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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on the human right to safe drinking water and sanitation**

REFERENCE: AL Housing (2000-9) Poverty (1998-11) Food (2000-9) G/SO 214 (67-17) Assembly & Association (2010-1) Indigenous (2001-8) Water (2008-1)  
OTH 6/2012

6 July 2012

Mr. Taggart,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the rights of indigenous peoples; and Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolution 15/8, 17/13, 13/4, 16/4, 15/21, 15/14, and 16/2.

We would like to thank you for your correspondence regarding our press release of 28 February 2012. We take seriously your comments regarding the accuracy of the statements made and appreciate the concerns you have raised. In this connection, we would like to provide you a full account of the information we have received regarding **the potential impact that the proposed open-pit coal mine in the township of Phulbari, Bangladesh may have on the enjoyment of various human rights of the affected communities**, if the pending domestic policy permitting open-pit coal mining in Bangladesh is adopted. Though no allegations have been raised regarding the connection of Global Coal Management Resources, we also wish to draw attention to information received about the treatment of individuals protesting the construction of the mine, and the possible violation of their civil and political rights.

In this letter we seek to draw your attention to the information we have received with more detail than that provided in the press release; present you with an account of Bangladesh's obligations under international human rights law as well as the

corresponding responsibilities of Global Coal Management Resources (GCM Resources), in particular as a signatory to the United Nations Global Compact; and provide a list of questions to you regarding the potential establishment of the mine.

According to the information received:

The Phulbari Coal Mine project is the result of a contract entered into between the Government of Bangladesh and GCM Resources (previously known as Asia Energy Corporation) for exploration and mining of coal. The Phulbari Coal Mine project will construct a large open-pit coal mine to the east of the Little Januma River in the township of Phulbari, located in the district of Dinajpur in northwest Bangladesh. The project plans call for the mine to extract 572 million tonnes of coal over the next 36 years, and possibly longer, at a maximum production rate of 16 million tonnes per annum. The mines and accompanying infrastructure will occupy approximately 5,933 hectares of land, of which 2,180 hectares will be the mine footprint. In addition to the mine, the project will construct at least one 500 Mega Watt coal-fired power plant, one new rail corridor and one new road, will realign an existing portion of railway and two existing roads, and will divert two rivers. The extracted coal is intended primarily for export with only one-fifth intended for domestic energy consumption.

The land where the mine will be placed is currently occupied, with the majority of this land used for subsistence agriculture and human settlements. The construction of the mine allegedly will destroy close to 12,000 acres of productive agricultural land and displace tens of thousands of people, and possibly hundreds of thousands over time. The agricultural lands and grazing lands, fruit trees, ponds, rivers and mangrove forests threatened by the Phulbari Coal Mine project each constitute a vital source of food in Bangladesh.

The Phulbari Coal Mine project has been stalled pending the adoption of a national coal policy. Early drafts of the policy reportedly indicate that the Government of Bangladesh does not intend to place a ban on open-pit coal mining. The recommendation by the Parliamentary Standing Committee on Power and Energy in November of this year to construct a pilot project for open-pit coal mining in Barapukuria, just ten miles from Phulbari, is seen by many as an indication that open-pit mining will not be banned. Reports suggest further, that foreign investors allegedly are exerting pressure on the Government to not institute such a ban. If the policy permitting open-pit coal mining is adopted, we are informed that GCM Resources will go ahead with their plans for the Phulbari Coal Mine.

A number of allegations have been brought to our attention regarding the potential impact of the Phulbari Mine, if it were to be constructed, on the local populations as well as the people of Bangladesh in general. These allegations are summarized below.

**Agricultural Production.** The allegations received claim that, if built, the open-pit mine will have a significant impact on agricultural production in Bangladesh and, thus, will affect access to food of those residing in Phulbari as well as those across the country. First, the land scheduled for the mine is located in Bangladesh's most fertile and productive agricultural region. The farmers in this region cultivate multiple crops per year (including wheat, potatoes, maize, sugarcane, vegetables, fruits and multiple varieties of rice, the country's staple crop). These rice fields and farmlands reportedly serve as the nation's granary and are vital to its food security. Destruction of these farmlands allegedly will reduce national food production. Second, the building of the open-pit mine reportedly will be responsible for the destruction of other vital food sources including poultry farms, livestock grazing lands, a network of waterways that support over one thousand fisheries and nearly 50,000 fruit trees. In addition, due to the elevation and location of the region, Phulbari's land and food crops are uniquely protected from the annual flooding that regularly destroys crops elsewhere in the lowland nation. Destruction of Phulbari agricultural lands thus would threaten food security as well as food supply.

