

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 6

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Europe's Last Continental America Colony: French Guiana's Subjugation Struggles

CHRISTOPHER MARK MACNEILL¹

ABSTRACT

This article is an exploration of the history and socio-legal evolution of the relations between the people of French Guiana (an overseas department of France), and France. As French citizens and part of the European Union, French Guiana is the sole remaining colony within South America to have yet obtain its independence. In this paper we shall see how the French Guianese represent a long forgotten people of the Amazon rainforest, and while they may be a study of curiosity or fantasy, they are a people who continue to struggle to gain their place in the world and fulfill their right to self-determination under half a millennial of oppressive colonization.

I. BACKGROUND

Historically, French Guiana represents the last remaining colonial remnant of the French Empire's ambitious and competitive conquest plans in South America.² As a French overseas department, and a territory of the French Republic, it is the last remaining colony of a European country located in the mainland Americas, since Belize gained independence in 1981.³ Furthermore, it is the only officially French speaking nation in South America, represents the largest outermost region within the European Union.⁴

French Guiana is subject to rule by France, it is under the French flag, with the Euro currency and governed by the French constitution and the laws of the European Union. The current population of French Guiana is 299,438, and its current rapid growth rate is expected to continue, based on projections of the latest United Nations data.⁵ See Figure 1 below.

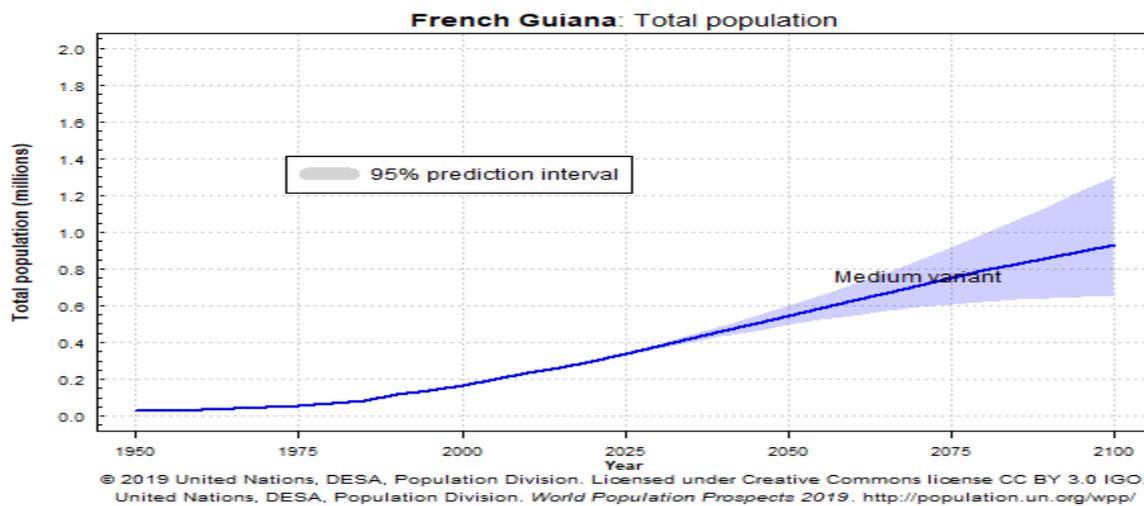
¹ Author is an Alumni at U. Edinburgh School of Law, U.K..

² Wink, Georg, *Anus Mundi or Tout-mond? Franch Guiana: An Uncommon Laboratory of Transculturality*, Freie Universitat Berlin, Alemania, at 4.

³ Worldpopulationreview.com. 2021. French Guiana Population 2021 (Demographics, Maps, Graphs). [online] Available at: <<https://worldpopulationreview.com/countries/french-guiana-population>> [Accessed 3 November 2021].

⁴ Ibid.

⁵ Ibid.

Figure 1

French Guiana sends two elected officials to the French National Assembly and two to the Senate.⁶ The local government referred to as a department of France, is headed by a Prefect and is constituted by a fifty-one member assembly who are duly elected. The main political parties include the Guianese Socialist Party and the Union for a Popular Movement. Other political parties include; the Movement for Decolonization and Social Emancipation, the Guiana Democratic Forces, and the Walwari.

French Guiana is also part of a broader region known as the Guianas, which was discovered by Columbus in 1498.⁷ Prior to European contact the region was homogenous in nature, culturally comprised of similar indigenous peoples and geographically a terrain of rivers, mountains, swamps and coastline and foremost of which is dominated by the Amazon rainforest. For instance, in French Guiana the rainforest covers 98.9% of the country (French overseas department), of that 41% is the Guiana Amazonian Park.⁸

The Guianas region, which includes Guyana (formerly British Guiana), Suriname (formerly Dutch Guiana) and French Guiana, stretches across about nine hundred miles of Atlantic coast in northern South America and extend westerly into the vast expanse of the Amazon rain forest.⁹ The term Guiana is indigenous in origin and means “land of many waters” and aptly describes a region dissected by thousands of rivers and swampland with the habitable and

⁶ Britannica Online Encyclopedia, *French Guiana*, accessed Aug. 6, 2020, at <https://www.britannica.com/print/article219071>

⁷ Browne, Randy M., *The Guianas*, Oxford Bibliographies.

⁸ Worldpopulationreview.com. 2021. French Guiana Population 2021 (Demographics, Maps, Graphs). [online] Available at: <<https://worldpopulationreview.com/countries/french-guiana-population>> [Accessed 3 November 2021].

⁹ Browne, Randy M., *The Guianas*, Oxford Bibliographies.

populated areas laying along the coastline.¹⁰ The broader region of Guiana is also formerly commonly considered to include Portuguese Guiana (now Ampa, Brazil), Spanish Guiana (now Guiana Esequiba and Guiana Region of Venezuela)¹¹ in addition to the British, Dutch and French Guiana's previously described. It is also interesting to note on the examination of the French overseas department's history and demographics, that in lieu of its origins of settlement, that "though geographically part of South America, the Guiana colonies have historically and culturally been considered part of the circum-Caribbean."¹²

The Guianas subsequently became a region of sustained European exploration and conquest, with the English, Dutch and French explorers and empire expansion interests for access to the vast resources of the region amid Spanish claims in the west and Portuguese interest in Brazil in the east.¹³ Within the harsh environs of the Guiana's the Dutch were the most successful early colonizers, establishing trading posts and eventually a colony.¹⁴ From the British the Dutch also captured Suriname where retrospectively and tragically a major slave society was established by the early 18th century.¹⁵

The French began to settle in Guiana (French Guiana) in 1604.¹⁶ The French as well employed slavery as labor was scarce, to fuel the exploration and development of their colonial plans.

