

# NOT TO PASS CAMPA BILL & DILUTE THE FRA IN THE INTEREST OF TRIBALS & OTHERS

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11:53 AM

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'TRIBAL DEVELOPMENT' AND CAMPA BILL

(A DENIAL OF FOREST RIGHTS TO SCHEDULED TRIBES & Others)

To,

Mr. Narendra Modi

Honourable Prime Minister of India

Sub: FOR NOT TO DILUTE THE FRA 2006 and the Rights of Gram Sabha by CAMPA BILL in Schedule Areas, MADA, Clustred Areas of the Country.

Honourable Sir,

We the Scheduled Tribes/ Adibasis /Tribals of India note , with concern the statements by the ruling party Ministers during the CAMPA Bill debate in the Rajya Sabha of India and their statements with the press. Shri Anil Madhav Dave, Honorable Minister, MOEFCC has opposed the efforts of opposition parties to amend the bill to include Gram Sabha (village assembly consent) and has claimed that because of the opposition to CAMPA Bill " the welfare of some of the poorest people in this country, and the scheduled castes and tribes, is being sidelined.. In a still stronger statement Shri Mukhtar Abbas Naqvi, junior parliamentary affairs minister, has said ""By blocking the CAMPA bill, the Congress is committing a sin. If the bill is passed state governments will get a lot of money to rebuild forests,".

These are deeply alarming statements from honorable Ministers and reflect a complete misunderstanding of the threats that the CAMPA Bill poses for tribals and forest dwellers in India and the international obligations that India has signed onto. The proposed bill doesn't provide for informed consent of the Gram Sabhas and doesn't take into account legal rights of STs and OTFDs recognized and vested under the Forest Rights Act, and it effectively hands over the vast CAMPA monies to the forest bureaucracy of India without any safeguards to protect rights and interests of tribals and forest dwellers . The record of forest bureaucracy in afforestation is terrible, and it has consistently used financial resources for afforestation and plantations to dispossess and marginalise forest dwellers and tribals.

Many parliamentarians have demanded that the Bill must be amended to conform to the Forest Rights Act and respect the rights of tribals to decide on their own development. CAMPA would set huge funds to be spent for plantations over the tribal forest areas without the approval of the tribal communities and excludes tribal rights to sustain in their traditional forests the diverse wild trees and plants which form their own means of subsistence. The CAMPA Bill is not going to lead to development of tribals, but it has great potential to

dispossess tribals and also waste precious national resources as indicated by this article. For these reasons, it is truly unfortunate that the Honorable Minister, MOEFCC, believes that Free Prior and Informed consent of GRAM Sabhas for use of plantations or afforestation means that "Scheduled Tribes and the poor living in remote forests have been deprived of employment" and development. (3)

Such assumptions of the ministers violate not only the Forest Rights Act and PESA Act (sections 4 d-e) but also India's international commitments on development of indigenous peoples, according to which:

- "Indigenous peoples have the right to determine and develop priorities [...] for the development or use of their lands or territories and other resources" which they have traditionally used so that the government "shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development" related to such resources. (4)

- "Indigenous peoples have the right to self-determination. By virtue of that right they [...] freely pursue their economic, social and cultural development" with "autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their" such local development functions. (5)

- "Indigenous peoples have the right [...] to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities" so that "States shall consult and cooperate in good faith with the indigenous peoples [...] in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them" (6)

When tribal "communities are alienated from their lands" by changing the nature of their ancestral lands in the name of 'development' "such projects result in human rights violations involving forced evictions, displacement and even loss of life" and are "certainly not what we mean by development" as noted by UN High Commissioner for Human Rights in respect to India's particularly vulnerable tribal community. (7)

As the very basis of "tribal development" is their consent and self-determination of their own development, it is not coherent that the ministers would in the name of "tribal development" deny the right of tribals to decide on their own tribal development.

We the Scheduled Tribes / Indigenous Peoples / Adibasis of India feel, it is anti Adibasi and Anti Constitutional and we oppose the Parliamentarians move in diluting the rights of Gram Sabha in FRA 2006 very cunning manner.

Sincerely Yours

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#### Notes and references

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2. <http://indianexpress.com/article/india/india-news-india/cong-to-move-amendments-to-compensatory-afforestation-bill-2935307/>
3. <http://indiatoday.intoday.in/story/cong-creating-hurdles-in-progress-of-states-dave/1/723799.html>
4. United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) article 32. 1-2
5. UNDRIP, articles 2-3
6. UNDRIP articles 19-20
7. UN High Commissioner for Human Rights, 9 August 2011, "Let us ensure that development for some is not to the detriment of the human rights of others" on the International Day of the World's Indigenous People, 5 August 2011, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11284&LangID=E>