**Livelihoods and access to food.** Reports indicate that the open-pit mine will affect the ability of local populations to meet their food needs. Approximately 11,500 households, or more than 50,000 people, reportedly would be directly affected by the building of the mine, either through resettlement or the mine's economic impact. A majority of the small-holders in this region have land holdings of less than one hectare, and most of the families that would be reportedly displaced by the mine would lose their entire landholdings, since all of their current holdings are located within the mine footprint. Reportedly 80 per cent of all households within the project area currently derive their livelihoods from subsistence farming based on rice cultivation, and over a thousand households cultivate fish in local ponds, and report these fish sales as an income source. In addition, a high percentage of households own fruits trees and an even greater percentage have livestock that serve as a vital source of meat, milk, eggs, and cash income. Should these populations be displaced they not only would lose their food sources but also their livelihoods.

**Access to water.** The Phulbari Coal Mine project allegedly would have severe adverse impacts on rivers and groundwater vital for household and agricultural use within the township of Phulbari, surrounding villages and local farming communities, in a region that reportedly already lacks sufficient water for the needs of the population. Concerns regarding potential desertification of the region and an alleged reduction in access to water or water quality have been raised. The project plans suggest that pumps will be drawing water continuously over the life span of the mine, lowering the water table by 15 to 25 metres (affecting a region of land extending over ten kilometres beyond the mine's footprint) and reducing access to water for 220,000 people. In addition, there are reports signalling a high risk of acid mine drainage contaminating networks of rivers beyond the project area; that emissions and coal dust generated by the project will pollute water

sources, as well as the soil and air with mercury, lead and other heavy metals and toxins; and that the diversion of two rivers and dredging of a third will threaten these river eco-systems and the communities that rely on them.

**Displacement.** Allegedly, an estimated 50,500 (figured cited in the October 2007 Resettlement Plan for Asia Energy's Phulbari Coal Mine) to 130,000 people will be directly affected, the majority by displacement, and up to 220,000 people displaced over time as wells and irrigation channels run dry. It is further suggested that the number at the lower end of this estimate fails to take into account several communities residing in the area and the different ways that people can be displaced. Accordingly, the draft Resettlement Policy for Asian Energy's Phulbari Coal Mine, drafted by Asian Energy Corporation (now Global Coal Management Recourses), allegedly fails to adequately account for the displacement that would occur.

Furthermore, according to information received, the Resettlement Plan contains provision for cash compensation for loss of land and housing, but does not include provision for resettlement and replacement of cultivation land.

Additional concern was raised that families with no formal legal title to land (estimated at 10.2 per cent of indigenous households) will not be entitled to any compensation for loss of housing and land.

**Environmental impacts.** The allegations received also suggest that if built, the mine will have negative environmental consequences. For example, according to various reports, the plans for the mine call for coal to be transported through the Sundarbans Reserve Forest to reach an offshore reloading facility. These transportation plans allegedly threaten the delicate ecology of the mangrove forest and put at risk the extraordinary range of biodiversity supported by the forest. This forest is a UNESCO-protected wetlands habitat and is the largest remaining mangrove forest in the world. Damage to the Sundarbans allegedly poses a grave risk to people in Bangladesh, where the forest serves as a buffer during tropical storms. Mangrove forests shield coastlines, prevent erosion and absorb carbon dioxide in their sediments. In this way, they help damper the effects of climate change. The Environmental and Social Impact Assessment (ESIA) for the project published by Asia Energy in 2006 concluded that there is an "extremely high risk" that barge fuel could contaminate the Sundarbans, and identifies potential damage to this UNESCO-protected reserve as "one of the most significant issues associated with the project."

**Rights of indigenous peoples.** The land to be acquired for the Phulbari Coal Mine reportedly includes entire villages of indigenous households belonging to the Santal, Munda, Mahili and Pahan groups, who are considered to be the descendants of the oldest inhabitants of the South Asian sub-continent. Allegedly, up to 50,000 indigenous people belonging to 23 different tribal groups could be evicted or impoverished by the mine. Allegations have been also raised regarding

efforts to push the Phulbari Coal Mine project forward without consulting with affected indigenous peoples, and without obtaining their free, prior and informed consent in relation to possible evictions.