The French settled along the coast near the swamp lands and rivers as they were more fertile lands versus the rocky mountains and dense impenetrable Amazon rain forest. This would with time prove a poor choice and French settlers and slaves quickly perished from disease and the elements of the environ they were accustomed to. Two factors contributed to French Guiana's failure as a settled, plantation economy 1. Settlement had been focused on the swampy areas around Cayenne, and 2. Lack of labor¹⁷ as the region was sparsely populated other than the indigenous people and because of the lack of industry and market size was not attractive to slave traders who otherwise would be a source of labor for development. As well, access to Cayenne was difficult because "the harbor was substandard and difficult to navigate, the prevailing winds and currents made it easier to travel to the islands of Martinique and

¹⁰ Ibid

¹¹ <https://worldpopulationreview.com/countries/french-guiana-population>

¹² Browne, Randy M., *The Guianas*, Oxford Bibliographies.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ James, Ian, *In French Guiana, Identity Clashes With Colonial History, Multitude of Cultures*, Guelph Mercury, Ontario, Canada, January 7, 2003.

¹⁷ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 56.

Guadeloupe.”¹⁸

The French soon began to make note of British successes with populating colonies such as Australia by assigning the incarcerated and the indigent to these regions and France began to build prisons and French Guiana became its penal colony.

Amid the settlement struggles of all three Guiana’s there were during the period many wars among the three northern European powers and which saw a frequent renegotiation of treaties which included sovereignty recognition and assignment of territorial interests formed resulting in the power structure and boundaries we see with the three Guiana’s today.¹⁹ This region thus developed with “a complex and unique history that has formed the known as Guiana, one of the most unique places in the world.”²⁰

While many of us may consider colonialism a relic of past imperial empires, very arguably there are still visible remnants of it today, whether it be Greenland which is part of the Danish Commonwealth, or St. Pierre et Miquelon, France’s dependent territory in the North Atlantic just 90 kilometers off the coast of Newfoundland and its last visible hold on North America, or French Guiana in South America which presently is governed as a department of France. Thus, in many ways the colonial period of discovery, resource extraction and subordinated administration associated with colonialism “lives on in this remote corner of the world, and that it has not yet ended.”²¹

Guyana, French Guiana, and Suriname were in many ways a relatively homogenous, single “Guiana” before European contact.²²

*“The “opening hand” dealt to each of the future administrators featured a sparse, generally uniform indigenous culture... physically, the area also possesses a high degree of uniformity, with geographical, geological, and ecological similarities that warrant calling the whole region by one name.”*²³

However, after four hundred years of European colonization, these three entities formerly

¹⁸ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 56.

¹⁹ “...the Guianas made easy trading pieces at the diplomatic negotiating table.” Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 6.

²⁰ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 2.

²¹ Ibid.

²² Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 3.

²³ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 3.

known as British Guiana, French Guiana, and Dutch Guiana have developed widely differing societies, and now possess little in common.²⁴

The history of the Guianas and their settlers suggests “a fascinating story from a little-known corner of the world – a microcosm of the political and military struggles of Western Europe from the late sixteenth century to the present day.”²⁵ Essentially, Europe was introduced and awakened to the region’s bounty and its potential, and Guiana represented something different – a New World within the New World.²⁶

II. BRITISH EXPULSION OF THE ACADIANS AND FAILED RE-SETTLEMENT IN FRENCH GUIANA

The 1750s and 1760s was a period of great geopolitical upheaval in the Americas.²⁷ The Seven Years’ War (1754-1763) saw Britain and France clash for control of the North American continent and threatened France’s global position and South American interests to expand their empire.²⁸ Ultimately, the war brought about dramatic changes in the Americas, including the expulsion of the Acadians after 1755.²⁹

“Britain rounded up and deported the Acadians of Nova Scotia to France and the Thirteen Colonies because they refused to swear an unconditional oath of allegiance to the British Crown. The Acadians were willing to swear a conditional oath to Britain that would grant them freedom to practise Catholicism, but not commit them to take up arms in imperial conflicts. Acadians in the French colonies of Île Royale (present-day Cape Breton) and Île Saint-Jean (present-day Prince Edward Island) were also deported following the British siege of the French fortress of Louisbourg in 1758.”³⁰

²⁴ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 3.

²⁵ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 6.

²⁶ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 6.

²⁷ Morris, *supra* note 29, at V, FN 1. “The Northeast is defined as the area east of the St. Lawrence River from Gaspésie to the Atlantic Ocean, including present-day Cape Breton Island and Newfoundland, as well as New England to the south.”

²⁸ *Ibid*, at V.

²⁹ <https://mynewbrunswick.ca/fort-beausejour/>. Consider also “Fort Beauséjour was located on the Chignecto Isthmus, which connects the present-day Canadian provinces of Nova Scotia and New Brunswick. Acadian refers to the French-speaking population of the present-day Canadian Maritime provinces. The Acadians developed a unique identity of themselves as a result of the colony of Acadia/ Nova Scotia constantly changing hands throughout the seventeenth and eighteenth centuries. The Acadians came to believe that both France and Britain viewed them as pawns in an imperial struggle.” Morris, *supra* note 30, at FN 2.

³⁰ Morris, *supra* note 29, at FN 3. “(Louisbourg was strategically positioned on the tip of present-day Cape Breton Island so that it could bar entry into the Gulf of St. Lawrence and protect Canada and Île Saint-Jean from naval attack. Louisbourg was also intended to serve as a base for the French Atlantic fishery and disrupt New England shipping.”

As the British/French clash for control of America continued amid the seven years war, by the end of 1760 Québec and Montréal also fell under siege and into British hands, which spelled the end of the French Colonial Empire in North America.³¹

III. ACADIAN EXILE DESTINATION: FRENCH GUIANA³²

In 1762, to strengthen the remaining colonial interests of France and prior to the signing of the Treaty of Paris and the end of the Seven Years War in 1763, Etienne Francois, duc de Choiseul, the French Minister of Foreign Affairs, wanted to revitalize what remained of the French empire.³³

While colonists were readily found for the Antilles, finding people, including the recently exiled and displaced Acadians, to settle in the harsh tropical climate and distant malaria infested Guiana of South America proved much more troublesome. So, the French officials offered bigger incentives and tried to find recruits in other countries. The results were the better than expected, with thousands of Germans volunteering for the trip along hundreds of Acadians representing the first migrant waive with thousands more to follow in short due course after.³⁴

“Starting in 1763, thousands of settlers began arriving at the colony. Eventually, some Acadians submitted to the offer. Suggestions (and incentives) were made for ships to bring Acadian exiles (in the American colonies) to the colony. Hundreds of Acadians made their way to the colony from France. There were even 100 Acadians who left Miquelon in 1765 and sailed to Cayenne, Guiana. The arriving settlers found that things were not running smoothly. Upon reaching the colony, many died of disease while awaiting transportation to their settlements. There were too many people arriving too fast. The colony wasn’t prepared to handle the 9000 settlers that had arrived by 1765. In addition, the officials in France were not supporting the colony financially.”³⁵

The 1763 Treaty of Paris had stripped France of an enormous chunk of its North American holdings and caused “a renewed desperation in the monarchy to establish successful colonies

³¹ The Treaty of Paris ended the Seven Years’ War in 1763, and resulted in France ceding the vast majority of its North American empire to Britain, with the exception of retaining the islands of Saint-Pierre and Miquelon, located twenty-five kilometres from the south coast of Newfoundland. *Ibid*, at V.

