

37 "Article 1392: 1. Deliberate or imprudent injury or maiming of any part of the body, entitles the injured party to claim not only compensation of the costs of recovery, but also those of the damage caused by the injury or maiming. 2. These as well shall be valued in accordance with the mutual position and wealth of the persons and the circumstances. 3. This last provision shall in general be applicable in the valuation of the damage arisen from any offence committed against the person". *Cf.* Answer of the State (merits, volume II, folio 335).

38 "Article 1393: 1. The civil action relating to defamation shall be used to compensate the damage and to mend the prejudice to the name or reputation. 2. The judge shall, in valuing this, have regard to the lesser or greater degree of the insult, as well as on the quality, position and wealth of both party and the circumstances." *Cf.* Answer of the State (merits, volume II, folio 336).

39 *Cf. Case of Velásquez Rodríguez, supra* note 26, para. 88; *Case of Nogueira de Carvalho et al. v. Brazil. Preliminary Objections and Merits*. Judgment of November 28, 2006. Series C No. 161, para. 51, and *Case of Almonacid Arellano et al., supra* note 25, para. 64.

Therefore, the State has tacitly waived the issue of non-exhaustion of domestic remedies as to these articles of its Civil Code. Accordingly, the Court dismisses the State's preliminary objection as to non-exhaustion of domestic remedies.

F) SIXTH PRELIMINARY OBJECTION
Duplication of international proceedings

45. The State argued that petitioners have filed duplicate requests to more than one international body, which renders the petition inadmissible in accordance with Articles 46(c) and 47(d) of the American Convention. The State maintained that, in this case, complaints with the same fact predicate and human rights legal standards and provisions were lodged with the United Nations Human Rights Committee (hereinafter "HR Committee") and the United Nations Committee on the Elimination of Racial Discrimination (hereinafter "CERD"). The State also averred that the Court has already decided the right to property of "maroon and/or indigenous people" in the case of *Moiwana Community v. Suriname*.

46. Article 46 of the American Convention stipulates as one of the requirements for the admission of a petition by the Commission,

> [...]
>
> c. that the subject of the petition or communication is not pending in another international proceeding for settlement; [...]

and Article 47 of the American Convention renders inadmissible a petition if

> [...]
>
> d. the petition or communication is substantially the same as one previously studied by the Commission or by another international organization.
>
> [...]

47. The question of *litis pendentia* requires ascertaining whether "the subject" of the petition or communication is pending before another international proceeding for settlement, while *res judicata* arises where the petition or communication is "substantially the same" as one already studied by the Commission or by another international organization.

48. This Court has already established that "[t]he phrase 'substantially the same' signifies that there should be identity between the cases. In order for this identity to exist, the presence of three elements is necessary, these are: that the parties are the same, that the object of the action is the same, and that the legal grounds are identical".[40]

49. The petition regarding the present case was filed with the Commission on October 27, 2000. The objection made by the State has to do with submissions made before the United Nations human rights treaty bodies that range from the years 2002 through 2005. Specifically, the State pointed to: a) five "formal applications" submitted by the Association of Indigenous Village Leaders in Suriname, *Stichting Sanomaro Esa*, the Association of Saramaka Authorities, and the NGO Forest Peoples Programme to the CERD between December 2002 and July 2005,[41] particularly, a petition filed on December 15, 2002

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[40] *Cf. Case of Baena Ricardo et al., supra* note 13, para. 53.

[41] The State refered to: *Formal Request to Initiate an Urgent Procedure to Avoid Immediate and Irreparable Harm*, December 15, 2002; *Additional Information,* May 21, 2003; *Comments on Suriname's State Party Report (CERD/C/446/Add.1)*, January 26, 2004; *Request for the Initiation of an Urgent Action and a Follow Up Procedure*

"requesting for urgent action on indigenous and tribal peoples' rights in Suriname", and b) a "petition" presented by the NGO Forest Peoples Programme on January 30, 2002 to the HR Committee concerning Suriname and its compliance with the International Covenant on Civil and Political Rights (hereinafter "ICCPR"), specifically in relation to violations of Articles 1, 26 and 27 of said international instrument.

50. The HR Committee rendered concluding observations on Suriname on May 4, 2004,[42] while the CERD issued concluding observations regarding Suriname on April 28, 2004.[43] Furthermore, on March 9, 2005 the CERD adopted a follow-up decision regarding the aforementioned concluding observations.[44] Lastly, the CERD has issued three decisions concerning Suriname according to its early warning and urgent action procedure on March 21, 2003,[45] August 18, 2005,[46] and August 18, 2006[47].

51. In addressing this issue, the Court will focus on the object, purpose, and nature of the actions brought forth before the United Nations HR Committee and the CERD. With regards to the HR Committee, the only decision indicated by the State concerned the procedure by which this monitoring body issued concluding observations and recommendations on Suriname's compliance with and implementation of the rights and obligations set forth in the ICCPR. Such procedure, governed by Article 40 of the ICCPR, vests on the HR Committee the faculty to examine the State Parties' periodical reports "on the measures they have adopted which give effect to the rights recognized [t]herein and on the progress made in the enjoyment of those rights". The Court observes that the object and purpose of the submission made by the NGO Forest Peoples Programme does not constitute a petition for the adjudication of certain rights of the Saramaka people, but a "shadow report" intended to assist the HR Committee in formulating questions to Suriname when reviewing the State's reports as well as to provide independent information in this matter. It is clear that the HR Committee's concluding observations relate to the assessment of the general human rights situation in the country under scrutiny. Said procedure contrasts with the system of individual complaints set forth in the First Optional Protocol to the ICCPR, under which the HR Committee may consider individual communications relating to alleged violations of the rights enshrined in the ICCPR by States Party to the Protocol, which has not been the case.

52. The CERD's decisions identified by the State, on the other hand, point to two different supervisory mechanisms. First, the concluding observations were issued within the

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in Relation to the Imminent Adoption of Racially Discriminatory Legislation by the Republic of Suriname, January 6, 2005, and *Request for Follow Up and Urgent Action Concerning the Situation of Indigenous and Tribal Peoples in Suriname*, July 8, 2005.

[42] UNHRC, *Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations on Suriname (Eightieth session, 2004)*, U.N. Doc. CCPR/CO/80/SUR, May 4, 2004 (case file of appendices to the representatives' brief, appendix 4.3, folios 1492-1496).

[43] UNCERD, *Consideration of Reports submitted by States Parties under Article 9 of the Convention, Concluding Observations on Suriname (Sixty-fourth session, 2004)*, U.N. Doc. CERD/C/64/CO/9, April 28, 2004 (case file of appendices to the representatives' brief, appendix 4.2, folios 1486-1491).

[44] UNCERD, *Follow-Up Procedure, Decision 3(66) on Suriname (Sixty-sixth session, 2005)*, U.N. Doc. CERD/C/66/SUR/Dec.3, March 9, 2005 (case file of appendices to the representatives' brief, appendix 4.4, folios 1497-1498).

[45] UNCERD, *Urgent Action Procedure, Decision 3(62) on Suriname (Sixty-second session, 2003)*, U.N. Doc. CERD/C/62/CO/Dec.3, March 21, 2003 (case file of appendices to the representatives' brief, appendix 4.1, folios 1484-1485).

[46] UNCERD, *Urgent Action Procedure, Decision 1(67) on Suriname (Sixty-seventh session, 2005)*, U.N. Doc. CERD/C/DEC/SUR/2, August 18, 2005 (case file of appendices to the representatives' brief, appendix 4.5, folios 1499-1500).

[47] UNCERD, *Urgent Action Procedure, Decision 1(69) on Suriname (Sixty-ninth session, 2006)*, U.N. Doc. CERD/C/DEC/SUR/5, August 18, 2006 (case file of appendices to the representatives' brief, appendix 4.6, folios 1501-1502).

reporting procedure set forth in Article 9 of the International Convention on the Elimination of Racial Discrimination (hereinafter "ICERD"), whereby the State parties undertake to periodically submit "a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention". Said procedure is similar to the one described above for the HR Committee. Moreover, the follow-up procedure decision issued by the CERD involved a review of the measures adopted by the State in order to comply with the concluding observations and recommendations previously adopted, as well as a request for further information pursuant to Article 9, paragraph 1, of ICERD, and Article 65 of the Committee's Rules of Procedure.

53. Second, the CERD issued three decisions regarding its early warning measures and urgent action procedure, a preventive mechanism adopted in 1993 to seek the prevention of "existing problems from escalating into conflicts" and "to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention". This mechanism differs as well from the procedure of individual complaints, under which the CERD may consider individual communications relating to States parties, only if the States made the necessary declaration under Article 14 of ICERD, which Suriname has not done yet. The CERD acknowledged such differentiation by stating that the early warning and urgent action procedure "is clearly distinct from the communication procedure under Article 14 of the Convention. Furthermore, the nature and urgency of the issue examined in this decision go well beyond the limits of the communication procedure".[48]

54. From the above considerations, this Tribunal concludes that the reporting procedures of the universal treaty-based bodies as well as that of the early warning and urgent procedure of the CERD cannot be considered to be of the same object, purpose, and nature as the adjudicatory jurisdiction of the Inter-American Court. The former do not involve a petitioning party requesting redress for the violation of the rights of the Saramaka people. Rather than adjudicating controversies and ordering appropriate reparations, such procedures consist of reviews of the general situation pertaining to human rights or to racial discrimination in a certain country, in this case Suriname, or concern a special situation involving racial discrimination in need of urgent attention. Furthermore, the nature of the concluding observations and recommendations issued by said Committees is different from the judgments delivered by the Inter-American Court.

55. In light of these considerations, it is unnecessary for the Court to address whether the parties involved in such international proceedings are identical to those in the present case, or whether the legal grounds are identical. Suffice it for the Court that the proceedings before the HR Committee and the CERD are intrinsically of a diverse object, purpose, and nature than those of the present case. Thus, the Court hereby dismisses the State's sixth preliminary objection regarding the alleged duplicity of international proceedings in relation to the aforementioned decisions of the HR Committee and the CERD.

56. With respect to the allegations that this Court has already decided on the right to property of "maroon and/or indigenous people" in the *Case of the Moiwana Community v. Suriname* (hereinafter "*Moiwana* case"), this Court recalls that in order to find *res judicata* there should be identity between the cases, that is to say, the parties must be the same and legal grounds of the object of the action must be identical (*supra* para. 48).

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[48] UNCERD, *Early Warning and Urgent Action Procedure, Decision 1 (68) on United States of America (Sixty-eighth session, 2006)*, U.N. Doc. CERD/C/USA/DEC/1, April 11, 2006, para. 4.

57. It is clear that no identity between the subjects or the objects of this and the *Moiwana* case can be found. The victims in the *Moiwana* case differ from the alleged victims in the present case. Whereas the former referred to violations to the detriment of Moiwana community members, the present case involves alleged violations to the detriment of the members of the Saramaka people. While in the *Moiwana* case the facts referred to the alleged denial of justice and displacement of the Moiwana community occurring subsequent to the attack by members of the armed forces of Suriname on the village of Moiwana on November 29, 1986, in the present case the facts relate to Suriname's alleged failure to adopt effective measures to recognize the communal property right of the members of the Saramaka people to the territory they have traditionally occupied and used, to provide the members of the Saramaka people effective access to justice, as a community, for the protection of their fundamental rights, and to comply with its obligation to adopt domestic legal provisions and respect Convention rights.

58. For these reasons, the Court also dismisses the State's sixth preliminary objection with regard to the alleged duplicity of international proceedings in relation to the *Moiwana* case.

G) SEVENTH PRELIMINARY OBJECTION
Lack of jurisdiction ratione temporis

59. The representatives alleged in their brief containing pleadings, motions and evidence that the construction of the Afobaka dam and reservoir in the 1960s on land traditionally occupied and used by the Saramaka people "exhibits ongoing and continuous effects and consequences attributable to Suriname and that violate the Convention guarantees." In particular, the representatives pointed to "a continuing deprivation of access to those traditional lands and resources that have been submerged, as well as irreparable harm to numerous sacred sites; an ongoing disruption of the Saramaka people's traditional land tenure and resource management systems, which, coupled with a substantial population increase caused by the amalgamation of most of those displaced with existing communities, has placed a severe stress on the capacity of Saramaka lands and forests to meet basic subsistence needs; an ongoing failure of the State to secure tenure rights for those lost lands, both within traditional Saramaka territory and for those communities presently outside this territory; and an ongoing failure to otherwise provide meaningful reparations."

60. In its additional brief pursuant to Article 39 of the Court's Rules of Procedure, the State contested this Court's jurisdiction *ratione temporis* over said alleged acts, arguing that they occurred prior to November 12, 1987, which is the date Suriname ratified the American Convention and recognized the contentious jurisdiction of the Court in accordance with Article 62(1) of the American Convention. Moreover, the State observed that the alleged acts took place in the 1960s during the time the Dutch colonial power ruled over Suriname's territory, that is to say, before the State of Suriname was established under the accepted rules and principles of international law. Suriname contended that prior to November 25, 1975, which is the date it gained its independence from the Kingdom of the Netherlands, no responsibility under international law could be conferred upon the State of Suriname, not even under the concept of continuous violations, since the State was not a subject of obligations under international law at that time, and the concept of continuous violation is a concept that emerged very recently.

61. The Tribunal has already decided that it is not competent to hear the alleged violations related to the construction of the Afobaka dam in the present case because the Commission did not include such facts in its application (*supra* paras. 11-17). Therefore, there is no need for the Court to address this again at this juncture.

V
JURISDICTION

62. The Inter-American Court has jurisdiction over this case in accordance with Article 62(3) of the Convention. Suriname ratified the American Convention on November 12, 1987 and recognized the Court's contentious jurisdiction that same day.

VI
EVIDENCE

63. Based on the provisions of Articles 44 and 45 of the Rules of Procedure, as well as the Court's prior decisions regarding evidence and its assessment,[49] the Court will proceed to examine and assess the documentary evidence submitted by the Commission, the representatives, and the State at the different procedural stages. It will also examine and assess the testimonies and expert opinions provided by affidavit or before the Court in the public hearing. To that effect, the Court shall abide by the principles of sound criticism, within the corresponding legal framework.[50]

A) DOCUMENTAL, TESTIMONIAL, AND EXPERT EVIDENCE

64. At the request of the President, the Court received the testimonies and declarations by *affidavit* provided by the following witnesses and expert witnesses:[51]

a) Silvi Adjako, witness proposed by the Commission and the representatives, is a member of the Matjau *lö* (clan), and testified regarding the alleged destruction of her farms by a foreign logging company and her subsequent efforts to obtain redress;

b) Hugo Jabini, witness proposed by the Commission and the representatives, is a founding member of the Association of Saramaka Authorities and serves as its Paramaribo representative. He testified regarding, *inter alia*: the Saramaka people's efforts to protect their land and resources, their alleged attempts to settle the case with the State, and their methods for documenting traditional Saramaka use of the territory;

c) Head Captain Eddie Fonkie, witness proposed by the Commission, is a representative of the Abaisa *lö* (clan) and *fiscali* of the Saramaka people, and testified regarding Saramaka customary law that governs ownership of land and resources, Saramaka treaty rights, purported contemporary use of Saramaka land

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[49] *Cf. Case of The Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations and Costs.* Judgment of August 31, 2001. Series C No. 79, para. 86; *Case of The "White Van" (Paniagua Morales et al.) v. Guatemala. Reparations and Costs*. Judgment of May 25, 2001. Series C No. 76, para. 50, and *Case of Bámaca Velásquez v. Guatemala. Reparations and Costs*. Judgment of February 22, 2002. Series C No. 91, para. 15. *Cf.* also *Case of the Miguel Castro Castro Prison, supra* note 8, paras. 183 and 184; *Case of Almonacid Arellano et al., supra* note 25, paras. 67, 68 and 69, and *Case of Servellón García et al., supra* note 11, para. 34.

[50] *Cf. Case of The "White Van" (Paniagua Morales et al.) v. Guatemala. Merits.* Judgment of March 8, 1998. Series C No. 37, para. 76; *Case of Cantoral Huamaní and García Santa Cruz v. Peru. Preliminary Objection, Merits, Reparations and Costs.* Judgment of July 10, 2007. Series C No. 167. para. 38, and *Case of Zambrano Vélez et al. v. Ecuador. Merits, Reparations and Costs.* Judgment of July 4, 2007. Series C No. 166, para. 32.

[51] Although on March 30, 2007 the President decided to require the testimonies by affidavit of Mr. Michel Filisie, Minister of Regional Development of the Republic of Suriname, and of *Gaa'man* Gazon Mathodja (*supra* note 4), the State informed the Court on April 25, 2007 of its withdrawal of said witnesses from this case.

and resources, and the alleged impact of mining operations on the displaced villages of Brokopondo District;

d) George Leidsman, witness proposed by the representatives, is a Saramaka member of the flooded village of Ganzee, and testified regarding the alleged forcible displacement of the Saramaka people in the 1960s, as well as its consequences and effects;

e) Jennifer Victorine van Dijk-Silos, witness proposed by the State, is the chairperson of Suriname's Presidential Land Rights Commission, and testified regarding the establishment of the Presidential Land Rights Commission on February 1, 2006, its accomplishments, and its future plans with respect to the land rights of the Saramaka people and other maroons and indigenous peoples living in Suriname;

f) Peter Poole, expert witness proposed by the Commission and the representatives, is a geomatics expert who has worked extensively with various indigenous and tribal peoples on projects concerning resource management and sustainable development. He provided his expert opinion regarding, *inter alia*: his role in assisting the Saramaka people to create geographically accurate maps, aerial photographs, and satellite images that display how the Saramaka use and occupy their territory and resources; inferences regarding the extent of Saramaka use of their territory and resources based on these instruments; illegal gold mining near so-called Saramaka transmigration villages; the alleged ongoing impact caused by the Afobaka dam's flooding of Saramaka territory, and the environmental impact of logging activities in Saramaka territory;

g) Mariska Muskiet, expert witness proposed by the Commission and the representatives, is a property law lecturer at the University of Suriname as well as the Acting Director of *Stichting* Moiwana, a Surinamese human rights organization. She provided her expert opinion regarding Surinamese property law and domestic remedies with respect to indigenous and tribal peoples´ claims to land;

h) Robert Goodland, expert witness proposed by the representatives, is the former Chief Environmental Adviser for the World Bank Group who drafted and implemented the World Bank's official policy on Tribal and Indigenous Peoples adopted in February of 1982. He provided his expert opinion regarding, *inter alia*: the alleged environmental and social impacts of logging concessions that operated between 1997 and 2003 in Saramaka territory, Suriname's lack of compliance with World Bank standards, the alleged ongoing adverse effects of the Afobaka dam and reservoir on the Saramaka people, the potential ramifications of Suriname's plans to increase the water level of the Afobaka reservoir through the Tapanahony/Jai Kreek Diversion Project, and possible measures to repair the alleged damage in the present case;

i) Martin Scheinin, expert witness proposed by the representatives, is a Professor of Constitutional and International Law at the Åbo Akademi University, Finland, and a former member of the United Nations Human Rights Committee. He provided his expert opinion regarding, *inter alia*: the HR Committee's recognition of indigenous and tribal peoples' rights under common Article 1 of the ICCPR and the International Covenant on Economic, Social and Cultural Rights (hereinafter "ICESCR"), their relevance to the interpretation of Articles 21 (Right to Property) and 3 (Right to Juridical Personality) of the American Convention, the relationship

between Article 1(2) of the ICCPR and indigenous and tribal peoples' property rights, and the right to self-determination, and

j) Magda Hoever-Venoaks, expert witness proposed by the State, is an authority on legal remedies in Surinamese administrative and constitutional law. She provided her expert opinion regarding, *inter alia*: the legal status of the provisions affording remedies to interested parties in Suriname's Mining Act and Suriname's Forest Management Act, as well as other available remedies in Surinamese administrative and/or constitutional law.

