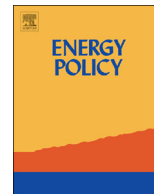




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Tribal communities and coal in Northeast India: The politics of imposing and resisting mining bans

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HIGHLIGHTS

- Tribal communities initiate and manage coal mining in Nagaland and Meghalaya.
- Laws banning coal extraction have been challenged and resisted by local communities.
- The right to extract coal is tied to protecting tribal land rights.
- Tribal autonomy in coal policy is progressive, yet enables capture by local elites.
- Where there has been regulation of coal mining it has come from unexpected sources.

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ABSTRACT

Bans on coal mining have been implemented in two tribal majority states in India's north-east frontier; Nagaland and Meghalaya. In Nagaland the state government imposed the ban in an attempt to capture control of coal extraction and trade, while in Meghalaya India's National Green Commission imposed the ban over concern for the environment and labour conditions. In both cases local communities have opposed the bans, and in some areas resumed mining under the authority of tribal councils and powerful civil society actors. In this paper we explore the politics of coal extraction that resulted in these bans and the response of communities and authorities. In doing so we made three main arguments that contribute to understanding of coal and communities in frontier regions where state control is partial and the legacy of armed conflict is powerful. First, in both locations the majority of the coal mining activity has been initiated and managed by members of tribal communities rather than profit-driven outsiders. Second, in contrast to other contexts in India (notably Orissa and Jharkhand) where large state or private enterprises seek to modify the law to enable coal extraction, in Nagaland and Meghalaya it has been communities that resent and challenge state and national laws being applied to their lands. Third, the right to extract coal is connected to the right of tribal communities to determine what happens on their lands.

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1. Introduction

This paper explores the relationships between coal and communities in Northeast India: a political and economic frontier sharing borders with Bangladesh, Bhutan, China, Myanmar, and Nepal. We focus on the experiences of tribal communities engaged in coal mining activities in Nagaland and Meghalaya, two federal states with tribal majority populations with special constitutional provisions. Despite being majorities in their own territorial units, these communities are national minorities and have been engaged

in resistance to the Indian state for over six decades—especially in Nagaland. The politics of coal in the frontier of Northeast India illustrate three main dynamics that complicate assumptions about the relationships between coal and communities. First, in both locations the majority of the coal mining activity has been initiated and managed by members of tribal communities. Rather than profit-driven outsiders, the initiators of extraction are predominantly local and are members of communities often cast as victims of resource extraction. Second, laws banning coal extraction have been challenged and resisted by local communities. In contrast to other contexts where large state or private enterprises seek to modify the law—and often break it—to enable coal extraction, in this case it is local actors who resent national and state laws being applied to their lands and jeopardizing their livelihoods. Third, the right to extract coal is closely linked with the

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right of tribal communities to determine what happens on their lands. For communities seeking various forms of territorial autonomy, control over resource extraction is at the forefront of political action, regardless of national and state energy policy and priorities. These dynamics have implications for our understanding of the ways tribal communities are understood in relation to coal, the relationship between territorial politics and coal extraction at the sub-national level, and the efficacy of national level laws in frontier regions.

2. Methodology

Research for this paper was conducted through ethnographic fieldwork by the authors in the coal areas of Nagaland (2007–2011) and Meghalaya (2005–2008) as part of two separate but related projects on tribal communities and extractive resources. In each location the authors carried out in-depth interviews and observations to establish the dynamics of local resource politics. Coal was an integral part of these politics in both locations. In order to best capture the phenomenal changes of the last 2 years, we consulted updated government data, national and state laws, and secondary literature—much of which appeared in the vernacular press. We situate these two cases in the broader context of tribal and indigenous communities being forced to protect their land and mineral resources against profit-driven outsiders—whether state or corporate (see Ballard and Banks, 2003; Kirsch, 2014; Li, 2000). In many of these instances, especially in India, tribal communities have been completely marginalized from decisions over land and resource extraction, have been poorly protected by the law, and have often experienced violence in removal and resettlement (Baviskar, 1997; Ghosh, 2006; Kennedy and King, 2013; Oskarsson, 2013; Padel and Das, 2010; Routledge, 2003; Suykens, 2009). As such we are driven by Dove's (2006, 191) proposition to explore the contradictions, collaborations, and complicity “inherent in the coevolution of science, society, and environment”. We position the experience of tribal communities in Nagaland and Meghalaya in contrast to these experiences in order to unearth the far more complex and seemingly counterintuitive politics of land and resources in territories where protective land regimes hold firm but where the structural power of coal distorts these regimes in dramatic, and uneven, fashion.

