

Gwangju Prize Speech

## No Justice, No Peace

Binayak Sen

[This year Binayak Sen was awarded the Gwangju Prize for his contribution to human rights movement. Following is a slightly shortened version of his Acceptance Speech delivered in South Korea.]

I WOULD LIKE TO THANK THE people of South Korea and in particular the citizens of Gwangju whose historic struggles have made freedom, democracy and justice core values of their society. The martyrs of Gwangju will remain an inspiration to people all over Asia as we struggle to make the world a better place.

First, I shall try to briefly clear up some possible misconceptions about myself. I did not violate any laws and never was disloyal to the people of my country. I condemn, unequivocally, all violence by any and all individuals and agencies. I believe that violence is an invalid and unsustainable approach to achieving goals, whether these are the goals of the state or the goals of individuals operating outside the law. Because the state is sworn to uphold the Constitution, I believe we are entitled hold agents of the state to a higher standard than we hold outlaws. As members and office-bearers of the People's Union for Civil Liberties, it is the responsibility of my colleagues and myself to help hold the state accountable to the promises of the Indian Constitution.

But the state does not only consist of the government or its agencies. As a society, we are all part of the state, and there would be no state without us. We often tend to think of violence only in terms of the use of weapons and explosives against others. However, there is another form of violence in society, which is structural in nature, which I believe is even more pervasive and pernicious than guns and bombs, because it is all around us and we have stopped noticing it. It is this other form of violence that concerns me as a paediatrician and public health physician.

It was nearly four decades ago that I, as a pediatrician trained at the Christian Medical College, Vellore in southern India after a brief stint at the Jawaharlal Nehru University in New Delhi decided to go and work in Chhattisgarh. My graduate thesis at CMC had focused on severe malnutrition in children and the theme of nutrition and its interface with health and well being has been a life-long area of concern for me.

Chhattisgarh, a province in central India that till ten years ago used to be part of the larger province of Madhya Pradesh, was created in 2000 as a separate state ostensibly to benefit the large population of indigenous people or '*adivasis*' there.

However, Chhattisgarh is also the most mineral rich state in the country and iron-ore, lime stone, dolomite, coal, bauxite are found in abundance. The province also produces 20% of the India's steel and cement and is also a major centre of thermal power production. Much of the mineral resource lies below adivasi lands. Yet throughout India as well as in Chhattisgarh, the adivasis are a much-neglected group, long deprived of such basics as nutritional security, health care and education, who are now also suffering displacement from their natural habitat and their traditional livelihood resources as politically favoured commercial interests seek to exploit the state's vast mineral wealth in their lands.

When we first arrived here my wife Dr Ilina Sen (who is a sociologist with a special interest in gender studies) and I, decided to work with the Chhattisgarh Mines Shramik Sangh (CMSS) which was a unique trade union movement among mining and steel plant workers led by the legendary Shankar Guha Niyogi. Under Niyogi's leadership, the mine workers' organization led a militant struggle for the rights of indigenous, contractual mine workers, and combined this with a strong commitment to social initiatives that were anchored in the strength of the people. The idea of basing health outreach programmes on the strength of community based health workers was born here.

In the mid-eighties we moved to the capital city of Raipur and founded *Rupantar*, a community-based non-governmental organization (NGO) that aimed at an integrated approach to health care and human rights, including women's rights and food security. Using this platform we contributed to the mainstreaming of health worker based community health programmes that has now been adopted nationally in India. However, my health work in Chhattisgarh for the last 30 years has demonstrated to me again and again that there is a clear relationship to people's nutrition, social, economic and political well being and the state of their health. Health can never exist in isolation and without a broader concept of entitlements.

My participation in human rights work started with my joining the People's Union for Civil Liberties (PUCL), a long-established and respected Indian human rights organization established by the late Jai Prakash Narayan during the dark days of the Emergency when the liberty of speech and expression of ordinary citizens stood suspended. When the new state of Chhattisgarh was formed, I became the secretary of the PUCL in Chhattisgarh and in the course of time, its National Vice-President. A lot of my human rights work consisted of highlighting the deprivations of the tribal communities and exposing instances of state insensitivity as well as police atrocities against them.

This was a period when the government of Chhattisgarh was engaged in a major project of land acquisition and mega development that deprived the adivasis of their access to common property resources in land, water and forest, as well as existing livelihood options. State action in the forested parts of the province, ostensibly against the Maoists, severely compromised normal life, with repressive laws, police brutality, and the sponsorship of a vicious civilian militia or vigilante group called the *Salwa Judum*. On behalf of the PUCL, my colleagues and I organised objective enquiries into the atrocities of this militia. We also led enquiries into so-called "encounter killings", by which security agencies sometimes secretly liquidate suspected militants. One such enquiry ultimately led to registration of criminal cases and issuing of arrest warrants against eight erring police officers, much to the discomfort of the state police.

The PUCL has also strongly criticized over the years the forced displacement of the adivasis without proper rehabilitation and without sharing with them the fruits of economic development which is mainly based on exploitation of mineral wealth located in their natural habitat.

Almost certainly because of my growing involvement in human rights work and exposure of state atrocities on indigenous populations on 14 May 2007, I was detained for allegedly supporting the outlawed Maoists, thereby violating the provisions of the Chhattisgarh Special Public Security Act 2005 (CSPSA) and the Unlawful Activities (Prevention) Act 1967, and for indulgence in seditious activity.

On 24 December 2010 a lower court in Raipur sentenced me along with two others to rigorous life imprisonment for 'sedition', under an outdated colonial-era law that was formulated by the British in the nineteenth century, and used for long against fighters for India's freedom from British rule.