**Lack of adequate consultation and access to information.** According to reports received, the affected communities have not been adequately consulted regarding the project's various aspects. Moreover, members of the affected population reported that information about the project has been either inaccessible or inadequate. For instance, the Resettlement Program, the Environmental Impact Assessment and the Indigenous People's Development Plan have not been circulated in the Bangla language or in Santal. In addition, no adequate provisions have been made to disseminate information about the project to non-literate community members, who make up about 60 per cent of the population in the region. Allegedly, the information distributed to the public has been limited and does not include information about environmental and social impacts of the project.

**Arbitrary arrest and violence against human rights defenders.** Finally, allegations have been raised regarding continued efforts by the government to stop human rights defenders from protesting the Phulbari Coal Mine and other energy sector developments. According to the allegations received, these efforts to stop protestors have left many fearful of voicing opposition or concern regarding the Phulbari Coal Mine project. Most recently, between 05:30 a.m. and 12:00 a.m. on 3 July 2011, riot police in Dhaka reportedly carried out a mass arrest of more than 100 peaceful and unarmed protesters to prevent a half-day protest and strike about the recent contract between the Government and ConocoPhillips for gas exploration and extraction in the Bay of Bengal. The police allegedly used excessive force prior to and during the arrest including beating protestors. The protest was organized by the National Committee to Protect Oil, Gas, Mineral Resources and Ports, which has played a prominent role in supporting people resisting the Phulbari Coal Mine project. This incident reportedly has followed a number of other violent incidents targeting the National Committee and villagers fighting the Phulbari Coal Mine project. One such incident was on 26 August 2006, when the Bangladeshi Rifles, a paramilitary force, allegedly opened fire on 70,000 to 100,000 people marching in Phulbari to protest the proposed coal mine, killing 3 individuals and injuring many more.

Concerns are expressed that the policy permitting open-pit coal mining will be adopted and will lead to the construction of the Phulbari coal mine. Further, concerns are expressed that the construction of the mine will affect the ability of local populations to feed themselves, and to feed the entire population of Bangladesh that relies on agricultural outputs from the region, which is worrying, as nearly half of the population is food insecure, and nearly one quarter is severely food insecure. Moreover, concerns have also been expressed about the long term effects on access to water for both agricultural and personal and domestic use, the environmental impacts of the open-pit mine, the rights of indigenous populations and alleged violent tactics used against those who voice

opposition to the mine. Finally, concerns are expressed that the mass arrest of peaceful protesters by the Government, and the alleged excessive use of force by law enforcement authorities against them, are related to the exercise of their rights to freedom of expression and peaceful assembly.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw your attention to the applicable international human rights norms and standards that Bangladesh must follow, as well as those norms and standards that apply to GCM Resources.

Regarding the obligations of Bangladesh with respect to the right to food, the right to safe drinking water and sanitation, the right to adequate housing, the rights of indigenous peoples, the right of every individual to take part in the conduct of public affairs, the right to freedom of opinion and expression and the related right to access information, and the right to freedoms of peaceful assembly and of association as well as for detailed descriptions of the content of these rights, we refer you to our earlier communication with the Government of Bangladesh, which is available from: [https://spdb.ohchr.org/hrdb/20th/AL\\_Bangladesh\\_21.12.11\\_\(7.2011\).pdf](https://spdb.ohchr.org/hrdb/20th/AL_Bangladesh_21.12.11_(7.2011).pdf).

Private actors – including mining companies – also have responsibilities under the international human rights legal framework. The Universal Declaration of Human Rights proclaims that every organ of society shall strive to promote respect for human rights and fundamental freedoms and to secure their universal and effective recognition and observance. Following years of consultations that involved Governments, civil society, and the business community (including several mining companies and the International Council on Mining and Metals), the Human Rights Council (of which Bangladesh was then a member) unanimously adopted in June 2011 the Guiding Principles on Business and Human Rights (contained in A/HRC/17/31). The Guiding Principles have been established as the authoritative global standard for all States and businesses with regard to preventing and addressing the risk of business-related human rights impacts. The Guiding Principles clarify and outline the duty of States to protect human rights against adverse impacts by business; the responsibility of corporate entities to respect human rights; and the need to ensure greater access to remedy for victims of business-related human rights abuse. The Guiding Principles clearly define that businesses have a responsibility to respect the full range of rights listed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, coupled with the principles concerning fundamental rights in the eight International Labour Organization core conventions as set out in the Declaration on the Fundamental Principles and Rights at Work, and other human rights instruments that are relevant in particular situations. Depending on circumstances, business enterprises may also need to consider additional standards, particularly with regard to impacts on specific groups, including indigenous peoples.

