

Survival



For tribes, for nature,
for all humanity

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We are Survival International, the global movement for tribal peoples. We're fighting for their survival around the world.

Ms. Leilani Farha
Special Rapporteur on adequate housing
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10, Switzerland

May 31, 2019

Dear Ms Farha,

Re: Call for Contributions: The right to adequate housing for Indigenous Peoples

In response to your call for contributions on the right to adequate housing for indigenous peoples, including those living under threat of forced eviction from their ancestral lands, please find information below relating to forced evictions of indigenous people in India, in the name of conservation. This is being done without their free, prior and informed consent and also results in grossly inadequate rehabilitation and housing.

We urge you address the eviction of indigenous peoples in the name of conservation in your report and to call for an end to these evictions globally. We also ask that you highlight the situation in India, where evictions from tiger reserves are commonplace and the Supreme Court has recently ordered the biggest mass eviction in the name of conservation, ever.

Please do not hesitate to contact me if you would like more information on any of the issues or examples I have included in my submission.

Yours sincerely,

A handwritten signature in grey ink that reads "Sophie Grig".

Sophie Grig
Senior Research and Advocacy Officer



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Evictions of indigenous peoples, in the name of conservation in India

Supreme Court eviction order

On 13 February 2019, India's Supreme Court ordered the eviction of more than one million households (an estimated 8 million people), who have had their claims under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) rejected. This order (attached) is the result of a case filed by a small group of conservationists opposing the FRA – a law which was intended to correct the “historical injustice” to India’s “traditional forest dwellers.”

The court ordered that the eviction of more than a million households should take place within five months, allowing no time for rehabilitation or alternative housing provisions to be made. The Supreme Court order is currently on hold, while the states examine whether due process was followed in the rejection of claims. It is well accepted, even by the Ministry of Tribal Affairs, the body responsible for overseeing the implementation of the law, that the procedures have not been properly followed and rejected applicants were not given a chance to appeal. Many rejections were based on bureaucratic incompetence and/or deliberate efforts to deny people their rights. As the order has been paused, not withdrawn, it is likely that after the states have submitted their findings to the court in July, the eviction order will be reinstated.

Evictions from tiger reserves

In addition to the mass evictions ordered by the Supreme Court, indigenous communities living in Indian tiger reserves are also being illegally evicted from their ancestral homelands in the name of conservation. The Indian government and tiger conservationists insist that these evictions are “voluntary relocations” but in most cases these are forced and illegal.

Over 100,000 people have already been removed from protected areas in India. In 2016, the head of the National Tiger Conservation Authority announced that almost 300,000 people, from over 700 villages, are also earmarked for relocation. A further three to four million people live inside India's protected areas and wildlife corridors with the threat of eviction hanging over them. Millions more have been deprived fully or partially of their sources of livelihood, adequate housing and survival. Relocations are still planned in more than 35 tiger reserves, including Achanakmar, Amrabad, Nagarhole, Kaziranga and Similipal.

The majority of those threatened with eviction from protected areas are indigenous people, Adivasis. If their land is stolen, all of their rights are violated, because their land provides food and housing and is also the foundation of their identity and sense of belonging. Evictions are in breach of Adivasis' constitutional rights, including their rights to a secure livelihood, to practice their religion and to protect their culture. National laws to protect Adivasi's land and forest rights are poorly implemented and willfully ignored.

While some communities may wish to relocate, many, especially those most closely connected to the forest, do not. Forest officials claim that people have “agreed” to be relocated yet they often use coercion, harassment, false promises and threats, and fail to inform people of their right to say no.

The Adivasis who live in India’s tiger reserves have managed, protected and depended upon these lands for countless generations. This is why their forests are so appealing to conservationists. Tribal people are the best guardians of their lands and should be at the forefront of efforts to help protect it

These evictions are a violation of India’s own laws including the Forest Rights Act (FRA), the Wildlife (Protection) Act (WLPA), the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) and the Indian constitution.

Survival’s research into evictions in several tiger reserves shows that the necessary legal processes are not being carried out and these evictions are happening without free, prior and informed consent.

Officials usually claim that tribespeople have “agreed” to relocation and rehabilitation packages. Clearly, any agreement to relocate can only count as “free and informed consent” if it is made with no coercion, in full knowledge of the facts.

However, in *all* the cases of relocation that Survival has investigated, villagers report that the Forest Department waged a sustained campaign of harassment and threats against them, causing them finally to “agree” to move. There is, obviously, nothing “voluntary” about such a relocation.

Significantly, villagers are rarely, if ever, told that they do have the right to say “no” to their relocation. If tribespeople are not told they can choose to stay on their land, any subsequent “consent” to leave cannot have been “informed.”

