



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

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TO:

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CC:

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RE: imminent threats of forcible evictions and violence against protesters in Jagatsinghpur District, Odisha, India

ESCR-Net is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of 243 organizational and individual members, in 67 countries.

We write to express our collective concern regarding alleged plans by the Indian authorities to proceed with the imminent forced eviction in Jagatsinghpur District, Odisha, to facilitate the construction of POSCO's steel plan project, as well as imminent threats against human rights defenders in the area who have mobilized to protect their lands.

According to reports received, on 18 October, 2012, the Gram Sabha (village assembly) of Dhinkia Panchayat (group of affected villages) denounced the land seizures and demanded recognition of the right to informed consent, according to the Forest Rights Act. This declaration followed a ruling by the National Green Tribunal on 30 March 2012, which suspended the environmental clearance for the project. Notwithstanding the clear absence of consent for the land acquisition and forced eviction, on 28 December 2012, the District Collector of Jagatsinghpur, SK Mallik, announced plans to initiate new actions aimed at seizing the above-mentioned land for the POSCO project.

ESCR-Net has received credible reports that residents of affected communities are facing serious threats to their lives, safety and physical integrity. According to information received, ten police platoons are stationed in the area and another eight platoons are soon to arrive. In addition, over 230 criminal charges have reportedly been filed against individuals protesting the project, and several community leaders are currently in jail as a result of their actions to defend human rights.

The livelihood of 4000 families - over 22,000 people - depend on agriculture, fishing and the utilization natural resources associated with this land. Villagers have expressed serious concerns that the steel plant and associated power station and infrastructure will destroy rice paddies, betel-vine cultivation and fish-ponds, posing serious threats to the right to food. Concerns have also been expressed that the project would have serious implications on the right to water, as well as the right to adequate housing for the above-mentioned villagers. These impacts represent particular threats for tribal groups and

other disadvantaged castes living in the area, as well as women, who anticipate that they will be further marginalized and impoverished if they are dispossessed of their lands.

POSCO's Code of Conduct has committed the company to "abide by all national laws and regulations as a socially responsible citizen," "comply with international conventions on human rights...as well as local laws...in every country [it] operate[s] in" and "respect the traditions and culture of local communities." Similarly, POSCO is also committed to the United Nations Global Compact. Principles 1 and 2 of the Global Compact require businesses to "support and respect the protection of internationally proclaimed human rights" and "make sure they are not complicit in human rights abuses." In a public letter of commitment to the Global Compact, sent to the UN Secretary General on 25 May 2012, POSCO committed to "making the Global Compact and its principles part of the strategy, culture and day-to-day operations of our company."

As a South Korean corporation, POSCO is also committed to following the Guidelines for Multi-National Enterprises of the Organisation for Economic Cooperation and Development (OECD), which the Government of South Korea is subject to uphold, as a member of the OECD. Chapter IV of the Guidelines requires that enterprises such as POSCO should: "Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved."

These commitments are broadly in line with the requirement that businesses respect human rights standards, articulated in Principle 11 of the United Nations Guiding Principles on Business and Human Rights. We remind POSCO that the substance of this standard requires that POSCO avoid causing or contributing to adverse human rights impacts through their operations and address these impacts if they occur. In addition, Guiding Principle 13 adds that the corporate responsibility to respect human rights requires POSCO to "prevent or mitigate adverse human rights impacts that are directly linked to their operations ...even if they haven't contributed to those impacts." Therefore, international standards articulate clear responsibilities of POSCO to prevent or mitigate adverse human rights impacts associated with the threatened land seizure directly linked to the intention of POSCO to build the proposed steel plant.

The Guiding Principles also make clear that POSCO should engage in meaningful consultation with potentially affected groups in order to identify, and therefore prevent, violations of human rights. In light of this standard, ESCR-Net draws POSCO's attention to the aforementioned Gram Sabha as a clear expression of the will of the majority of the people of Dthinkia Panchayat.

All of these requirements form part of POSCO's responsibility to respect human rights, in line with international standards. We urge POSCO to abide by these standards, and respect all the human rights of people affected by their projects.

Finally, we request that you keep us informed of measures taken.

Sincerely,



Chris Grove
Director