

**UN PERMANENT FORUM ON INDIGENOUS ISSUES
2ND SESSION, NEW YORK, MAY 12- 23 2003**

AGENDA ITEM NO: 4(b): Environment.

**Collective statement on behalf of
Indian Confederation of Indigenous and Tribal Peoples (ICITP)**

Hon'ble Chairman, distinguished Members of Permanent Forum, Government Delegations, UN Agencies and fellow Indigenous representative brothers and sisters from around the world, cordial greetings to you all.

I wish to make a collective sub-regional statement specific to the issue of environment in India to compliment the collective Asian Caucus statement already made by sister Joji. This has a reference to the Government of India's circular (dated 03-05-2002) to all state governments to evict all "encroachers" from forest lands for the protection of environment and eco development. The circular affects the entire Indigenous and Tribal heartland of the country extending from Gujarat to Arunachal Pradesh covering nearly 1/6th of the country's land mass inhabited by nearly 100 million Indigenous and Tribal peoples.

Historically, Indigenous and Tribal areas of the country fall within what the Indian Constitution calls Scheduled Areas where the Tribal/Adivasi Peoples have had traditional customary community rights over the forest, including the right to cultivate part of it. Unfortunately, one category (protected forest) of the forest area has been taken away by the government immediately after independence under the pretext of "protecting it" on behalf of the people, which in reality was never carried out and presently remains a totally deforested area with only scanty shrubs.

We have information that the government while participating in the globalization process is planning to handover these lands to MNCs for large-scale mining and eco-development. It should be mentioned here that virtually all-mineral wealth of the country lies in this Indigenous and Tribal belt and there is pressure on the government to exploit this mineral wealth in the interest of 'national development'.

While the Supreme Court order of 1997 known as the *SAMATA JUDGEMENT*, has a dampening effect on the connivance between big contractors, high government officials and politicians, some states have already gone ahead to evict the so called encroachers from the forest lands who in reality are mostly Indigenous and Tribal Peoples living there for years together. The Governments of Assam, Manipur and Kerala seem to be most enthusiastic on the matter, using bulldozers and elephants in their campaigns of demolition of Indigenous and Tribal settlements leaving thousands of Indigenous and Tribal Peoples homeless and subject them to abuse of their human rights. Upon a closer look at the situation it seems that governments have other things in mind behind this campaign. The Government of Assam, for instance, is using this circular to discourage the ongoing struggle for greater autonomy in the form of a separate state of Bodoland for the Indigenous and Tribal Peoples of the region. It is only a matter of time when other states will do the same. It is most alarming that the government on the one hand has passed laws to entrust control over natural resources to the Indigenous and Tribal Peoples and on the other is bent upon taking away those rights by this circular.

Keeping in mind the impending misery in the Indigenous and Tribal areas of the country, we appeal to the house to impress upon the Government of India and their concerned authority to:

1. Repeal and annul the May 2002 eviction order issued by the Ministry of Environment and Forest;
2. To recognize the rights of Indigenous and Tribal Peoples in India to own, control and manage their traditional lands where Indigenous and Tribal communities have lived for generations;
3. Guarantee and respect the rights of Indigenous and Tribal communities to permanently settle their traditional land in forest areas;
4. Ensure all families that were forcibly relocated are given adequate compensation for their suffering and that those families whose next of kin and loved ones were killed in the brutal eviction are awarded ex gratia grants;
5. Allow the people to return to their rightful communities, restitute their lands and reconstruct the houses, school buildings, places of worship and other institutions that were demolished during the eviction.
6. Include the names of individuals and families of Indigenous and Tribal Peoples living in the so called forest lands in the national census and the voter list as they are bonafide citizens of the country;
7. Take action to ensure that the so-called forest villages are fully recognized as legitimate settlements with the full status and privileges of revenue villages.
8. Effectively operationalize the Indian Constitution's PESA (PANCHAYAT EXTENSION TO SCHEDULED AREAS) Act 1996 in its true spirit in all states with Scheduled and Tribal areas enabling the Indigenous and Tribal Peoples of the country to take care of themselves;
9. Uphold the Supreme Court's SAMATA JUDGEMENT ensuring full and effective participation of Indigenous and Tribal Peoples in the development activities in the Indigenous and Tribal areas of the country.

Furthermore, we recommend that wherever in the Indigenous and Tribal areas developmental activities are involved

1. Let the concerned Indigenous and Tribal Peoples be a party to the MOU enabling them to participate in the concerned project at all levels of planning, execution and evaluation;
2. Let the Indigenous and Tribal Peoples lease out and not surrender ownership of the concerned lands;
3. Displacement be avoided as far as possible. However, where it is a must, cultural rehabilitation package be worked out so that Indigenous and Tribal Peoples are resettled as a community and not thrown asunder as individuals and eventually getting lost as is happening currently;
4. Indigenous and Tribal Peoples be made share holders in the concerned projects in addition to getting appropriate compensation as an immediate relief;
5. Let there be a lead-time during which the concerned Indigenous and Tribal Peoples may develop skills to meaningfully participate in the concerned project;
6. Upon completion of the concerned projects the lands be returned to the concerned communities after due relandscaping so that they are used as common assets.

Thank you for your kind attention.

Ram Dayal Munda
Chief Advisor, ICITP

Jebra Ram Muchahary
President, ICITP-NEZ