65. During the public hearing held in the present case, the Court heard the testimonies and the expert opinions given by the following persons:

a) Head Captain Wazen Eduards, witness proposed by the Commission and the representatives, is the Chairperson of the Association of Saramaka Authorities, the authorized representative of the Dombi *lö* (clan), and a recently appointed *fiscali* of the Saramaka people. He testified regarding, *inter alia*: the endeavors of the Association of Saramaka Authorities to counter the alleged incursion of logging companies in Saramaka territory, the alleged impact of these companies' operations, and the purported failure of the Surinamese government to consult or obtain consent from the Saramaka people prior to authorizing the concessions; the efforts of Saramaka people to protect their rights domestically, including the process of reaching an internal consensus; customary Saramaka law governing ownership rights and demarcation of territory, and the importance of land for the cultural integrity of the Saramaka people;

b) Captain Cesar Adjako, witness proposed by the Commission and the representatives, is a member of the Matjau *lö* (clan). He testified regarding, *inter alia*: the reasons why Saramaka individuals must obtain concessions from the government, the alleged arrival of foreign logging companies on Matjau territory, their purported destruction of the forest resources and subsistence farms, and the Saramaka people's interest in preserving their environment and the sustainable harvesting of timber;

c) Rudy Strijk, witness proposed by the State, is the former District Commissioner of the Sipaliwini District. He testified regarding, *inter alia*: his role as District Commissioner in granting mining and logging concessions, the government's relationship with traditional Saramaka authorities, and the District Commissioner's purported consultations with the Saramaka people prior to awarding concessions;

d) Head Captain Albert Aboikoni, witness proposed by the State, was the acting *Gaa'man* following *Gaa'man* Songo Aboikoni's passing. He testified regarding his experience as a parliamentarian in the Surinamese government and his efforts to advance land rights of indigenous and tribal peoples in Suriname, the role of the *Gaa'man* and his relationship with the community and other traditional authorities, and the areas in which Saramaka people reside;

e) Rene Ali Somopawiro, witness proposed by the State, is the acting director of the Foundation for Forest Management and Production Control (SBB). He testified regarding, *inter alia*: the role of the SBB in processing applications for timber concessions, monitoring such concessions and promoting sustainable forestry; the difference between "timber logging permits" and "communal forests" as well as their

eligibility requirements with respect to indigenous and maroon villages, and the status of concessions awarded to Saramaka individuals;

f) Richard Price, expert witness proposed by the Commission and the representatives, is a Professor of American Studies, Anthropology and History at the College of William & Mary as well as an authority on the history and culture of the Saramaka people. He provided his expert opinion regarding the Saramaka people's sustainable use of the land; the history behind the Treaty of 1762 between the Dutch crown and the Saramaka people; the alleged impact of the Afobaka dam on the Saramaka people and their traditional territory; the differences between the Saramaka people and other Maroon groups; the relationship between Saramaka customary law and Suriname's legal system; the civil war in Suriname between the Maroons and the coastal government; the cultural significance of cutting timber as a traditional Saramaka activity; the alleged material, cultural and spiritual effects of logging operations by outside companies on the Saramaka people and territory; the presence of Surinamese troops in Saramaka territory, and the Saramaka people's social structure, traditional land tenure systems, and customary law, and

g) Salomon Emanuels, expert witness proposed by the State, is a cultural anthropologist. He provided his expert opinion regarding, *inter alia*: the Saramaka hierarchy of authority, including the position and role of both the *Gaa'man* and the *lös* (clans); Saramaka procedures with respect to decisions on land rights involving the entire community, and relations between the local authorities of the Saramaka *lös* (clans).

B) EVIDENCE ASSESSMENT

66. In the instant case, as in others,[52] the Court admits and recognizes the evidentiary value of the documents submitted by the parties at the appropriate procedural stage, in accordance with Article 44 of the Court's Rules of Procedure, which have neither been disputed nor challenged, and the authenticity of which has not been questioned.

67. Regarding the press documents submitted by the parties, the Court considers that they may be assessed insofar as they refer to public and notorious facts or statements made by State officials that have not been amended, or if they corroborate related aspects to the case that are proven by other means.[53]

68. With respect to the testimonies and expert opinions rendered by witnesses and expert witnesses, the Court deems them relevant insofar as they comport with their respective subject of testimony established by the Order of the President (*supra* para. 7), and taking into account all the observations of the parties. The Court considers that the statements made by the victims cannot be assessed separately, but rather within the context of the remaining body of evidence in this case, since they have a direct interest in the outcome.[54]

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[52] *Cf. Case of Loayza Tamayo v. Peru. Reparations and Costs*. Judgment of November 27, 1998. Series C No. 42, para. 53; *Case of Cantoral Huamaní and García Santa Cruz, supra* note 50, para. 41, and *Case of Zambrano Vélez et al., supra* note 50, para. 37.

[53] *Cf. Case of The "White Van" (Paniagua Morales et al.), supra* note 50, para. 75; *Case of Cantoral Huamaní and García Santa Cruz, supra* note 50, para. 41, and *Case of Zambrano Vélez et al., supra* note 50, para. 38.

[54] *Cf. Case of Loayza Tamayo v. Peru. Merits*. Judgment of September 17, 1997. Series C No. 33, para. 43; *Case of Cantoral Huamaní and García Santa Cruz, supra* note 50, para. 44, and *Case of Zambrano Vélez et al., supra* note 50, para. 40.

69. Given its relevance to the adjudication of the present case and pursuant to Article 45(1) of the Court's Rules of Procedure, and upon a request made by the Commission, the Tribunal hereby incorporates into the present body of evidence the transcript of the expert opinion rendered by Dr. Richard Price during the public hearing held on July 7, 1992 in the case of *Aloeboetoe* et al. *v. Suriname*.[55]

70. The State objected to the statement provided by Mr. Peter Poole during the proceedings before the Commission because "[t]he research was done without the approval of authorities in Suriname." Additionally, the State noted that it was not present at the March 2004 hearing before the Commission and that the items of evidence produced at the hearing were not sent to it. Thus, Suriname argued that said evidence should not be admitted in accordance with Article 44(2) of the Court's Rules of Procedure. The State also objected to the statement made by Ms. Mariska Muskiet before the Commission, asserting that "this information was not submitted to the State during the proceedings before the Commission" and that "[Ms. Muskiet] does not qualify [...] as an expert in the field of property law in Suriname and/or land rights of indigenous and maroons in Suriname." The Tribunal observes that, although the State was not present when Mr. Poole and Ms. Muskiet testified during the Commission's proceedings, both experts provided declarations during the proceedings before this Tribunal, and the State was afforded the right to defend itself and present observations to both declarations. Furthermore, Suriname failed to demonstrate why Ms. Muskiet, who is a university professor and teaches property law, is not qualified to provide expert testimony regarding Surinamese property law. Thus, the Court admits this evidence, taking into consideration the State's observations, and will assess its probative value according to the rules of sound criticism and the body of evidence in the case.

71. In addition, the State objected to the statements made by Dr. Richard Price before the Commission, claiming that his declaration "is totally outdated". The Court, however, admits this evidence, taking into consideration the State's observations, and will assess its probative value according to the rules of sound criticism and the body of evidence in the case.

72. The Court observes that the State submitted further documentary evidence along with its additional written pleading pursuant to Article 39 of the Court's Rules of Procedure. Specifically, the State presented documents identified as "Bulletin of Acts and Decrees of the Republic of Suriname –SB 2003 #07-", "An Analysis of Land Rights of the Indigenous Peoples and Maroons in Suriname. Adoption of Legislation in Suriname by Amazon Conservation Team", "Current status of timber concessions situated in the claimed area of the Saramaka Lö's", and "Transmigration". Similarly, the representatives presented further documentary evidence with their observations to the State's additional written brief, which included the 2004 Final Report of the United Nations Special Rapporteur on indigenous peoples' permanent sovereignty over natural resources, and excerpts of a March 2007 United Nations Economic Commission for Latin America and United Nations Development Programme report.

73. The Court finds that the aforementioned documents submitted by the State and the representatives, which have not been challenged and the authenticity of which has not been questioned, are useful and relevant; therefore, the Court incorporates them into the body of evidence, pursuant to Article 45(1) of the Rules of Procedure.

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55 *Case of Aloeboetoe et al. v. Suriname*. Merits. Judgment of December 4, 1991. Series C No. 11.

74. Furthermore, the State attached an expert opinion on "Permanent sovereignty over natural resources and indigenous peoples" by Nico. J. Schrijver, as an annex to its final written arguments. The Court notes that the State did not offer said evidence in a timely fashion and that neither the Tribunal nor the President ordered the submission of said evidence. Consequently, pursuant to Article 44(3) of the Court's Rules of Procedure, the Tribunal does not admit said evidence.

75. The representatives also submitted additional evidence with their final written brief, specifically, the receipts enumerating the costs incurred by the Association of Saramaka Authorities. Because the Court finds these documents germane to deciding the costs in the present case, the Court admits this evidence, taking into consideration the State's observations, and will assess its probative value according to the rules of sound criticism and the body of evidence in the case, pursuant to Article 45(1) of the Court's Rules of Procedure.

76. Having examined the evidentiary elements that have been incorporated into the present case, the Court will proceed with its analysis of the alleged violations of the American Convention in light of the facts that the Court deems proven, as well as the parties´ legal arguments.

VII
NON-COMPLIANCE WITH ARTICLE 2[56] (DOMESTIC LEGAL EFFECTS), AND VIOLATION OF ARTICLES 3[57] (RIGHT TO JURIDICAL PERSONALITY), 21[58] (RIGHT TO PROPERTY) AND 25[59] (RIGHT TO JUDICIAL PROTECTION) OF THE AMERICAN CONVENTION, IN RELATION TO ARTICLE 1(1)[60] (OBLIGATION TO RESPECT RIGHTS) THEREOF

77. In light of the interrelatedness of the arguments submitted to the Court in the present case, the Tribunal will address in a single chapter the alleged non-compliance with Article 2, and violations of Articles 3, 21, and 25 of the Convention. Accordingly, the Court will address the following eight issues: first, whether the members of the Saramaka people make up a tribal community subject to special measures that ensure the full exercise of their rights; second, whether Article 21 of the American Convention protects the right of the members of tribal peoples to the use and enjoyment of communal property; third, whether the State has recognized the right to property of the members of the Saramaka people derived from their system of communal property; fourth, whether and to what extent the

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56 Article 2 establishes that: "[w]here the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms."

57 Article 3 establishes that: "[e]very person has the right to recognition as a person before the law."

58 Article 21 establishes, *inter alia*, that: "1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society. 2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law."

59 Article 25 establishes that: "1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties. 2. The States Parties undertake:
a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
b. to develop the possibilities of judicial remedy; and
c. to ensure that the competent authorities shall enforce such remedies when granted."

60 Article 1(1) establishes that: "[t]he States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition."

members of the Saramaka people have a right to use and enjoy the natural resources that lie on and within their alleged traditionally owned territory; fifth, whether and to what extent the State may grant concessions for the exploration and extraction of natural resources found on and within alleged Saramaka territory; sixth, whether the concessions already issued by the State comply with the safeguards established under international law; seventh, whether the lack of recognition of the Saramaka people as a juridical personality makes them ineligible under domestic law to receive communal title to property as a tribal community and to have equal access to judicial protection of their property rights; and finally, whether there are adequate and effective legal remedies available in Suriname to protect the members of the Saramaka people against acts that violate their alleged right to the use and enjoyment of communal property.

A. THE MEMBERS OF THE SARAMAKA PEOPLE AS A TRIBAL COMMUNITY SUBJECT TO SPECIAL MEASURES THAT ENSURE THE FULL EXERCISE OF THEIR RIGHTS

78. The Commission and the representatives alleged that the Saramaka people make up a tribal community and that international human rights law imposes an obligation on the State to adopt special measures to guarantee the recognition of tribal peoples' rights, including the right to collectively own property. The State disputed whether the Saramaka people could be defined as a tribal community subject to the protection of international human rights law regarding their alleged right to collectively own property. The Court must therefore analyze whether the members of the Saramaka people make up a tribal community, and if so, whether it is subject to special measures that guarantee the full exercise of their rights.

79. First of all, the Court observes that the Saramaka people are not indigenous to the region they inhabit; they were instead brought to what is now known as Suriname during the colonization period (*infra*, para. 80). Therefore, they are asserting their rights as alleged tribal peoples, that is, not indigenous to the region, but that share similar characteristics with indigenous peoples, such as having social, cultural and economic traditions different from other sections of the national community, identifying themselves with their ancestral territories, and regulating themselves, at least partially, by their own norms, customs, and traditions.

A.1) The members of the Saramaka people as a distinct social, cultural and economic group with a special relationship with its ancestral territory

80. According to the evidence submitted by the parties, the Saramaka people are one of the six distinct Maroon groups in Suriname whose ancestors were African slaves forcibly taken to Suriname during the European colonization in the 17th century.[61] Their ancestors escaped to the interior regions of the country where they established autonomous communities.[62] The Saramaka people are organized in twelve matrilineal clans (*lös*), and it is estimated that the contemporary size of the Saramaka population ranges from 25,000 to

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[61] This fact is recognized by the State (Merits, volume II, folio 291). *Cf.* also Testimony of Head Captain and Fiscali Wazen Eduards during the public hearing at the Court held on May 9 and 10, 2007 (transcription of public hearing, pp. 3-4).

[62] This fact is recognized by the State (Merits, volume II, folio 288). *Cf.* also Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 4), Expert opinion of Professor Richard Price during the public hearing at the Court held on May 9 and 10, 2007 (transcription of public hearing, p. 57), and Expert opinion of Salomon Emanuels during the public hearing at the Court held on May 9 and 10, 2007 (transcription of public hearing, p. 67).

34,000, which is spread over 63 communities on the Upper Suriname River and in a number of displaced communities located to the north and west of said area.[63]

81. Their social structure is different from other sectors of society inasmuch as the Saramaka people are organized in matrilineal clans (*lös*), and they regulate themselves, at least partially, by their own customs and traditions.[64] Each clan (*lö*) recognizes the political authority of various local leaders, including what they call Captains and Head Captains, as well as a *Gaa'man*, who is the community's highest official.[65]

82. Their culture is also similar to that of tribal peoples insofar as the members of the Saramaka people maintain a strong spiritual relationship with the ancestral territory[66] they have traditionally used and occupied. Land is more than merely a source of subsistence for them; it is also a necessary source for the continuation of the life and cultural identity of the Saramaka people.[67] The lands and resources of the Saramaka people are part of their social, ancestral, and spiritual essence. In this territory, the Saramaka people hunt, fish, and farm, and they gather water, plants for medicinal purposes, oils, minerals, and wood.[68] Their sacred sites are scattered throughout the territory, while at the same time the territory itself has a sacred value to them.[69] In particular, the identity of the members of the Saramaka people with the land is inextricably linked to their historical fight for freedom from slavery, called the sacred "first time".[70] During the public hearing in this case, Head Captain Wazen Eduards described their special relationship with the land as follows:

> The forest is like our market place; it is where we get our medicines, our medicinal plants. It is where we hunt to have meat to eat. The forest is truly our entire life. When our ancestors fled into the forest they did not carry anything with them. They learned how to live, what plants to eat, how to deal with subsistence needs once they got to the forest. It is our whole life.[71]

83. Furthermore, their economy can also be characterized as tribal. According to the expert testimony of Dr. Richard Price, for example, "the very great bulk of food that Saramaka eat comes from [...] farms [and] gardens" traditionally cultivated by Saramaka

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63 This fact is recognized by the State (Merits, volume II, folio 297). *Cf.* also Professor Richard Price, "Report in support of Provisional Measures", October 15, 2003 (case file of appendices to the application and Appendix 1, appendix 2, folio 15).

64 Although the question of land ownership is in dispute, the parties agree that the Saramaka people have their own traditional norms and customs that relate to how the Saramaka people use and enjoy property.

65 *Cf.* Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63.

66 By using the term "territory" the Court is referring to the sum of traditionally used lands and resources. In this sense, the Saramaka territory belongs collectively to the members of the Saramaka people, whereas the lands within that territory are divided among and vested in the twelve Saramaka clans (*supra* para. 100). *Cf.* Affidavit of Head Captain and Fiscali Eddie Fonkie, April 5, 2007 (case file of affidavits and observations thereto, appendix 4, folio 1911); Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, pp. 60-61), and Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63.

67 *Cf.* Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63, (folios 17-18).

68 *Cf.* Testimony of Captain Cesar Adjako during the public hearing at the Court held on May 9 and 10, 2007 (transcription of public hearing, p. 15); Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 55); Report of Professor Richard Price, September 30, 2000 (case file of appendices to the application and Appendix 1, appendix 1, folio 4), and Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63, (folio 16).

69 *Cf.* Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63, (folio 14), and Affidavit of Dr. Peter Poole of April 30, 2007 (case file of affidavits and observations, appendix 8, folio 1961).

70 *Cf.* Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63.

71 Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 5).

women.[72] The men, according to Dr. Price, fish and "hunt wild pig, deer, tapir, all sorts of monkeys, different kinds of birds, everything that Saramakas eat".[73] Furthermore, the women gather various fruits, plants and minerals, which they use in a variety of ways, including making baskets, cooking oil, and roofs for their dwellings.[74]

84. Thus, in accordance with all of the above, the Court considers that the members of the Saramaka people make up a tribal community whose social, cultural and economic characteristics are different from other sections of the national community, particularly because of their special relationship with their ancestral territories, and because they regulate themselves, at least partially, by their own norms, customs, and/or traditions. Accordingly, the Court will now address whether and to what extent the members of the tribal peoples require special measures that guarantee the full exercise of their rights.

