

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index No ASA 20/017/2008

14 August 2008

India: Indigenous communities at risk of forced eviction in Orissa

The Dongria Khond Adivasi (Indigenous) communities of Orissa should not be forcibly evicted from the homes and lands they traditionally own or occupy, Amnesty International said today, following India's Supreme Court decision to allow Sterlite Industries (India) Limited to mine bauxite in their protected forest homeland.

The Supreme Court's decision on 8 August comes after five years of protests by environmentalists and human rights activists who argued that 661 hectares of forest around the mining area should be reserved and used only by the Dongria Khond Adivasi community. Jitu of Niyamgiri Suraksha Samiti (Niyamgiri Protection Committee), an organization of the Dongria Khonds, and Siddharth Nayak of Green Kalahandi, an environmental organization, have told Amnesty International that people are concerned that around 800 Adivasis will be forcibly evicted and displaced from the three hamlets of Phuldumer, Konakuda and Palvari, despite the fact that mining is not proposed near the hamlets themselves.

Amnesty International calls upon the Indian authorities not to engage in forced evictions and fulfil their responsibilities to protect all people from forced eviction.

Background

Forced evictions are a gross violation of human rights. A forced eviction is 'the permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection'.

Niyamgiri is home to a 8,000-strong Dongria Khond Adivasi community (living in about 90 scattered settlements and having a distinct cultural heritage) and also 2,000-strong Majhi Khond communities (living in about 10 settlements mainly in the foothills). Since 2002 several petitions have been heard, first at the Orissa high court, and then at

India's Supreme Court, against the proposed bauxite mining at Niyamagiri. The petitions were filed by:

Biswajit Mohanty, a Cuttack-based lawyer of the Wildlife Society, Orissa;
Prafulla Samantara, of the National Association of People's Movement
R. Sreedhar, a Delhi-based geologist running Environics India and Mines, Minerals and Peoples, India.

All the petitioners had cited the Samatha case judgment of 1997, given by India's Supreme Court in the neighbouring state of Andhra Pradesh, prohibiting the transfer of reserved forest land to non-Adivasis. The Government of Orissa ruled that what was applicable in Andhra Pradesh was not applicable in Orissa; it also undertook to put aside five per cent of the equity in any project as preferential equity for the affected Adivasi communities. However it has not yet developed any mechanism to do so.

Transnational mining major Vedanta Resources currently owns 59.9 per cent of Sterlite Industries (India) Ltd. Sterlite also owns 29.5 per cent of Vedanta Aluminium Ltd (formerly Vedanta Alumina and operator of the Lanjigarh refinery), and Vedanta Resources plc holds 70.5% of Vedanta Aluminium. Vedanta Aluminium had signed a lease agreement with the

state-owned Orissa Mining Corporation, under which Vedanta proposes to mine bauxite up to 3 million tonnes per annum in 721 hectares of land atop the Niyamgiri forests in Kalahandi and Rayagada districts of Orissa - thought to be one of the largest bauxite deposits in the world. The company has already set up, as part of an integrated alumina complex, a one million tonne capacity alumina refinery of 723 hectares, and a 75 MW captive power plant in 25 hectares at nearby Lanjigarh.

In its verdict, The Supreme Court stated that Sterlite (India) should invest \$US 2.5 million or ten per cent of the profit earned by it for the development of the Adivasis. But community leaders have told Amnesty International representatives of their fears that their views will not be heard, investment won't be forthcoming and they will face forced eviction from their homes in coming weeks.

India's Supreme Court on Friday 8 August also allowed South Korean steel firm POSCO permission to use forest land in Orissa to build a \$US 12 billion iron ore mining plant. A stand-off over the project reflects a larger anger among Indian farmers, some of whom erected barricades to stop government and company officials from visiting the site.

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