

Vedanta Resources and subsidiary to face justice the UK over human rights harms in Zambia

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Today, the ICJ and the CORE Coalition welcomed the decision of the United Kingdom Supreme Court to allow a complaint to proceed against Vedanta Resources Plc and its Zambian subsidiary Konkola Copper Mines (KCM), alleging serious harm from extraction activities in Zambia.

The damage to health and livelihood was allegedly caused to local communities living in the Chingola District by the discharge of toxic waste from the Nchanga Mine operated by KCM.

The companies challenged the jurisdiction of the UK courts to hear the complaint for negligence and breach of statutory duty, saying there was no case against them arguable in a UK court and, in relation to KCM, that Zambia was the proper forum where any case would have to be heard.

The judgment, confirming the decision of lower courts, dismissed the appeal by the companies, allowing the case to now proceed to trial on the merits. The ICJ and CORE Coalition acted as interveners in the case.

“Today’s Supreme Court decision will make it possible for the Zambian claimants to find justice, even so long after events took place,” said ICJ Senior Legal Adviser Carlos Lopez.

“The ruling makes clear that, from available evidence at this stage, it is arguable in trial that a parent company like Vedanta owes a duty of care in relation people living in the vicinity of their subsidiaries and this decision will have important implications to similar cases concerning parent company duties around the world” said Lopez.

Although access to justice for alleged victims harm from subsidiaries of parent companies has been elusive, the UK Supreme Court clarified that the principles applicable to these cases were “not novel at all.”

“Many other victims face insurmountable hurdles in their efforts to hold companies to account. The case is a reminder of the urgent need for legislation to require companies to take action to prevent human rights abuses, and to make it easier to hold them to account when they fail to do so,” said Marilyn Croser, Director of CORE.

The judgment regarded published material in which Vedanta fairly asserted assumption of responsibility for the maintenance of proper standards of environmental control over activities of its subsidiaries. The Court said that this was “sufficient on their own to show that it is well arguable that a sufficient level of intervention by Vedanta in the conduct of operations at the Mine may be demonstrable at trial.”

Today’s Supreme Court judgment also made clear that Zambian courts could not be necessarily relied on to address claims against KCM and that there was a real risk that the claimants would not obtain “substantial justice” in Zambia.

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