A.2) Special measures of protection owed to members of the tribal community that guarantee the full exercise of their rights

85. This Court has previously held, based on Article 1(1) of the Convention, that members of indigenous and tribal communities require special measures that guarantee the full exercise of their rights, particularly with regards to their enjoyment of property rights, in order to safeguard their physical and cultural survival.[75] Other sources of international law have similarly declared that such special measures are necessary.[76] Particularly, in the *Moiwana* case, this Court determined that another Maroon community living in Suriname was also not indigenous to the region, but rather constituted a tribal community that settled in Suriname in the 17th and 18th century, and that this tribal community had "a profound and all-encompassing relationship to their ancestral lands" that was centered, not "on the individual, but rather on the community as a whole".[77] This special relationship to land, as

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72 *Cf.* Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 55); Report of Professor Richard Price, *supra* note 68, and Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63, (folio 16).

73 *Cf.* Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 55); Report of Professor Richard Price, *supra* note 68, and Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63, (folio 16).

74 *Cf.* Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 55); Report of Professor Richard Price, *supra* note 68, and Professor Richard Price, "Report in support of Provisional Measures", *supra* note 63, (folio 16).

75 *Cf. Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, paras. 148-149, and 151; *Case of the Indigenous Community Sawhoyamaxa v. Paraguay. Merits, Reparations and Costs*. Judgment of March 29, 2006. Series C No. 146, paras. 118-121, and 131, and *Case of the Indigenous Community Yakye Axa v. Paraguay. Merits, Reparations and Costs*. Judgment of June 17, 2005 Series C No. 125, paras. 124, 131, 135-137 and 154.

76 As early as 1972, in the resolution the Commission adopted on "Special Protection for Indigenous Populations – Action to Combat Racism and Racial Discrimination", the Commission proclaimed that "for historical reasons and because of moral and humanitarian principles, special protection for indigenous populations constitutes a sacred commitment of states". *Cf.* Resolution on Special Protection for Indigenous Populations. Action to Combat Racism and Racial Discrimination, OEA/Ser.L/V/II/.29 Doc. 41 rev. 2, March 13, 1973, cited in Inter-American Commission on Human Rights, *Report 12/85, Case No. 7615, Yanomami. Brazil,* March 5, 1985, para. 8. *Cf.* also Inter-American Commission on Human Rights, Report on the Situation of Human Rights in Ecuador, OAS/Ser.L/V/II.96 Doc.10 rev 1, April 24, 1997, Chapter IX (stating that "within international law generally, and inter-American law specifically, special protections for indigenous peoples may be required for them to exercise their rights fully and equally with the rest of the population. Additionally, special protections for indigenous peoples may be required to ensure their physical and cultural survival -- a right protected in a range of international instruments and conventions"); UNCERD, *General Recommendation No. 23, Rights of indigenous peoples (Fifty-first session, 1997),* U.N. Doc. A/52/18, annex V, August 18, 1997, para. 4 (calling upon States to take certain measures in order to recognize and ensure the rights of indigenous peoples), and ECHR, *Case of Connors v. The United Kingdom*, Judgment of May 27, 2004, Application no. 66746/01, para. 84 (declaring that States have an obligation to take positive steps to provide for and protect the different lifestyles of minorities as a way to provide equality under the law).

77 *Cf. Case of the Moiwana Community v. Suriname. Preliminary Objections, Merits, Reparations and Costs*. Judgment of June 15, 2005. Series C No. 124, paras. 132-133.

well as their communal concept of ownership, prompted the Court to apply to the tribal Moiwana community its jurisprudence regarding indigenous peoples and their right to communal property under Article 21 of the Convention.[78]

86. The Court sees no reason to depart from this jurisprudence in the present case. Hence, this Tribunal declares that the members of the Saramaka people are to be considered a tribal community, and that the Court's jurisprudence regarding indigenous peoples' right to property is also applicable to tribal peoples because both share distinct social, cultural, and economic characteristics, including a special relationship with their ancestral territories, that require special measures under international human rights law in order to guarantee their physical and cultural survival.

B. THE RIGHT OF MEMBERS OF TRIBAL PEOPLES TO THE USE AND ENJOYMENT OF COMMUNAL PROPERTY IN ACCORDANCE WITH ARTICLES 21, 1.1, AND 2 OF THE AMERICAN CONVENTION

87. The Court will now address whether Article 21 of the American Convention recognizes the rights of members of tribal peoples to the use and enjoyment of communal property.

B.1) Right to communal property under Article 21 of the American Convention

88. This Court has previously addressed this issue and has consistently held that:

> the close ties the members of indigenous communities have with their traditional lands and the natural resources associated with their culture thereof, as well as the incorporeal elements deriving there from, must be secured under Article 21 of the American Convention.[79]

89. Likewise, in the *Mayagna* case, the Court considered that "Article 21 of the Convention protects the right to property[,] which includes, among others, the rights of members of [...] indigenous communities within the framework of communal property."[80] Similarly, in the *Sawhoyamaxa* case, the Court considered "that indigenous communities might have a collective understanding of the concepts of property and possession, in the sense that ownership of the land 'is not centered on an individual, but rather on the group and its community.'"[81] Moreover, the Court held in the *Yakye Axa* case that "both the private property of individuals and communal property of the members of [...] indigenous communities are protected by Article 21 of the American Convention."[82]

90. The Court's decisions to this effect have all been based upon the special relationship that members of indigenous and tribal peoples have with their territory, and on the need to protect their right to that territory in order to safeguard the physical and cultural survival of such peoples. In this sense, the Court has declared that:

> the close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For indigenous communities, [their relationship with] the land is not merely a matter

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78 *Cf. Case of the Moiwana Community, supra* note 77, para. 133.

79 *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 118. *Cf.* also *Case of the Indigenous Community Yakye Axa, supra* note 75, para. 137.

80 *Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, para. 148.

81 *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 120 (quoting *Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, para. 149).

82 *Case of the Indigenous Community Yakye Axa, supra* note 75, para. 143.

of possession and production but a material and spiritual element, which they must fully enjoy [...] to preserve their cultural legacy and transmit it to future generations.[83]

91. In essence, pursuant to Article 21 of the Convention, States must respect the special relationship that members of indigenous and tribal peoples have with their territory in a way that guarantees their social, cultural, and economic survival.[84] Such protection of property under Article 21 of the Convention, read in conjunction with Articles 1(1) and 2 of said instrument, places upon States a positive obligation to adopt special measures that guarantee members of indigenous and tribal peoples the full and equal exercise of their right to the territories they have traditionally used and occupied.

B.2) Interpretation of Article 21 of the American Convention in the present case

92. The Court recognizes that it has arrived at such an interpretation of Article 21 in previous cases in light of Article 29(b) of the Convention, which prohibits an interpretation of any provision of the Convention in a manner that restricts its enjoyment to a lesser degree than what is recognized in the domestic laws of the State in question or in another treaty to which the State is a party. Accordingly, the Court has interpreted Article 21 of the Convention in light of the domestic legislation pertaining to indigenous peoples´ rights in Nicaragua[85] and Paraguay,[86] for example, as well as taking into account the International Labor Organization's Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (hereinafter "ILO Convention 169").[87]

93. As will be discussed *infra* (paras. 97-107), Suriname's domestic legislation does not recognize a right to communal property of members of its tribal communities, and it has not ratified ILO Convention 169. Nevertheless, Suriname has ratified both the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights.[88] The Committee on Economic, Social, and Cultural Rights, which is the body of independent experts that supervises State parties' implementation of the ICESCR, has interpreted common Article 1 of said instruments as being applicable to

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83 *Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, para. 149. *Cf.* also *Case of the Plan de Sánchez Massacre v. Guatemala. Reparations and Costs.* Judgment of November 19, 2004. Series C No. 116, para. 85; *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 118, and *Case of the Indigenous Community Yakye Axa, supra* note 75, para. 131.

84 *Cf. Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, paras. 148-149, and 151; 148-149, and 151; *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, paras. 118-121, and *Case of the Indigenous Community Yakye Axa, supra* note 75, paras. 124, 131, 135 and 154. *Cf.* also Inter-American Commission on Human Rights, *Report 75/02, Case 11.140. Mary and Carrie Dann. United States*, December 27, 2002, para. 128 (observing that "continued utilization of traditional collective systems for the control and use of territory are in many instances essential to the individual and collective well-being, and indeed the survival of, indigenous peoples"), and Inter-American Commission on Human Rights, *Report 40/04, Merits. Case 12.052. Maya Indigenous Communities of the Toledo District. Belize*, October 12, 2004, para. 114 (emphasizing that "organs of the inter-American human rights system have acknowledged that indigenous peoples enjoy a particular relationship with the lands and resources traditionally occupied and used by them, by which those lands and resources are considered to be owned and enjoyed by the indigenous community as a whole and according to which the use and enjoyment of the land and its resources are integral components of the physical and cultural survival of the indigenous communities and the effective realization of their human right more broadly.")

85 *Cf. Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, paras. 148, 150 and 152-153.

86 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, paras. 138-139, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, paras. 122-123.

87 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, paras. 127-130, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 117.

88 Suriname ratified both on March 28, 1977. *International Covenant on Civil and Political Rights,* 19 December 1966, 99U.N.T.S. 171, Can T.S. 1976 No. 47, 6 I.L.M. 368 (entered in force 23 March 1976), and *International Covenant on Economic, Social and Cultural Rights,* 16 December 1966, 993 U.N.T.S. 3, 6 I.L.M. 368 (entered into force 3 January 1976).

indigenous peoples.[89] Accordingly, by virtue of the right of indigenous peoples to self-determination recognized under said Article 1, they may "freely pursue their economic, social and cultural development", and may "freely dispose of their natural wealth and resources" so as not to be "deprived of [their] own means of subsistence".[90] Pursuant to Article 29(b) of the American Convention, this Court may not interpret the provisions of Article 21 of the American Convention in a manner that restricts its enjoyment and exercise to a lesser degree than what is recognized in said covenants.[91] This Court considers that the same rationale applies to tribal peoples due to the similar social, cultural, and economic characteristics they share with indigenous peoples (*supra* paras. 80-86)[92].

94. Similarly, the Human Rights Committee has analyzed the obligations of State Parties to the ICCPR under Article 27 of such instrument, including Suriname, and observed that "minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture[, which] may consist in a way of life which is closely associated with territory and use of its resources. This may particularly be true of members of indigenous communities constituting a minority".[93]

95. The above analysis supports an interpretation of Article 21 of the American Convention to the effect of calling for the right of members of indigenous and tribal communities to freely determine and enjoy their own social, cultural and economic development, which includes the right to enjoy their particular spiritual relationship with the territory they have traditionally used and occupied. Thus, in the present case, the right to property protected under Article 21 of the American Convention, interpreted in light of the rights recognized under common Article 1 and Article 27 of the ICCPR, which may not be restricted when interpreting the American Convention, grants to the members of the Saramaka community the right to enjoy property in accordance with their communal tradition.

96. Applying the aforementioned criteria to the present case, the Court thus concludes that the members of the Saramaka people make up a tribal community protected by international human rights law that secures the right to the communal territory they have traditionally used and occupied, derived from their longstanding use and occupation of the land and resources necessary for their physical and cultural survival, and that the State has an obligation to adopt special measures to recognize, respect, protect and guarantee the communal property right of the members of the Saramaka community to said territory.

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89 *Cf.* UNCESCR, *Consideration of Reports submitted by States Parties under Articles 16 and 17 of the Covenant, Concluding Observations on Russian Federation (Thirty-first session),* U.N. Doc. E/C.12/1/Add.94, December 12, 2003, para. 11, in which the Committee expressed concern for the "precarious situation of indigenous communities in the State party, affecting their right to self-determination under article 1 of the Covenant."

90 Common Article 1 of the ICCPR and ICESCR.

91 *Cf.* Article 29 of the American Convention. *Cf.* also *Interpretation of the American Declaration of the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights*. Advisory Opinion OC-10/89 of July 14, 1989. Series A No. 10, para. 37, and *The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law.* Advisory Opinion OC-16/99 of October 1, 1999. Series A No. 16, paras. 113-115 (endorsing an interpretation of international human rights instruments that takes into account development in the *corpus juris gentium* of international human rights law over time and in present day conditions).

92 *Cf. Case of the Moiwana Community, supra* note 77, para. 133.

93 UNHRC, *General Comment No. 23: The rights of minorities (Art. 27) (Fiftieth session, 1994)*, U.N. Doc. CCPR/C/21Rev.1/Add.5, August 4, 1994, paras. 1 and 3.2.

C. THE PROPERTY RIGHTS OF THE MEMBERS OF THE SARAMAKA PEOPLE DERIVED FROM THEIR SYSTEM OF COMMUNAL PROPERTY (ARTICLE 21 OF THE CONVENTION IN CONJUNCTION WITH ARTICLES 1(1) AND 2 THEREOF)

97. Having declared that the American Convention recognizes the right of the members of the Saramaka people to the use and enjoyment of property in accordance with their system of communal property, the Court will now proceed to analyze whether the State has adopted an appropriate framework to give domestic legal effect to this right.

98. This Court, in the *Moiwana* case, already addressed the general issue regarding communal property rights of indigenous and tribal peoples in Suriname. There, the Court held that the State did not recognize such peoples a collective right to property.[94] The Court observes that such conclusion is further supported by a variety of international bodies and organizations that have also addressed this issue. The United Nations Committee on the Elimination of Racial Discrimination,[95] the United Nations Human Rights Committee,[96] and the United Nations Commission on Human Rights' Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people[97] have all observed that Suriname does not legally recognize the rights of members of indigenous and tribal peoples to their communal land, territories, and resources.

99. The State also acknowledged that its domestic legal framework does not recognize the right of the members of the Saramaka people to the use and enjoyment of property in accordance with their system of communal property, but rather a privilege to use land. Nevertheless, the State provided four alleged reasons as to why it should not be held accountable for this in the present case. First, the State asserted that the lack of clarity regarding the land tenure system of the Saramaka people, particularly regarding who owns the land, presents a practical problem for State recognition of their right to communal property. Second, certain "complexities and sensitivities" regarding the issue of collective rights has not permitted the State to legally recognize such rights. The State suggested that legislation providing for "special treatment" for indigenous and tribal groups raises questions of State sovereignty and discrimination with regard to the rest of the population. Thirdly, the State argued that judge-made law could recognize rights to communal property, but the members of the Saramaka people have refused to apply to domestic courts for said recognition. Finally, the State argued that its domestic legislation recognizes an "interest",

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94 *Cf. Case of the Moiwana Community, supra* note 77, paras. 86.5 and 130.

95 *Cf.* UNCERD, *Consideration of Reports submitted by States Parties under Article 9 of the Convention, Concluding Observations on Suriname, supra* note 43, para. 11 (case file of appendices to the representatives' brief, appendix 4.2, folios 1487).

96 *Cf.* UNHRC, *Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations on Suriname, supra* note 42, para. 21 (expressing concern "at the lack of legal recognition and guarantees for the protection of indigenous and tribal rights to land and other resources", and recommending that Suriname "guarantee to members of indigenous communities the full enjoyment of all the rights recognized by article 27 of the Covenant, and adopt specific legislation for this purpose") (case file of appendices to the representatives' brief, appendix 4.3, folios 1495-1496).

97 *Cf.* U.N., *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, submitted in accordance with Commission resolution 2001/65 (Fifty ninth session)*, U.N. Doc. E/CN.4/2003/90, January 21, 2003, para. 21 (explaining that, "[l]egally, the land they occupy is owned by the State, which can issue land property grants lo private owners. Indigenous and tribal lands, territories and resources are not recognized in law. […] Despite petitions to the national Government and the Inter-American system of protection of human rights (Commission and Court), the indigenous and Maroon communities have not received the protection they require"). The Inter-American Development Bank further supported this analysis in its August 2006 study on indigenous peoples and maroons in Suriname. Said study states that "Surinamese law does not recognize and protect the traditional land tenure systems of indigenous and tribal peoples, or their special relationship with the forest. All land and all natural resources are considered to be owned by the State". *Cf.* Inter-American Development Bank, *Indigenous Peoples and Maroons in Suriname, August 2006* (merits, volume II, folio 567).

rather than a right, to property of members of the Saramaka people. The Court will address each issue in said order.

C.1) Land tenure system of the members of the Saramaka people

100. First, the issue regarding the alleged lack of clarity of the members of the Saramaka people's traditional land ownership regime was thoroughly addressed by the parties, witnesses, and expert witnesses in the present case. From the evidence and testimonies submitted before the Court, it is clear that the *lös,* or clans, are the primary land-owning entities within Saramaka society.[98] Each *lö* is highly autonomous and allocates land and resource rights among their constituent *bëë* (extended family groups) and their individual members in accordance with Saramaka customary law.[99] Pursuant to this customary law, the Captains or members of a *lö* may not alienate or otherwise encumber the communal property of their *lö*, and a *lö* may not encumber or alienate their lands from the collectively held corpus of Saramaka territory.[100] On this last point, Head Captain and *Fiscali* Eddie Fonkie explained that "[i]f a *lö* tried to sell its land, the other *lö* would have the right to object and to stop [such transaction] because it would affect the rights and life of all Saramaka people. The *lö* are very autonomous and [...] do not interfere in each other's affairs unless it affects the interests of all Saramaka people."[101] This is because the territory "belongs to the Saramakas, ultimately. [That is,] it belongs to the Saramakas as a people."[102]

101. In any case, the alleged lack of clarity as to the land tenure system of the Saramakas does not present an insurmountable obstacle for the State, which has the duty to consult with the members of the Saramaka people and seek clarification of this issue (*infra* para. 129), in order to comply with its obligations under Article 21 of the Convention, in conjunction with Article 2 of such instrument.

C.2) Complexity of issues involved and the State's concern regarding discrimination against non-indigenous or non-tribal members

102. Two additional related arguments submitted by the State as to why it has failed to legally recognize and protect the land-tenure systems of indigenous and tribal communities' are the alleged "complexities and sensitivities" of the issues involved, and the concern that legislation in favor of indigenous and tribal peoples may be perceived as being discriminatory towards the rest of the population. Regarding the first issue, the Court observes that the State may not abstain from complying with its international obligations under the American Convention merely because of the alleged difficulty to do so. The Court shares the State's concern over the complexity of the issues involved; nevertheless, the

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98 *Cf.* Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 8); Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, p. 16), Affidavit of Silvi Adjako, April 7 and 8, 2007 (case file of affidavits and observations, appendix 5, folios 1919-1925); Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 59); Expert opinion of Salomon Emanuels, *supra* note 62 (transcription of public hearing, pp. 67 and 69), and Affidavit of Head Captain and Fiscali Eddie Fonkie, *supra* note 66, (folios 1911-1912).

99 *Cf.* Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 8); Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, p. 16); Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 59); Expert opinion of Salomon Emanuels, *supra* note 62 (transcription of public hearing, pp. 67 and 69), and Affidavit of Head Captain and Fiscali Eddie Fonkie, *supra* note 66.

