

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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India: Comply with Supreme Court ruling on Mining in Niyamgiri Hills

Amnesty International urges authorities in the eastern Indian state of Odisha to fully respect a recent Supreme Court ruling and hold village assembly (*gram sabha*) meetings in all of 80-odd Dongria Kondh Adivasi (Indigenous) and other Adivasi villages in Niyamgiri hills that will be affected by a proposed bauxite mining operation.

Newspaper advertisements issued by the Odisha authorities are asking the communities in only 12 villages – seven in Rayagada district and five in Kalahandi district – to file, within the next six weeks, their claims on the areas proposed to be mined.

The controversial mining plans - a joint venture between Sterlite India, a subsidiary of United Kingdom-based Vedanta Resources, and the Odisha Mining Corporation – affect the traditional lands of the Dongria Kondh Adivasi communities. On 18 April 2013 India's Supreme Court issued a landmark ruling stipulating that the village assemblies of these communities would need to decide if the proposed 670 hectare mine affected their religious and cultural rights, including their right to worship.

India's Ministry of Tribal Affairs has already written a letter, dated 9 June 2013, to the Odisha authorities to confirm that restricting the meetings to only 12 villages is not in accordance with the Court ruling, or with Section 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).

The Ministry's letter says that the Odisha authorities cannot arbitrarily decide the list of villages whose residents' rights may be affected; this should be decided by the village councils themselves.

For more than a decade the Dongria Kondh Adivasi communities have led a sustained campaign stating that the mine plans endangered their specific way of life. Indian and international human rights organisations, including Amnesty International, have repeatedly raised concerns that the proposed mine, which lies within the Dongria Kondh's traditional lands and habitats, on which they depend for food, water and livelihoods, could result in violations of their rights as Indigenous peoples, as well as their rights to water, food, health, work amongst others.

Amnesty International is concerned by reports that the central paramilitary forces stationed in the Niyamgiri hills have resorted to intimidation of the Dongria Kondh Adivasi communities, urging them give up their opposition to the bauxite mine plans. Human rights activists in Orissa have reported that, on 3 June 2013, three residents from Bataudi village fled after the central paramilitary forces, suddenly fired upon them when they were bathing in a water stream. No one was injured in the incident.

Amnesty International calls on the Odisha authorities to ensure that meetings are held in all villages and that these meetings are conducted in a free and genuine manner. The organization is concerned that in the run-up to previous consultation processes there has been intimidation by the companies concerned or the paramilitary forces stationed at the Niyamgiri hills. The meetings should be observed by international human rights organisations, if the communities want this, as well as being in the presence of a judicial officer as stipulated by the Supreme Court ruling.

The Court ruling directs that the proceedings take place independently and completely uninfluenced either by the project proponents or the Orissa or central government officials; it also requires the village assemblies to share their decision with India's Ministry of Environment and Forests within three months' time.

The Court ruling is a clear vindication of the protests by local communities, the findings of the extensive research carried out since 2009 by Amnesty International and the campaign by many organisations which exposed how the communities' views had long been ignored. Their views should not be ignored once again. The authorities should fully respect the decisions taken in the village assembly meetings and not allow projects without the agreement by the communities.

Amnesty International has consistently demanded that the Indian authorities announce a clear and transparent process for ascertaining the free, prior and informed consent (FPIC) of Adivasi communities, as recommended by India's National Advisory Council on 21 December 2012. All information pertaining to the potential impact of mining plans should be made available to the communities in a language accessible to them.

This FPIC principle is recognized by the UN Declaration on Rights of Indigenous Peoples, 2007, as central to the protection and realisation of the rights of Indigenous communities.

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