

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; 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 situation of human rights defenders; the Special Rapporteur on violence against women and girls, its causes and consequences and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL OTH 154/2024
(Please use this reference in your reply)

11 February 2025

Dear Mr. Krishnakumar,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur in the field of cultural rights; Special Rapporteur on the human right to a clean, healthy and sustainable environment; 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 situation of human rights defenders; Special Rapporteur on violence against women and girls, its causes and consequences and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 50/17, 53/3, 57/31, 55/5, 55/2, 49/13, 52/9, 52/4, 50/7 and 51/19.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

Bharat Petroleum Corporation Limited

In this connection, we would like to bring to your attention the information we have received concerning the **alleged reiterated and widespread suppression of local activists, human rights defenders, and journalists during the peaceful assemblies held from 23 April to 28 April 2023, that were protesting against the construction of a refinery and petrochemicals facility in the village of Barsu, in Ratnagiri, Maharashtra, due to the human rights, environmental and climate impacts of the refinery. In this regard, we also received information about the alleged arrest of environmentalists Mr. Mangesh Chavan and Mr. Satyajit Chavan on 23 April 2023.**

According to the information received:

The project of building a refinery and petrochemicals plant in the village of Barsu, in Ratnagiri, Maharashtra, is being planned by a joint venture company named Ratnagiri Refinery and Petrochemicals Limited (RRPCL), formed by three Indian national oil firms: the Indian Oil Corporation Limited (IOCL), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL). In addition, they signed a Memorandum of Understanding with Saudi Arabian Oil Company Saudi Aramco and the UAE's state-owned Abu Dhabi National Oil Company ADNOC, that also expressed their interest in the project.

Due to the location, as well as the scale of the project, serious concerns have been raised by the local farmers and villagers regarding the adverse effects that the RRPCL project might pose to the surrounding and other likely to be impacted ecosystems and, therefore, to the right to a healthy environment and social, economic and cultural rights of the local population that depends on farming and fishing to support their traditional livelihoods. Concerns have also been raised regarding the likelihood of pollutant leakage from the plant into the local groundwater supply, which is the villagers' primary source of freshwater for drinking and irrigation.

The placement of the refinery, the Western Ghats region, is recognized as a UNESCO World Natural Heritage Site, due to the area hosting endemic species and unique habitats. Furthermore, the area constitutes a crucial ecosystem as it is playing a pivotal role in regulating the regional climate through its influence on the Indian monsoon system. Based on information received, the refinery in the village of Barsu would demand up to 15,000 acres.

In addition to the direct environmental impacts, the main source of employment in the region are mango and cashew orchards, which are sensitive to environmental disturbances, while the Konkan coastline in the area constitutes the main income for fisherfolk in the community. We have received information that local communities are concerned that potential oil spills, wastewater discharge, and toxic emissions will have adverse effects on farming and fishing in the area. This would furthermore affect the availability and quality of water. Many farmers expressed worry that if their land is taken for the project, they would lose their main source of income. Additionally, soil contamination and air pollution from industrial activities could reduce crop yields and degraded farmland, making it difficult for farmers to sustain their agricultural activities.

The destruction of fertile land would further impact the region's food security and economic stability. This would furthermore affect the availability and quality of water, further impacting the right to food by limiting access to safe and sustainably produced food sources.

Furthermore, the coastline of the proposed placement of a related port at Sakri Nate, a Muslim-majority village, is falling under the Coastal Regulation Zone (CRZ) 1A category as per the 2019 CRZ Notification, due to the presence of corals, dunes, and other coastal vegetation. According to the information received, the Pre-Feasibility Report of the project has not been prepared, and therefore details of the port infrastructure, and other parts of project are not available. This undermines likely affected communities' right to access to information, as well as the right of access to information of other interested holders of the human right to a healthy environment.

Given this information, the proposed establishment of RRPCL can potentially cause important environmental degradation in the area, affecting ecosystems and the rights of communities. Impacts might include groundwater contamination, habitat destruction, and disruption of traditional livelihoods and living cultural practices linked with farming and fishing, along with other ecological and social harms. Soil contamination from refining operations is often a less visible but persistent issue. Leaks, accidents, or spills on or off-site during the shipping process might contaminate the soil with hazardous wastes, used catalysts, coke dust, tank bottoms, and sludges from the treatment operations which can degrade soil fertility, making it difficult for farmers to grow crops and leading to reduced agricultural yields, further impacting their livelihoods.

