

1 Item 3

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**STATEMENT: 15<sup>TH</sup> SESSION OF UN PERMANENT FORUM ON INDIGENOUS ISSUES, 7-20 MAY 2016, UNHQ, Agenda Item 3: Follow up of WCIP**

Mr. Chairman, Greetings from Manipur. I am Jiten Yumnam, a Meitei from Manipur representing the Centre for Research and Advocacy, Manipur and the Civil Society Coalition on Human Rights in Manipur and at the UN, Manipur.

The implementation of UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and subsequent recognition of Indigenous Peoples continues to be a serious challenge in India. Many states, such as India, refused to implement the UNDRIP and to recognize indigenous peoples, as recommended by WCIP outcome (Para 7). The Government of India repeatedly contradicted itself in its positions on indigenous peoples human rights, both refusing to acknowledge presence of indigenous peoples in its territories while claiming all its one billion plus population in India as indigenous. Such non recognition only facilitates human rights violations of indigenous peoples, as visible in the State's response to the political rights movements of indigenous communities. In Manipur, the movement for self-determination of indigenous peoples is militarily responded with wide militarization and promulgation of emergency laws, such as the Armed Forces Special Powers Act, 1958, that suspends "Right to Life" and "Right to Justice Remedy", leading to flagrant human rights violations with impunity.

The need to recognition of indigenous peoples role in sustainable development and also in defining their development priorities in their land, outlined in the WCIP outcome in para, 34, 35, 37 etc are clearly arbitrated in Manipur. The North East region of India, including Manipur, has been classified as India's power house and subjected to aggressive mega dam constructions. More than 200 MoUs for mega dams has been signed with several dam building companies. On 28 August 2014, four Memorandum of Agreement (MoU) was signed by the Government of Manipur with the North Eastern Electric Power Corporation (NEEPCO) for construction of the 60 MW Irang HEP, 51 MW Tuivai HEP, the 67 MW Khongnem Chakha and 190 MW Pabram HEP projects over Rivers of Manipur. The Manipur Hydroelectric Power Policy, 2012, the Manipur Industrial Investment Policy 2013 etc has been framed to provide a tacit conducive environment for private sector financing and corporate bodies' involvement in energy projects. Oil and Mining concessions Contracts has been awarded for oil exploration in Manipur to Jubilant Energy in 2010. The Government launched the North East India Hydrocarbon Vision 2030 in January 2016 to double the production of hydrocarbon from NE region by 2030.

The definition of development priorities has been carried out in an exclusive manner violating the right for indigenous peoples to define their development priorities based on their self-determination. Development fostered has already ruined lives, destroyed futures of many indigenous communities. Indigenous peoples continue to face adverse challenges due to destructive development projects that devastate their lives and land. The 105 MW Loktak HEP Project in Manipur submerged more than 80,000 acres of agriculture land and the project proponent, the National Hydroelectric Power Corporation (NHPC) continues to remain unaccountable for the violations. Rather, the Government of India unleashed further eviction of fishing communities in Loktak wetlands in November 2011.

In Manipur, the definition of development priorities by International Financial Institutions with State facilitation led to promotion of an enabling environment for corporate sector rather than communities in an atmosphere of exclusivity and lack of transparency and accountability. Such process lacks a full scale impact appraisal, denial of information, misinformation, upsetting the fragile ecological integrity and destroying cultures. The adherence to human rights standards, especially UNDRIP is absent.

**FPIC:** The violation of the right to free, prior and informed consent of indigenous peoples (para 20, WCIP) continues to be a concern with the development processes in Manipur. Denial of information, lack of consultation, the application of laws of India that outrightly reject indigenous peoples land and resources and adoption of undemocratic process violates FPIC. No consultation and free, prior and informed consent took place for Mapithel dam, Tipaimukh dam, Oil Exploration plans etc.

The process of undermining the FPIC is also due to problematic development laws that undermined indigenous peoples' rights while advancing corporate interest and rights. For instance, the Oil Fields (Regulation and Development) Act, 1948, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 which facilitate oil exploration grants exclusive propriety rights of all oil and gas resources and its handling to the Government of India. The Mining and Minerals (Development and Regulation) Amendment Bill 2015, passed by Parliament of India on 29 November 2015 has no provision for recognition of indigenous peoples rights over their land and also to seek their FPIC.

Land Laws such as the Land Acquisition Act, 1894, the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act (LARR), 2013 etc, used for land acquisition in Railway, road, dam projects etc, also has no provision for taking the free, prior and informed consent.

The diversion of forest land for pursuance of mega projects like the Trans Asian Railway, the Mapithel Dam, Oil Exploration in Manipur does not require taking the free, prior and informed consent under Indian laws like the Forest Conservation Act, 1980. The Ministry of Environment and Forest, Government of India issued notification on 5 February 2013 exempting linear projects such as roads, canals, laying of pipelines, from taking consent of indigenous traditional bodies.

The reliance on militarization and suppression of indigenous peoples' call for recognition of their rights is a process that undermining their right to free, prior and informed consent. Indigenous peoples are even extra judicially executed for seeking their rights. Three community members affected by Khuga dam were killed by Indian Reserve Battalion on 25 December 2005 in Manipur.

Mr. Chair, the infusion of non-indigenous population in indigenous territories as part of undermining our undermining our right to self-determination and also in promoting large scale unsustainable development projects is a serious concern in Manipur. The unregulated entry of non-indigenous populations has led to land alienation, marginalization of indigenous peoples, threatening their survival.

**Recommendations:** The CRAM, Manipur request UNPFII to urge upon the Government of India to:

- *Adopt and fully implement the UN Declaration on the Rights of Indigenous Peoples, 2007.*
- *Recognize indigenous Peoples right to self-determination over their land and resources and their right to free, prior and informed consent in all development processes affecting their land*
- *Repeal laws that negates indigenous peoples rights over their land and resources and FPIC processes such as the Oil Fields (Regulation and Development) Act, 1948, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, Land Acquisition Act, 1894*
- *Repeal law that facilitate Forest land transfer without any FPIC of indigenous peoples in Manipur, like the Forest conservation Act, 1980 and MoEF notifications exempting linear projects.*
- *Repeal all emergency laws, viz, AFSPA, 1958 that facilitate in undermining FPIC process. End all forms of militarization in Manipur.*
- *All forms of infusion of non-indigenous population in Manipur*