100 *Cf.* Affidavit of Head Captain and Fiscali Eddie Fonkie, *supra* note 66, and Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 60).

101 Affidavit of Head Captain and Fiscali Eddie Fonkie, *supra* note 66.

102 Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 60).

State still has a duty to recognize the right to property of members of the Saramaka people, within the framework of a communal property system, and establish the mechanisms necessary to give domestic legal effect to such right recognized in the Convention, as interpreted by this Tribunal in its jurisprudence (*supra* paras. 88-98).

103. Furthermore, the State's argument that it would be discriminatory to pass legislation that recognizes communal forms of land ownership is also without merit. It is a well-established principle of international law that unequal treatment towards persons in unequal situations does not necessarily amount to impermissible discrimination.[103] Legislation that recognizes said differences is therefore not necessarily discriminatory. In the context of members of indigenous and tribal peoples, this Court has already stated that special measures are necessary in order to ensure their survival in accordance with their traditions and customs (*supra* paras. 78-86, 91, and 96). Thus, the State's arguments regarding its inability to create legislation in this area due to the alleged complexity of the issue or the possible discriminatory nature of such legislation are without merit.

C.3) Judge-made law

104. Additionally, the State argued that judge-made law could recognize collective property rights, but that the members of the Saramaka people have refused to apply to domestic courts for said recognition. First and foremost, a distinction should be made between the State's duty under Article 2 of the Convention to give domestic legal effect to the rights recognized therein, and the duty under Article 25 to provide adequate and effective recourses to remedy alleged violations of those rights. The Court will address *infra* (paras. 76-85), in its analysis of the alleged violation of Article 25 of the Convention, the effectiveness of the recourses mentioned by the State, including those available under article 1386 of Suriname's Civil Code, to remedy alleged violations of the right to property of members of the Saramaka people in conformity with their system of communal property.

105. The Court observes that although so-called judge-made law may certainly be a means for the recognition of the rights of individuals, particularly under common-law legal systems, the availability of such a procedure does not, in and of itself, comply with the State's obligation to give legal effect to the rights recognized in the American Convention. That is, the mere possibility of recognition of rights through a certain judicial process is no substitute for the actual recognition of such rights. The judicial process mentioned by the State is thus to be understood as a means by which said rights might be given domestic legal effect at some point in the future, but that has not yet effectively recognized the rights in question. In any case, the right of the members of the Saramaka people in particular, or members of indigenous and tribal communities in general, to collectively own their territory has not, as of yet, been recognized by any domestic court in Suriname.

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[103] *Cf.*, for example, ECHR, *Connors v. The United Kingdom*, *supra* note 76, para. 84 (declaring that States have an obligation to take positive steps to provide for and protect the different lifestyles of minorities as a way to provide equality under the law). *Cf.* also Inter-American Commission on Human Rights, Report on the Situation of Human Rights in Ecuador, *supra* note 76, (stating that "within international law generally, and Inter-American law specifically, special protections for indigenous peoples may be required for them to exercise their rights fully and equally with the rest of the population. Additionally, special protections for indigenous peoples may be required to ensure their physical and cultural survival -- a right protected in a range of international instruments and conventions"). *Cf.* also U.N. International Convention on the Elimination of All Forms of Racial Discrimination, Art. 1.4 (stating that "[s]pecial measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination"), and UNCERD, *General Recommendation No. 23, Rights of indigenous peoples*, *supra* note 76, para. 4 (calling upon States to take certain measures in order to recognize and ensure the rights of indigenous peoples).

C.4) Domestic legislation

106. Finally, the State argued that, although it "may be correct that land related interests of the [Saramaka] are not recognized as a subjective right in the Suriname legal system[,] it is a tendentious misrepresentation to suggest that legitimate interests of the Tribe are not recognized by the system and respected in practice." According to the State, the existing domestic legislation recognizes certain "interests" of members of indigenous and tribal peoples to land. These legal instruments include the 1987 Constitution, the L-1 Decrees of 1982, the Mining Decree of 1986, and the Forest Management Act of 1992. As a preliminary matter, the Court observes that an alleged recognition and respect in practice of "legitimate interests" of the members of the Saramaka people cannot be understood to satisfy the State's obligations under Article 2 of the Convention with regards to Article 21 of such instrument. The Court will proceed to analyze the extent to which these legal instruments recognize an "interest", rather than a right, to property of members of the Saramaka people.

C.4.a) The Constitution of 1987

107. With regard to this argument, the State first recognized that "(l)and rights of the Saramaka Tribe are indeed not explicitly recognized or guaranteed by the 1987 Constitution", but also submitted that said constitutional recognition is not a requirement under Article 2 of the Convention. As the State correctly pointed out, Suriname is not an exception in this regard, as many other State Parties to the Convention have constitutions that do not explicitly recognize the communal property rights systems exercised and enjoyed by members of indigenous and tribal peoples. Yet the obligation to give domestic legal effect to the right to collective property does not necessarily imply a constitutional recognition of such right. Article 2 of the Convention requires States to give domestic legal effect to those rights and freedoms by "such legislative or other measures as may be necessary." In the case of Suriname, no such legislative or other measures have been adopted.

C.4.b) The L-1 Decrees

108. Second, the State referred to the L-1 Decrees of 1982. Article 4 of Decree L-1 reads as follows:

> (1) When domain land [which is defined as land owned by the State by virtue of its Constitution] is allocated, the rights of tribal Bushnegroes [Maroons] and Indians to their villages, settlements and agricultural plots are respected, provided that this is not contrary to the general interest.
> (2) General interest includes the execution of any project within the framework of an approved development plan.[104]

109. The official explanatory note to Article 4(1) of Decree L-1 explains that account should be given to the "factual rights" of members of indigenous and tribal peoples when domain land is being issued.[105]

110. The use of the term "factual rights" (or *de facto* rights) in the explanatory note to Article 4(1) of Decree L-1 serves to distinguish these "rights" from the legal *(de jure)* rights

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[104] Decree L-1 of June 15, 1982, containing basic principles concerning Land Policy, SB 1982, no. 10, Article 4 (case file of appendices to the application and Appendix 1, appendix 5, folio 53).

[105] Decree L-1 of June 15, 1982, *supra* note 104.

accorded to holders of individual real title or other registered property rights recognized and issued by the State. This limitation on the recognition of the legal right of the members of the Saramaka people to fully enjoy the territory they have traditionally owned and occupied is incompatible with the State's obligations under Article 2 of the Convention to give legal effect to the rights recognized under Article 21 of such instrument.

C.4.c) The Mining Decree of 1986

111. Similarly, the Mining Decree referred to by the State also fails to give domestic legal effect to the rights to property that the members of the Saramaka people have as a result of their communal property system. The Mining Decree only recognizes a right to compensation to rightful claimants and third parties with an interest on land on which a mining right is granted.[106] Said decree defines rightful "claimants" as persons "who own the land in ownership or have a real property or personal property right on private land."[107] Third parties are defined as "those whose interest [arises] from a personal property right on private land[...]."[108] Private land, in turn, is defined in Article 46 of the Mining Decree as land issued under personal or real property titles.[109] Therefore, to qualify as a rightful "claimant" or a "third party" pursuant to Articles 47-48 of the Mining Decree, the persons in question must hold some form of registered right or title issued by the State. Thus, the Mining Decree, rather than give effect to the property rights of the members of the Saramaka people in conformity with their communal property system, emphasizes the need for them to obtain title to their traditionally owned territory in order to be able to pursue a claim for compensation (*infra* para. 183).

C.4.d) The Forest Management Act of 1992

112. The State also made reference to the 1992 Forest Management Act as an example of domestic legislation that gives legal effect to the right of the members of the Saramaka people to the use and enjoyment of property in conformity with their communal system. Suriname has asserted that the grant of permits called "community forests", which may be established under its 1992 Forest Management Act, could provide effective recognition of the property rights of the members of the Saramaka tribe. However, the evidence before the Court contradicts this assertion.

113. Although questions arise as to whether the State has made any effort to inform the members of indigenous and tribal peoples about the possibility of obtaining these so-called "community forests,"[110] the real problem is that such community forests are not issued as a matter of right, but at the sole discretion of the Minister in charge of forest management and subject to any conditions the Minister may impose.[111] The Court observes that it does not have evidence that demonstrates the grant of "community forests" permits to any member of the Saramaka community.[112] Notwithstanding this absence, the Court considers

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106 Decree E 58 of May 8, 1986, containing general rules for exploration and exploitation of minerals (Mining Decree), Articles 47 and 48 (case file of appendices to the application and Appendix 1, appendix 8, folio 144).

107 Decree E 58 of May 8, 1986, *supra* note 106, Article 46(b).

108 Decree E 58 of May 8, 1986, *supra* note 106, Article 46(c).

109 Decree E 58 of May 8, 1986, *supra* note 106, Article 46(a).

110 *Cf.* Article 41(2) of the Forest Management Act, September 18, 1992 (case file of appendices to the application and Appendix 1, appendix 6, folio 75). *Cf. also* Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, p. 19), and Testimony of Rene Somopawiro during the public hearing at the Court held on May 9 and 10, 2007 (transcription of public hearing, pp. 40 and 53).

111 *Cf.* Testimony of Rene Somopawiro, *supra* note 110 (transcription of public hearing, pp. 39 and 42).

112 *Cf.* Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, pp. 18-20), and Testimony of Rene Somopawiro, *supra* note 110 (transcription of public hearing, p. 49).

that the "community forests" permits are essentially revocable forestry concessions that convey limited and restricted use rights, and are therefore an inadequate recognition of the Saramakas' property rights.[113] Likewise, as the implementing laws required to issue community forests have yet to be adopted, the legal certainty of said title may be called into question.[114]

114. Furthermore, Article 41 of the Forest Management Act of 1992 also states that customary rights of tribal inhabitants, with respect to their villages and settlements, as well as their agricultural plots, will be respected "as much as possible".[115] This provision inadequately limits the scope of "respect" afforded to the members of the Saramaka tribe's territory solely to "villages, settlements and agricultural plots". Such limitation falls to take into account the all-encompassing relationship that members of indigenous and tribal peoples have with their territory as a whole, not just with their villages, settlements, and agricultural plots. In accordance with this Court's analysis, the State's duty is much higher in order to ensure, guarantee and protect the property rights of the members of the Saramaka people, within the framework of their communal system of property (*supra* paras. 85-96). Thus, the Forest Management Act also fails to give legal effect to the communal property rights of the Saramakas.

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115. In sum, the State's legal framework merely grants the members of the Saramaka people a privilege to use land, which does not guarantee the right to effectively control their territory without outside interference. The Court has previously held that, rather than a privilege to use the land, which can be taken away by the State or trumped by real property rights of third parties, members of indigenous and tribal peoples must obtain title to their territory in order to guarantee its permanent use and enjoyment.[116] This title must be recognized and respected, not only in practice, but also in law, in order to ensure its legal certainty. In order to obtain such title, the territory traditionally used and occupied by the members of the Saramaka people must first be delimited and demarcated, in consultation with such people and other neighboring peoples.[117] In this regard, the Court has previously declared that "a strictly juridical or abstract recognition of indigenous lands, territories or resources lacks true meaning where the property has not been physically established and delimited."[118]

116. Ultimately, the State has expressed its commitment "to improve the current codification of the land rights regime of its tribal and indigenous people." For this purpose, the President of Suriname appointed a committee of experts in the year 2006 to address the issue. Nevertheless, to date, the State's legal system does not recognize the property rights of the members of the Saramaka people in connection to their territory, but rather, grants a privilege or permission to use and occupy the land at the discretion of the State. For this reason, the Court is of the opinion that the State has not complied with its duty to give domestic legal effect to the members of the Saramaka people's property rights in

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113 Testimony of Rene Somopawiro, *supra* note 110 (transcription of public hearing, p. 52).

114 *Cf.* Testimony of Rene Somopawiro, *supra* note 110 (transcription of public hearing, p. 52).

115 *Cf.* Article 41 of the Forest Management Act, *supra* note 110, (folios 74-75).

116 *Cf. Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, para. 153; *Case of the Indigenous Community Yakye Axa, supra* note 75, para. 215, and *Case of the Moiwana Community, supra* note 77, para. 209.

117 The Court observes that in the *Moiwana Community* case the State was ordered to create an effective mechanism for the delimitation, demarcation and titling of the traditional territories of the Moiwana community. *Cf. Case of the Moiwana Community, supra* note 77, para. 209.

118 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, para. 143.

accordance with Article 21 of the Convention in relation to Articles 2 and 1(1) of such instrument.

117. The Court must now determine the scope of the Saramakas' right to their traditionally owned territory and the State's corresponding obligations, within the context of the present case.

D. THE RIGHT OF THE MEMBERS OF THE SARAMAKA PEOPLE TO USE AND ENJOY THE NATURAL RESOURCES THAT LIE ON AND WITHIN THEIR TRADITIONALLY OWNED TERRITORY

118. An issue that necessarily flows from the assertion that the members of the Saramaka people have a right to use and enjoy their territory in accordance with their traditions and customs is the issue of the right to the use and enjoyment of the natural resources that lie on and within the land, including subsoil natural resources. In the present case, both the State and the members of the Saramaka people claim a right to these natural resources. The Saramakas claim that their right to use and enjoy all such natural resources is a necessary condition for the enjoyment of their right to property under Article 21 of the Convention. The State argued that all rights to land, particularly its subsoil natural resources, are vested in the State, which can freely dispose of these resources through concessions to third parties. The Court will address this complex issue in the following order: first, the right of the members of the Saramaka people to use and enjoy the natural resources that lie on and within their traditionally owned territory; second, the State's grant of concessions for the exploration and extraction of natural resources, including subsoil resources found within Saramaka territory; and finally, the fulfillment of international law guarantees regarding the exploration and extraction concessions already issued by the State.

119. First, the Court must analyze whether and to what extent the members of the Saramaka people have a right to use and enjoy the natural resources that lie on and within their traditionally owned territory. The State does not contest that the Saramakas have traditionally used and occupied certain lands for centuries, or that the Saramakas have an "interest" in the territory they have traditionally used in accordance with their customs. The controversy lies regarding the nature and scope of said interest. In accordance with Suriname's legal and constitutional framework, the Saramakas do not have property rights *per se*, but rather merely a privilege or permission to use and occupy the lands in question (*supra* paras. 97-115). According to Article 41 of the Constitution of Suriname and Article 2 of its 1986 Mining Decree, ownership rights of all natural resources vest in the State[119]. For this reason, the State claims to have an inalienable right to the exploration and exploitation of those resources. On the other hand, the customary laws of the Saramaka people allegedly vest in its community a right over all natural resources within and subjacent to or otherwise pertaining to its traditional territory. In support of this assertion, the Court heard testimony from a Saramaka Captain to the effect that the Saramaka people have a general right to "own everything, from the very top of the trees to the very deepest place that you could go under the ground."[120]

120. In this regard, this Court has previously held[121] that the cultural and economic survival of indigenous and tribal peoples, and their members, depend on their access and

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[119] Constitution of Suriname, Article 41 (case file of appendices to the application and Appendix 1, appendix 3, folio 28), and Decree E 58 of May 8, 1986 *supra* note 106, Article 2 (folio 120).

[120] Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 8).

[121] *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, para. 137, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 118.

use of the natural resources in their territory "that are related to their culture and are found therein", and that Article 21 protects their right to such natural resources (*supra* paras. 85-96).[122] Nevertheless, the scope of this right needs further elaboration, particularly regarding the inextricable relationship between both land and the natural resources that lie therein, as well as between the territory (understood as encompassing both land and natural resources) and the economic, social, and cultural survival of indigenous and tribal peoples, and thus, of their members.

121. In accordance with this Court's jurisprudence as stated in the *Yakye Axa* and *Sawhoyamaxa* cases, members of tribal and indigenous communities have the right to own the natural resources they have traditionally used within their territory for the same reasons that they have a right to own the land they have traditionally used and occupied for centuries. Without them, the very physical and cultural survival of such peoples is at stake.[123] Hence the need to protect the lands and resources they have traditionally used to prevent their extinction as a people. That is, the aim and purpose of the special measures required on behalf of the members of indigenous and tribal communities is to guarantee that they may continue living their traditional way of life, and that their distinct cultural identity, social structure, economic system, customs, beliefs and traditions are respected, guaranteed and protected by States.

122. As mentioned above (*supra* paras. 85-96), due to the inextricable connection members of indigenous and tribal peoples have with their territory, the protection of their right to property over such territory, in accordance with Article 21 of the Convention, is necessary to guarantee their very survival. Accordingly, the right to use and enjoy their territory would be meaningless in the context of indigenous and tribal communities if said right were not connected to the natural resources that lie on and within the land. That is, the demand for collective land ownership by members of indigenous and tribal peoples derives from the need to ensure the security and permanence of their control and use of the natural resources, which in turn maintains their very way of life. This connectedness between the territory and the natural resources necessary for their physical and cultural survival is precisely what needs to be protected under Article 21 of the Convention in order to guarantee the members of indigenous and tribal communities' right to the use and enjoyment of their property. From this analysis, it follows that the natural resources found on and within indigenous and tribal people's territories that are protected under Article 21 are those natural resources traditionally used and necessary for the very survival, development and continuation of such people's way of life.[124]

123. Thus, in the present case, the Court must determine which natural resources found on and within the Saramaka people's territory are essential for the survival of their way of life, and are thus protected under Article 21 of the Convention. Consequently, the Court

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122 The Court also takes notice that the African Commission, as well as the Canadian Supreme Court and the South African Constitutional Court, have ruled that indigenous communities' land rights are to be understood as including the natural resources therein. Nevertheless, according to the African Commission and the Canadian Supreme Court, these rights are not absolute, and may be restricted under certain conditions. *Cf.* African Commission on Human and Peoples' Rights, *The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria*, Communication 155/96 (2001), paras. 42, 54 and 55, and *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010 (December 11, 1997), paras. 194, 199 and 201. The South African Constitutional Court, citing a domestic law that required the return of land to owners who had been dispossessed by racially discriminatory policies, affirmed the right of an indigenous peoples to the mineral resources in its lands. *Cf. Alexkor Ltd. and the Government of South Africa v. Richtersveld Community and Others*, CCT/1903 (October 14, 2003), para. 102.

123 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, para. 137, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 118.

124 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, paras. 124 and 137, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, paras. 118 and 121.

must also address whether and to what extent the State may grant concessions for the exploration and extraction of those and other natural resources found within Saramaka territory.

E. THE STATE'S GRANT OF CONCESSIONS FOR THE EXPLORATION AND EXTRACTION OF NATURAL RESOURCES FOUND ON AND WITHIN SARAMAKA TERRITORY

124. The Commission and the representatives alleged that land concessions for forestry and mining awarded by the State to third parties on territory possessed by the Saramaka people, without their full and effective consultation, violates their right to the natural resources that lie on and within the land. The State asserted that all land ownership, including all natural resources, vests in the State, and that, as such, the State may grant logging and mining concessions within alleged Saramaka territory, while respecting as much as possible Saramaka customs and traditions.