³² <http://www.acadian-cajun.com/exfrgu.htm>

³³ “He saw the Acadians as potential colonists to be sent to the French Caribbean and elsewhere. In late 1763 he began a propaganda campaign designed to entice the displaced Acadians to the jungles of Cayenne (French Guiana) on the north coast of South America. Several hundred were lured there by descriptions of a tropical paradise. Almost all of them fell prey to the heat and humidity.” <http://www.acadian-home.org/acadian-cajun.html>

³⁴ <http://www.acadian-cajun.com/exfrgu.htm>

³⁵ <http://www.acadian-cajun.com/exfrgu.htm>

elsewhere.”³⁶ Coastal Cayenne³⁷, was chosen as the settlement destination in French Guiana, and “France dispatched over nine thousand colonists, including recently displaced Acadians and other French Canadians, to the Cayenne area, following with several thousand more to a new colony at Kourou the following year.”³⁸ See Figure 2.

Figure 2³⁹



For instance, in October 1763, 12 ships transported 1,736 colonists to Cayenne in October of 1763.⁴⁰ Many of these French colonists were Acadians “seeking a new and peaceful life once again, especially out of range of the British, went onto this venture. The colonization with the Acadians failed. The climate and environment was not favorable to them and many died. Some moved on to Louisiana.”⁴¹ Of a large Cayenne census subsequently taken in 1765, “one hundred and thirty-eight were Acadians. Sixty-two had been exiled from Acadie in 1755, fifty had been in Louisburg and twenty-six had been deported from Ile St-Jean. It is those 138 that

³⁶ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 57.

³⁷ Note: “The cayenne pepper is a cultivar of *Capsicum annum* and is said to have originated in Cayenne, French Guiana. The spice is produced by drying and grinding the orange to deep-red fruits and derives its piquant flavour from the chemical capsaicin.” www.britannica.com

³⁸ Ibid. “A combination of disease and mismanagement claimed over fourteen thousand lives and cost nearly thirty million livres.”

³⁹ <http://acadian-home.org/French-Guiana.html>

⁴⁰ <http://acadian-home.org/French-Guiana.html>

⁴¹ <http://acadian-home.org/French-Guiana.html>

are posted here. Many had married while exiled to France.”⁴²

It is also noted that “between November 1764 and January of 1765, some Acadians and Germans arrived at Cap Français, taking colonial officials completely by surprise apparently. They had arrived in Cayenne before the correspondence from France.”⁴³ This group was subsequently sent to Mole St-Nicolas with the Acadians stationed there and approximately one thousand Germans of whom three quarters perished in the coming year settled inland from there. Mole-St-Nicolas which is located at the far point of what was an under populated northern peninsula of Santo-Dominique, and at the time considered one of the new world’s strongest naval stations, and the surviving Germans from the inland settlement experiment were then relocated to be integrated with the Acadians sent there a year earlier. “Unfortunately, the Germans and the Acadians did not get along, and Fuzee Aublet, director general of the Mole, separated them.”⁴⁴ Subsequently, some 300 of the Acadians moved on to Louisiana.⁴⁵

Faced with extreme conditions, disease, death and complete despair accompanied by lack of support by France thousands of colonists fled and returned to France and elsewhere.⁴⁶ “By the late 1780’s, there was only one Acadian family in the colony,”⁴⁷ and by 1794 the census “does not show a single Acadian name.”⁴⁸ Of the initial 12,000 settlers only 2000 had survived.⁴⁹ So, what was supposed to provide redemption of the French experience in the New World instead became the latest and largest in a series of it’s “Colonial failures from which the French imperial psyche would struggle to recover. The failures confirmed the French government’s long-held suspicion that French Guiana was “uncolonizable””⁵⁰ From these failed settlement attempts a myth began to emerge about Guiana among the French – that “rather than a land of gold and opportunity, the Wild Coast was a tomb.”⁵¹

IV. COLONIZATION ON THE BACKS OF SLAVERY & CONVICT LABOR

(A) Failed Plantations and Emergence as a Penal Colony

Jews of Dutch origin fleeing Brazil in 1656 set up the first sugar mills near Cayenne and

⁴² <http://acadian-home.org/French-Guiana.html>

⁴³ <http://acadian-home.org/French-Guiana.html>

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ <http://www.acadian-cajun.com/exfrgu.htm>

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ <https://worldpopulationreview.com/countries/french-guiana-population>

⁵⁰ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 57.

⁵¹ Hoyles, Joshua R., *Guiana and the Shadows of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 57.

introduced sugarcane to French Guiana.⁵² As French Guiana struggled to find and retain settlers and labor sugar production from these early plantations only played a secondary role in the colony's economic activity throughout the eighteenth century. Initially, agriculture was confined to the 'high' lands which were not flooded by the tides, unlike the 'low' lands along the coast and rivers. Circa 1780s "agriculture started to develop in the low lands, which were incomparably more fertile and thus held out the prospect of far better yields."⁵³

In 1783 a large sugar plantation in the lowlands, Le Collège, along the Approuague got under way.⁵⁴ This was the property of the King of France and nearly 200 slaves worked there.⁵⁵ It was designed and intended as a model plantation. Many colonists were attracted by this fertile land and followed the plantation's example. E.g. by 1788 there were 17 plantations on the left bank of the river.⁵⁶

*"After the first abolition of slavery (1794) subsequently reintroduced by Napoleon in 1802, and then the occupation by the Portuguese from 1819 to 1817, sugar production looked like the solution for the fragile future of the colony. It gave rise to new hope and major investment in the 1820s and 1830s, including the purchase and installation of steam machinery."*⁵⁷

By 1834 the production of Guianese sugar peaked and held nearly one third of the slave population. E.g. a total of 5714 slaves working on 56 plantations covering a total area of 1861 hectares.⁵⁸ To sustain these properties, operations and the itinerant slaves requisite for growing sugar thus was only viable and sustainable for wealthier colonists who typically also carried significant social, economic and political clout. The main sugar centres were at "Cayene (Remire), the Torcy canal, the Kaw river, and especially the Approuague."⁵⁹

(B) The Sugar Crisis And The End Of The Slave System

By the 1830s sugar had become the main source of wealth for French Guiana. Although, this did not last long.

⁵² Goergen, Philippe and Hanriot, Damien, *Geographic Guianas*, November 2008,

The forgotten remains of the Approuague : Industrial treasure

<http://www.guianas-geographic.com/article-en/history/the-forgotten-remains-of-the-approuague-industrial-treasure/>

⁵³ Goergen, Philippe and Hanriot, Damien, *Geographic Guianas*, November 2008,

The forgotten remains of the Approuague : Industrial treasure

<http://www.guianas-geographic.com/article-en/history/the-forgotten-remains-of-the-approuague-industrial-treasure/>

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid. "Each plantation had at least 50 slaves, and the largest had nearly 300."

⁵⁹ Ibid.

