



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:

**Park Geun-Hye, President of the Republic of Korea
Minister, Mr. Choi Joong-Kyung and Mr. Tae Gyu Park, Assistant
Director - Oil and Gas Division, Ministry of Knowledge Economy
Minister, Mr. Kim Sung-Hwan, Ministry of Foreign Affairs and Trade
National Human Rights Commission of the Republic of Korea**

CC:

**Joon-Yang Chung, CEO, POSCO Corporation
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Bang Mi-Joung, Corporate Relations Manager, POSCO Corporation
Lee Sung Hyuk, Social Contribution Group, POSCO Corporation**

**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 Indian authorities to proceed with forced eviction in Jagatsinghpur District, Odisha, to facilitate the construction of the POSCO steel plant, 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 Dinkia Pachayat (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 Jagatsingpur, 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.

The POSCO Corporation is a duly registered corporation in the Republic of Korea, which, in turn, is a party to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, among others. As has been established by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Child, States have human rights obligations that extend past territorial boundaries, including actions and omissions by State and non-State actors under their effective jurisdiction. These *extraterritorial obligations* include ensuring that the activities and impacts of transnational corporations domiciled in the Republic of Korea do not violate the human rights in any countries where those corporations operate.

It is within this framework that it is incumbent upon the Republic of Korea to exert influence and also ensure regulation of the POSCO Corporation's activities abroad. According to the UN Guiding Principles on Business and Human Rights, "States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations." The imminent forcible eviction in India to promote the interests of the POSCO Corporation are undermining the affected villager's access to land, medical care and water, as well as violating their fundamental human rights to freedom of expression and peaceable assembly.

Recently, in Concluding Observations by the Human Rights Committee for Germany (106th session, Oct/Nov 2012), the Committee noted, "[t]he State party is encouraged to set out clearly the expectation that all business enterprises domiciled in its territory and/or its jurisdiction respect human rights standards in accordance with the Covenant throughout their operations. It is also encouraged to take appropriate measures to strengthen the remedies provided to protect people who have been victims of activities of such business enterprises operating abroad." In addition, the Committee on Economic, Social and Cultural Rights has noted in its Statement on the obligations of States Parties regarding the corporate sector and economic, social and cultural rights (2011) that States Parties, home to companies active abroad, shall also encourage such companies to assist host States in building capacities needed to address the corporate responsibility for the observance of economic, social and cultural rights.

We therefore urgently call on the competent authorities of the Republic of Korea to:

- Undertake discussions with the leadership of the POSCO Corporation with regard to their obligation not to take actions which undermine the right to liberty and security of person; right of peaceful assembly; human rights to food, water, and adequate housing; and prohibitions against forced evictions as well as cruel, inhuman or degrading treatment for all people in the area of their operations.
- Develop a national-level regulatory framework to ensure corporate activities abroad conform with and do not undermine Korea's international human rights obligations.

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

Sincerely,



Chris Grove, Director