Please find some examples of forced evictions below.

Achanakmar Tiger Reserve, Chhattisgarh

In 2009 Baiga families were relocated from six villages inside Achanakmar Tiger Reserve to resettlement sites. They told Survival that they absolutely did not want to relocate from their homes. However, the authorities failed to inform them that they were able to remain on their land if they preferred.

Relocated villagers report that Forest Department officials threatened to release bears and poisonous snakes into villages to drive the inhabitants out. Foresters made the villagers’ lives impossible by preventing them from collecting anything from the forest, to the extent that families feared they would starve to death if they remained where they were living. The villagers explained to Survival investigators that Forest Department officials hounded them to leave with such intensity that they could not withstand the pressure any longer and finally “agreed” to the relocation against their wishes.

Attempts to force Baiga villages that remain in Achanakmar Tiger Reserve to relocate are still ongoing. There are villages, currently awaiting eviction, that have “agreed” to relocate because they were not told that they had the right to stay in their forest. A Baiga man from Chaparwa village told Survival, “People are being forced to leave. The Forest Department are controlling everything. Six villages have already been thrown out and we are to be the next.”

Similipal Tiger Reserve, Odisha

In 2015, the Indian press reported that the indigenous Munda from Jamunagarh village had “voluntarily” relocated from Similipal Tiger Reserve. However, Survival received testimony from individuals who had been present at a pivotal village council meeting.

One man told Survival, “Unknowingly I gave my signature, I didn’t know what was in the paper, other people near me signed so I signed it too. I cannot read or write but can only sign my name.” Another said that he signed the document in the belief that it was a register of attendance at the meeting. He said, “Later we heard that it was the resolution in agreement for relocation.” This document was then used by the Forest Department as evidence of their “consent” to relocation.

Individuals who are strongly resisting relocation are often threatened and abused by forest and wildlife officers. Telenga Hassa, a Munda man from Similipal Tiger Reserve, feared for his life after threats from forest officers. He told Survival, “The Forest Department is pressurizing us to go – they are giving a lot of threats to us, saying things like, ‘If you try to stay we will lodge many police cases against you, we will say that you are Maoists and we’ll arrest you.’”

These relocations were clearly undertaken without the informed consent of the villagers.

Failure to provide adequate rehabilitation facilities, including housing

Promises of land, amenities and compensation, which are used to lure people to leave their homes, regularly fail to materialize. Families often find life significantly harder on the outside. Thirty-four families from the hunter-gatherer Khadia tribe were evicted from Similipal Tiger Reserve in Odisha in 2013. They were promised that good quality houses with basic facilities would be ready at the Asankudar relocation site before they moved.

Instead, when they arrived there, they found merely black-plastic shelters on barren land. They were forced to live in these makeshift homes for many months, until they could build their own houses. It was impossible for the families to make a living from this land, so they were totally dependent on hand-outs from the government.

Many people evicted from different tiger reserves have reported to Survival that they did not get what they were promised and were left entirely to fend for themselves in totally alien circumstances.

When a High Court Committee investigated the situation of tribal people in the resettlement sites of Nagarhole Tiger Reserve in 2014, they concluded damningly, “We have not found a single tribal enjoying the fruits of development.”

Please find some examples of inadequate relocation from tiger reserves below.

Achanakmar Tiger Reserve, Chhattisgarh

Villagers evicted from Achanakmar Tiger Reserve in 2009 were allocated poor, non-irrigated land, which was too dry to cultivate. Jobs promised at the time of the relocations have still not materialized ten years later and people struggle to grow anything on the barren land.

A Baiga man evicted from Achanakmar in 2009 said, “They promised us: ‘We are going to give you good land, water supply, a house, five years of work, we will support you for five years.’ But that didn’t happen. We got labor work, sometimes for 15 days, sometimes for one month, but we haven’t even got the money from that. Now we are not even getting that work.”

Kanha Tiger Reserve, Madhya Pradesh

In Kanha, families evicted in 2014 reported they were only given compensation money, with no rehabilitation or assistance at all. Subelal Dhurwey, a Baiga whose brother was murdered after being evicted from Kanha said, “We were one of the last families to resist. But the people from the reserve forced us to leave. They told us they’d take care of us for three years, but they didn’t do a thing. Even when my brother was killed, no one came to help us.”

Whole communities have been scattered and thereby destroyed. People from Kanha do not even know where the families they have lived with for generations have ended up. One of the evicted Baiga told Survival, “We got some money, but we are lost – wandering in search of land. Here there is only sadness. We need the jungle”

The relocations in the above cases clearly resulted in grossly inadequate rehabilitation and housing.