3. The coal frontier in India

Nagaland and Meghalaya are federal states in Northeast India. (Fig. 1) Both states are classified as ‘special category states’ and depend on finance from Indian Government in Delhi for their annual budget transferred directly (as much as 89%) and also depend upon grants, loans and other schemes coordinated by the Ministry for Development of the North East Region and the North East Council. Funds released to special category states are 90% grants and 10% loans payable over 20 years—very attractive terms for local governments. In the last decade the states of the region have been under pressure to raise more revenue and attract investment. Energy resources including coal, gas, uranium and hydropower are targeted for investment under a number of assisted schemes at the national level, such as the flagship North East Vision 2020 policy framework released in 2008, the North East Industrial Investment Promotion Policy 2007 offering generous concessions for investors, and in the various state investment and industrialisation policies (McDuie-Ra, 2009; 2016). Vision 2020 posits that to achieve peace and alleviate poverty in the region a ‘paradigm shift in development strategy’ is needed, centred on harnessing the region's mineral resources—coal, gas and

petroleum reserves, as well as hydro-power potential, and creating an hospitable climate for investment, border trade, and public investment in infrastructure (MoDONER, 2008, 18–21).

For many communities in the frontier, coal is the most accessible and controllable resource, particularly given the methods of extraction common at the local level. Of primary importance in coal extraction at the national level is the Ministry of Coal, separated from the Ministry of Power, Coal, and Non-Conventional Energy Sources in 1992 and embroiled in scandals ever since, including the infamous ‘coalgate’ wherein the Ministry was accused of corruption in the allocation of coal blocks (Miklian and Carney, 2013). The Coal Bearing Areas (Acquisition and Development) Act, 1957 enables the Indian Government to acquire land for coal extraction through a series of stages, and its implementation has been the source of the recent controversy. In response, the Coal Mines (Special Provisions) Act was passed in 2015 opening coal mining private investors from India and abroad (Ministry of Law and Justice (India), 2015; Government of India, 2015). This has opened India's domestic coal market to exports from places like Australia.

In a 2015 Australian Government Report, the Office of the Chief Economist noted: “Although prices, coal quality and investment have thus far limited growth in Australia's thermal coal exports to India, these barriers are now starting fall” (Office of the Chief Economist, 2015, 82). Australia's exports of metallurgical coal (also known as coking coal) have tripled between 2001 and 2014, while thermal coal remains expensive for Indian buyers when compared to other sources, notably Indonesia, exemplifying Anna Tsing's famous description of the transformation from “coal-the-diggable, coal-the-sortable, coal-the-transportable, until it eventually becomes coal-the-burnable...[and] rubs up against other participants in the chain: unhappy villagers, conveyor belts, contracts” (2005: 51). The Coal Mines Act has implications for coal mining in the Northeast frontier as the supply of imported coking coal alters demand for similar quality coal from places like Meghalaya and Nagaland, particularly given the difficulties in extracting coal in the context of the bans discussed below. At the same time the Indian Government has urged an increase in domestic coal production, part of a series of reforms including easing barriers to extraction such as environmental clearances and land acquisition (Bedi and Tillin, 2015; Ruparelia, 2015). As of early 2016 over-supply was being reported and stock levels at power stations had reached a record high, making the future for metallurgical imports uncertain (Burton, 2016). However, the coal scenario in Nagaland and Meghalaya is vastly different to the national scenario given that national and state governments must content with constitutional provisions that guarantee tribal communities control over land.

Tribals constitute 86.5% of the population of Nagaland and 86.1% of the population in Meghalaya—split among the Khasi and Garo communities (Census of India, 2013). The terms ‘tribal’ and ‘tribe’ denote membership of the Scheduled Tribe category in the Indian Constitution which grants designated communities various constitutional guarantees ranging from territorial autonomy, federal statehood, reserved posts in state institutions and assemblies, and recognises the authority of customary courts, councils, and law; all vital in the politics of coal. In addition, politicians and leaders with strong tribal and clan solidarities head the formal political institutions in these hills states as members of regional and national political parties. In Nagaland and Meghalaya special constitutional provisions relating to land ownership and resource management are a powerful counter to national level laws promoting coal mining, and, conversely, seeking to ban mining in these states in recent years following an apparent ‘green turn’ at the national level.

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