“In 1838 a severe crisis hit the global sugar economy due to overproduction. Beetroot emerged as a rival to cane. In France the preferential import duties for colonies were rapidly dismantled. The sugar system in French Guiana was far too weak to be able to withstand this – Guadeloupe for example produced 20 times more sugar.⁶⁰ Internal factors added to these external ones. The introduction of steam machinery did not make up for the inability of the colonists in French Guiana to produce quality sugar and rationalise their production system. The system of centralised mills which saved the industry in the Antilles was not adopted in French Guiana, which tended to stick to archaic techniques for cooking the sugar.”⁶¹

Furthermore, while the sugar industry had prospered in the Caribbean and Latin America, during the later part of the eighteenth century there was nevertheless a swift and strong undercurrent social change ongoing as well. This emanated from the Seven Years War 1756-1763, between Britain and France (primarily in North America and the colonies), the 1775-1783 American War of Independence, the French Revolution 1789-1799⁶² (over throw of the French throne and establishment of a Republic), and revolution in Haiti 1791 and Cayenne in 1796.⁶³ The two wars and the French Revolution weakened the French and British empires and strengthened relatively the colonies of the new world who were also emboldened by opportunity for independence and freedom from imperialism. These values transcended across the New World to colonies and people of imperial oppression giving hope for freedom, where previously only abuse and despair were resident. This led to a prevalent and pervasive rising tide of social change during this period, as was demonstrated in Haiti and Cayenne who in these rebellions against slavery embraced the causes of (a) the enfranchisement of free people of color and (b) the abolition of slavery,⁶⁴ which would soon end the sustainability of the sugar industry in French Guiana and slavery around the world.

When the new National Assembly of France issued the “Declaration of the Rights of Man and of the Citizen” in 1789, it did not immediately end slavery because it was both difficult to interpret with consistency and clarity, and also proved difficult to enforce in the distant colonies where colonial administrators control their own ‘micro’ regimes. In the first instance, while Article 1 of the constitution stated “that “men are born and remain free and equal in rights,” it was reasonably understood to abolish racial discrimination, slavery and the slave trade because

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Wink, Georg, *Anus Mundi or Tout-mond? French Guiana: An Uncommon Laboratory of Transculturality*, Freie Universität Berlin, Alemania, at 7.

⁶⁴ Girard, Philippe, *What's in a Name? Slave Trading during the French and Haitian Revolutions*, William and Mary Quarterly, 3d ser., 76, no. 4, October 2019 at 768.

there could only be “free men” in “any territory subject to French laws.”⁶⁵ Nevertheless, the colonial hegemony countered “that Article 17 described property as an inalienable right: because a slave, in their view, was property, the declaration actually barred any abolition measure.”⁶⁶

The French National Assembly was new in its revolutionary hatched powers and did not initially settle the legal challenge as to whether slaves were men or property. Furthermore, in 1790 it promised “not to interfere with “any branch of colonial trade (a euphemistic reference to the slave trade) because only colonial assemblies had authority on the matter.”⁶⁷ Thus, as the new revolutionary government came to power its introduction to the abolition of slavery, its application and enforcement within the domains of its laws was gradual, incomplete and reactionary to colonial events and lobbying.⁶⁸ For instance, in 1793 the Declaration of the Rights of Man and of the Citizen was revised to specify that a man cannot sell himself or be sold.” However, this too failed because it was argued that it did not apply to the colonies.⁶⁹

As history shows the French slave trade did not end in the 1790s and “it simply mutated to evade the laws passed in Paris.”⁷⁰ For instance, in French Guiana and other colonies particularly the Caribbean “where the abolition of slavery had taken effect, a regional slave trade emerged. Colonies that had once been destinations for British and Dutch slave traders now were shipping out unfree laborers,”⁷¹ rather than free them. Essentially, planters and officials “who refused to acknowledge the new emancipationist order”⁷² opportunistically used it as a means of financial mitigation by selling their black laborers whom had been freed, against their will, to territories where they would be bought and or forced to work.⁷³

The planters and colonial officials became even further inventive and began categorizing where they could slaves as fugitives or political prisoners so that they could be held captive via incarceration and made to work.⁷⁴ The colonies also created a system known as the ‘cultivator system which helped lead to a partial revival of the plantation economy as indentured labor was retained under this system, because although slaves were freed they were contractually

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid, at 769.

⁶⁹ Ibid.

⁷⁰ Ibid, at 773.

⁷¹ Ibid, at 771-772.

⁷² Ibid, at 772.

⁷³ Ibid, at 773.

⁷⁴ Ibid, generally.

tyed to the plantation as a ‘cultivator’.⁷⁵ While paid a wage to consummate the contract they were not permitted to leave their positions.⁷⁶

Unfortunately, French colonial administrators were sympathetic with the plantation owners and treated the French Guiana as an infant or incubator plantation society and a practice of informal slavery continued despite the law,⁷⁷

*“while the support of complete abolition faded with the short-lived power of the revolutionaries. Napoleon, recognizing the need for cheap (or, better yet, free) labor, reinstated slavery in the colonies in 1802. In nine short-years, slaves in French Guiana changed status from slave to free, then back to slave again.”*⁷⁸

V. THE CREOLE AND BUSHINENGE PEOPLE

The revolutionary era of political rebellion and change, and instability of the new French Republic was followed by the reign of Napoleon (1799-2015),⁷⁹ and the revival of slavery (1802-1803).⁸⁰ Along with the subsequent subjugation of French Guiana to Portuguese rule (1809-1817),⁸¹ this period saw a lot of governance transitions, conflict and societal instability which seeded further resistance to oppression and an increasing flight of slaves and indentured serfs, in serfdom’s many varied forms.⁸²

The flight of slaves is referred to as ‘marronage’ is considered a “foundational social movement In French Guiana from which new Afro-Creole politics emerged.”⁸³ The dense Amazon Rainforest and remote marches and river banks offered safe refuge for slaves and indentured servants of African descent brought to South America and the neighboring Caribbean from distant lands. Soon ‘maroon’ communities developed in French Guiana and elsewhere and represented a bane of frustration for the imperial powers who were unable to penetrate and control these remote swathes of territory.⁸⁴

“In post-revolutionary French Guiana, the practice of hunting, capturing, imprisoning,

⁷⁵ Ibid, at 780.

⁷⁶ Ibid.

⁷⁷ Hoyles, Joshua R., *Guiana and the Shadow of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 57.

⁷⁸ Ibid.

⁷⁹ <https://www.biography.com/dictator/napoleon>

⁸⁰ Speiler, Miranda. “Slave Flight, Slave Torture, and the State: Nineteenth-Century French Guiana.” *French Politics, Culture & Society*, vol. 33, no.1, 2015, pp. 55-74, at 56. JSTOR, www.jstor.org/stable/26378217. Accessed 6 Aug. 2020, at 56.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

feeding, killing, and redistributing fugitive slaves taken from the forest played a central role in producing the imperial state as it existed then. In the end, the state cannot be written out of the story of slave flight without mystifying the lives of fugitives and the structure of power in the colony.”

