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THIS LAND IS OURS

MINE PUTS INDIGENOUS COMMUNITY AT RISK IN INDIA

A HEALTHY ENVIRONMENT IS A HUMAN RIGHT

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“THE HILL IS OUR GOD AND THE EARTH OUR GODDESS. BETWEEN THE TWO, WE HAVE THE RAINS AND WATER. THOSE WANTING TO MINE HERE WILL SLOWLY TAKE OVER ALL THIS. WHERE WILL WE GO THEN?”

A Dongria Kondh man from Lakpaddar, Niyamgiri Hills



Plans to open a mine in the Niyamgiri Hills, south-west Orissa, are threatening to undermine the lives and livelihoods of a remote and ancient community living there. The Dongria Kondh are an adivasi, Indigenous community. They are found only in and around the Niyamgiri Hills. Now they face an uncertain future. In April 2009, the Indian authorities gave Sterlite Industries India Ltd (a subsidiary of the UK-based Vedanta Resources Plc) and the state-owned Orissa Mining Corporation permission to mine bauxite in Dongria Kondh traditional lands for the next 25 years.

CONSENT REQUIRED

Article 32 of the UN Declaration on the Rights of Indigenous Peoples calls on states to obtain the free and informed consent of Indigenous peoples prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, use or exploitation of mineral, water or other resources.

A PROTECTED PEOPLE

For centuries, the 8,000-strong Dongria Kondh community have considered the Niyamgiri Hills sacred. The hills are central to their collective identity, religious beliefs, traditional way of life and culture. They are also essential to the community's economic and physical survival. The Dongria Kondh continue to practice hunting, gathering and shifting cultivation on the hill slopes. They rely on the hills for water, firewood and medicinal plants.

Adivasi communities such as the Dongria Kondh have a special status under Indian law. Their rights, traditional lands and areas in which they live are protected under the Constitution and various national laws, and are reaffirmed in the UN Declaration on the Rights of Indigenous Peoples. However, despite a four-year-long court battle waged by environmental activists, India's judiciary has allowed the diversion of protected land for this project – a move which the Dongria Kondh

say will decimate their forests and, in turn, their lives.

The Dongria Kondh are protesting that the proposed mining site is on land that they consider to be sacred. They are also deeply concerned about the potential negative impact of mining activities on the streams – their only source of water – that run through the hills, and the effect that transportation arrangements, the influx of people coming into the area and the operation of mining equipment will have on them.

NO ASSESSMENT, NO CONSULTATION

During a visit to the Niyamgiri Hills in March 2009, Amnesty International found evidence to suggest that the mine could endanger the human rights of the Dongria Kondh and other communities in the area. In particular, the proposed mine poses serious threats to their rights to traditional lands, water, food, health, including a healthy environment, and work.



The Indian authorities have made no genuine attempt to ensure that the project does not threaten the Dongria Kondh's ability to continue to engage in the traditional practices that are central to their way of life and culture.

Sterlite Industries commissioned an environmental impact assessment in 2002. The report fails to mention that the Dongria Kondh and other communities live close to the mine site. It does not examine how the communities currently use water, wood and other natural resources. And it fails to effectively analyse how these activities could be affected by mining in the long run.

Counter to international human rights standards, the Indian authorities have failed to obtain the free, prior and informed consent of the Dongria Kondh before approving this project. In February and March 2003, the Indian authorities held public hearings on the proposed



mine. However, the Dongria Kondh communities living in and around the hills were not told about them, let alone invited to participate. No information was presented at the public hearings on the potential risks and negative impacts of bauxite mining in the area.

With the approval of the Indian Supreme Court, Sterlite Industries and the Orissa Mining Corporation have together drawn up proposals for the development of the area, including the development of the Dongria Kondh and other adivasi communities. No effort was made to consult with the communities and no details of the proposals have been disclosed.

With the very existence of the Dongria Kondh as a distinct Indigenous people hanging in the balance, it is vital that the Indian authorities meet their responsibility to protect their human rights and way of life.



“IF WE PART WITH OUR HILLS AND STARVE, ALL OF YOU BEAR A RESPONSIBILITY.”

A Dongria Kondh woman from Palberi, Niyamgiri Hills



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Above and inside: Some of the many people from the Dongria Kondh community whose way of life will be threatened if the proposed bauxite mine goes ahead in the Niyamgiri Hills. *Above right:* Protesters blockade a road, preventing company vehicles from entering their village in the Niyamgiri Hills. *Front cover:* A disused conveyor belt, built illegally to transport bauxite from the proposed mine in the Niyamgiri Hills to the refinery at Lanjigarh. The company maintains that the bauxite mine and the conveyor belt would have no negative impact on the surrounding communities.

ACT NOW!

Write to India's National Environmental Appellate Authority

- Urge them to withdraw the environmental clearance granted for the mining project until all necessary measures are taken to ensure that it will not negatively affect the human rights of the Dongria Kondh and other communities.
- Call on them to undertake an independent and impartial human rights and environmental impact assessment of the mining project with the full participation of the Dongria Kondh and other communities, and to make those findings fully accessible to the public.
- Ask them to set up a genuine process of consultation with Dongria Kondh and other communities who could be affected by the proposed mining project.
- Remind them that under international law, they must ensure that decisions on the development and use of Dongria Kondh traditional lands cannot be taken without their free, prior and informed consent.

PLEASE WRITE TO:

Chairperson
National Environmental Appellate Authority
J. L. Nehru Stadium, Gate No. 31
Lodi Road
New Delhi 110003, India
Fax: +91 11 2617 4594
Salutation: Dear Chairperson

Copies to:

Mr Jairam Ramesh
Minister of State for Environment and Forests
Government of India
New Delhi 110003, India
Fax: +91 11 2436 0519
Salutation: Dear Minister

Mr Naveen Patnaik
Chief Minister
Government of Orissa
Bhubaneswar
Orissa, India
Fax: +91 674 2400 100
Salutation: Dear Chief Minister

A HEALTHY ENVIRONMENT
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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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