E.1) Restrictions on the right to property

125. This brings the Court to the issue of whether and to what extent the State may grant concessions for the exploration and extraction of natural resources found within Saramaka territory. In this regard, the State argued that, should the Court recognize a right of the members of the Saramaka people to the natural resources found within traditionally owned lands, this right must be limited to those resources traditionally used for their subsistence, cultural and religious activities. According to the State, the alleged land rights of the Saramakas "would not include any interests on forests or minerals beyond what the Tribe traditionally possesses and uses for subsistence (agriculture, hunting, fishing etc.), and the religious and cultural needs of its people".

126. The State seems to recognize that resources related to the subsistence of the Saramaka people include those related to agricultural, hunting and fishing activities. This is consistent with the Court's previous analysis on how Article 21 of the Convention protects the members of the Saramaka people's right over those natural resources necessary for their physical survival (*supra* paras. 120-122). Nevertheless, while it is true that all exploration and extraction activity in the Saramaka territory could affect, to a greater or lesser degree, the use and enjoyment of some natural resource traditionally used for the subsistence of the Saramakas, it is also true that Article 21 of the Convention should not be interpreted in a way that prevents the State from granting any type of concession for the exploration and extraction of natural resources within Saramaka territory. Clean natural water, for example, is a natural resource essential for the Saramakas to be able to carry out some of their subsistence economic activities, like fishing. The Court observes that this natural resource is likely to be affected by extraction activities related to other natural resources that are not traditionally used by or essential for the survival of the Saramaka people and, consequently, its members (*infra* para. 152). Similarly, the forests within Saramaka territory provide a home for the various animals they hunt for subsistence, and it is where they gather fruits and other resources essential for their survival (*supra* paras. 82-83 and *infra* paras. 144-146). In this sense, wood-logging activities in the forest would also likely affect such subsistence resources. That is, the extraction of one natural resource is most likely to affect the use and enjoyment of other natural resources that are necessary for the survival of the Saramakas.

127. Nevertheless, the protection of the right to property under Article 21 of the Convention is not absolute and therefore does not allow for such a strict interpretation. Although the Court recognizes the interconnectedness between the right of members of indigenous and tribal peoples to the use and enjoyment of their lands and their right to

those resources necessary for their survival, said property rights, like many other rights recognized in the Convention, are subject to certain limitations and restrictions. In this sense, Article 21 of the Convention states that the "law may subordinate [the] use and enjoyment [of property] to the interest of society". Thus, the Court has previously held that, in accordance with Article 21 of the Convention, a State may restrict the use and enjoyment of the right to property where the restrictions are: a) previously established by law; b) necessary; c) proportional, and d) with the aim of achieving a legitimate objective in a democratic society.[125] In accordance with this Article, and the Court's jurisprudence, the State will be able to restrict, under certain circumstances, the Saramakas' property rights, including their rights to natural resources found on and within the territory.

128. Furthermore, in analyzing whether restrictions on the property right of members of indigenous and tribal peoples are permissible, especially regarding the use and enjoyment of their traditionally owned lands and natural resources, another crucial factor to be considered is whether the restriction amounts to a denial of their traditions and customs in a way that endangers the very survival of the group and of its members. That is, under Article 21 of the Convention, the State may restrict the Saramakas' right to use and enjoy their traditionally owned lands and natural resources only when such restriction complies with the aforementioned requirements and, additionally, when it does not deny their survival as a tribal people (*supra* paras. 120-122).[126]

E.2) Safeguards against restrictions on the right to property that deny the survival of the Saramaka people

129. In this particular case, the restrictions in question pertain to the issuance of logging and mining concessions for the exploration and extraction of certain natural resources found within Saramaka territory. Thus, in accordance with Article 1(1) of the Convention, in order to guarantee that restrictions to the property rights of the members of the Saramaka people by the issuance of concessions within their territory does not amount to a denial of their survival as a tribal people, the State must abide by the following three safeguards: First, the State must ensure the effective participation of the members of the Saramaka people, in conformity with their customs and traditions, regarding any development, investment, exploration or extraction plan (hereinafter "development or investment plan")[127] within Saramaka territory. Second, the State must guarantee that the Saramakas will receive a reasonable benefit from any such plan within their territory. Thirdly, the State must ensure that no concession will be issued within Saramaka territory unless and until independent and technically capable entities, with the State's supervision, perform a prior environmental and social impact assessment. These safeguards are intended to preserve, protect and guarantee the special relationship that the members of the Saramaka community have with their territory, which in turn ensures their survival as a tribal people.

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125 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, paras. 144-145 citing *(mutatis mutandi) Case of Ricardo Canese v. Paraguay. Merits, Reparations and Costs*. Judgment of August 31, 2004. Series C No. 111, para. 96; *Case of Herrera Ulloa v. Costa Rica. Preliminary Objections, Merits, Reparations and Costs*. Judgment of July 2, 2004. Series C No. 107, para. 127, and *Case of Ivcher Bronstein v. Peru. Merits, Reparations and Costs.* Judgment of February 6, 2001. Series C No. 74. para. 155. *Cf.*, also, *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 137.

126 *Cf.*, e.g. UNHRC, *Länsman et al. v. Finland (Fifty-second session, 1994),* Communication No. 511/1992, U.N. Doc. CCPR/C/52/D/511/1994, November 8, 1994, para. 9.4 (allowing States to pursue development activities that limit the rights of a minority culture as long as the activity does not fully extinguish the indigenous people's way of life).

127 By "development or investment plan" the Court means any proposed activity that may affect the integrity of the lands and natural resources within the territory of the Saramaka people, particularly any proposal to grant logging or mining concessions.

130. These safeguards, particularly those of effective participation and sharing of benefits regarding development or investment projects within traditional indigenous and tribal territories, are consistent with the observations of the Human Rights Committee, the text of several international instruments, and the practice in several States Parties to the Convention.[128] In *Apirana Mahuika et al. v. New Zealand*, for example, the Human Rights Committee decided that the right to culture of an indigenous population under Article 27 of the ICCPR could be restricted where the community itself participated in the decision to restrict such right. The Committee found that "the acceptability of measures that affect or interfere with the culturally significant economic activities of a minority depends on whether the members of the minority in question have had the opportunity to participate in the decision-making process in relation to these measures and whether they will continue to benefit from their traditional economy".[129]

131. Similarly, Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, which was recently approved by the UN General Assembly with the support of the State of Suriname,[130] states the following[131]:

> 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
> 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
> 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

132. More importantly, the District Commissioner of Sipaliwini in Suriname, who testified before the Court on behalf of the State, recognized the importance of consulting with the traditional authorities of the Saramaka people prior to authorizing concessions that may

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128 *Cf., e.g.* I.L.O. Convention No. 169, Article 15(2) (stating that "[i]n cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands.") Similar requirements have been put in place by the World Bank, *Revised Operational Policy and Bank Procedure on Indigenous Peoples (OP/BP 4.10)*. Other documents more broadly speak of a minority's right to participate in decisions that directly or indirectly affect them. *Cf., e.g.* UNHRC, *General Comment No. 23: The rights of minorities (Art. 27), supra* note 93, para. 7 (stating that the enjoyment of cultural rights under Article 27 of the ICCPR "may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them"); UNCERD, *General Recommendation No. 23, Rights of indigenous peoples*, *supra* note 76, para. 4(d) (calling upon States parties to "[e]nsure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent").

129 UNHRC, *Apirana Mahuika et al. v. New Zealand (Seventieth session, 2000)*, U.N. Doc. CCPR/C/70/D/547/1993, November 15, 2000, para. 9.5.

130 By a vote of 143 in favor to 4 against, with 11 abstentions, the UN General Assembly adopted on September 13, 2007 the United Nations Declaration on the Rights of Indigenous Peoples (*Cf.* http://www.un.org/News/Press/docs/2007/ga10612.doc.htm).

131 The Court observes that, in explaining the position of the State in favor of this text, the representative of Suriname is reported to have specifically alluded to the aforementioned text of Article 32 of such instrument. The UN Press Release states the following: "[The representative of Suriname] said his Government accepted the fact that the States should seek prior consultation to prevent a disregard for human rights. The level of such consultations depended on the specific circumstances. Consultation should not be viewed as an end in itself, but should serve the purpose of respecting the interest of those who used the land", *supra* note 130.

affect "communities in the direct vicinities".[132] Nonetheless, the Court considers that the actual scope of the guarantees concerning consultation and sharing of the benefits of development or investment projects requires further clarification.

E.2.a) Right to consultation, and where applicable, a duty to obtain consent

133. First, the Court has stated that in ensuring the effective participation of members of the Saramaka people in development or investment plans within their territory, the State has a duty to actively consult with said community according to their customs and traditions (*supra* para. 129). This duty requires the State to both accept and disseminate information, and entails constant communication between the parties. These consultations must be in good faith, through culturally appropriate procedures and with the objective of reaching an agreement. Furthermore, the Saramakas must be consulted, in accordance with their own traditions, at the early stages of a development or investment plan, not only when the need arises to obtain approval from the community, if such is the case. Early notice provides time for internal discussion within communities and for proper feedback to the State. The State must also ensure that members of the Saramaka people are aware of possible risks, including environmental and health risks, in order that the proposed development or investment plan is accepted knowingly and voluntarily. Finally, consultation should take account of the Saramaka people's traditional methods of decision-making.[133]

134. Additionally, the Court considers that, regarding large-scale development or investment projects that would have a major impact within Saramaka territory, the State has a duty, not only to consult with the Saramakas, but also to obtain their free, prior, and informed consent, according to their customs and traditions. The Court considers that the difference between "consultation" and "consent" in this context requires further analysis.

135. In this sense, the U.N. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has similarly observed that:

> [w]herever [large-scale projects] occur in areas occupied by indigenous peoples it is likely that their communities will undergo profound social and economic changes that are frequently not well understood, much less foreseen, by the authorities in charge of promoting them. [...] The principal human rights effects of these projects for indigenous peoples relate to loss of traditional territories and land, eviction, migration and eventual resettlement, depletion of resources necessary for physical and cultural survival, destruction and pollution of the traditional environment, social and community disorganization, long-term negative health and nutritional impacts as well as, in some cases, harassment and violence.[134]

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[132] Testimony of District Commissioner Rudy Strijk during the public hearing at the Court held on May 9 and 10, 2007.

[133] Similarly, in *Maya Indigenous Communities of the Toledo District v. Belize,* the Inter-American Commission observed that States must undertake effective and fully informed consultations with indigenous communities with regard to acts or decisions that may affect their traditional territories. In said case, the Commission determined that a process of "fully informed consent" requires "at a minimum, that all of the members of the community are fully and accurately informed of the nature and consequences of the process and provided with an effective opportunity to participate individually or as collectives". *Cf.* Inter-American Commission on Human Rights, *Report 40/04, Merits. Case 12.052. Maya Indigenous Communities of the Toledo District, supra* note 84, para. 142. *Cf.* also, Equator Principles, Principle 5.

[134] U.N., *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, supra* note 97, p. 2.

Consequently, the U.N. Special Rapporteur determined that "[f]ree, prior and informed consent is essential for the [protection of] human rights of indigenous peoples in relation to major development projects".[135]

136. Other international bodies and organizations have similarly considered that, in certain circumstances, and in addition to other consultation mechanisms, States must obtain the consent of indigenous and tribal peoples to carry out large-scale development or investment projects that have a significant impact on the right of use and enjoyment of their ancestral territories.[136]

137. Most importantly, the State has also recognized that the "level of consultation that is required is obviously a function of the nature and content of the rights of the Tribe in question." The Court agrees with the State and, furthermore, considers that, in addition to the consultation that is always required when planning development or investment projects within traditional Saramaka territory, the safeguard of effective participation that is necessary when dealing with major development or investment plans that may have a profound impact on the property rights of the members of the Saramaka people to a large part of their territory must be understood to additionally require the free, prior, and informed consent of the Saramakas, in accordance with their traditions and customs.

E.2.b) Benefit-sharing

138. The second safeguard the State must ensure when considering development or investment plans within Saramaka territory is that of reasonably sharing the benefits of the project with the Saramaka people. The concept of benefit-sharing, which can be found in various international instruments regarding indigenous and tribal peoples' rights,[137] can be said to be inherent to the right of compensation recognized under Article 21(2) of the Convention, which states that

> [n]o one shall be deprived of his property except upon payment of just compensation, for reasons of pubic utility or social interest, and in the cases and according to the forms established by law.

139. The Court considers that the right to obtain compensation under Article 21(2) of the Convention extends not only to the total deprivation of property title by way of expropriation by the State, for example, but also to the deprivation of the regular use and enjoyment of such property. In the present context, the right to obtain "just compensation" pursuant to Article 21(2) of the Convention translates into a right of the members of the

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135 U.N., *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, supra* note 97, para. 66.

136 The UNCERD has observed that "[a]s to the exploitation of the subsoil resources of the traditional lands of indigenous communities, the Committee observes that merely consulting these communities prior to exploiting the resources falls short of meeting the requirements set out in the Committee's general recommendation XXIII on the rights of indigenous peoples. The Committee therefore recommends that the prior informed consent of these communities be sought". *Cf.* UNCERD, *Consideration of Reports submitted by States Parties under Article 9 of the Convention, Concluding Observations on Ecuador (Sixty second session, 2003)*, U.N. Doc. CERD/C/62/CO/2, June 2, 2003, para. 16.

137 United Nations Declaration on the Rights of Indigenous Peoples, *supra* note 130, Article 32 (stating that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources"), and I.L.O. Convention No. 169, *supra* note 128, Article 15(2) (stating that "[t]he peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities").

Saramaka people to reasonably share in the benefits made as a result of a restriction or deprivation of their right to the use and enjoyment of their traditional lands and of those natural resources necessary for their survival.

140. In this sense, the Committee on the Elimination of Racial Discrimination has recommended not only that the prior informed consent of communities must be sought when major exploitation activities are planned in indigenous territories, but also "that the equitable sharing of benefits to be derived from such exploitation be ensured."[138] Similarly, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples has suggested that, in order to guarantee "the human rights of indigenous peoples in relation to major development projects, [States should ensure] mutually acceptable benefit sharing [...]."[139] In this context, pursuant to Article 21(2) of the Convention, benefit sharing may be understood as a form of reasonable equitable compensation resulting from the exploitation of traditionally owned lands and of those natural resources necessary for the survival of the Saramaka people.

F. THE FULFILLMENT OF THE GUARANTEES ESTABLISHED UNDER INTERNATIONAL LAW IN RELATION TO THE CONCESSIONS ALREADY GRANTED BY THE STATE

141. Having declared that the Saramakas' right to use and enjoy their traditionally owned lands necessarily implies a similar right with regards to the natural resources that are necessary for their survival, and having set safeguards and limitations regarding the State's right to issue concessions that restrict the use and enjoyment of such natural resources, the Court will now proceed to analyze whether the concessions already issued by the State within Saramaka territory complied with the safeguards mentioned above.

142. In the present case, the evidence before the Court demonstrates that between 1997 and 2004, the State issued at least four logging concessions and a number of mining concessions to both Saramaka and non-Saramaka members and foreign companies within territory traditionally owned by members of the Saramaka community.[140] Witness Rene Somopawiro, the acting director of the State's Foundation for Forest Management and Production Control, recognized in his testimony before the Court that the State had issued concessions within Saramaka territory.[141] District Commissioner Strijk also declared that, during his tenure, at least one logging concession was issued by the State within Saramaka territory and that this concession was held by a non-Saramaka person or corporation.[142]

143. As mentioned above, Article 21 of the Convention does not *per se* preclude the issuance of concessions for the exploration and exploitation of natural resources in indigenous or tribal territories. Nonetheless, if the State wants to restrict, legitimately, the Saramakas' right to communal property, it must consult with the communities affected by the development or investment project planned within territories which they have traditionally occupied, reasonably share the benefits with them, and complete prior assessments of the environmental and social impact of the project (*supra* paras. 126-129).

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138 UNCERD, *Consideration of Reports submitted by States Parties under Article 9 of the Convention, Concluding Observations on Ecuador, supra* note 136, para. 16.

139 U.N., *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, supra* note 97, para. 66.

140 Map prepared by the Ministry of Natural Resources (case file of appendices to the application and appendix 1, appendix 16, folios 180-181).

141 Testimony of Rene Somopawiro, *supra* note 110 (transcription of public hearing, pp. 45-46).

142 Testimony of District Commissioner Rudy Strijk, *supra* note 132 (transcription of public hearing, p. 26).

F.1) Logging concessions

144. Thus, with regard to timber logging, a question arises as to whether this natural resource is one that has been traditionally used by the members of the Saramaka people in a manner inextricably related to their survival. In this regard, Dr. Richard Price, an anthropologist who gave his expert opinion during the public hearing in the present case, submitted a map in which the Saramaka people made hundreds of marks illustrating the location and variety of trees they use for different purposes.[143] For example, the Saramakas use a special type of tree from which they build boats and canoes to move and transport people and goods from one village to another.[144] The members of the Saramaka community also use many different species of palm trees to make different things, including roofing for their houses, and from which they obtain fruits that they process into cooking oil.[145] When referring to the forest, one of the witnesses stated during the public hearing that it "is where we cut trees in order to make our houses, to get our subsistence, to make our boats [...]; everything that we live with".[146] Another witness addressed the importance of wood-cutting for the Saramaka people and how they care about their environment:

> When we cut trees, we think about our children, and our grandchildren, and future generations. [...] When we go into the forest for any purpose, we think about what we're doing, we think about saving the environment. We are very careful not to destroy anything that is in the forest. We take the wood that we need for our purposes, and we are very careful not to destroy the environment.[147]

145. Additionally, the evidence before the Tribunal suggests that the members of the Saramaka people also rely on timber logging as part of their economic structure. In this regard, the State emphasized that some individual Saramaka members have requested logging concessions from the State on their own individual behalf. When asked during the public hearing why he, for example, had requested an individual logging concession from the State, Captain Cesar Adjako, of the Matjau clan (*lö*), responded that he did so "because the government made a new law saying that if you wanted to sell the wood you cut, you had to have your name on a concession. Otherwise you were not allowed to sell the wood. [...] Once I have a concession, all my children are able to cut the wood".[148] That is, the request for a personal concession was intended to allow the members of the Saramaka people to legally continue selling wood, as they have traditionally done for subsistence purposes.