Ironically, French Guiana and other French overseas territories were during this period of wars, revolutionary, and more wars were administratively run by colonial officials as a “distinct form of martial despotism. Essentially these colonial administrations purposively ignored France’s revolutionary constitution and the introduction of the Napoleonic Code (1802-03) which “forbade privileges based on birth, allowed freedom of religion, and stated that government jobs must be given to the most qualified.”⁸⁵ (The Napoleonic code would subsequently become a main basis for many nations’ civil codes in Europe and North America).⁸⁶

With French military expansion in European and rival imperial wars Napoleon Bonaparte was not focused on control and management of the French colonies, re-introduced slavery and colonial matters largely for colonial administrators to deal with. In fact, during this period history shows that in part to raise funds for war, Napoleon sold France’s North American Louisiana Territory to the U.S. for \$US15 million, a transaction known as the Louisiana Purchase and thus parting with France’s huge territorial interest in the United States.⁸⁷ Also during this period, “the lack of both municipal institutions and a planter legislature in French Guiana left Restoration-era governors free to act without any institutional challenge to their authority.”⁸⁸

In 1822, Guiana’s governor, Pierre -Clement de Laussat, ordered a hunt for ‘maroons’ who had lived undisturbed in remote growing villages for two decades. “They were remnants of the massive evasion that occurred during the revival of slavery 1802-1803 when whole families took to the forest.”⁸⁹

While slavery was abolished and abolition enforced elsewhere in the world, in 1820 the French Department of the Navy and Colonies chose Guiana as the destination for all slaves seized aboard illegal ships by the Navy while enforcing the ban on the trade.⁹⁰

“Of the 5,142 Africans known to have disembarked from slave ships in Guiana between 1815-

⁸⁵ <https://www.biography.com/dictator/napoleon>

⁸⁶ <https://www.biography.com/dictator/napoleon>

⁸⁷ <https://www.biography.com/dictator/napoleon>

⁸⁸ Speiler, Miranda. “Slave Flight, Slave Torture, and the State: Nineteenth-Century French Guiana.” French Politics, Culture & Society, vol. 33, no.1, 2015, pp. 55-74, at 56. JSTOR, www.jstor.org/stable/26378217. Accessed 6 Aug. 2020, at 57.

⁸⁹ Ibid.

⁹⁰ Ibid, at 59.

1830, over 3200 were slaves.

*“From a legal standpoint, these people called noires de traite differed from contra-band slaves. If you were contraband, someone could buy you. If you were a noire de traite, your value was inestimable (or non-existent). African captives sized at sea by the Navy while enforcing the abolition of the slave trade did not have a price and could not be sold. On arrival at French Guiana, they became n gres du roi – slaves of the king.”*⁹¹

This designation of Guiana as a receiving point for noire de traite in 1830 began to shape its post-revolutionary shape as a state. The slave system clearly played a large role in populating and source cheap labor for the development of this remote rugged territory. “It was with the abolition of slavery in 1845, and the subsequent dispersion towards isolated farming areas followed by the gold rush that a distinct Creole culture was born.”⁹² The term Creole initially connoted white colonists born away from the homeland, and is now used in Latin America, Caribbean and Louisiana to refer to “any degree of mixing between Whites and Blacks.” Today, while there are hardly any White Creoles left, the Creole are the largest group in Guiana, living largely along the coast where they are the local power.⁹³

(A) Bushinenge⁹⁴

Like the Creoles, and for some indistinguishably, the Bushinenge (Blacks of the forest) are a product of the slave system. Also formerly called Refugee Blacks and Maroon Blacks today they are designated as Bushinenge.

*“The different groups which can be found in French Guiana are the Ndjuka, the Paramaka, the Aluka and the Saramaka, although for the most part they live in fact on the border between Suriname and French Guiana. These people have created their own specific society where their African roots are apparent; as in the social organization of the clans, the succession lines, and the important part the maternal uncle plays in the children’s education.”*⁹⁵

The majority of these Bushinenge Creoles were first generation slaves who very likely once free from control of their masters, as groups of uprooted people in the Amazon interior of the Guiana’s bordering Suriname and French Guiana formed new tribes and conserved their African heritage with which they were deeply rooted.⁹⁶

⁹¹ Ibid.

⁹² deGruyter, Walter, *Sociolinguistics*, Volume 3, July 14, 2008, p. 2099.

⁹³ Ibid.

⁹⁴ Carlin, Eithne B., et al., editors. *In and Out of Suriname: Language, Mobility and Identity*. Brill, 2015. *JSTOR*, www.jstor.org/stable/10.1163/j.ctt1w76x18. Accessed 9 Aug. 2020.

⁹⁵ deGruyter, Walter, *Sociolinguistics*, Volume 3, July 14, 2008, p. 2109.

⁹⁶ Ibid.

The Penalization of French Guiana

The official end of slavery also spelled the end of yet another attempt by France to colonize French Guiana, the first being the failed immigration of supplanted Acadians and Germans, strong armed or lured there by France, followed by the plantation period in which the French government had hoped for success with growing a Guianese sugar industry, as was prevalent in the Caribbean and other neighboring South American nations. But alas, French Guiana was 90-95% Amazon Rainforest and a difficult location in which to recruit migrants or slave traders and to retain people and slaves. With the end of the slave trade, French Guianese planters lost the essential support and supply of cheap labor they had relied on and the plantations which were already withering away from slave flight, capitulated.

Because French Guiana suffered “a terrible start, the French government was often perplexed regarding how to administer and improve it.”⁹⁷ What came next with colonial experimentation in French Guiana, is essentially a metamorphous of indentured labor that had been used to help sustain the colony, reincarnated alternatively as prison labor and “the second half of the century can best be described as a period of “penalization”.”⁹⁸

In the mid nineteenth century, France emulating Britain’s success with penalizing Australia set up prisons, on mainland French Guiana and three of its island (including Devil’s Island of the prisoner memoirs movie *Papillon* fame)⁹⁹. It rapidly became used and known for over a century to follow as a penal colony. Approximately 50,000 prisoners were transported to Devil’s Island itself during its operation between 1852-1953, and fewer than 10% survived their sentence.¹⁰⁰ It is also noted that more than 70,000 French convicts were deported to French Guiana and imprisoned in dreadful conditions and forced labor mining gold and cutting the forests, between 1852 and 1939.¹⁰¹

VI. FROM SLAVERY AND PENALIZATION TO A MODERN EUROPEAN SPACE LAUNCH

PAD

Under world condemnation of France’s penalization of French Guiana, and its subsequent closures of the prisons, during the post World War II period, 1946 France made French Guiana

⁹⁷ Hoyles, Joshua R., *Guiana and the Shadow of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 56.

⁹⁸ Hoyles, Joshua R., *Guiana and the Shadow of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 56.

⁹⁹ Prengaman, Peter, *From Prison To Paradise, Once Known For Criminals and Malaria, French Guiana Now Promises Visitors Beaches, Eclectic Culture – and Good Health*, The Globe and Mail (Canada)

¹⁰⁰ <https://worldpopulationreview.com/countries/french-guiana-population>, July 30, 2005.