Today, as I stand before you here in Gwangju I have been freed on bail by the Supreme Court of India which in a hearing on 15 April has said clearly that the law on sedition has been wrongly applied in my case and there is no evidence at all for such a charge. My appeal to overturn the conviction and sentence of life imprisonment continues at the Chhattisgarh High Court and I am determined to fight the case till it is finally established that my actions were always in the interest of justice with equity, and were never seditious in nature.

What I have said so far about Chhattisgarh, applies today to all of India.

Today, India is considered around the world as a rapidly developing country posting economic growth rates of around 8-9 percent consistently over the last several years. Along with China, which is much further ahead, India is seen as a powerhouse of the global economy in the decades to come and already it is home to a very large number of dollar billionaires, perhaps the largest such number in Asia.

In our own times as we look around this vast and populated country though the picture that one sees is not as rosy as it is made out to be. India is also home to the world's largest number of people living in absolute poverty. In 2007 a study on the unorganized sector in India, based on government

data for the period between 1993-94 and 2004-05, found that an overwhelming 836 million people in India live on a per capita consumption of less than Rs 20 or 0.50 US cents a day.

In 2010 a UNDP/Oxford University study, using a new Multi-dimensional Poverty Index (MPI), said that eight Indian provinces alone have more poor than 26 African nations put together. The report said that acute poverty prevails in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal which together account for 421 million people, 11 million more "MPI poor" than in the 26 poorest African countries.

As a physician and a pediatrician in particular what concerns me is that such absolute poverty among such large numbers of people really translates into a major health disaster the proportions of which can only be called genocidal. I have a specific technical reason for using the word genocide and do not wield it in a rhetorical manner.

The Indian National Nutrition Monitoring Bureau (NNMB) tells us that over 33% of the adult population of India has a Body Mass Index of less than 18.5, and can be considered as suffering from chronic under-nutrition. If we disaggregate the data, we find that over 50% of the scheduled tribes (Adivasis), and over 60% of the scheduled castes (dalits) have a BMI below 18.5.

The WHO says that any community with more than 40% of its members with a BMI below 18.5 may be regarded as being in a state of famine. By this criterion there are various subsets of the population of India-the scheduled tribes, scheduled castes, which may be regarded as being permanently in a state of famine.

So it is not any general population that is suffering the consequences of poverty-induced malnutrition but specific ethnic groups and hence my use of the term 'genocide' as per the United Nations definition. All this is, of course, in addition to the mundane reality, to which we have become inured, of 43% of children under 5 in India being malnourished by weight for age criteria, has the world's largest number of malnourished children and according to the UNICEF over 2 million Indian children die every year due to malnutrition related diseases.

I want to bring to your and indeed the attention of the world that it is precisely this section of the population, that is stricken by famine, that is today the principal target of a widespread policy of expropriation of natural and common property resources, in a concerted and often militarized programme run by the Indian state.

For a long time, despite their cash poverty, the Adivasis of central India, living in extreme poverty, nevertheless survived through their access to common property resources- the forests, the rivers, and land- all of which are now under a renewed threat of sequestration and privatization as global finance capital embarks on its latest phase of expansion. The doctrine of eminent domain vests ultimate ownership of all land and natural resources in the state. Under cover of eminent domain, vast tracts of land, forest and water reserves are being handed over to the Indian affiliates of international finance capital.

Land acquired from ordinary people in Chhattisgarh, as also in other parts of India, has been handed over to the industrial houses for the purpose of mining or building large steel and power plants. With a few honourable exceptions, the personnel articulating the agency of state power have almost uniformly possessed a colonial mindset. It is not as if the people have not resisted. The forced takeover of indigenous land is being met with resistance that is multi-hued, yet the state has chosen to brand it under the single category of Maoist, and has met it with brutality and human rights violations. The social fabric in many of these regions is today polarized beyond immediate rectification, and the deep fissures in our society will take time to heal.

It is well recognized now that the tsunami-like flow of capital around the world is a source of tremendous tragedy for many communities around the world which do not fit into the ideologically straitjacketed confines of the 'market economy'.

Countries like South Korea that have suffered the ravages of colonialism in the past and risen from the ashes of the Second World War to become industrially and economically leading nations of the world have a special responsibility today. It is the responsibility of ensuring that they do not do the

kind of violence and exploitation to the people of the Third World what they themselves were subjected to in the past by others.

I want to bring up the specific case of the South Korean steel giant POSCO which has embarked on a USD 12 billion dollar project in the Indian state of Orissa, which at USD 12 billion to mine iron ore, build a port and a mega-steel plant.

Indian activists have pointed out repeatedly that from a national point of view the MoU signed by the Orissa government with POSCO to give it the rights to mine over 600 million tonnes of high grade iron ore is a scam of immense proportions. According to the original MoU, the royalty that POSCO will pay for the iron ore is around Rs 24 per tonne whereas the selling price in the international market is around Rs 5000 today. Besides all this POSCO and its investors from around the world are to be illegally given nearly 5000 acres of land that was originally forest land and cannot be used for any other purpose under Indian law without the consent of forest dwelling people.

For more than five years now the POSCO Pratirodh Sangram Samity (PPSS), a local people's movement in Jagatsingpur district, has been bravely resisting the POSCO project which threatens the livelihood of thousands of agriculturists, workers and small businesses in the area besides devastating the local environment and ecology. Over 30,000 people, mostly farmers and fisherfolk are expected to be displaced.

I would like to appeal to the South Korean people and the people of Gwangju in particular to strongly oppose the POSCO project in solidarity with the brave farmers and fishermen of Jagatsingpur. POSCO should withdraw its investment in this project immediately and an inquiry launched in both South Korea and India into the circumstances under which such a project was considered and cleared.

The spirit of the Gwangju Prize for Human Rights calls upon all of us to continue to oppose violations of human rights in every form, wherever it occurs and whatsoever the costs of such opposition. □□□