

## **AMNESTY INTERNATIONAL INDIA PRESS RELEASE**

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### **India: Changes to environment policies could undermine human rights of communities**

Recent changes to India's environmental clearance procedures are likely to undermine the human rights of communities affected by mining projects, Amnesty International India said today.

On 7 January 2014, India's Ministry of Environment and Forests (MoEF) said that existing coal mines of a certain size would not need to conduct public hearings – the only existing formal means of consultation - with project-affected communities before expanding their capacity by up to 50 per cent.

On 24 December 2013, the Ministry said that public hearings and environmental impact assessments would not be mandatory for brick earth and river sand mining projects of a certain size.

“A public hearing is one of the few avenues available for communities to express their concerns about the impacts of projects on their lives and livelihoods.” said Shashikumar Velath, Programmes Director at Amnesty International India.

“The government has a duty to protect and respect people's rights to participate in decisions that affect them. Public hearings themselves are sometimes rigged in favour of project developers and may not lead to genuine consultation. But the government should be strengthening these mechanisms for participation, not eroding them further.”

In 2009, the MoEF made public hearings mandatory for all development projects seeking to expand their capacity, even if they had already conducted public hearings for their original project plans. But in 2012, the Ministry did away with the requirement for public hearings for coal mines seeking to expand capacity by up to 25 per cent.

The new rules apply only to expansion of capacity within a mine's approved area of operations. Even this expansion, however, could affect people's rights to clean air, water, health, livelihood and a healthy environment

“Assessments of the effects of a mine are specific to its location. If the location is changed, even within the lease area, as part of expansion, it will cause very different impacts,” said Ritwick Dutta, a prominent environmental lawyer.

“New human rights risk assessments are required. The government has a duty to protect surrounding communities from any negative impacts from expanded corporate activity. It must inform and meaningfully consult with communities about these new impacts.”

India is obligated under international law to respect the right of individuals and groups to participate in decision-making processes which may affect their development. The UN Committee on Economic, Social and Cultural Rights, which oversees the implementation of the International Committee on Economic, Social and Cultural Rights – to which India

is a state party - has said that the right to participate must be an integral component of any policy, programme or strategy.

In the three weeks that India's newly-appointed Minister for Environment and Forests, Veerappa Moily, has been in office, the MoEF has reportedly approved over 70 corporate-led projects.

This includes the revalidation of the environmental clearance granted by the MoEF to a steel plant proposed by South Korean steel company POSCO in the state of Odisha, which has been opposed for over seven years by local communities and activists.

In 2012, the National Green Tribunal - a dedicated environmental court - suspended the environmental clearance granted by the MoEF to the project, which includes a steel plant, power plant, iron ore mine, township and port. The Tribunal stated that the Ministry had erred significantly in assessing the environmental impact of the project, and had left "lingering and threatening environmental and ecological doubts unanswered". The project's forest clearance is still pending before the Tribunal.

In October 2013, eight independent UN human rights experts asked for the POSCO project to be halted until serious human rights concerns were examined and addressed.

International standards make it clear that government have a duty to protect individuals and communities from human rights abuses arising through corporate operations. Without proper risk assessments and consultations being conducted, the Government of India is failing to live up to these standards.

"In its tearing hurry to approve projects, the government must not ignore its obligations to respect and protect the rights of those affected by these activities," said Shashikumar Velath.

"There can be no real development if people's human rights are not respected."

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