



Franciscans International
A voice at the United Nations

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URGENT APPEAL

The Pohang Iron and Steel Company (POSCO) project will endanger the forest areas and the livelihoods of indigenous people, farmers and fisherfolk living near Paradip, Jagatsinghpur District, Orissa (India).

For the construction of a steel plant, the POSCO Company, the Korean world's third-largest steel maker, aims at utilising around 4,000 acres of land, of which about 3,000 is officially classified as forest land. This land is largely cultivated by people who have lived in the area for over a century. Notwithstanding the fact that these people have been protesting since 2005, on 2 May 2011, Mr. Jairam Ramesh (Minister for the Environment of the Government of India), gave clearance to the project, in practice authorizing the first phase of the implementation.¹ The whole project involves a steel plant, a captive iron ore mine, and a private port.

Franciscans International is seriously concerned that the POSCO project will have a strong negative impact on the surrounding environment, such as the pollution of waters and lands and the devastation of the livelihoods of the population of the Jagatsinghpur District.

Environment Impact of the Project:

- For the development of the steel plant area, in addition to the 4,000 acres of land, POSCO might demand more land for the project's industrial township including water access plus road and rail infrastructure.
- POSCO proposes to raise the base height of its steel plant from 0 MSL to 6 MSL, in order to protect its plant from natural disasters. However, Jagatsinghpur region has been the epicenter of many intense cyclones that might put in danger the safety of the operations and, in turn, cause further pollution; therefore the use of this site should be avoided.
- POSCO will dump massive quantities of ash and sludge coming from the steel plant in 1,000 acres of land. Nothing is known on how POSCO proposes to contain the impacts of this dumping in an area with super high wind energies.
- A massive private port will be built in the Jotadhar creek, a highly sensitive area known for nesting habitats of critically endangered Olive Ridley Turtles and Horse Shoe Crabs, and it is a spawning ground for fishes.
- This port will have a deep channel into the sea. Large commercial ships (so called Capesize ships because of their inability to make it through the Suez Canal and thus they have to go around the Cape in South Africa) will be transiting in the channel and further polluting waters and lands.
- An Iron mine will be created in the thickly forested and mountainous Kandadhar region.

¹ Information available at <http://posco-india.com/website/company/background.htm>, and <http://www.forestrightsact.com/corporate-projects/item/12-the-posco-project> (last access 25 May 2011).

Franciscans International is seriously concerned that the POSCO project will have implications on the right to health, housing, land, and cultural identity of the indigenous peoples of Jagatsinghpur District.

Violation of National Laws

Mr. Ramesh rejected contestations over the non compliance of the project with national legislation. Notably, he disregarded the 2006 Forests and Rights Act unanimously approved by the Parliament and the Panchayati Raj Act which ensures the separation of powers and autonomy of local elected governments from the central institutions.

Moreover, Mr. Ramesh did not take into account the outcomes of the two Investigative Committees elected by Mr. Ramesh himself, to investigate all environmental aspects of the POSCO project. The Committees reported extensive illegalities and fraud in the environmental clearances. Mr. Ramesh sidestepped these reports and went on with the authorization process.

Finally, Mr. Ramesh has acted in complete disregard of the Indian Supreme Court, which is currently reviewing the decision of the Orissa High Court that has nullified the permits that the Orissa Government has given to POSCO.

The POSCO project has been resisted by local communities for six years. The reaction of the State has been brutal. It has involved harsh police action against women, children and men, and the filing of false criminal charges against the project opponents in the affected villages. Some community leaders have been wrongfully arrested and others falsely accused.²

Violation of International Laws

a. The Right to Health and the Right to Adequate Standard of Living

The POSCO project will violate the right to health and to adequate standard of living of the local population, as enshrined in many international instruments and commonly interpreted. In particular:

The International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” To achieve the full realization of this right, States parties should take step to improve all aspects of environmental and industrial hygiene. (Article 12)

The Committee on Economic, Social and Cultural Rights has clarified³ that “the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, as in food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment.”

b. The Right to Adequate Housing and Land

The POSCO project will put at serious risk the right to adequate housing (ICESCR) and the land of the local population, also in consideration that “Lands and territories have material, cultural and spiritual dimensions for indigenous peoples. They are required for their survival and economic sustainability and are intrinsically linked to the identity and existence of a people.”⁴

According to the Committee on Economic, Social and Cultural Rights, evictions might also happen “in the name of development.” Like in the case of the POSCO project, “Evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition

² http://archive.forestpeoples.org/documents/asia_pacific/india_urgent_action_orissa_may10_eng.pdf

³ Committee on Economic, Social and Cultural Rights, General Comment n. 14 (2000).

⁴ United Nations Development Group – Guidelines on Indigenous Peoples’ Issues (2008).

measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land (...).⁵

The UN Declaration on the Rights of Indigenous Peoples emphasizes the importance of the rights to adequate housing and land, with respect to indigenous people.

Franciscans International is further concerned that, in connection with the approval of the POSCO project, the Government of India will neglect the social and cultural identity of the Orissa indigenous people, de facto impeding them in the realization of their economic, social, and cultural rights. In case of violations and abuses, "States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."⁶

Recommendations:

Franciscans International reiterates its serious concerns about the POSCO project and calls on:

The Government of India to:

- Set up an independent and genuine inquiry Committee to ascertain the legality of Mr. Ramesh's authorization giving clearance to the diversion of 3,000 acres of forest land.
- Carry out an independent assessment on the environmental and human rights impact assessment of the POSCO project.
- Suspend the implementation of the POSCO project.
- Investigate violence and abuses perpetrated in connection to the POSCO project and ensure that the perpetrators are brought to justice.
- Abide by the national and international legislative framework in order to protect the environment and the local population.

The Special Representative of the SG on human rights and transnational corporations and the Special Rapporteur on the situation of human rights of indigenous people to:

- Ask the Government of India to suspend the authorization of the POSCO project and ensure that Mr. Ramesh abide by national and international laws.
- Ask the Government to set up an independent inquiry commission to assess the environmental and human rights impact of the POSCO project. Ensure that local population, farmers and fishermen are fully informed and consulted in the final assessment process.
- Ask the Government to ensure that the POSCO Company respects the human rights and daily livelihoods of affected indigenous and communities.

For further information, please contact Ms. Francesca Restifo, International Advocacy Coordinator of Franciscans International, f.restifo@fiop.org.

Thank you in advance for your attention.

Sincerely in peace,



Sr. Denise Boyle,
Executive Director

⁵ Committee on Economic, Social and Cultural Rights, General Comment n. 7 (1997).

⁶ UN Declaration on the Rights of Indigenous Peoples