



THE LAND REFORM, ENVIRONMENT AND INDIGENOUS POPULATIONS

HUMAN RIGHTS & SUSTAINABLE DEVELOPMENT

Question on Land ownership and Capital Invasion

is one of the major obstacles to the sustainable, inclusive and participative development of local communities of India

In India, recognition of land rights and socio economic, cultural and political rights of indigenous populations is a challenging issue. Extreme poverty vectors, conflicts and increased insecurity related to land, resource management and community governance are growing and intensifying maintaining vicious circle of poverty and corruption.

A difficult property transfer: Titling programs tends to become land distribution schemes rather than actually recognition the land rights of the people, corruption **Methods of distributing land titles** could be sources of discrimination and corruption by government officials. It is in disregard of their rights, their activities and their mode of community governance that rural indigenous populations are expropriated from their ancestral lands and that their biodiversity is plundered. The major bottlenecks remains in the implementation is the mind-set, understanding and will of the implementers. Land insecurity catalyzing the prevalence of land conflicts and human rights violations.

The legal framework does not sufficiently protect the rights of local communities and is very often contradictory to the customary tenure.

Administrative mismanagement: The decision-making process is often corrupted. **Acquisition Contracts:** Lack of transparency and democratic control. **New projects:** Lack of information about proposed projects and their effects Local communities often cannot afford to participate effectively in public consultations, **their voices** are rarely taken into account even when legal procedures so require. Communities in different parts of the India have successfully used Forest Rights Act 20016 provisions to protect forests and their bio-cultural habitats.

Access to natural resources. The challenge is not only an increase in land insecurity, but it is also an attack on human dignity and lifestyles, community governance and the right of people to organize their way of life, to produce their own food, food sovereignty ... can go as far as genocide of population! Any change in the land status leads to drastic change in identity, culture, health and existence of these communities. Land and resources are being plundered without any respect from the inhabitants and without any understanding of their importance and no assessment that would help to understand how their destruction will affect local communities and the environment.

Land grabbing puts the country at risk of worsening food insecurity, environmental degradation, increased dependence on food assistance and marginalization ... see the disappearance of peasant and rural communities. breeders, fishermen, craftsmen These projects of grabbing forest, agricultural, livestock, fisheries, trade ... ancestral lands directly endanger people and their way of life and the environment.

Promotion and protection of the rights of vulnerable tribal communities: As a large part of the local population is illiterate, and because of the limited understanding of the laws and administrative systems, the local populations are at high risk of vulnerability including women. Industrialization as the opted way of development has led to emerging of many industries in the district leading to large scar displacement, migration and environmental degradation.

Denial of land rights, Environmental degradation, Cultural practices under discrimination and violence: The process of assimilation and modernization and colonialization has heavily impacted the cultural, economical and social elements and practices of the communities. They are in a vulnerable condition curtailing of their life and existence. Restitution of land rights is not the solution of conflict resolution of the displaced communities. Land cannot compensate the loss of the indigenous communities, as for them right of the Land have a dimension of identity and very strong habits of life. Land is unique, rare and essential to life, to the community, to food security.

Facing environmental conditions and climate change, India government have the responsibility to Promote and protect the rights of vulnerable people/groups and to takes into account the social, cultural and historical realities and respects the rights of the most vulnerable and in particular local indigenous communities.

Towards inclusive and participative sustainable development for local populations: Communities are prevented from managing and participating in the development of the country. The right of the Land conditions access to livelihoods, remedies, exchange ... and thus the security, stability and development of local, rural, indigenous, and first peoples. In particular the food security, sanitary, educational,... psychic populations. It is necessary to establish specific democratic mechanisms for sustaining the land reforms and restitution of land and natural resources management rights. The issue of land and natural resources grabbing to secure capital and grow, economical development projects is certainly a detrimental path for indigenous/local/rural/tribal communities, their mode and place of life, agriculture, the environment, climate change, national interests

THREATS

- ❑ Maintains the vicious cycle of extreme poverty and corruption
- ❑ Degradation of livelihoods and environment,
- ❑ Danger of aggravation of food, sanitary ...
- ❑ Violent reactions
- ❑ Loss of legitimacy of institutions with regard to the Indian population
- ❑ ... see the disappearance of communities of peasants and herders, fishermen, craftsmen

RECOMMENDATIONS suggested by VASUNDHARA & Partnership Network International (PNI)
Pursue democratic process, protect local/indigenous/tribal population and environment, implement environmental and land reforms taking into account current realities.

1 PROTECT THE MOST VULNERABLE POPULATION. *Protect local/rural/indigenous/tribal communities against predation and ensure the sustainability of community governance.*

2 SECURING THE LANDS, PROPERTY AND RESOURCES OF THE MOST VULNERABLE OF THE INDIAN POPULATION AND IN PARTICULAR THE BASIC LOCAL COMMUNITIES: *Intensify the massive land security.*

3 ENSURING THE ENVIRONMENTAL AND LAND LAW: *Pursue the implementation of the land reform by revising the laws relating to the land management of large industrial, mining, oil, quarry, coastal, agricultural and tourist exploitations to enable those concerned to fully enjoy their rights. Unify and end a complex system.*

4 LEGALLY RECOGNIZING PROPRIETORS in land and real estate: *Encourage people who have occupied land for years without having formalized their rights to have them recognized; Provide family farms/fishers.... with written documents guaranteeing their rights on land easily accessible and at an acceptable cost Recognize land titles by the population, institutions and courts in the interests of rural/local families and individuals most vulnerable who live in a risky activity for too long even as their survival depends on these place and traditional living condition.*

5 ACTING IMMEDIATELY *that looted land be returned and damage repaired Put an end to this resurgence of cases of repeated human rights violations in India.*

6 IMPROVING ADMINISTRATIVE MANAGEMENT: *Effective establishment of a local land service and training of land agents; Perform a rigorous control of these services; Recognition of certificates by the courts; Strengthen various institutions regulating access to land and the management of natural resources. Reconcile the legitimacy of land practices with the legality of laws and regulations.*

7 PROTECTING THE HUMAN RIGHTS OF THE POPULATION AND SAFEGUARDING THE ENVIRONMENT: *Before contracts are awarded to investors, carry out a public consultation with the local population and the local community and ensure that sales are made with the consent of the authorities customary and other family members. Take concrete measures to fight against corruption, in particular by strengthening the judicial system and urge entities working in India to respect the principle of free, informed and prior consent; Clean up the business climate and make more transparent the lease agreements, land grants to firms and large foreign agricultural and mining companies.*

8 STRENGTHENING DECENTRALIZATION AND DEMOCRATIZATION PROCESSES: *Decentralize decisions and involve grassroots communities in land management and exploitation and take into account the rights of people to participate in decisions that affect them; To leave the necessary autonomy to the local communities in the accomplishment of their mission.*

9 STRENGTHENING COMMUNITY CAPACITY TO MANAGE AND CONTROL THEIR RESOURCES: *Supporting local communities. It is a means of protecting a safe, clean, healthy and sustainable environment that is essential for the realization of human rights and sustainable development while improving the livelihoods of a predominantly rural developing country and ensuring the setting up of effective remedies. To empower grassroots communities to assume authority, management and land use with adapted modern tools.*

10 INTENSIFYING THE FIGHT AGAINST POVERTY in collaboration with other relevant expertise: *Aim to ensure that in the areas of intervention and in particular vulnerable populations access to food security, income and employment opportunities, improve their resilience capacities taken quickly and efficiently, To build trust in institutions and anticipate the resolution of potential conflicts.*