Principles 11 to 24 and 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide for remedies when they have caused or contributed to adverse impacts. According to the Guiding Principles,

businesses have a responsibility to respect human rights, which “requires that business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts” (principle 13). Accordingly, a business would be neglecting its human rights responsibilities if it failed to act to prevent, mitigate and remedy adverse impacts on the ability of local populations to access adequate food or water by for example, polluting land used for agricultural purposes or local water supplies. Similarly, if a business failed to take effective action to minimize its impact on human rights by not providing adequate compensation or alternative appropriate housing to those evicted for the construction of a project, it may not be fulfilling its responsibilities. According to the allegations received, if the plans for the Phulbari coal mine are pursued a number of rights violations will likely occur as a result of the project and, from the information received, very few of GCM Resources’ plans include actions that seek to prevent these violations, mitigate their impact, and provide for remedies when they do occur.

The Guiding Principles also state that a business should put in place policies and processes to ensure that it meets its human rights responsibilities. Specifically, the Guiding Principles state that businesses should develop among other things: “(a) A policy commitment to meet their responsibility to respect human rights; (b) A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute” (principle 15).” As such a business would be neglecting its human rights responsibilities if it did not have a public policy commitment recognizing its responsibilities, establish a human rights due diligence process, did not create mechanisms to account for and address violations that did occur, and did not provide for or cooperate in remediation through a legitimate process.

Accordingly, due diligence requires the undertaking of a human rights impact assessments that review the implementation plan prior to the commencement of a project, during the project implementation at regular intervals, and at the project’s conclusion. Such an impact assessment should draw on human rights expertise and involve meaningful consultation with potentially affected groups and other relevant stakeholders. Where an impact assessment indicates that the company causes or may cause an adverse human rights impact, it should take the necessary steps to cease and prevent the impact. Where the company contributes or may contribute to an adverse impact, it should take the necessary steps to cease or prevent its contribution, as well as use its leverage to mitigate any remaining impact to the greatest extent possible through its relationships and links to other actors/entities. When a company has leverage to prevent or mitigate adverse impacts by other entities that are directly linked to its operations, products or services, it should exercise it. If it has limited leverage, it should also explore ways to increase it.

Thus due diligence requires a concrete plan to address how, for example, potential violations of the rights to food, housing, water, sanitation, the rights of indigenous peoples to land and resources, freedom of opinion and expression, or peaceful assembly

and association that may have been identified in an assessment can be prevented and/or mitigated by altering project plans and/or exercising leverage over other actors. If violations are found to have occurred during the implementation of a project, plans must be altered and effective remedy must be ensured. Plans should be put in place prior to the commencement of the project indicating when and who will conduct the human rights impact assessment, including meaningful consultation with stakeholders. Simply conducting an assessment and not adjusting strategy and approach based on this assessment does not fulfill the responsibility. Similarly, conducting just one assessment and not following up with further assessments throughout the lifecycle of a project is not sufficient to meet the responsibilities of businesses with regards to human rights.

The Guiding Principles should be implemented in a non-discriminatory manner, with particular attention to be paid to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, including children and indigenous peoples, and with due regard to the different risks that may be faced by women and men. Consequently, business enterprises should be aware of and seek to comply with internationally recognized human rights standards applicable to these groups. In the case of indigenous peoples, attention should be given to the land, natural resource rights and consultation provisions of the United Nations Declaration on the Rights of Indigenous Peoples (arts. 10, 19, 20, 26 and 32) and International Labour Organizations Convention no. 107 concerning indigenous and tribal populations in independent countries (arts. 11, 12), to which Bangladesh is a party.