146. This evidence shows that the members of the Saramaka people have traditionally harvested, used, traded and sold timber and non-timber forest products, and continue to do so until the present day.[149] Thus, in accordance with the above analysis regarding the extraction of natural resources that are necessary for the survival of the Saramaka people, and consequently, its members, the State should not have granted logging concessions within Saramaka territory unless and until the three safeguards of effective participation, benefit-sharing, and prior environmental and social impact assessments were complied with.

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143 Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, pp. 55-56).
144 Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, pp. 55-56).
145 Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, pp. 55-56).
146 Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 6).
147 Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, pp. 15-16).
148 Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, p. 14).
149 *Cf.* Expert opinion of Professor Richard Price, *supra* note 62 (transcription of public hearing, p. 58), and Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, p. 13).

F.1.a) Effective participation

147. In this case, regarding the logging concessions granted within Saramaka territory, the State did not guarantee the effective participation of the Saramakas in advance, through their traditional decision-making processes, nor did it share the benefits with the members of said people. According to District Commissioner Strijk, who testified before this Tribunal, it was "not necessary" to consult with or obtain the consent of the Saramakas in relation to the logging concessions in question because there were no reported traditional Saramaka sites in the area.[150] In the words of District Commissioner Strijk, "if there are sacred sites, cemeteries, and agricultural plots, then we have consultation, if there are no sacred sites, [cemeteries,] and agricultural plots, then consultation doesn't take place".[151] This procedure evidently fails to guarantee the effective participation of the Saramaka people, through their own customs and traditions, in the process of evaluating the issuance of logging concessions within their territory. As mentioned above, the question for the State is not whether to consult with the Saramaka people, but whether the State must also obtain their consent (*supra* paras. 133-137).

F.1.b) Prior environmental and social impact assessments

148. The State further argued that the "concessions which were provided to third parties did not affect [Saramaka] traditional interests". The evidence before the Tribunal suggests not only that the level of consultation referred to by the State was not enough to guarantee the Saramakas' effective participation in the decision-making process, but also that the State did not complete environmental and social impact assessments prior to issuing said concessions,[152] and that at least some of the concessions granted did affect natural resources necessary for the economic and cultural survival of the Saramaka people. The Court once again observes that when a logging concession is granted, a variety of non-timber forest products, which are used by the members of the Saramaka people for subsistence and commercial purposes, are also affected.

149. In this regard, a map produced by expert witness Dr. Peter Poole and submitted to the Court depicts Saramaka occupation and use of lands and resources in the concessions granted within Saramaka territory to non-Saramaka members.[153] This evidence shows that members of the Saramaka people were extensively using the areas granted to the logging companies as hunting and fishing grounds, as well as a source of a variety of forest products.[154]

150. Head Captain Wazen Eduards,[155] Captain Cesar Adjako,[156] Ms. Silvi Adjako,[157] and Mr. Hugo Jabini,[158] for example, all testified that the activities of the logging companies within traditional Saramaka territory were highly destructive and caused massive damage to a substantial area of the Saramaka people's forest and the ecological and cultural functions

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150 Testimony of District Commissioner Rudy Strijk, *supra* note 132 (transcription of public hearing, pp. 26 and 30).

151 Testimony of District Commissioner Rudy Strijk, *supra* note 132 (transcription of public hearing, p. 30).

152 *Cf.* Testimony of Rene Somopawiro, *supra* note 110 (transcription of public hearing, p. 47).

153 *Cf.* Map II, submitted by Peter Poole to the Inter- American Commission during the public hearing held on March 5, 2006 (case file of appendices to the application and Appendix 1, appendix 15, folio 172).

154 *Cf.* Affidavit of Dr. Peter Poole, *supra* note 69 (folio 1965).

155 *Cf.* Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, pp. 4-5).

156 *Cf.* Testimony of Captain Cesar Adjako, *supra* note 68 (transcription of public hearing, p. 16).

157 *Cf.* Affidavit of Silvi Adjako, *supra* note 98 (folio 1924).

158 *Cf.* Affidavit of S. Hugo Jabini of April 3, 2007 (case file of affidavits and observations, appendix 6, folios 1937-38).

and services it provided. Ms. Silvi Adjako, for instance, declared that the logging companies "caused much destruction in our forest and made parts of our land useless because they blocked the creeks and made the water sit on the earth. Before then we were able to use the forest freely and quietly, and it was a great comfort to us and supported us."[159] This statement is also supported by the declaration of Mr. Hugo Jabini, who added that these companies "left a totally ruined forest where they worked. Big parts of the forest cannot be used anymore for farming, and animals will stay away from these areas as well. The creeks are all blocked and the area is flooded and turning into a swamp. It is useless and the spirits are greatly offended".[160]

151. The observations of the Saramaka witnesses are corroborated by the research of expert witnesses Dr. Robert Goodland and Dr. Peter Poole, both of whom visited the concessions and surrounding areas between 2002 and 2007.[161] In general, Dr. Goodland stated that "the social, environmental and other impacts of the logging concessions are severe and traumatic",[162] and that the "[l]ogging was carried out below minimum acceptable standards for logging operations."[163] Dr. Goodland characterized it as "among the worst planned, most damaging and wasteful logging possible."[164] Dr. Poole added that it was "immediately apparent to [him] that the logging operations in these concessions were not done to any acceptable or even minimum specifications, and sustainable management was not a factor in decision-making."[165]

152. Dr. Goodland and Dr. Poole both testified that the logging companies built substandard bridges in their concessions and that these bridges unnecessarily blocked numerous creeks.[166] Because these creeks are the primary source of potable water used by members of the Saramaka people, "water necessary for drinking, cooking, washing, irrigation, watering gardens, and catching fish is not available. [Furthermore,] subsistence farms become less productive or so unproductive that they have to be abandoned."[167] According to Dr. Goodland, these large areas of standing water render the forest incapable of producing traditional Saramaka agricultural crops.[168] Dr. Poole reached the same conclusions.[169]

F.1.c) Benefit-sharing

153. Not only have the members of the Saramaka people been left with a legacy of environmental destruction, despoiled subsistence resources, and spiritual and social problems, but they received no benefit from the logging in their territory. Government statistics submitted into evidence before the Court prove that a considerable quantity of valuable timber was extracted from the territory of the Saramaka people without any compensation.[170]

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159 Affidavit of Silvi Adjako, *supra* note 98, (folio 1924).
160 Affidavit of S. Hugo Jabini, *supra* note 158 (folio 1938).
161 *Cf.* Affidavit of Dr. Robert Goodland of April 27, 2007 (case file of affidavits and observations, appendix 3, folios 1887-1894), and Affidavit of Dr. Peter Poole, *supra* note 69 (folios 1964-65).
162 Affidavit of Dr. Robert Goodland, *supra* note 161 (folio 1888).
163 Affidavit of Dr. Robert Goodland, *supra* note 161 (folio 1892).
164 Affidavit of Dr. Robert Goodland, *supra* note 161 (folio 1892).
165 Affidavit of Dr. Peter Poole, *supra* note 69 (folio 1964).
166 *Cf.* Affidavit of Dr. Robert Goodland, *supra* note 161 (folios 1890-1891), and Affidavit of Dr. Peter Poole, *supra* note 69 (folios 1964-1965).
167 Affidavit of Dr. Robert Goodland, *supra* note 161 (folios 1891).
168 *Cf.* Affidavit of Dr. Robert Goodland, *supra* note 161 (folios 1890-1891).
169 *Cf.* Affidavit of Dr. Peter Poole, *supra* note 69 (folio 1964).
170 *Cf.* Affidavit of Dr. Robert Goodland, *supra* note 161 (folio 1894) (citing Suriname Forest Management Foundation, Forest Statistics from 1999 to 2005), and Overview of logging concessions in the Pokigron Region.

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154. In conclusion, the Court considers that the logging concessions issued by the State in the Upper Suriname River lands have damaged the environment and the deterioration has had a negative impact on lands and natural resources traditionally used by members of the Saramaka people that are, in whole or in part, within the limits of the territory to which they have a communal property right. The State failed to carry out or supervise environmental and social impact assessments and failed to put in place adequate safeguards and mechanisms in order to ensure that these logging concessions would not cause major damage to Saramaka territory and communities. Furthermore, the State did not allow for the effective participation of the Saramakas in the decision-making process regarding these logging concessions, in conformity with their traditions and customs, nor did the members of the Saramaka people receive any benefit from the logging in their territory. All of the above constitutes a violation of the property rights of the members of the Saramaka people recognized under Article 21 of the Convention, in connection with Article 1.1 of said instrument.

F.2) Gold-mining concessions

155. The Court must also analyze whether gold-mining concessions within traditional Saramaka territory have affected natural resources that have been traditionally used and are necessary for the survival of the members of the Saramaka people. According to the evidence submitted before the Court, the members of the Saramaka people have not traditionally used gold as part of their cultural identity or economic system. Despite possible individual exceptions, members of the Saramaka people do not identify themselves with gold nor have demonstrated a particular relationship with this natural resource, other than claiming a general right to "own everything, from the very top of the trees to the very deepest place that you could go under the ground."[171] Nevertheless, as stated above (*supra* paras. 126-129), because any gold mining activity within Saramaka territory will necessarily affect other natural resources necessary for the survival of the Saramakas, such as waterways, the State has a duty to consult with them, in conformity with their traditions and customs, regarding any proposed mining concession within Saramaka territory, as well as allow the members of the community to reasonably participate in the benefits derived from any such possible concession, and perform or supervise an assessment on the environmental and social impact prior to the commencement of the project. The same analysis applies regarding other concessions within Saramaka territory involving natural resources which have not been traditionally used by members of the Saramaka community, but that their extraction will necessarily affect other resources that are vital to their way of life.

156. The Court recognizes that, to date, no large-scale mining operations have taken place within traditional Saramaka territory. Nevertheless, the State failed to comply with the three safeguards when it issued small-scale gold mining concessions within traditional Saramaka territory.[172] That is, such concessions were issued without performing prior environmental and social impact assessments, and without consulting with the Saramaka

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Map produced by the Suriname Forestry Management Foundation, Ministry of Natural Resources, August 2003 (case file of appendices to the representatives' brief, appendix 1.1, folio 1460).

171 Testimony of Head Captain and Fiscali Wazen Eduards, *supra* note 61 (transcription of public hearing, p. 8).

172 *Cf.* Map prepared by the Ministry of Natural Resources, *supra* note 140.

people in accordance with their traditions, or guaranteeing their members a reasonable share in the benefits of the project. As such, the State violated the members of the Saramaka peoples' right to property under Article 21 of the Convention, in conjunction with Article 1(1) of such instrument.

157. With regard to the concessions within Saramaka territory that have already been granted to private parties, including Saramaka members, the Court has already declared (*supra* paras. 127-128) that "when indigenous communal property and individual private property are in real or apparent contradiction, the American Convention itself and the jurisprudence of the Court provide guidelines to establish admissible restrictions to the enjoyment and exercise of those rights".[173] Thus, the State has a duty to evaluate, in light of the present Judgment and the Court's jurisprudence,[174] whether a restriction of these private property rights is necessary to preserve the survival of the Saramaka people.

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158. From all of the above considerations, the Court concludes the following: first, that the members of the Saramaka people have a right to use and enjoy the natural resources that lie on and within their traditionally owned territory that are necessary for their survival; second, that the State may restrict said right by granting concessions for the exploration and extraction of natural resources found on and within Saramaka territory only if the State ensures the effective participation and benefit of the Saramaka people, performs or supervises prior environmental and social impact assessments, and implements adequate safeguards and mechanisms in order to ensure that these activities do not significantly affect the traditional Saramaka lands and natural resources; and finally, that the concessions already issued by the State did not comply with these safeguards. Thus, the Court considers that the State has violated Article 21 of the Convention, in conjunction with Article 1 of such instrument, to the detriment of the members of the Saramaka people.

G. THE LACK OF RECOGNITION OF THE SARAMAKA PEOPLE AS A JURIDICAL PERSONALITY MAKES THEM INELIGIBLE UNDER DOMESTIC LAW TO RECEIVE COMMUNAL TITLE TO PROPERTY AS A TRIBAL COMMUNITY AND TO HAVE EQUAL ACCESS TO JUDICIAL PROTECTION OF THEIR PROPERTY RIGHTS

159. The representatives alleged that the State has violated its obligations under Article 3 of the Convention by denying the Saramaka people of their right to recognition of their legal personality. According to the representatives, the lack of recognition of the Saramaka people as a juridical personality makes them ineligible under domestic law to receive communal title to land as a tribal community. Only individual members of the Saramaka community, acting as individuals, may receive a leasehold on State land. The representatives request, therefore, that the State recognize the juridical personality of the Saramaka people as a distinct people, in accordance also with their right to self-determination.

160. As a preliminary matter, the State argued that the Commission did not allege a violation of Article 3 of the Convention in its application before the Court, and that such alleged violation was not included in its Article 50 Report. The State maintains that the

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173 *Case of the Indigenous Community Yakye Axa, supra* note 75, para. 144. *Cf.* also, UNHRC, *Ivan Kitok v. Sweden*, Communication No. 197/1985, U.N. Doc. CCPR/C/33/D/197/1985, August 10, 1988, para. 9.8.

174 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, paras. 144-145, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 137.

representatives do not have standing to separately and independently allege before the Court that Suriname violated Article 3 of the Convention.

161. The Court has already addressed this issue (*supra* Preliminary Objections, paras. 25-29), and has previously held that the alleged victims or their representatives may invoke other rights distinct from those included in the Commission's application, provided that they refer to the facts already included in the application.[175] The Court observes that, although the Commission did not allege a violation of Article 3 of the Convention, the representatives' legal arguments regarding the alleged lack of recognition of the Saramaka people's juridical personality are based on facts already contained in the application. Thus, the Court will proceed to analyze the parties' arguments regarding this issue.

162. Substantially, the State first questioned the cohesion of the Saramaka people as "an independent bearer of rights and obligations governed by its own laws, regulations and customs, as the concept of judicial [sic] personality provided for in [A]rticle 3 of the Convention presumes." Secondly, the State argued that the American Convention guarantees that every "person" has the right to be recognized as such before the law and not as a "distinct people", as argued by the representatives. Finally, the State argued that it is possible for the Saramaka people to "approach the civil courts requesting a declaratory decision recognizing the tribe as a legal entity."

163. The Court will address the State's first two arguments in the present section, and the last argument, concerning the possible available domestic remedies, in the section concerning the right to judicial protection (*infra* paras. 176-185).

164. The State's first argument is that the voluntary inclusion of some of the members of the Saramaka people in "modern society" has affected their cultural distinctiveness, such that it would be difficult to define them as a distinct legal personality. That is, the State questions whether the Saramaka can be legally defined in a way that takes into account the different degrees to which various self-identified members of the Saramaka people adhere to traditional laws, customs, and economy, particularly those living in Paramaribo or outside of the territory claimed by the Saramaka. In this regard, the Court has already declared that the Saramaka people can be defined as a distinct tribal group (*supra* paras. 80-84), whose members enjoy and exercise certain rights, such as the right to property, in a distinctly collective manner (*supra* paras. 87-96). The fact that some individual members of the Saramaka people may live outside of the traditional Saramaka territory and in a way that may differ from other Saramakas who live within the traditional territory and in accordance with Saramaka customs does not affect the distinctiveness of this tribal group nor its communal use and enjoyment of their property. Moreover, the question of whether certain self-identified members of the Saramaka people may assert certain communal rights on behalf of the juridical personality of such people is a question that must be resolved by the Saramaka people in accordance with their own traditional customs and norms, not by the State or this Court in this particular case. Accordingly, the lack of individual identification with the traditions and laws of the Saramaka by some alleged members of the community may not be used as a pretext to deny the Saramaka people their right to juridical personality.

165. Having emphasized that the Saramaka people are a distinct tribal group, whose members enjoy and exercise certain rights collectively, the Court will address the State's

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[175] *Cf. Case of the "Five Pensioners", supra* note 8, para. 155; *Case of Escué Zapata, supra* note 22, and *Case of Bueno Alves, supra* note 8, para. 121.

second argument regarding the possibility of recognizing the legal personality of a distinct group rather than that of its individual members.

166. The Court has previously analyzed the right of individual persons to have their juridical personality recognized pursuant to Article 3 of the American Convention.[176] Accordingly, the Court has defined it as the right to be legally recognized as a subject of rights and obligations.[177] That is, the "right to recognition of personality before the law represents a parameter to determine whether a person is entitled to any given rights and whether such person can enforce such rights".[178] The Court has also declared that a violation of the right to juridical personality entails an absolute failure to recognize or acknowledge the capability of a person to exercise and enjoy said rights and obligations,[179] which in turn places the person in a vulnerable position in relation to the State or third parties.[180] In particular, the Court has observed that "the State is bound to guarantee to those persons in situations of vulnerability, exclusion and discrimination, the legal and administrative conditions that may secure for them the exercise of such right, pursuant to the principle of equality under the law".[181] The issue at hand in the present case is whether these criteria can be applied to the members of the Saramaka people as a group and not merely as individuals.

167. The Court has previously addressed the right to juridical personality in the context of indigenous communities, and has held that States have a duty to provide the means and general juridical conditions necessary to guarantee that each person enjoys the right to the recognition of his or her juridical personality.[182] The question presented in this case is of a different nature. Here the question is whether the lack of recognition of the Saramaka people as a juridical personality makes them ineligible under domestic law to receive communal title to land as a tribal community and to have equal access to judicial protection of their property rights. The individual right to have each member's juridical personality recognized by the State is not in question. In Suriname, all persons, whether they are individual Saramaka members or not, are recognized the right to own property and to seek judicial protection against any alleged violation of that individual right.[183] Yet, the State does not recognize the Saramaka people as a juridical entity capable of using and enjoying communal property as a tribal group. Furthermore, the State does not recognize the Saramaka people as a juridical entity capable of seeking equal access to judicial protection against any alleged violation of their communal property rights.

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176 This right is also recognized in other international instruments. *Cf., inter alia*, Universal Declaration of Human Rights, Article 6; International Covenant on Civil and Political Rights, Article 16; American Declaration of the Rights and Duties of Man, Article XVII, and African Charter on Human and Peoples' Rights, Article 5.

177 *Cf. Case of Bámaca Velásquez v. Guatemala. Merits.* Judgment of November 25, 2000. Series C No. 70, para. 179; *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 188, and *Case of the Girls Yean and Bosico v. Dominican Republic. Preliminary Objections, Merits, Reparations and Costs.* Judgment of September 8, 2005. Series C No. 130, para. 177. *Cf.* also UNHRC, *Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations on Gabon*, U.N. Doc. CCPR/C/31/ADD.4, November 18, 1996, para. 54.

178 *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 188.

179 *Cf. Case of Bámaca Velásquez, supra* note 177, para. 179; *Case of La Cantuta v. Peru. Merits, Reparations and Costs*. Judgment of November 29, 2006. Series C No. 162, para. 120, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 188.

180 *Cf. Case of the Girls Yean and Bosico, supra* note 177, para. 179, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 188.