The complex is also expected to contribute dramatically to the ongoing climate crisis, due to the emissions that would result from its operations and chemical outputs. In fact, the International Energy Agency highlighted that oil and gas' production, transport and processing worldwide resulted in 5.1 billion tonnes (Gt) CO₂-eq in 2022, which corresponded to around 15% of total energy-related emissions at the global level for the same year. According to the information received, the RRPCL would be the world's largest integrated refinery and petrochemical facility, with an output capacity of 60 million metric tonnes of crude oil per year. In addition to the climate and environmental impacts of the output of the refinery, both at the national and international level, the production process and the construction of the refinery will also contribute to climate change and potentially worsen air, water and soil quality in the area, with related impacts on the human rights to health and to a healthy environment in particular.

Apart from health-related issues caused by the project, villagers are concerned that the polluting gases can harm mango cultivation in the region, which witnesses an annual turnover of Rs 2,200 crore (2,541,705.40 US Dollars) for the district. With a 167-km coastline, Ratnagiri district has 6,600 sq m of continental shelf area and a potential fishing region up to 40 fathoms, translating to 2,910 sq km. Chemicals and gases like nitrates and sulphates in turn would contaminate villages nearby. Pollution caused by the waste released into the sea will affect the fish, adversely impacting the traditional fisheries business.

The project's planned location and scale allegedly also threaten the cultural heritage site of Konkan, which is considered for inclusion in the Tentative List of UNESCO World Heritage Sites. This region holds a number of cultural artifacts known as geoglyphs, which evidence the region's long cultural legacy. Barsu village, part of the Konkan site, contains the largest cluster of geoglyphs in the region. Thus, the construction of the plant, together with the chemical reactions related to it, could have an irreparable and serious damage on the geoglyphs in the area.

Reprisals against those opposing the project

Due to the environmental and climate impacts described above, the proposed RRCPL project would potentially affect all of the key substantive elements of the right to healthy environment: clean air; a safe climate; healthy and sustainably produced food; access to safe drinking water and adequate sanitation; non-toxic environments in which to live, work and play; and healthy ecosystems and biodiversity. The proposed RRCPL project will furthermore affect other rights such as the right to health, water, food and cultural rights. In response to the detrimental effects on ecosystems, traditional livelihoods and natural, built and living heritage in the region, and to the lack of information, many members of the local community, especially women, have organized, over the years, peaceful gatherings and protests to challenge the implementation of the project.

Notwithstanding the peaceful nature of the protests, various measures were taken to impede the demonstrations. In April 2023, around 2,000 police officers were mobilized in Ratnagiri in relation to planned protests. Then, public gatherings were prohibited by the Maharashtra government in the region for over a month. Lastly, in Rajapur Taluka, as well as in a 1 km radius of Barsu and five adjacent villages, a strict curfew was imposed from 24 April to 31 May 2023, based on section 144 of the Criminal Code.

On 23 April 2023, the environmental human rights defenders Mr. Mangesh Chavan and Mr. Satyajit Chavan were arrested, reportedly as a consequence of their activism against the establishment of the plant. The arrests were reportedly a result of prior police monitoring. Mr. Mangesh Chavan and Mr. Satyajit Chavan were not released until 26 April 2023, after having been charged with several criminal offenses. Eight other residents from villages surrounding the plant site were also pre-emptively arrested.

Reportedly, local community members continued to organize peaceful assemblies after these arrests. On 24 April 2023, many villagers, especially women, assembled at the project's planned site to protest a soil inspection. The next day, around 50 to 60 women peacefully obstructed the roads leading to the site to hinder the entry of the vehicles related to the tests. Police officers, armed with batons, disrupted the protests. Numerous protesters were hit, stripped of their possessions, and arrested.

On 26 April 2023, a contingent of around 2,000 police officers was deployed to Barsu and the surrounding villages. They established a checkpoint for inspections in Rajapur. On 27 April 2023, more than 700 protesters were detained, many being booked under rioting, unlawful assembly and disobedience of public order. The police also allegedly blocked community members from the surrounding villages from reaching the protests. In addition to that, journalists from multiple media platforms interested in reporting on the protests, including the Marathi TV news channels, were prevented from reaching the site by the police. On 28 April 2023, the police reportedly dispersed the protests using tear gas.

According to the information received, in recent months, activists have continued to face threats and are reportedly blackmailed, in order to pressure them into supporting the project of the RRPCL.

Without prejudging the accuracy of these allegations, we would like to express our deep concern about the highly repressive environment and the suppression of protests and peaceful assemblies related to the RRPCL project. In addition, we note that these rights have been exercised in a context where the human right to access to information was not protected and therefore did not support the exercise of civil and political rights in this context. These oppressive measures undermine the right to freedom of opinion and expression, of peaceful assembly and the right to take part in decision-making processes that have an impact on cultural life. We are deeply concerned about the potential negative impact this would have on the local community's rights to a clean, healthy and sustainable environment and to legitimately express their discontent and concerns, as well as sharing their knowledge about the detrimental effects the project's completion might have on the environment, the climate, their cultural heritage, and their livelihoods. We are also concerned that this situation undermines the right to information of the general public in the context of climate change and their right to a healthy environment. We are furthermore concerned by the criminal prosecution, arbitrary detention and violent intimidation of journalists, environmental activists, members of civil society and human rights defenders, which have particularly affected women.