It is worth noting that these Guiding Principles hold true regardless of the activities of the Government of Bangladesh. As stated in the commentary to principle 11, “The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights.” The human rights responsibilities of GCM Resources do not change, and are an independent consideration to whether or not Bangladesh is found to have committed human rights violations by allowing the construction of the Phulbari coal mine.

In addition, and as you mention in your letter, as a signatory to the United Nations Global Compact, GCM Resources has made a further important and concrete commitment to “support and respect the protection of international proclaimed human rights; and make sure that [it is] not complicit in human rights abuses” (Principles One and Two).

It is important to note that, as stated by the Global Compact, the United Nations Guiding Principles provide further conceptual and operational clarity for the two human rights principles championed by the Global Compact. They reinforce the Global Compact and provide an authoritative framework for participants in implementing this



commitment, including guidance on putting in place robust policies and procedures and communicating annually with stakeholders about progress.

Moreover, as a signatory to the Global Compact, GCM Resources has cemented its commitment to respect and not infringe on the rights to adequate food, to safe drinking water, to sanitation, to adequate housing, of peaceful assembly and the rights of indigenous peoples, through its business activities.

The Global Compact provides guidance and examples of how companies can meet their responsibilities under the Global Compact principles to support and respect human rights through their daily activities, which are pertinent to the case at hand. These examples include “preventing the forcible displacement of individuals, groups or communities” and “working to protect economic livelihood of local communities.” Other examples include protecting the ability of local populations to produce food for their own consumption or ensuring that business activities do not pollute water sources. Engaging in activities that limit the ability of local populations to access food, destroy water resources, and lead to the displacement of communities without taking effective measures to prevent, mitigate and address such impacts when they occur, may constitute a breach of a company’s commitment to uphold the Global Compact principles.

Global Compact signatories also agree to take a number of proactive management initiatives to ensure rights are not violated as a result of their practices and that they are not complicit with human rights abuses. As signatory to the Global Compact, GCM Resources has agreed to engage in due diligence to ensure it meets its responsibility to respect human rights and that it “should determine which policies and practices might infringe human rights and adjust those actions to prevent the infringement from occurring.” According to the Global Compact, the comprehensive management approach to human rights includes, inter alia, the following elements: the use of a human rights impact assessment to consider the “potential implications of their activities and relationships within their operating context” and to alter plans “to address and avoid potential negative human rights impacts on an ongoing basis; and the tracking and reporting of performance, to monitor and audit human rights impact, and to make adjustment to practices where needed. The Global Compact also notes that grievance mechanisms should be established for workers and local communities to raise concerns regarding the projects and to have these concerns be considered.

As a signatory to the United Nations Global Compact, GCM Resources has also made a commitment to engage in environmentally sustainable practices. More specifically, GCM has committed to “support a precautionary approach to environmental challenges; undertake initiatives to promote greater environmental responsibility; and encourage the development and diffusion of environmentally friendly technologies.” The precautionary approach is drawn from principle 15 of the 1992 Rio Declaration, which states that, “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” The precautionary principle seeks to ensure that environmental damage is avoided, not that cures or remedies are implemented once

damage has been done. Engaging in an activity that could lead to the widespread destruction of the environment, from water resources to mangrove forests, would be in violation of the precautionary principle.

The Global Compact suggests that signatories engage in environmental impact assessments prior to the commencement of projects. It is our understanding that GCM Resources has taken the important step in ensuring environmentally responsible investment. However, in order to meet obligations for environmental sustainable practice, signatories need to alter their plans based on the assessments and risks identified. Simply producing an assessment is not enough to meet the responsibilities of a Global Compact signatory.

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts summarized above accurate?
2. How has GMC Resources sought to address its responsibilities as detailed in principle 13 of the Guiding Principles, and also reflected in the United Nations Global Compact? More specifically:
  - a. If the Phulbari Coal Mine is constructed, what measures will be put in place to ensure that the local population will be able to exercise their right to food?
  - b. Is GCM aware of any previous assessments of the rights that the affected communities, and in particular the indigenous communities, might have to lands or natural resources in the proposed project area by virtue of customary use or traditional occupation?
  - c. Have the indigenous communities concerned been consulted through their representative institutions in order to obtain their free and informed consent to any significant impacts that the Phulbari Coal Mine might have on them or their rights over lands and resources?
  - d. If the Phulbari Coal Mine is constructed, what measures will be taken to ensure that the open-mine project does not have disproportionate negative impacts on the livelihoods of displaced and neighbouring communities?
  - e. If the Phulbari Coal Mine is constructed, what preventative, mitigation and remedial measures will be taken to ensure that water resources will be protected from risks of leakages, and pollution as a result of the transportation of coal, and to ensure that mining wastes will be disposed of appropriately?