181 *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 189.

182 *Cf. Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 189.

183 *Cf.* Constitution of Suriname, Article 41, *supra* note 119, and Article 1386 of Civil Code of Suriname (case file of appendices to the application and Appendix 1, appendix 4, folios 51).

168. The Court observes that the recognition of the juridical personality of individual members of a community is evidently necessary for their enjoyment of other rights, such as the right to life and personal integrity.[184] Yet, such individual recognition fails to take into account the manner in which members of indigenous and tribal peoples in general, and the Saramaka in particular, enjoy and exercise a particular right; that is, the right to use and enjoy property collectively in accordance with their ancestral traditions.

169. The Court observes that any individual member of the Saramaka people may seek judicial protection against violations of his or her individual property rights, and that a judgment in his or her favor may also have a favorable effect on the community as a whole. In a juridical sense, such individual members do not represent the community as a whole. The decisions pertaining to the use of such individual property are up to the individual and not to the Saramaka people in accordance with their traditions. Consequently, a recognition of the right to juridical personality of the Saramaka people as a whole would help prevent such situations, as the true representatives of the juridical personality would be chosen in accordance with their own traditions, and the decisions affecting the Saramaka territory will be the responsibility of those representatives, not of the individual members.

170. A similar situation has occurred in the present case, whereby the State has constantly objected to whether the twelve captains of the twelve Saramaka clans (*lös*) truly represent the will of the community as a whole (*supra* paras. 19-24). The State additionally asserted that the true representative of the community should be the *Gaa'man*, and not others. This controversy over who actually represents the Saramaka people is precisely a natural consequence of the lack of recognition of their juridical personality.[185]

171. The recognition of their juridical personality is a way, albeit not the only one, to ensure that the community, as a whole, will be able to fully enjoy and exercise their right to property, in accordance with their communal property system, and the right to equal access to judicial protection against violations of such right.

172. The Court considers that the right to have their juridical personality recognized by the State is one of the special measures owed to indigenous and tribal groups in order to ensure that they are able to use and enjoy their territory in accordance with their own traditions. This is a natural consequence of the recognition of the right of members of indigenous and tribal groups to enjoy certain rights in a communal manner.

173. In this case, the State does not recognize that the Saramaka people can enjoy and exercise property rights as a community.[186] Furthermore, the Court observes that other communities in Suriname have been denied the right to seek judicial protection against alleged violations of their collective property rights precisely because a judge considered they did not have the legal capacity necessary to request such protection.[187] This places the Saramaka people in a vulnerable situation where individual property rights may trump their rights over communal property, and where the Saramaka people may not seek, as a

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184 *Cf. Case of the Indigenous Community Sawhoyamaxa, supra* note 75, paras. 188-190.

185 During the proceedings of this case before the Court, and previously during the proceedings of the petition before the Commission, different names have been used to identify it. The Commission's Article 50 report uses the name "12 Saramaka Clans"; the President's Orders of March 30 and April 14, 2007, used the name "Saramaka Community", and in several communications between the Court's Secretariat and the parties, the name "Wazen Eduards *et al.*" has also been used. Nevertheless, in recognition of the right of the members of the Saramaka people to use and enjoy property in accordance with their communal system and ancestral traditions as a tribal community, the Court hereby declares that the name "Saramaka People" is more appropriate.

186 *Cf. Case of the Moiwana Community, supra* note 77, para. 86.5.

187 Affidavit of Mariska Muskiet of April 3, 2007 (case file of affidavits and observations, appendix 7, folio 1946).

juridical personality, judicial protection against violations of their property rights recognized under Article 21 of the Convention.[188]

174. In conclusion, the members of the Saramaka people form a distinct tribal community in a situation of vulnerability, both as regards the State as well as private third parties, insofar as they lack the juridical capacity to collectively enjoy the right to property and to challenge before domestic courts alleged violations of such right. The Court considers that the State must recognize the juridical capacity of the members of the Saramaka people to fully exercise these rights in a collective manner. This may be achieved by implementing legislative or other measures that recognize and take into account the particular way in which the Saramaka people view themselves as a collectivity capable of exercising and enjoying the right to property. Thus, the State must establish, in consultation with the Saramaka people and fully respecting their traditions and customs, the judicial and administrative conditions necessary to ensure the recognition of their juridical personality, with the aim of guaranteeing them the use and enjoyment of their territory in accordance with their communal property system, as well as the rights to access to justice and equality before the law.[189]

175. The State's failure to do so has resulted in a violation, to the detriment of the members of the Saramaka people, of the right to the recognition of their juridical personality pursuant to Article 3 of the Convention in relation to their right to property under Article 21 of such instrument and their right to judicial protection under Article 25 thereof, as well as in relation to the general obligation of States to adopt such legislative or other measures as may be necessary to give effect to those rights and to respect and ensure their free and full exercise without discrimination, pursuant to Articles 2 and 1(1) of the Convention.

H. THE AVAILABILITY OF ADEQUATE AND EFFECTIVE LEGAL REMEDIES IN SURINAME TO PROTECT THE SARAMAKA PEOPLE AGAINST ACTS THAT VIOLATE THEIR RIGHT TO PROPERTY

176. The Commission and the representatives alleged that the State has violated the Saramaka peoples' right to judicial protection insofar as the State's judicial system is not adequately designed to remedy violations of collective property rights of indigenous and tribal peoples. The State maintains that legal remedies are domestically available to address alleged violations of the property interests of the Saramaka people, and that these have been available to the alleged victims, who have opted not to resort to them. In support of its position, the State referred to several domestic provisions, some of which the Court has already addressed in its analysis of the State's violation of Article 21 of the Convention in conjunction with Article 2 thereof (*supra* paras. 106-116). Specifically, the State argued that effective legal recourse is recognized under several articles of Suriname's Civil Code,[190] which allows any individual to apply to the judiciary in case of an alleged infringement of his or her property rights, including alleged violations by the State itself. The Commission and the representatives argued that said provisions are both irrelevant to

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188 *Cf.*, for example, *Marijkedorp case* (holding that private property titles trump traditional forms of ownership), *cf.* Affidavit of Mariska Muskiet, *supra* note 187, and Inter-American Development Bank, *Indigenous Peoples and Maroons in Suriname, supra* note 97, (folio 568) (stating that "[u]nder Surinamese law, indigenous and tribal peoples and communities lack legal personality and are therefore incapable of holding and enforcing rights[…] Attempts by indigenous peoples to use the court system have therefore failed").

189 *Cf. Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 189.

190 *Cf.* Articles 1386, 1387, 1388, 1392 and 1393 of Civil Code of Suriname (case file of appendices to the application and Appendix 1, appendix 4, folios 51) and State's answer to the application (merits, volume II, folios 335-336).

the issue of indigenous and tribal peoples' land rights and that such remedies are only available to individuals, not peoples.

177. Article 25(1) of the Convention establishes, in broad terms, the obligation of States to afford effective judicial recourse against acts that violate fundamental rights. In interpreting the text of Article 25 of the Convention, the Court has previously held that the State's obligation to provide judicial recourse is not simply met by the mere existence of courts or formal procedures, or even by the possibility of resorting to the courts. Rather, the State has the duty to adopt positive measures to guarantee that the remedies it provides through the justice system are "truly effective in establishing whether there has been a violation of human rights and in providing redress."[191] Accordingly, the Court has declared that "[t]he inexistence of an effective recourse against the violation of the rights recognized by the Convention constitutes a transgression of the Convention by the State Party in which such a situation occurs."[192]

178. With regard to members of indigenous peoples, the Court has stated that "it is essential for the States to grant effective protection that takes into account their specificities, their economic and social characteristics, as well as their situation of special vulnerability, their customary law, values, and customs."[193] Specifically, the Court has held that, in order to guarantee members of indigenous peoples their right to communal property, States must establish "an effective means with due process guarantees [...] for them to claim traditional lands."[194]

H.1) Suriname's Civil Code

179. The Court considers that the judicial recourse available under Article 1386 of the State's Civil Code is inadequate and ineffective to remedy alleged violations of the Saramakas' right to communal property for the following two reasons. First, such recourse is presumably available only for individuals claiming a violation of their individual rights to private property. The Saramaka people, as a collective entity whose legal personality is not recognized by the State, may not resort to such recourse as a community asserting its members' rights to communal property (*supra* paras. 159-175). Second, the Saramakas' legal right to communal property is not recognized by the State (*supra* paras. 97-116) and, therefore, judicial recourse that requires the demonstration of a violation of a legal right recognized by the State would not be an adequate recourse for their claims.

180. Evidence submitted before this Tribunal regarding cases filed by members of other indigenous or tribal peoples in Suriname pursuant to its Civil Code support the Saramakas' contention that the recourse is ineffective to address their claims. In one such case, a domestic court denied a community's request to revoke a mining concession, holding that the community lacked the legal capacity as a collective entity to request such measures, and referred the community back to the Minister who had issued the mining concession.[195] In another case, a State-issued, privately held land title within a residential area of an

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191 *Cf. Judicial Guarantees in States of Emergency* (Arts. 27(2), 25 and 8 American Convention on Human Rights). Advisory Opinion OC-9/87 of October 6, 1987. Series A No. 9, para. 24.

192 *Cf. Case of Castillo Petruzzi et al. v. Perú. Merits, Reparations and Costs*. Judgment of May 30, 1999. Series C No. 52, para. 185; *Case of Claude Reyes et al. v. Chile. Merits, Reparations and Costs*. Judgment of September 19, 2006. Series C No. 151, para. 130, and *Case of Yatama, supra* note 13, para. 168. *Cf.* also *Judicial Guarantees in States of Emergency (Articles 27(2), 25 and 8 American Convention on Human Rights), supra* note 191, para. 24.

193 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, para. 63.

194 *Cf. Case of the Indigenous Community Yakye Axa, supra* note 75, para. 96.

195 Affidavit of Mariska Muskiet, *supra* note 187, (folio 1943).

indigenous village was upheld over the objections of the Captain of that village. The judge held that since the holder of the land had a valid title under Surinamese law, and the indigenous community did not have title or any other written permit issued by the State, the village had to respect the ownership right of the private title holder.[196]

181. The above points are also consistent with the expert testimony of Professor Mariska Muskiet, who also observed that "Article 1386 [of the Civil Code] involves a civil tort action and does not provide effective means to address the underlying problem that the Saramaka face: the lack of recognition of their communal property rights."[197] Professor Muskiet's affidavit explains the nature of a series of "insurmountable problems for the Saramaka people to file and win a case under article 1386",[198] and which support her conclusion that "invoking Article 1386 of Suriname's Civil Code would be futile in the circumstances of the Saramaka people's claims and the rights that they are seeking to protect. They would have no hope of success."[199]

182. Thus, the Court concludes that the provisions under Suriname's Civil Code do not provide adequate and effective recourse against acts that violate the Saramakas' rights to communal property.

H.2) The Mining Decree of 1986

183. The State also argued that its Mining Decree provides effective remedies that the victims failed to invoke. The Court hereby reiterates (*supra* para. 111) that this decree only allows for an appeal to the judiciary should the miner and a rightful "claimant" or "third party" be unable to reach an agreement on the amount of compensation required.[200] Nevertheless, to qualify as a rightful "claimant" or "third party", the persons in question must hold some form of registered right or title issued by the State.[201] Thus, the purported remedy established under the Mining Decree is inadequate and ineffective in the case at hand because the members of the Saramaka people do not hold title to their traditional territory or any part thereof. They cannot therefore qualify as "a rightful claimant" or "third party" under the Mining Decree. This position is consistent with the expert opinion of Dr. Hoever-Venoaks, who declared that the "Mining Decree [...] does not offer legal protection to 'inhabitants of the interior living in tribal communities'."[202]

H.3) The Forest Management Act of 1992

184. Furthermore, the State alleged that Article 41(1)(b) of the Forest Management Act allows members of the tribal peoples to lodge appeals with the President of Suriname in cases where their alleged customary rights to their villages and settlements, as well as their agricultural plots, are not respected. The members of the Saramaka people have lodged at least two complaints with the President of Suriname, and have to date received no official

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196 Affidavit of Mariska Muskiet, *supra* note 187.

197 Affidavit of Mariska Muskiet, *supra* note 187, (folio 1950).

198 Affidavit of Mariska Muskiet, *supra* note 187, (folio 1950).

199 Affidavit of Mariska Muskiet, *supra* note 187 (folio 1950). *Cf.* also U.N., *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen,* U.N. Doc. A/59/258, August 12, 2004, para. 29 (whereby the Special Rapporteur emphasized that "indigenous peoples do not have equal access to the justice system and encounter discrimination of all kinds in the operation of the justice system.")

200 Decree E 58 of May 8, 1986 *supra* note 106, Article 46 (a) (folio 144).

201 Decree E 58 of May 8, 1986 *supra* note 106, Article 46 (a) (folio 144).

202 Affidavit of Dr. M.R. Hoever-Venoaks of April 29, 2007 (case file of affidavits and observations, appendix 10, folio 1982).

reply from the Office of the President.[203] This calls into question the efficiency of said procedure. In any case, an appeal to the President does not satisfy the requirement under Article 25 of the Convention to provide adequate and effective judicial remedies for alleged violations of communal property rights of members of indigenous and tribal peoples.

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185. The Court thus concludes that the State has violated the right to judicial protection recognized in Article 25 of the Convention, in conjunction with Articles 21 and 1(1) thereof, to the detriment of the members of the Saramaka people, as the aforementioned domestic provisions do not provide adequate and effective legal recourses to protect them against acts that violate their right to property.

VIII
REPARATIONS
(APPLICATION OF ARTICLE 63(1) OF THE AMERICAN CONVENTION)[204]

A) OBLIGATION TO REDRESS

186. It is a principle of International Law that any violation of an international obligation that has caused damage gives rise to a duty to adequately redress said violation.[205] The obligation to redress is regulated by International Law in every aspect.[206] The Court has based its decisions in this matter on Article 63(1) of the American Convention.

187. In accordance with criteria established and reiterated in the Court's jurisprudence regarding the nature and scope of the obligation to redress,[207] as well as the aforementioned considerations on the merits and violations of the Convention determined in the previous chapter, the Court will proceed to analyze the parties' arguments concerning reparations, so as to order the relevant measures to redress the damages.

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203 Petitions presented by petitioners before the President of the Republic of Suriname on January 15, 2003 and April 16, 2000 pursuant to Article 22 of the Constitution of Suriname, *supra* note 119, (folios 182-185, and folios 204-205), and Petitions filed in accordance with Article 41 of the 1992 Forest Management Act on October 24, 2005 and July 1, 2000 (case file of appendices to the application and Appendix 1, appendix 17, folios 182-185, and appendix 18, folios 205-208).

204 Article 63(1) establishes that: "[i]f the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party".

205 *Cf. Case of Velásquez Rodríguez v. Honduras. Reparations and Costs.* Judgment of July 21, 1989. Series C No. 7, para. 25; *Case of Cantoral Huamaní and García Santa Cruz, supra* note 50, para. 156, and *Case of Zambrano Vélez et al., supra* note 50, para. 131.

206 *Cf. Case of Aloeboetoe et al. v. Suriname. Reparations and Costs.* Judgment of September 10, 1993. Series C No. 15, para. 44; *Case of Cantoral Huamaní and García Santa Cruz, supra* note 50, para. 165, and *Case of Zambrano Vélez et al., supra* note 50, para. 131.

207 *Cf. Case of Velásquez Rodríguez, supra* note 205, paras. 25-26; *Case of Garrido and Baigorria v. Argentina. Reparations and Costs.* Judgment of August 27, 1998. Series C No. 39, para. 43, and *Case of The "White Van" (Paniagua Morales et al.), supra* note 49, paras. 76-79. *Cf.* also *Case of La Cantuta, supra* note 179, paras. 200-203, and *Case of the Miguel Castro Castro Prison, supra* note 8, paras. 414-416.

B) INJURED PARTY

188. The Tribunal has previously held that in a contentious case before the Court, the Commission must individually name the beneficiaries of possible reparations.[208] However, given the size and geographic diversity of the Saramaka people,[209] and particularly the collective nature of reparations to be ordered in the present case, the Court does not find it necessary in the instant case to individually name the members of the Saramaka people in order to recognize them as the injured party. Nevertheless, the Court observes that the members of the Saramaka people are identifiable in accordance with Saramaka customary law, given that each Saramaka individual belongs to only one of the twelve matrilineal *lös* in which the community is organized.

189. Thus, in accordance with the Court's jurisprudence regarding indigenous and tribal peoples,[210] the Court considers the members of the Saramaka people as the "injured party" in the present case who, due to their status as victims of the violations established in the present Judgment (*supra* paras. 116, 154, 156, 158, 175, and 185), are the beneficiaries of the collective forms of reparations ordered by the Court.

C) MEASURES OF REDRESS

190. The Court will proceed to summarize the parties' arguments with regards to reparations, and will then determine which measures must be ordered to redress the damage to the Saramakas caused by the violations established in the present Judgment.

191. In order to redress the damage caused to the Saramakas, the Commission requested that the Court order the State to, *inter alia*, remove the legal provisions that impede protection of the right to property of the Saramaka people and adopt, in its domestic legislation, and through effective and fully informed consultations with the Saramaka people, legislative, administrative, and other measures needed to protect, through special mechanisms, the territory in which they exercise their right to communal property, in accordance with its customary land use practices, without prejudice to other tribal and indigenous communities; refrain from acts that might give rise to agents of the State itself or third parties, acting with the State's acquiescence or tolerance, affecting the right to property or integrity of the territory of the Saramaka people; repair the environmental damage caused by the logging concessions awarded by the State in the territory traditionally occupied and used by the Saramaka people, and take the necessary steps to approve, in accordance with Suriname's constitutional procedures and the provisions of the American Convention, such legislative and other measures as may be needed to provide judicial protection and give effect to the collective and individual rights of the Saramaka people in relation to the territory it has traditional occupied and used. Furthermore, the Commission requested monetary compensation for property damage sustained as a result of the State's violations, adding that any "compensation cannot be seen from an individual perspective, since the victims are members of a community and the Community itself has been affected."

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208 *Cf. Case of the Ituango Massacres v. Colombia. Preliminary Objection, Merits, Reparations and Costs*. Judgment of July 1, 2006. Series C No. 148, para. 98, and *Case of Goiburu et al., supra* note 11, para. 29. *Cf.* also *Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, paras. 162-167.

209 The Saramaka population is comprised of approximately 30,000 people. Given the dearth of accurate census information on the Saramaka community, estimates broadly range from 25,000 to 34,482 members. The Saramaka people are also dispersed throughout the Upper Suriname River, Brokopondo District, and other areas of Suriname, including Paramaribo (*supra* para. 80).

