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India must prevent the eviction of millions of forest dwellers, say UN experts

GENEVA (4 July 2019) - UN human rights experts* have urged the Government of India to prevent the potential eviction of up to nine million people, most of whom are forest dwellers and members of scheduled tribes with an ancestral link to the land and forest. The threat of evictions follows a 13 February order by the Supreme Court of India in a case brought by wildlife organisations who claim human settlements encroach on protected forest areas.

"The basic premise of this decision, which treats tribal peoples as possibly illegal residents of the forest, is wrong - indigenous peoples are the owners of their lands and forests," says the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz. "This is a phenomenon seen around the world. Indigenous peoples and local communities are treated as squatters when in fact the land is theirs, and they have protected and stewarded their holdings for generations and play an important role for conservation."

The Supreme Court order addressed the rejection of 1.2 million forest rights claims under the Forest Rights Act, a legislation adopted in 2006, which aimed at addressing historical injustice suffered by forest dwelling peoples and scheduled tribes by providing them with an opportunity to recognise their rights to occupy and use the forest.

On 28 February 2019, amid growing tensions over what was seen as a flawed claim process, the Court stayed its eviction order and directed the States to clarify by 12 July the procedure followed by State governments to decide on the validity and merits of claims.

While the Supreme Court's four-month suspension of its order was a reprieve for those who had already been notified of eviction, the experts said they were gravely concerned about the precarious situation of millions of forest dwellers who may be displaced and lose access to their habitat, livelihoods and spiritual culture.

"In 2016, I recommended a national moratorium on forced evictions be instituted", said the Special Rapporteur on the right to adequate housing, Leilani Farha. "Evictions are only human rights compliant after all alternatives to eviction have been exhausted."

"Governments must seek free prior and informed consent from the indigenous people affected, ensure compensation is adequate and that any resettlement plans are determined through a process of meaningful consultation. Any eviction resulting in homelessness is a serious violation of human rights," the experts warned.

The experts said many indigenous peoples in India have already lost their homes in the name of conservation, often to make way for tiger reserves. Yet again research shows that the presence of indigenous peoples actually improves tiger populations.

"For generations, India's tribal peoples have lived in harmony with the country's wildlife, protecting and managing vital natural resources. It is because of their sustainable stewardship that India still has forests worth conserving. To truly protect wildlife, recognising the rights of forest guardians would be a far more effective strategy than rendering them homeless," the experts said. "We urge the Government of India to uphold the spirit of the Forest Right Act by safeguarding the inherent rights of scheduled tribes and other traditional forest-dwelling peoples."

The government must provide the necessary resources to conduct a transparent and independent review of the rejected claims and to ensure no indigenous peoples are aggrieved. Where there is absolutely no alternative to eviction consent of affected people, adequate redress, and compensation are required.

The Ministry of Environment has recently proposed a series of amendments to the 1927 Indian Forest Act, which, if adopted, would result in further violation of rights of tribals and forest-dwellers, the experts said. "The draft law would significantly increase the policing and discretionary powers of Forest officers against local communities."

The experts have shared their concerns with the government of India but to date have not received a response.

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*** The experts: Ms Victoria Tauli-Corpuz**, Special Rapporteur on the rights of indigenous peoples ; **Ms Leilani Farha**, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; **Mr David R. Boyd**, Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a

safe, clean, healthy and sustainable environment.

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