¹⁰¹ Britannica Online Encyclopedia, *French Guiana*. Accessed August 7, 2020 at <https://www.britannica.com/print/article/219071>

a department of France.¹⁰² With its colonial economy stagnating, in 1964 President Charles DeGaulle selected Guiana for the construction of the European Space Agency base and creation of a New Town at Kourou, 1968.¹⁰³ Kourou has grown considerable since its founding and with the government sourced employment income has bolstered French Guiana's economy to the point whereby regionally Guiana is an immigrant destination for Haiti, Surinamese and others.

Just five degrees north of the equator,¹⁰⁴ the space station has become a standard facility for the launch of satellites into space for the growing telecommunications industry.

Today French Guiana's economic activities are a blend of:

*“Traditional activities are fishing, mining (extracted gold is the region's leading export), forestry (export of timber to the national market: Guadeloupe, Martinique, metropolitan France), construction, agriculture (market garden produce, citrus fruits, cassava, rice, sugar cane and flowers) as well as rice cultivation. Its growth activities are space exploration (the Kourou Space Centre was opened in 1968), tourism (ecotourism, cultural tourism (carnival) and business travel), tax and finance.”*¹⁰⁵

VII. THE AMERINDIANS

French Guiana has common borders with Brazil (Portuguese Guiana) and Surinam (Dutch Guiana). Ninety four percent of its territory is equatorial rainforest of the Amazon. It is along these riverbanks and within the rainforest can be found the traditional communities of the Amerindians. Pre-European contact there were forty or so tribes, of which today there are only six tribes remaining. “Like other Native American tribes, they fell prey to the diseases imported from Europe. However, they did not suffer because of forced labour and slavery. The kings of France excluded them from servile work and gave them the status of free men.”¹⁰⁶

Threatened for a long time with physical extension these remaining tribes representing a population of approximately five percent (10,000) in French Guiana which include; the Palikour, the Lokono, the Kali'na, the Wayana, the Teko and the Wayampi,¹⁰⁷ have “during

¹⁰² James, Ian, *In French Guiana, Identity Clashes With Colonial History, Multitude of Cultures*, Guelph Mercury, Ontario, Canada, January 7, 2003.

¹⁰³ <https://worldpopulationreview.com/countries/french-guiana-population>, July 30, 2005.

¹⁰⁴ James, Ian, *In French Guiana, Identity Clashes With Colonial History, Multitude of Cultures*, Guelph Mercury, Ontario, Canada, January 7, 2003.

¹⁰⁵ European Union Regional Policy, *The Outermost Regions European regions of assets and opportunities*, Accessed Aug 10, 2020 at https://ec.europa.eu/regional_policy/sources/docgener/presenta/rup2010/brochure_rup_en.pdf

¹⁰⁶ deGruyter, Walter, *Sociolinguistics*, Volume 3, July 14, 2008, at 2101.

¹⁰⁷ GITPA, *Amerindians of Guiana*, accessed Aug. 7, 2020 at Gitpa.com/people_GITPA_500/gitpa500-2-guyane.htm

the past fifty years, grown spectacularly in terms of demographics.”¹⁰⁸ Thus, the colonial imposition of the borders along the rivers created a division of the Amerindians making the maintenance of tribal unity a challenge.¹⁰⁹ While many Amerindians, particularly those along the coast are westernized they maintain a strong link with their culture and many of the communities maintain a traditional subsistence lifestyle of hunting, fishing, slash-and-burn agriculture, and gathering.¹¹⁰

While French Guiana has been experiencing on going immigration in recent years as mentioned, it is interesting to note that despite strong growth in Amerindians population they are in fact migrating to Brazil as well. “While they are citizens like everybody else in French Guiana – as long as they are registered, otherwise they become sans-papiers-, thanks to the affirmative indigenous of Brazil in the 1990s, they own the rights to five demarcated terras indigenas in Amapa, covering 8% of the state.”¹¹¹ Furthermore, to identify a possible motive for the movement of Amerindians near the Brazil/French Guiana border to the newly designated Amerindian territories of Brazil it can be noted that “those living in the interior of Guyana in the Amazon rainforest along the great rivers Maroni and Oyapock, lived in deplorable conditions, no drinking water or electricity, no public services in the villages, no jobs, no prospects, with two particularly worrying factors for the health and their future,”¹¹² that includes: (a) a suicide rate seventeen times higher than in metropolitan France, particularly among the Amerindian youth, and (b) among the world's most mercury contaminated river and food chain in the world. Due to clandestine gold panning.¹¹³

For the past thirty years, France has done nothing for the living conditions indigenous populations of French Guiana. Furthermore, French Guiana has run into political resistance from Brazil whereas the annual production of ten tonnes of gold from illegal mining is worth approximately 350m Euros and illegal Brazilian miners and media say it is justified because Brazil is poorer on a per capita basis than French Guiana who annually receives transfer payments from the European Union's Structural Fund of about 150m Euros.¹¹⁴

¹⁰⁸ deGruyter, Walter, *Sociolinguistics*, Volume 3, July 14, 2008, at 2101.

¹⁰⁹ Ibid.

¹¹⁰ GITPA, *Amerindians of Guiana*, accessed Aug. 7, 2020 at Gitpa.com/people_GITPA_500/gitpa500-2-guyane.htm

¹¹¹ Wink, Georg, *Anus Mundi or Tout-mond? French Guiana: An Uncommon Laboratory of Transculturality*, Freie Universitat Berlin, Alemania, at 9-10.

¹¹² GITPA, *Amerindians of Guiana*, accessed Aug. 7, 2020 at Gitpa.com/people_GITPA_500/gitpa500-2-guyane.htm

¹¹³ Ibid.

¹¹⁴ Wink, Georg, *Anus Mundi or Tout-mond? French Guiana: An Uncommon Laboratory of Transculturality*, Freie Universitat Berlin, Alemania, at 5-6.

*“The illegal exploitation of gold in the French Amazon rainforest has disastrous consequences on the environment. From 10,000 to 20,000 illegal gold diggers operate in Guyana and create permanent insecurity that the police have difficulty managing in such a vast area. For Amerindian populations, the reality of gold panning is a veritable state of war, aggravated by the destruction of the environment. According to the World Health Organization, the Amerindians of Haut-Maroni are among the most affected in the world by mercury contamination.”*¹¹⁵

However, there is hope as regional politics have become geared toward ecological sustainability (e.g. in 2009 French Guiana general election 25% voted in favor of the ‘green list’).¹¹⁶ It seems the French overseas department now has the goal of becoming the “Botanical Garden of France,” and have commenced promoting tourism and in 2007 signed a deal with Amapa to establish the largest rainforest conservation area in the world with the Parc Amazonien.¹¹⁷

In 2007, France also ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), but not ILO Convention 169.¹¹⁸ Thus, “it only recognizes Areas of Collective Land Use Rights, concessions and transfers. These areas cover 8% of the area of Guiana and give a simple right to the use of the land.”¹¹⁹ Nevertheless, the indigenous people of French Guiana, long ignored and or “considered exotic objects of curiosity, study or fantasy, these people from colonization are still fighting to gain their place” and as we shall see below have been recently making progressive and direly needed gains in protecting them from domestic laws unsuited to their realities, and the protection of their human rights, health and welfare.

