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India: Vedanta's Odisha refinery expansion will increase pollution risks

Indian authorities must order an independent audit of the pollution control measures and risks at the Lanjigarh refinery operated by Vedanta Aluminium before deciding on the company's proposal for the refinery's six-fold expansion, Amnesty International India said today.

Amnesty International India has received information that Vedanta Aluminium, a subsidiary of the UK-based Vedanta Resources, has approached the Indian Prime Minister's Project Monitoring Group - set up to fast-track stalled large investment projects –seeking permission for a six-fold expansion in the capacity of its alumina refinery at Lanjigarh in the eastern Indian state of Odisha.

Since 2009, Amnesty International's research has consistently highlighted evidence of human rights abuses associated with the operations of the Lanjigarh refinery, which had commenced production in 2007. Pollution from the site has not been properly controlled and has affected the health of nearby communities. The organisation has also urged the Indian authorities not to expand the refinery till all the human rights and environmental concerns of the local communities are effectively addressed.¹

Vedanta's plans to expand its 700-hectare refinery, involving acquisition of an additional 888 hectares of land belonging to local Majhi Kondh Adivasi (Indigenous) and Dalit communities, have been on hold since May 2012 when India's Ministry of Environment and Forests found that the company had not fulfilled all the 70-odd conditions put forth for the expansion and continued to deny these communities access to 26 hectares of village forest land within the refinery area.

The alumina refinery was linked to plans by another Vedanta subsidiary to mine bauxite in the nearby Niyamgiri hills, but mine plans were unanimously rejected by all the 12 Adivasi villages in the mine lease area where official consultations were held in July-August 2013. These consultations, ordered by India's Supreme Court in an April 2013 ruling, were a major victory for Adivasi rights in India.

The rejection of the mine plans raises questions about where the refinery will source bauxite and why a six fold expansion is needed. The refinery's operations had been suspended for six months since December 2012 due to lack of bauxite.

¹ Amnesty International, Open letter to India's Minister of Environment and Forests not to allow expansion of Vedanta Aluminium refinery until human rights abuses faced by local communities are fully addressed. ASA 20/017/2012, 25 April 2012,

<http://www.amnesty.org/en/library/info/ASA20/017/2012/en>

Amnesty International, India: Letter regarding expansion of alumina refinery in Lanjigarh in Orissa, ASA 20/051/2011, 20 December 2011,

<http://www.amnesty.org/en/library/info/ASA20/051/2011/en>

When Amnesty International recently visited a number of villages around the refinery after it resumed operations in June 2013, it found that the authorities had failed to take any serious action to end the refinery's pollution, clean-up existing damage or to monitor the health and livelihood impacts of the refinery on the local communities. The authorities had also failed to act on a recommendation made by a Special Rapporteur of India's National Human Rights Commission, who had investigated complaints from the local communities in 2011, that an expert committee be formed to systematically monitor and evaluate these impacts.

One of the refinery's two red mud ponds – which is full of hazardous waste material and from which leakages were reported during rains two years ago - continues to threaten the health of the residents of at least three villages which are in close proximity. This 28 hectare red mud pond remains full to the brim and no action appears to have been taken to ensure the health and safety of these communities. Residents of these villages have expressed concern that the recent monsoon could cause a run-off from contaminated water in the refinery's red mud pond

India's human rights obligations requires both the Odisha state authorities and the central government authorities to take all necessary measures to safeguard persons within their jurisdiction from infringements of their human rights, including by third parties such as companies. This requires enforcing laws against pollution and to prevent the contamination of water, air or soil.

Given the evidence of serious problems associated with the existing refinery operations, Amnesty International urged the Project Monitoring Group led by India's Prime Minister not to approve any expansion of the refinery until an independent audit of the refinery is ordered, its findings made fully public and all the human rights and environmental concerns of the local communities are effectively addressed.

Background

Between 4,000 and 5,000 people who live in the 12 villages that surround the Lanjigarh refinery, including Majhi Kondh Adivasi, Dalit and other marginalized communities, remain affected by the refinery's operations, including its impact on water and air, which has compromised their access to water for drinking and domestic use and placed their health and livelihoods at risk.