f. What preventative, mitigation and remedial measures have been foreseen to ensure that the persons threatened with eviction will not become homeless? What has been foreseen in terms of relocation? If locations have been designated for the relocation, please provide details on the exact location, including details on the area and quality of land, access to public services and livelihood sources. If Indigenous peoples will be relocated, please describe any measures to consult with them and obtain their free and informed consent prior to such relocation.

g. To what extent has the land and housing subject to potential expropriation been duly evaluated? To what extent have measures of compensation been put in place for all concerned persons, with a due assessment of the loss of their farming activity? What measures have been taken to ensure that those who may be losing their land are offered alternative sustainable means to access sufficient and adequate food?

h. Is there any on-going consultation with the persons threatened with eviction? If so, please give the details, date and outcome of these consultations.

i. What steps has GCM Resources taken to use its leverage to address adverse actual and potential human rights impacts caused by other entities that are directly linked to the existence of its operations, including adverse impacts to the rights to peaceful assembly and association, and to freedom of opinion and expression, and particularly with regard to the situation of human rights defenders?

3. How has GMC Resources sought to address its responsibilities as detailed in principle 15 of the Guiding Principles, and also reflected in the United Nations Global Compact?

a. Has GMC Resources publically adopted a policy statement, indicating its commitment to fulfil its responsibility to respect human rights? If so, can you please provide us with a copy of this statement?

b. Has GMC Resources, conducted a human rights impact assessment regarding the Phulbari Coal Mine project? If so, could you please provide us with the conclusions of the assessment and what steps GMC Resources has taken to address any concerns raised in the assessment?

c. Have any plans been put in place to ensure the continuous tracking of performance and the monitoring of human rights throughout the life of the project? If so, how often will these assessments be conducted and who will conduct them? What provisions are in place to alter conduct and project plans based on concerns raised and recommendations made in future assessments?

d. Have any operational-level grievance mechanisms been included into the plans for the Phulbari coal mine? If so, could you please provide us with details of this mechanism?

4. To what extent have the concerned communities been allowed to participate in the planning of the mine? What mechanisms have been put in place to ensure their effective and meaningful participation of affected stakeholders?

5. Have complaints been lodged by local communities, including indigenous communities, in Phulbari either through official grievance mechanisms or other means? How have these complaints been responded to?

6. It is our understanding that an Environmental and Social Impact Assessment has been conducted. Could you please provide us details of who conducted the assessment and a copy of the Assessment itself? Can you please provide details of how the concerns raised and recommendations made in the Assessment have affected the plans for the construction of the Mine?

7. In your letter you state that, “GCM continues to embrace, support and enact, within its sphere of influence, these UNGC principles – all of which are consistent with the core values of GCM. To this end GCM’s staff both in London and Bangladesh have participated in human rights training and fully understand how the Company’s social and environmental management plans for the project have been developed to protect such rights.” Can you please describe how these plans have been developed to protect such rights and what is covered in the plans?

8. What mechanisms have been put in place to ensure transparency and access to information for those potentially affected by the potential construction of the mine? We would be grateful to receive details of the information provided to the local communities about the Phulbari Coal Mine project, including the means of distribution of the information, the languages in which the information was distributed and whether any efforts have been made to ensure access to information and participation for non-literate persons.

We undertake to ensure that the response of GCM Resources will be taken into account in our assessment of the situation and in developing any recommendations that we may make to GCM Resources and the Government of Bangladesh for consideration pursuant to the terms of our respective mandates. Additionally, we undertake to ensure that the response by GCM Resources is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Maria Magdalena Sepúlveda Carmona  
Special Rapporteur on extreme poverty and human rights

Olivier de Schutter  
Special Rapporteur on the right to food

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

James Anaya  
Special Rapporteur on the rights of indigenous peoples

A handwritten signature in black ink, reading "Catarina de Albuquerque". The signature is written in a cursive style with a horizontal line at the end.

Catarina de Albuquerque  
Special Rapporteur on the human right to safe drinking water and sanitation