VIII. POVERTY IN FRENCH GUIANA

The lack of awareness for poverty, human rights violations and ecological disaster in French Guiana is in part exasperated by the fact that it is a French territory and part of France, and separate statistics from the United Nations or the World Bank are not given for French Guiana individually. From this it would seem that French Guiana does not merit much relevant importance among the international community, and we can only hope that this attitude will

¹¹⁵ GITPA, *Amerindians of Guiana*, accessed Aug. 7, 2020 at Gitpa.com/people_GITPA_500/gitpa500-2-guyane.htm

¹¹⁶ Wink, Georg, *Anus Mundi or Tout-mond? French Guiana: An Uncommon Laboratory of Transculturality*, Freie Universitat Berlin, Alemania, at 6.

¹¹⁷ Ibid.

¹¹⁸ Berger, David N., *The Indigenous World 2019*, International Work Group For Indigenous Affairs, Copenhagen, Denmark, 2019.

¹¹⁹ Ibid.

change. “French Guiana remains a remarkably insignificant artifact of the political landscape – rarely noticed by most of France, let alone anyone else – as well as one of the least settled regions of the world.”¹²⁰ See Figure 3.

Figure 3: Poverty Facts: French Guiana¹²¹

An unemployment rate of 30.5% and 36% for women, 2010.
26.5% of households below the poverty line
Infant mortality rate at 11.6 per 1000 live births, 2008-2010.
Endemic Malaria, 3345 cases in 2009. Yellow fever & Dengue also endemic.
Highest rate of HIV within France, with double the rate of mainland France.
High cost of food & living expenses, with 90% of food imported from mainland France.
Only 7.8% of population held university diplomas, 2010. Of those many represent French immigrants.
Only 27.9% of households had enough money to be taxed, 2010.
Suicide rate at 17 times mainland France.

(A) French Guiana Protests & Social Movements: 1995-2020

It’s difficult to clearly identify when the current social movement that has gripped French Guiana commenced. It may well deep a long deep seeded pent up social frustration with colonial style governance and oppression which continues to administratively and socio-economically plague its people. While neighboring British Guiana gained independence within the British commonwealth in 1970 and Dutch Guiana gained independence as Surinam in 1975, French Guiana was made a department of France in 1946 and is officially a part of the European Union (EU) and governed by EU and French laws.¹²² Albeit in recent years there has been increasing attention and awareness of a growing interest in independence. It is also noted flowing from weeks of riots by French Guianese youth in 1996 and likely present before in the

¹²⁰ Hoyles, Joshua R., *Guiana and the Shadow of Empire: Colonial and Cultural Negotiations at the Edge of the World*, Lexington Books, Plymouth, UK at 55.

¹²¹ Berger, David N., *The Indigenous World 2019*, International Work Group For Indigenous Affairs, Copenhagen, Denmark, 2019.

¹²² James, Ian, *In French Guiana, Identity Clashes With Colonial History, Multitude of Cultures*, Guelph Mercury, Ontario, Canada, January 7, 2003.

face of a rapidly growing and underserved youth population, that organized violent protest groups were accused of trying to destabilize the South American territory.¹²³

*“Paris flew 200 paramilitary riot police reinforcements to French Guiana after local police were overwhelming by the riots. The protest group represented high school students upset with poor conditions and a shortage of teachers. In Paris the Minister for overseas territories, told the National Assembly the students’ demands were legitimate and President Jacques Chirac had said they should be met. He said he would visit Cayenne with Education Finance Minister Francois Bayrou in the next few days to discuss problems he blamed on failure by the previous Socialist government to increase the number of teachers in line with a population boom.”*¹²⁴

See Figure 4 below.

In 2009, nearby French colonial Caribbean islands of Martinique and Guadeloupe were similarly rocked by violent strikes, “triggered by lower salaries and higher prices in mainland France.”¹²⁵ Anxious to resolve the conflict the administrative leaders of the executive branches of French Guiana and Martinique received approval from President Nicholas Sarkozy to hold a referendum for autonomy in both territories in 2010.¹²⁶ The vote would decide “whether to adopt autonomy status, which would allow local governments more administrative freedom. They would remain part of France, like other overseas French territories.”¹²⁷ Essentially, it was a referendum on a vague and ambiguous devolution or decentralization of an unknown degree or extent other than continued subjugation, versus being a vote on independence. The vote was strongly opposed even by Autonomy groups (79% voted “no”, with 48% turnout), in lieu of the vague and arbitrary nature of the proposed governance change.¹²⁸ On the second part of the referendum vote held January 24, 2010 the voters of French Guiana did approve the creation of a local authority that subsequently replaced the pre-existing general and regional councils that govern the department.

During 2017 French Guiana was once again rocked by mass protests which spread throughout the territory.¹²⁹ The protests were over high crime, the cost of living and the quality of social

¹²³ The Toronto Star, *Third Night of Rioting French Guiana*, November 14, 1996.

¹²⁴ Ibid.

¹²⁵ The Canadian Press, *French Caribbean Island and French Guiana to Vote Over More Autonomy From Mainland*, October 7, 2009.

¹²⁶ Ibid.

¹²⁷ Ibid.

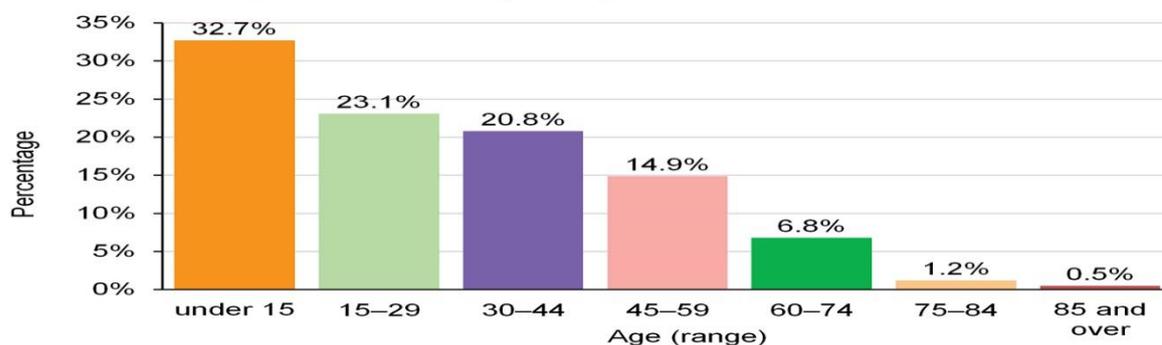
¹²⁸ Guelph Mercury, *French Guiana, Martinique Reject Proposal For More Autonomy From France*, January 11, 2010.

