

*Bianca Jagger*  
*The Bianca Jagger Human Rights Foundation*

29 October 2009

Dr Manmohan Singh  
Prime Minister  
South Block, Raisina Hill  
New Delhi 110 011  
India

Respected Sir

I would like to bring to your attention the campaign by the Kondh tribal people to save Niyamgiri Mountain in Orissa. Their mountain is threatened by a proposed open-pit mine which is being built by a British company, Vedanta Resources plc, in an area that the Wildlife Institute of India has identified as being of 'great conservation significance.'

The mine will cause irreversible damage to the ancestral home of 8,000 Kondh tribal people, for whom the mountain is their source of food, culture, medicines and the seat of their God. Niyamgiri Mountain is a holy and sacred site to the Kondh. The top of the hill, where the mine is planned, is not cultivated, but respected as a place of worship. Mining Niyamgiri will undermine the Kondh's collective identity and way of life.

I have campaigned on human rights, environmental protection and the rights of indigenous peoples for nearly three decades and am actively supporting the Kondh people's campaign on behalf of the Bianca Jagger Human Rights Foundation, alongside Amnesty International, ActionAid and Survival International. I respectfully urge the Indian Government to consider the implications of this mining project. It will threaten the social, economic and cultural survival of the Kondh people, and irreparably damage the environment in the region.

It is predicted that mining will lead to massive deforestation, the destruction of local ecosystems and threaten water sources. The mountain has forest cover of more than 60% and is the source of two rivers, the Vansdahara and the Nagaveli, and thirty six springs. It is also the habitat of many endangered species. The Niyamgiri Forest has been proposed as a Wildlife Sanctuary and the area has been included in a proposal for a new Elephant Reserve by the State of Orissa. The Wildlife Institute of India states that "it is anticipated that the removal of this layer of bauxite at the top of the mountain which stores water will impact ground waters in the region, and consequently the quality of forest lands." The mining will have a severe impact on biodiversity and wildlife, including leopards, tigers and elephants.

On July 27<sup>th</sup> 2009, I spoke at the Vedanta shareholders' AGM, to appeal to the shareholders and the CEO, Mr Anil Agarwal, to consider the impact this project will have on the Kondh people, the region, and the environment. I asked Mr Agarwal: *'How can this mining project be defended as sustainable when the Supreme Court of India's Centrally Empowered Committee stated that 'the use of the forest land in an ecologically sensitive area like the Nyamgiri, in Orissa, India, should not be permitted?'*

Vedanta is linked to serious human and environmental rights abuses. The growing international scrutiny of Vedanta's activities in Lanjigarh and elsewhere led the Norway Pension Fund to withdraw its investment of \$15.6m from the company. This was based on the findings of their Ethics Committee, which stated: *"Allegations levelled at Vedanta regarding environmental damage and complicity in human rights violations, including abuse and forced eviction of tribal people, are well founded."*

Vedanta's lack of consultation with the Kondh people on the impact of the mine is a violation of the UN International Covenant on Civil and Political Rights, the UN Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Biological Diversity and the UN Declaration on the Rights of Indigenous People, according to a report from the UK National Contact Point for the OECD Guidelines for Multinational Enterprises, which states, in their response of the 25<sup>th</sup> of September, 2009, to the complaint filed by Survival International:

*'Vedanta failed to put in place an adequate and timely consultation mechanism fully to engage the Dongria Kondh, an indigenous community who would be directly affected by the environmental and health and safety impact of its plans to construct a bauxite mine... it did not consider the impact of the construction of the mine on the rights and freedoms of the Dongria Kondh, or balance the impact against the need to promote the success of the company. For these reasons, Vedanta did not respect the rights and freedoms of the Dongria Kondh consistent with India's commitments under various international human rights instruments, including the UN International Covenant on Civil and Political Rights, the UN Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Biological Diversity and the UN Declaration on the Rights of Indigenous People.'*

The Indian Government has shown global leadership in approving the UN Declaration on the Rights of Indigenous People. Article 32 of the Declaration calls on states 'to obtain the free and informed consent [of indigenous peoples] prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, use or exploitation of mineral, water or other resources.' We are concerned to learn that the Kondh people were not fully informed and consulted on the impact of this project. Their very existence as a distinct tribal group appears to be now hanging in the balance.

The Kondh people oppose the mining because the project will undermine their collective identity and way of life and are appealing to your Government to stop the mine from going ahead.

I have spent a great deal of time in your beautiful country and I have profound respect for its culture, traditions and philosophy. India's role in the world today is a testament to your leadership. I respectfully urge you to consider the impact this project will have on the Kondh people, the region, and the environment.

I look forward to hearing from you.

Yours sincerely,

**Bianca Jagger**

President, Bianca Jagger Human Rights Foundation

Council of Europe Goodwill Ambassador

Executive Director's Leadership Council, Amnesty International USA

Advisory Committee, Human Rights Watch America

Trustee, Amazon Charitable Trust