210 *Cf. Case of The Mayagna (Sumo) Awas Tingni Community, supra* note 49, para. 164; *Case of the Indigenous Community Yakye Axa, supra* note 75, para. 189, and *Case of the Indigenous Community Sawhoyamaxa, supra* note 75, para. 204.

192. The representatives similarly requested that the Court order the State to, *inter alia*, adopt any measures necessary to delimit, demarcate and title the Saramaka people's traditional lands and resources in accordance with its customary laws and values; adopt or amend legislative, administrative or other measures as may be required to recognize and secure the right of the Saramaka people to give or withhold its free, prior and informed consent to activities that may affect its lands, territory and resources; offer an official public apology to the Saramaka people, and establish a development fund with sufficient capital to invest in health, education, resource management and other projects in Saramaka territory, all determined and implemented with the informed participation and consent of the Saramaka people. The representatives also requested pecuniary compensation for the environmental degradation and destruction of their territory by logging concessionaires, and for the market value of the timber harvested by the logging companies, adding that any material or immaterial damage award should be added to this fund and used for the same purposes.

193. The State denied any international responsibility for the facts alleged in the application and alleged that the Saramaka people have not proven they have suffered any material or immaterial damages or that said damages may be attributed to the State. Consequently, the State asked this Court to dismiss the petitioner's request for reparations and costs.

C.1) Measures of Satisfaction and Guarantees of Non-Repetition

194. In order to guarantee the non-repetition of the violation of the rights of the members of the Saramaka people to the recognition of their juridical personality, property, and judicial protection, the State must carry out the following measures:

a) delimit, demarcate, and grant collective title over the territory of the members of the Saramaka people, in accordance with their customary laws, and through previous, effective and fully informed consultations with the Saramaka people, without prejudice to other tribal and indigenous communities. Until said delimitation, demarcation, and titling of the Saramaka territory has been carried out, Suriname must abstain from acts which might lead the agents of the State itself, or third parties acting with its acquiescence or its tolerance, to affect the existence, value, use or enjoyment of the territory to which the members of the Saramaka people are entitled, unless the State obtains the free, informed and prior consent of the Saramaka people. With regards to the concessions already granted within traditional Saramaka territory, the State must review them, in light of the present Judgment and the Court's jurisprudence, in order to evaluate whether a modification of the rights of the concessionaires is necessary in order to preserve the survival of the Saramaka people. The State must begin the process of delimitation, demarcation and titling of traditional Saramaka territory within three months from the notification of the present Judgment, and must complete this process within three years from such date;

b) grant the members of the Saramaka people legal recognition of their collective juridical capacity, pertaining to the community to which they belong, with the purpose of ensuring the full exercise and enjoyment of their right to communal property, as well as collective access to justice, in accordance with their communal system, customary laws, and traditions. The State must comply with this reparation measure within a reasonable time;

c) remove or amend the legal provisions that impede protection of the right to property of the members of the Saramaka people and adopt, in its domestic legislation, and through prior, effective and fully informed consultations with the Saramaka people, legislative, administrative, and other measures as may be required to recognize, protect, guarantee and give legal effect to the right of the members of the Saramaka people to hold collective title of the territory they have traditionally used and occupied, which includes the lands and natural resources necessary for their social, cultural and economic survival, as well as manage, distribute, and effectively control such territory, in accordance with their customary laws and traditional collective land tenure system, and without prejudice to other tribal and indigenous communities. The State must comply with this reparation measure within a reasonable time;

d) adopt legislative, administrative and other measures necessary to recognize and ensure the right of the Saramaka people to be effectively consulted, in accordance with their traditions and customs, or when necessary, the right to give or withhold their free, informed and prior consent, with regards to development or investment projects that may affect their territory, and to reasonably share the benefits of such projects with the members of the Saramaka people, should these be ultimately carried out. The Saramaka people must be consulted during the process established to comply with this form of reparation. The State must comply with this reparation measure within a reasonable time;

e) ensure that environmental and social impact assessments are conducted by independent and technically competent entities, prior to awarding a concession for any development or investment project within traditional Saramaka territory, and implement adequate safeguards and mechanisms in order to minimize the damaging effects such projects may have upon the social, economic and cultural survival of the Saramaka people, and

f) adopt legislative, administrative and other measures necessary to provide the members of the Saramaka people with adequate and effective recourses against acts that violate their right to the use and enjoyment of property in accordance with their communal land tenure system. The State must comply with this reparation measure within a reasonable time.

195. Additionally, the Court considers that the present Judgment *per se* is a form of reparation[211] that should be understood as a form of satisfaction that recognizes that the rights of the members of the Saramaka people addressed in the present Judgment have been violated by the State.

196. Furthermore, as a measure of satisfaction, the State must do the following:

a) translate into Dutch and publish Chapter VII of the present Judgment, without the corresponding footnotes, as well as operative paragraphs one through fifteen, in the State's Official Gazette and in another national daily newspaper, and

b) finance two radio broadcasts, in the Saramaka language, of the content of paragraphs 2, 4, 5, 17, 77, 80-86, 88, 90, 91, 115, 116, 121, 122, 127-129, 146,

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[211] *Cf. Case of Suárez Rosero v. Ecuador. Reparations and Costs.* Judgment of January 20, 1999. Series C No. 44, para. 72; *Case of Cantoral Huamaní and García Santa Cruz, supra* note 50, para. 180, and *Case of Zambrano Vélez et al., supra* note 50, para. 142.

150, 154, 156, 172, and 178 of the present Judgment, without the corresponding footnotes, as well as Operative Paragraphs 1 through 15 hereof, in a radio station accessible to the Saramaka people. The time and date of said broadcasts must be informed to the victims or their representatives with sufficient anticipation.

197. The State must publish the relevant parts of the Judgment, in accordance with paragraph 196(a) of the present Judgment, at least once in each publication within a year of notification of the present Judgment. The State must also broadcast the relevant parts of the Judgment, in accordance with paragraph 196(b), within a year of notification of the present Judgment.

C.2) Measures of Compensation

198. The Court has developed in its jurisprudence the concept of material and immaterial damages and the situations in which said damages must be compensated.[212] Thus, in light of said criteria, the Court will proceed to determine whether measures of pecuniary compensation are warranted in this case, and if so, the appropriate amounts to be awarded.

C.2.a) Material Damages

199. According to the evidence submitted before the Tribunal, a considerable quantity of valuable timber was extracted from Saramaka territory without any consultation or compensation (*supra* para. 153). Additionally, the evidence shows that the logging concessions awarded by the State caused significant property damage to the territory traditionally occupied and used by the Saramakas (*supra* paras. 150-151). For these reasons, and based on equitable grounds, the Court considers that the members of the Saramaka people must be compensated for the material damage directly caused by these activities in the amount of US$ 75.000,00 (seventy-five thousand United States dollars). This amount shall be added to the development fund described *infra* (paras. 201-202).

C.2.b) Immaterial Damages

200. In the previous chapter the Court described the environmental damage and destruction of lands and resources traditionally used by the Saramaka people, as well as the impact it had on their property, not just as it pertains to its subsistence resources, but also with regards to the spiritual connection the Saramaka people have with their territory (*supra* paras. 80-85, and 150-151). Furthermore, there is evidence that demonstrates the suffering and distress that the members of the Saramaka people have endured as a result of the long and ongoing struggle for the legal recognition of their right to the territory they have traditionally used and occupied for centuries (*supra* paras. 64(a), 64(b), 64(c), 64(f), 64(h), 65(a), 65(b), and 65(f)), as well as their frustration with a domestic legal system that does not protect them against violations of said right (*supra* paras. 178-185), all of which constitutes a denigration of their basic cultural and spiritual values. The Court considers that the immaterial damage caused to the Saramaka people by these alterations to the very fabric of their society entitles them to a just compensation.

201. For these reasons, and on equitable grounds, the Court hereby orders the State to allocate US$ 600,000.00 (six hundred thousand United States Dollars) for a community development fund created and established for the benefit of the members of the Saramaka

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212 *Cf. Case of Velásquez Rodríguez, supra* note 205, para. 50; *Case of Cantoral Benavides v. Perú. Reparations and Costs*. Judgment of December 3, 2001. Series C No. 88, paras. 53 and 57, and *Case of Bámaca Velásquez, supra* note 49, para. 43. *Cf.* also *Case of La Cantuta, supra* note 179, paras 213 and 216, and *Case of the Miguel Castro Castro Prison, supra* note 8, paras. 423 and 430.

people in their traditional territory. Such fund will serve to finance educational, housing, agricultural, and health projects, as well as provide electricity and drinking water, if necessary, for the benefit of the Saramaka people. The State must allocate said amount for this development fund in accordance with paragraph 208 of the present Judgment.

202. An implementation committee composed of three members will be responsible for designating how the projects will be implemented. The implementation committee shall be composed of a representative appointed by the victims, a representative appointed by the State, and another representative jointly appointed by the victims and the State. The Committee shall consult with the Saramaka people before decisions are taken and implemented. Furthermore, the members of the fund's implementation committee must be selected within six months from the notification of the present Judgment. Should the State and the representatives fail to reach an agreement as to the members of the implementation committee within six months after notice of the present Judgment, the Court may convene a meeting to resolve the matter.

D) COSTS AND EXPENSES

203. As previously noted by the Court, costs and expenses constitute part of the concept of reparation under Article 63(1) of the American Convention.[213]

204. As such, the Court takes into account that the representatives incurred expenses during the course of the domestic and international proceedings in this case. Consequently, the representatives seek an award of all costs incurred in preparing and pursuing this case domestically as well as before the Commission and the Court. They are not, however, seeking reimbursement of attorney's fees in this case, which they have waived. The Association of Saramaka Authorities seeks reimbursement of costs and expenses incurred during the period of 2000 through 2007 in the amount to US$ 108,770.27. In addition, the representatives requested that the Forest Peoples Programme be awarded an equitable sum of US$ 30,000.00 for their respective costs and expenses.

205. The State argued that there is no justification for an award of costs and expenses in the present case. It further contested the receipts provided by the Association of Saramaka Authorities and asserted that the inconsistencies found in said documentation preclude the Court from reaching an equitable decision in this respect.

206. With regard to the request for an equitable award of US$ 30.000,00 (thirty thousand United States dollars) on behalf of the Forest Peoples Programme for the costs they have incurred in the present case, this Court considers that an equitable and reasonable award of US$ 15.000,00 (fifteen thousand United States dollars) is consistent with amounts ordered by this Tribunal in other cases with similar circumstances, and therefore orders the State to pay said amount directly to the Forest Peoples Programme.

207. The Association of Saramaka Authorities, on the other hand, seeks reimbursement of costs and expenses in the amount to US$ 108,770.27 and submitted receipts that purportedly support said request. This Court has analyzed said receipts and has found several problems with them. For example, the amounts stated in many of the receipts do not correspond with that claimed by the Association. Additionally, many of the receipts were illegible, or missing. The relationship between some of the receipts and the present case is also questionable. Nevertheless, the Court is of the opinion that the Association has

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213 *Cf. Case of Garrido and Baigorria, supra* note 207, para. 79, and *Case of The "White Van" (Paniagua Morales et al.), supra* note 49, para. 212. *Cf.* also *Case of La Cantuta, supra* note 179, para. 243, and *Case of the Miguel Castro Castro Prison, supra* note 8, para. 455.

shown sufficient evidence to support a claim of substantial costs and expenses related to the domestic and international proceedings. In accordance with the Court's own analysis of said receipts, and based on reasonable and equitable grounds, the Tribunal hereby orders the State to reimburse directly to the Association of Saramaka Authorities the amount of US$ 70.000,00 (seventy thousand United States dollars).

E) TERMS OF COMPLIANCE OF MONETARY REPARATIONS

208. The State must allocate at least US$ 225.000,00 (two hundred and twenty five thousand United States dollars) for the purposes of the development fund mentioned in paragraphs 199 and 201 within one year from the notification of the present Judgment, and the total amount must be allocated within three years from the notification of this Judgment.

209. The payments ordered in paragraphs 206 and 207 as reimbursement for costs and expenses incurred by the representatives shall be made directly to each organization within six months from the date of notification of this Judgment.

210. The State may fulfill its pecuniary obligations by tendering United States Dollars or an equivalent amount in the currency of the State, which will be calculated according to the current exchange rate at the New York stock exchange, United States of America, on the day before payment is made.

211. The amounts set forth in the present Judgment as compensations for material and immaterial damage and reimbursement of costs and expenses may not be affected, reduced or conditioned by tax laws currently in force or to take effect in the future.

212. Should the State fall behind in its establishment of the development fund, Surinamese banking default interest rates shall be paid on the amount owed.

213. In accordance with its constant practice, the Court retains its authority, inherent to its attributions and derived from the provisions of 65 of the American Convention, to monitor full execution of this Judgment. The instant case shall be closed once the State has fully complied with the provisions ordered herein. Within one year from the notification of the instant Judgment, Suriname shall submit a report to the Court on the measures adopted in compliance therewith.

IX
OPERATIVE PARAGRAPHS

214. Therefore,

THE COURT

DECLARES,

Unanimously that:

1. The State violated, to the detriment of the members of the Saramaka people, the right to property, as recognized in Article 21 of the American Convention on Human Rights, in relation to the obligations to respect, ensure, and to give domestic legal effect to said

right, in accordance with Articles 1(1) and 2 thereof, in the terms of paragraphs 78 to 158 of this Judgment.

2. The State violated, to the detriment of the members of the Saramaka people, the right to juridical personality established in Article 3 of the American Convention on Human Rights, in relation to the right to property recognized in Article 21 of such instrument and the right to judicial protection under Article 25 thereof, as well as in connection to the obligations to respect, ensure, and to give domestic legal effect to those rights, in accordance with Articles 1(1) and 2 thereof, in the terms of paragraphs 159 to 175 of this Judgment.

3. The State violated, to the detriment of the members of the Saramaka people, the right to judicial protection, as recognized in Article 25 of the American Convention on Human Rights, in conjunction with the obligations to respect and guarantee the rights established under Articles 21 and 1(1) thereof, in the terms of paragraphs 176 to 185 of this Judgment.

AND DECIDES:

Unanimously that:

4. This Judgment constitutes, *per se*, a form of reparation in the terms of paragraph 195 of this Judgment.

5. The State shall delimit, demarcate, and grant collective title over the territory of the members of the Saramaka people, in accordance with their customary laws, and through previous, effective and fully informed consultations with the Saramaka people, without prejudice to other tribal and indigenous communities. Until said delimitation, demarcation, and titling of the Saramaka territory has been carried out, Suriname must abstain from acts which might lead the agents of the State itself, or third parties acting with its acquiescence or its tolerance, to affect the existence, value, use or enjoyment of the territory to which the members of the Saramaka people are entitled, unless the State obtains the free, informed and prior consent of the Saramaka people. With regards to the concessions already granted within traditional Saramaka territory, the State must review them, in light of the present Judgment and the Court's jurisprudence, in order to evaluate whether a modification of the rights of the concessionaires is necessary in order to preserve the survival of the Saramaka people, in the terms of paragraphs 101, 115, 129-137, 143, 147, 155, 157, 158, and 194(a) of this Judgment.

6. The State shall grant the members of the Saramaka people legal recognition of the collective juridical capacity, pertaining to the community to which they belong, with the purpose of ensuring the full exercise and enjoyment of their right to communal property, as well as collective access to justice, in accordance with their communal system, customary laws, and traditions, in the terms of paragraphs 174 and 194(b) of this Judgment.

7. The State shall remove or amend the legal provisions that impede protection of the right to property of the members of the Saramaka people and adopt, in its domestic legislation, and through prior, effective and fully informed consultations with the Saramaka people, legislative, administrative, and other measures as may be required to recognize, protect, guarantee and give legal effect to the right of the members of the Saramaka people to hold collective title of the territory they have traditionally used and occupied, which includes the lands and natural resources necessary for their social, cultural and economic survival, as well as manage, distribute, and effectively control such territory, in accordance with their customary laws and traditional collective land tenure system, and without

prejudice to other tribal and indigenous communities, in the terms of paragraphs 97-116 and 194(c) of this Judgment.

8. The State shall adopt legislative, administrative and other measures necessary to recognize and ensure the right of the Saramaka people to be effectively consulted, in accordance with their traditions and customs, or when necessary, the right to give or withhold their free, informed and prior consent, with regards to development or investment projects that may affect their territory, and to reasonably share the benefits of such projects with the members of the Saramaka people, should these be ultimately carried out. The Saramaka people must be consulted during the process established to comply with this form of reparation, in the terms of paragraphs 129-140, 143, 155, 158, and 194(d) of this Judgment.

9. The State shall ensure that environmental and social impact assessments are conducted by independent and technically competent entities, prior to awarding a concession for any development or investment project within traditional Saramaka territory, and implement adequate safeguards and mechanisms in order to minimize the damaging effects such projects may have upon the social, economic and cultural survival of the Saramaka people, in the terms of paragraphs 129, 133, 143, 146, 148, 155, 158, and 194(e) of this Judgment.

10. The State shall adopt legislative, administrative and other measures necessary to provide the members of the Saramaka people with adequate and effective recourses against acts that violate their right to the use and enjoyment of property in accordance with their communal property system, in the terms of paragraphs 177-185, and 194(f) of this Judgment.

11. The State shall translate into Dutch and publish Chapter VII of the present Judgment, without the corresponding footnotes, as well as operative paragraphs one through fifteen, in the State's Official Gazette and in another national daily newspaper, in the terms of paragraphs 196(a) and 197 of this Judgment.

12. The State shall finance two radio broadcasts, in the Saramaka language, of the content of paragraphs 2, 4, 5, 17, 77, 80-86, 88, 90, 91, 115, 116, 121, 122, 127-129, 146, 150, 154, 156, 172, and 178 of the present Judgment, without the corresponding footnotes, as well as Operative Paragraphs 1 through 15 hereof, in a radio station accessible to the Saramaka people, in the terms of paragraphs 196(b) and 197 of this Judgment.

13. The State shall allocate the amounts set in this Judgment as compensation for material and non-material damages in a community development fund created and established for the benefit of the members of the Saramaka people in their traditional territory, in the terms of paragraphs 199, 201, 202, 208, and 210-212 thereof.

14. The State shall reimburse of costs and expenses, in the terms of paragraphs 206, 207, and 209-211 of this Judgment.

15. The Court shall monitor full compliance with this Judgment, in exercise of its attributes and in compliance with its obligations under the American Convention, and shall close this case once the State has complied fully with its terms. The State shall, within one year as from the date of notification of the present Judgment, provide the Court with a report on the measures adopted to comply with it.

Drafted in English and Spanish, the English text being authentic, in San Jose, Costa Rica, on November 28, 2007.

Sergio García Ramírez
President

Cecilia Medina Quiroga

Manuel E. Ventura Robles

Diego García-Sayán

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alesandri
Registrar

So ordered,

Sergio García Ramírez
President

Pablo Saavedra Alessandri
Registrar