¹²⁹ Van Meale, Pieter, *Protests Disrupt French Guiana*, Prompt US Travel Warning, The Canadian Press, March 24, 2017.

services such as health care.¹³⁰ “The unrest is a reminder of the deep economic, social and racial divides between France’s mainland and its former colonies from the Caribbean to the South Pacific that remain French today.”¹³¹ For instance, French Guiana Senator Antoine Karam stated, “the population has been ignored despite grave problems, such as 50 per cent unemployment among young people and 30 percent of the population lacking drinking water or electricity in their homes.”¹³²

Figure 4

French Guiana age breakdown (2018)**



© Encyclopædia Britannica, Inc.

*January 1. **Provisional.

In 2017, French Guiana’s indigenous world remained mobilized as well, principally around the ‘Montagne d’Or (Gold Mountain) mining project’s lack of consultation with the indigenous people.¹³³ During this social movement in French Guiana the Government of France created by Law No. 2017-256 of February 28, 2017 the Grand Customary Council of the Amerindian and Bushinenge Populations (a consultative body).¹³⁴ Its purpose is “to ensure the representation of the Amerindian and Bushinenge populations of Guyana and to defend their environmental, educational, cultural, social, economic and legal interests (article L.7124-11 paragraph 1 CGCT). It is placed with the representative of the State in the Territorial Collectivity of Guyana (article L. 7124-11 2 CGCT)”¹³⁵

During the social movements of French Guiana, on April 2, 2017 the Minister of Overseas Territories aigned a Memorandum of Understanding with the Amerindians and Bushinenge peoples, “in which the government made over 20 commitments. Among these, the restitution of 400,000 hectares of land to the Amerindian peoples, and the referral of the Council of the

¹³⁰ Ibid.

¹³¹ The Canadian Press, *Strikes To Hit French Guiana As Tensions Paralyze Territory*, March 27, 2017.

¹³² Ibid.

¹³³ The Amerindians were successful with an international lobby in stopping the project.

¹³⁴ Sommer-Schaechtele, Alexandre, French Guiana, accessed Aug. 10, 2020 at <http://gitpa.org/web/GUYANNE%20FRANCAISE%20en%202019%2020.pdf>

¹³⁵ Ibid.

State to study the constitutionality of Convention No. 169 of the ILO.”¹³⁶ This MOU was then incorporated into the Guyana Agreements of April 17, 2017.

Collectively opposition to the joint Canadian-Russian consortium¹³⁷ Gold Mountain mining project, which polarized tensions around gold mining, was made up of 100 organizations. A petition launched in March 2017 collected 180,000 signatures by the end of August 2017. Criticisms of the project included: destruction of biodiversity and natural habitats; fear of cyanidation from drainage acid mining, doubtful economic benefits, and violation of customary rights in lieu of lacking prior indigenous consent.¹³⁸

Subsequently the Organization of Indigenous Nations of Guyana (ONAG) in October 2018, filed an “Early petition with the United Nations Committee for the Elimination for Racial Discrimination (CERD). This petition declared, “La Montagne d’Or is a mining site located on ancestral lands, near pre-Columbian sacred remains with a risk of pollution of hunting and fishing areas. [...] public debate and the express visit of the Interministerial Commission on Gold Activity in October 2018 in no way constitutes a consultation process “and recalls Article 32 of UNDRIP.”¹³⁹ In response to this filing CERD, December 2018 called for the French government to suspend the project, and to respect the indigenous right of prior consultation. French President Macron endorsed this request and declared “the project is not compatible with the ecological ambitions of the Government.”¹⁴⁰ The project was cancelled and the ONAG petition was therefore successful in ceasing the detrimental mining project.

IX. CONCLUSION

There is an legacy of social and economic struggle spanning half a millennial since European contact in South America. The colonial approach to cultural assimilation in the region known as the Guianas has been slow across the lands of neighboring states that have divided one homogenous region and people into diverse modern states. French Guiana now stands alone without state status of independence as a department of France (the outre-Mer region). It remains a curious political throwback to an age of imperialism and foreign control and is the only remaining European colony on the mainland of another continent.¹⁴¹

¹³⁶ Ibid.

¹³⁷ The project was 55% owned by a major Russian company, Nordgold and 45% owned by Columbus Gold a Canadian junior company. See generally, *Le Projet de la Montagne d’or*, accessed Aug. 10, 2020 at <http://gitpa.org/web/Presentation%20du%20projet%20.pdf>

¹³⁸ Sommer-Schaechtele, Alexandre, French Guiana, accessed Aug. 10, 2020 at <http://gitpa.org/web/GUYANNE%20FRANCAISE%20en%202019%20%20.pdf>

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Hoyles, Joshua R., *Guiana and the Shadow of Empire: Colonial and Cultural Negotiations at the Edge of the*

It is said a picture is worth a thousand words. Figure 5 below features a presentation of the European Commission's vision of its overseas territories, and as can be seen they are referred to from an instilled imperialistic perspective as "Assets and Opportunities."

Figure 5¹⁴²



From an accountability perspective a sovereign's relationship with its people and a region should be a balanced approach where fiduciary obligations and civil liabilities, are equitably balanced with the assets and opportunities provided. In essence, Europe has an obligation to its dependent overseas territories (and their people) and in particular with French Guiana we see a prolonged history of inequity and neglect, given ongoing deep seeded social unrest and discontent with the disparity of social services, wealth and general living conditions these distant and forgotten citizens of France are experiencing. Yet, when we see European literature and read French Guiana history, we see how France has struggled to capitalize and how French Guiana represents frustrated opportunities and failed colonial experiments. Alternatively, the discussion does not focus on how the society has changed under French rule nor how poverty prevails at astonishing rates higher than mainland France. As a whole, the history of the region can serve as an illustration of colonialism's immediate and lasting effects.¹⁴³

World, Lexington Books, Plymouth, UK at 7.

¹⁴² European Commission, *The Outermost Regions: Assets and Opportunities*, Regional Policy, accessed Aug. 11, 2020 at https://ec.europa.eu/regional_policy/sources/docgener/presenta/rup2012/brochure_rup_en.pdf

¹⁴³ Hoyles, Joshua R., *Guiana and the Shadow of Empire: Colonial and Cultural Negotiations at the Edge of the*

Finally, in most recent years this study has show that there has been some social reform, progress, and hope for the future. We see that France is willing to work with the French Guianese to devolve, decentralize and provide greater autonomy and opportunity for self-determination of the many diverse ethnicities and cultures in French Guiana. And in particular we see, albeit to a large extent from international pressure and lobbying by its indigenous peoples and the Creoles, recognition and compliance with international laws with respect to racial discrimination and indigenous rights. While basic standards of living such as clean drinking water, electricity, education, health services and employment are direly lacking, French Guiana on a per capita basis is excelling relative to its neighboring nation and experience steady immigration and population growth as a result. Thus while many challenges remain such as building a sustainable local administration, regulations and law distinct from France reflecting more responsive the unique culture, customs and ecological interests of the French Guianese and fighting chronic social conditions (which should be priorities) the department of France does indeed present a wealth of natural assets and opportunities from which the people of French Guiana may built their own future consistent with their aspirations and needs.