Lastly, we are also deeply concerned about the human rights, environmental and climate impacts of the RRPCL project, contributing to the current planetary crisis of climate change, biodiversity loss and toxic pollution. In particular, we are preoccupied by the potential serious human rights negative impacts resulting from the construction and operation of the refinery, including due to potential risks of air, water, soil contamination and negative consequences on ecosystems. In order to effectively prevent irreparable damages of the construction and production of the refinery, access to information along with meaningful participation must be ensured, in line with international human rights obligations. In addition, a participatory and comprehensive human rights and environmental impact assessment is needed, as well as the conduct of human rights due diligence by the companies involved in accordance with the UN Guiding Principles on Business and Human Rights. Opportunities to participate in such evaluations should furthermore be made public to ensure timely access to accurate and meaningful information is fulfilled. Access to justice and effective remedies must be provided if there are concerns about the quality and inclusivity of these evaluations.

In connection with the above information and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek a clarification on all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on what steps were taken to prevent and address the negative social, cultural, human rights, environmental and climate impacts on the local population in the surrounding area of the RRPCL project.
3. Please provide information about the RRPCL project feasibility studies, planning, development, design and construction plans, including the environmental impact assessments made, and whether and how the environmental (including biodiversity and climate) impacts were considered, in line with national and international law.
4. Please provide information on the human rights due diligence policies and processes put in place by Bharat Petroleum Corporation Limited (BPCL) to identify, prevent, mitigate, and remedy the adverse human rights impacts of your activities and, in particular, with respect to the human rights of the local farmers and villagers affected by the refinery and petrochemicals plant, specifically on absolute rights such as not to be arbitrarily deprived of one's life, in line with the UN Guiding Principles on Business and Human Rights.
5. Please provide information about specific due diligence or impact assessment taken by BPCL in relation to the development of the refinery and petrochemicals plant in the village of Barsu, in Ratnagiri, Maharashtra. In particular, please highlight whether or how your company has conducted meaningful consultation with affected stakeholders. Please also indicate whether any steps have been taken to address or avoid actual or potential adverse impacts on the local farmers and villagers located in the project area.
6. Please provide information on the steps taken by BPCL to establish, implement and/or enforce an operational-level grievance mechanism, in line with the UN Guiding Principles, in order to address the adverse human rights impacts caused or contributed to by your company's operations.
7. Please provide additional information on the measures that BPCL has taken to implement the UN Guiding Principles on Business and Human Rights.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please note that a letter expressing similar concerns was sent to the Governments of India, the Kingdom of Saudi Arabia and United Arab Emirates, as well as to the following business enterprises: Ratnagiri Refinery and Petrochemicals Limited (RRPCL), the Indian Oil Corporation Limited (IOCL), Hindustan Petroleum Corporation Limited (HPCL), Saudi Arabian Oil Company (Saudi Aramco) and Abu Dhabi National Oil Company (ADNOC).

Please accept, Mr. Krishnakumar, the assurances of our highest consideration.

Gina Romero

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

Fernanda Hopenhaym

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Elisa Morgera

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Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Pedro Arrojo-Agudo

Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that apply to the issues raised by the situation above.

Regarding the mentioned allegations, we would like to first mention the guiding principles on Business and Human Rights (A/HRC/17/31). The guiding principles were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations involving governments, civil society, and the business community. The guiding principles have been established as the authoritative global standard for all states and companies to prevent and address negative consequences related to business activities on human rights. The responsibility to respect human rights constitutes a global norm of conduct applicable to all businesses, wherever they operate. It exists regardless of the capacity and/or willingness of States to fulfill their own human rights obligations and does not diminish those obligations. It is an additional responsibility to complying with national laws and regulations protecting human rights. We would like to highlight to the following two principles:

"The responsibility to respect human rights 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." (guiding principle 13).

"In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

- 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." (guiding principle 15)

We would also like to draw your attention to the obligations under international human rights instruments, of which India is part.

We would like to refer to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee the right of every individual to freedoms of expression, peaceful assembly and association, respectively. We remind that these

obligations, as interpreted by the Human Rights Committee in its general comment No. 34, imply not only the direct respect by all State authorities for these freedoms, but also protection against acts by private persons or entities that obstruct their enjoyment.

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right, noting that guaranteeing a “safe climate” constitutes one of the substantive elements of this right.

We would also like to bring to your attention the Framework Principles on Human Rights and the Environment as detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The Principles state that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2); and States should ensure the effective enforcement of their environmental standards against public and private actors (principle 12).

Finally, we would like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.