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India: Authorities must act on vital findings of official probe into Vedanta's projects in Orissa

Indian authorities must act on vital findings of an official team into abuses of human rights and violations of forest laws by Vedanta Resources' companies in their bauxite mining and alumina refinery projects in Orissa, Amnesty International said today.

The findings of the official three-member team, released by India's Ministry of Environment and Forests (MoEF) on 12 March 2010, document various human rights violations of *adivasi* (Indigenous people) communities and violations of forest laws in relation to the Vedanta's refinery and planned mining project.

Describing the probe findings as a "welcome first step", Amnesty International said these echoed the conclusions of the organization's report, *Don't Mine us out of Existence: Bauxite Mine and Refinery Devastate Lives in India*, released in New Delhi last month. The full report can be viewed on Amnesty International's website at http://www.amnesty.org/en/library/info/ASA20/001/2010/en.

The findings of the official team highlight the absence of any studies on the impact of the mining on the Dongria Kondh adivasi community which inhabit the Niyamgiri hills. One of the three reports submitted by the team observes that "(the) disruption of the habitat and the way of life of this PTG [Primitive Tribal Group] cannot be remediated nor compensated, and may lead to the destruction of the Dongria Kondh as a PTG." It also concludes that the State authorities never established any process to seek the informed consent of the Dongria Kondh for the bauxite mining project nor ensured their rights guaranteed as per India's forest laws.

Amnesty International points out that, under international law, Indian authorities are obliged to respect, protect and fulfil the rights of indigenous peoples over the lands and territories they traditionally occupy. The obligation to protect requires measures by states to ensure that other actors, such as companies, do not abuse or infringe human rights.

Members of the official team, who visited two of the eight villages close to the alumina refinery at nearby Lanjigarh, have also documented abuses suffered by local communities including violations of the rights to water, health and healthy environment and loss of livelihoods.

MoEF Minister Jairam Ramesh has promised follow-up action on the probe findings. Any such follow-up action must also include full consultation with local communities on the refinery expansion and mining proposal, including setting up of a process to seek the free, prior and informed consent of the Dongria Kondh, and respect their decision, Amnesty International said.

Amnesty International reiterates its demand that until the existing problems are resolved, the Governments of India and Orissa and Vedanta Resources should ensure that there is no expansion of the refinery and mining does not go ahead.

Background
The mining in Niyamgiri is to be carried out by a subsidiary of Vedanta Resources, a UK-based

FTSE 100 company, and the Orissa government-owned Orissa Mining Corporation (OMC). The refinery at Lanjigarh is operated by Vedanta Aluminium Limited, another subsidiary of Vedanta Resources.

Following mounting protests from local communities and allegations of human rights abuses, the MoEF, in December last, constituted the three-member official team – consisting of a forestry official, a former government wildlife official and an independent legal expert – to visit the area. On 12 March 2010, the Ministry's Forest Advisory Committee deliberated on the three reports submitted by the team and asked the Orissa government to provide an explanation for the violations.

Although Vedanta Resources and the Orissa government have denied claims of violation of human rights, a number of investors including the Church of England have sold their shares in Vedanta's Resources after concluding that Vedanta did not show respect for human rights of local communities.

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