

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## Vedanta Resources' statement on Amnesty International's report *Don't Mine Us Out of Existence* is full of errors and omissions

The statement from Vedanta Resources, which was distributed by a marketing agency in Delhi today, does not address any of the substantive concerns raised by the organisation in its report launched today, Amnesty International says. Vedanta Resources' statement is also full of errors and omissions. For reasons of brevity, Amnesty International has only dealt with the main errors and omissions in the statement below.

*Vedanta Resources has claimed in a statement that it has "repeatedly offered engagement ... and dialogue on every aspect of the Amnesty report ... But this offer of direct engagement has been rejected".* Amnesty International first sought a meeting with Vedanta Resources in London in September 2009 but received no response. Vedanta Resources contacted Amnesty International for the first time on 5 February 2010 offering to engage in a discussion. This offer was accepted by Amnesty International on 8 February 2010. Amnesty International also notes in this regard that the table detailing the chronological order of Vedanta's dialogue with Amnesty International is inaccurate. Amnesty International has offered Vedanta Resources three opportunities to comment on our research findings. A summary of research findings was sent to Vedanta Resources on 11 September 2009, a first draft of the report was sent on 13 November 2009 and an updated draft on 19 January 2010 setting a deadline for comments of 26 January 2010. Amnesty International also met with Vedanta Aluminium in Lanjigarh in March 2009 while conducting field research for this report.

*Vedanta Resources has claimed that the majority of the Amnesty International report is based on an outdated document.* The company has not elaborated on or supported this claim.

Amnesty International's report is based on more than 18 months of research, including three field missions to the Lanjigarh area and the Niyamgiri Hills in August 2008, February/March 2009 and September 2009. While there, Amnesty International researchers carried out one-to-one interviews and focus group discussions with men and women from the Dalit, Majhi Kondh Adivasi and other communities across eight villages in the Lanjigarh area. They also conducted focus group discussions with men and women from the Dongria Kondh in 19 hamlets in the Niyamgiri Hills close to the proposed mining site. Amnesty International also obtained copies of all the Orissa State Pollution Control Board's reports from June 2006 (before the refinery commenced trial operations) to August 2009, which are analysed in detail in the Amnesty International report. The Pollution Control Board documented numerous instances where the company has failed to put in place adequate pollution control measures and recurrent instances of air and water pollution caused by the refinery. Amnesty International researchers also interviewed civil society groups based in Delhi and Orissa and met with various government officials, including district officials and officials of the Orissa State Pollution Control Board.

*Vedanta Resources has also claimed that Amnesty International's report implicitly criticizes a number of highly respected Indian organisations including the Supreme Court of India.* Amnesty International has not commented on the Supreme Court's order granting clearance to the mining project in its report. Amnesty International however, more generally considers that

the litigation at the Supreme Court of India was largely on environmental rather than on human rights grounds (fundamental rights under the Indian Constitution). Therefore many of the issues raised by Amnesty International in relation to the impact of the mining project on the human rights of the Dongria Kondh were only partially touched upon in the litigation. Amnesty International also notes that the Dongria Kondh were not parties to the case. The Supreme Court was also not provided with the Orissa State Pollution Control Board's reports about the pollution from the refinery. Amnesty International hopes that if a case is submitted on violations of the Dongria Kondh's and other communities' human rights, that the Supreme Court of India would consider such a case to determine if there have been any violations of fundamental rights under the Indian Constitution.

*Vedanta Resources states that "The report strikes at the heart of a project directly related to India's economic growth and rural upliftment".* Amnesty International's focus is on ensuring human rights are respected and protected in the context of commercial activity. Amnesty International acknowledges the positive role business actors can and do play in realizing human rights, including through providing employment and generating revenues that contribute towards sustainable development. But the positive role of business does not give any business actor *carte blanche* to abuse human rights with impunity. Business operations must not harm human rights. States must ensure that they do not do so. In the case of the mining and refinery operations in Orissa the companies involved and the government have failed to respect and protect human rights – it is these failures that Amnesty International's report documents.

The Background Information provided by Vedanta Resources, attached to their public statement, does not address the main concerns highlighted in Amnesty International's report. Amnesty International has highlighted in detail all the instances where the Orissa State Pollution Control Board documented that the company had failed to adhere to the 'zero discharge' requirement (see pages 46 – 68 of Amnesty International's report). Vedanta Resources has made no comment on this issue; nor has the company addressed the issue of the failure to disclose the nature and extent of the pollution documented by the Pollution Control Board from 2006 – 2009, and its possible impacts, to local communities.

Vedanta Resources has stated that no Dongria Kondh will be displaced at the mining area. It has also pointed to scientific assessments of the environmental impacts of the mining project and its co-operation with the Dongria Kondh Development Agency under the Special Purpose Vehicle. Vedanta Resources has not addressed any of the concerns raised by the Dongria Kondh themselves and reported by Amnesty International. The site of the open cast mine falls within the traditional lands of the Dongria Kondh. The Amnesty International report highlights the Dongria Kondh's concerns about how the mining plans would undermine their traditional land rights and religious beliefs. The impact of mining would not be confined to the area under excavation and would have wider impacts, as is the case with almost all mining projects. The scientific assessments referred to by Vedanta Resources failed to examine the possible impacts of mining on communities living on the Hills, including those in close proximity to the site of the mine, despite the fact that these communities are clearly highly dependant on the Hills for water, food and livelihood.

All of the assessments to which Vedanta refers have been undertaken without any consultation with those most affected, the Dongria Kondh themselves. Vedanta Resources' statement refers to "development of the resources of the Dongria Kondh (including enhancing their quality of life and conservation of their culture)", referring to a process being conducted by a government agency and the company. The company does not explain what, if any, measures are being taken to consult the Dongria Kondh themselves on these plans. As far as Amnesty International could discover, no effort has been made to consult the Dongria Kondh on these development initiatives, especially those that are closest to the proposed mining site.

Amnesty International strongly urges Vedanta Resources to engage with the affected communities and the human rights concerns documented in Amnesty International's report.

For too long Vedanta has tried to deny rather than address the very real human rights problems on the ground.

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