

**Mandates of the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to development; 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 rights of Indigenous Peoples; the Special Rapporteur on the situation of human rights in Myanmar; the Working Group on the rights of peasants and other people working in rural areas; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation**

Ref.: AL OTH 29/2026  
(Please use this reference in your reply)

21 April 2026

Mr. Gao Chao Wu,

We address you in our capacities as Special Rapporteur on the promotion and protection of human rights in the context of climate change; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the right to development; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the right to food; Special Rapporteur on the rights of Indigenous Peoples; Special Rapporteur on the situation of human rights in Myanmar; Working Group on the rights of peasants and other people working in rural areas; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 57/31, 53/3, 60/7, 55/2, 58/10, 60/4, 58/20, 54/9, 54/10 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 59 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.

Xiamen Tungsten Corporation

In this connection, we would like to bring to your attention information we have received concerning **serious, ongoing, and inadequately addressed transboundary environmental and human rights violations stemming from mining-related contamination in the Mekong subregion.**

According to the information received:

Beginning in April 2024, residents living along the Kok River in northern Thailand began to observe an unusual change in the colour of the water, which had become abnormally turbid. Following major flooding in September 2024, communities also experienced mudflat-like conditions and landslides in several areas. The unusual turbidity persisted into March 2025, even though this period typically marks the dry season when the river is expected to be clear. This raised further concerns among local communities.

River samples collected from Thai territory by Thailand's Pollution Control Department revealed alarming levels of arsenic, lead, mercury and manganese, exceeding national standards established as per national legislation. Investigations conducted by Thailand's Pollution Control Department (PCD) between March and September 2025 have confirmed the gravity of the situation. Twelve rounds of water testing and seven rounds of sediment testing conducted by the Office of Environmental and Pollution Control Region 1 (OEPC1) and community networks recorded worsening water toxicity, visible degradation in aquatic biodiversity, and food chain disruption. In July 2025, using environmental DNA, the Thailand Science Research and Innovation Institution (TSRI) matched specific chemical and biological markers to upstream mining operations. These findings seem to demonstrate a direct link between extractive industries upstream and deteriorating ecosystems, livelihoods, and public health downstream.

This cross-border pollution crisis is originating from mining operations in Myanmar, including within regions controlled by the United Wa State Army (UWSA), with minimal oversight. These mining activities have rapidly expanded since 2023. The mining activities are focused primarily on rare earth elements, with some gold extraction activities also reported. The mining has reportedly resulted in the discharge of toxic substances into rivers that flow downstream into Northern Thailand, impacting not only the Kok River, but also the Sai, Ruak, and Mekong Rivers. The mining is impacting communities on both sides of the border, including over a million Thais in Chiang Mai and Chiang Rai provinces, but also the tens of millions living downstream along the Mekong River, of which the Kok is a tributary. It is reported that aggressive deforestation, soil degradation and terrain disruption caused by the mining activities have devastated forests and landscapes, causing runoff of heavy metal-laden sediments directly into river systems with no indication that any preventive measures have been put in place to contain or mitigate such pollution. Floods have not only brought water but also carried substantial volumes of mud and sediment, potentially exacerbating the spread and reach of hazardous pollutants. The full extent of sediment contamination remains unknown, especially in light of recurring seasonal flooding in Chiang Rai province since late 2024.

This transboundary pollution has had widespread consequences, seriously threatening the human rights of a large number of people, particularly their rights to life, health, a healthy environment, water, food and development. Multiple communities have reported health symptoms, declines in water quality, and absence of clean water alternatives. Long-term health risks are increasing due to potential bioaccumulation of toxins in fish and crops which will ultimately affect local populations and nature's capacity to contribute to climate regulation and support human resilience in the context of climate change.

The victims of this pollution crisis include Indigenous Peoples and rural communities; children, pregnant women, the elderly, and small-scale farmers and fisherfolks, all groups with heightened vulnerability to long-term exposure to heavy metals and ecosystem collapse; as well as peasants, whose incomes and cultural practices are directly tied to healthy water systems. The OEPC1 has reported that toxic pollution is causing up to 1.3 billion baht in annual economic losses, impacting farming, fishing, and tourism.

Despite the swift actions by the provincial authorities and consistent water quality testing by OEPC1, the Thai government's response has been widely criticized as delayed, reactive, lacking transparency, and with minimal meaningful participation from the affected communities.

On 20 August 2025, Thai authorities met with the Myanmar military junta's Minister of Natural Resources to discuss bilateral cooperation on Kok River issues. While they agreed to establish a Joint Technical Working Group to address pollution, no detailed information or action plan has been shared or made available to the public. While bilateral discussions between Thailand and Myanmar have occurred and a Joint Technical Working Group was established, no binding commitments, timelines, or transparent action plans have been shared publicly. Similarly, engagement between Thailand and the Government of China has not resulted in enforceable measures to regulate mining activities at the source.

The mines are reportedly operated by China Investment Mining Company, backed by the Chinese government. The extracted rare earth elements are transported to China where they are refined and used in the production of electric vehicles and wind turbines. China Investment Mining Company is 90 per cent owned by Shanghai Chijin Xiawu Metal Resources Co. Ltd., which is a joint venture formed in September 2022 to develop rare earth resources in Laos by China's state-backed Xiamen Tungsten Corporation and Chifeng Gold, the largest non-state-owned gold producer in China. Xiamen Tungsten Corporation is one of China's major rare earth corporations.

Without wishing to prejudge the accuracy of the allegations, and based on the information received, we are deeply concerned about the negative impacts of the extraction of rare earth elements in Myanmar without adequate environmental protections. Rare earth elements are essential components of many climate technologies, such as wind turbines, solar panels, electric vehicles and storage batteries. The separation of rare earth elements requires the use of leaching pools laden with

chemicals that risk contaminating groundwater, eroding soil and polluting the air. These methods produce high levels of waste (some 2,000 tons of waste per ton of rare earth element produced) – including dust, waste gas, wastewater and radioactive residue – with a high risk of environmental and health hazards.<sup>1</sup> Toxic pollution and biodiversity loss worsen the climate crisis and its negative impacts on human rights.

The extraction of rare earth elements without effective environmental safeguards has serious consequences for the human rights of downstream communities, including the rights to life, to a clean, healthy and sustainable environment, to health, to development and to safe drinking water and food. The pollution of the water resources of local communities further impedes their safe exercise of traditional fishing and farming practices and deprives them of their source of economic livelihood and well-being, which are already undermined by the climate crisis. Such pollution could therefore be in violation of their right to an adequate standard of living, including the right to food and the right to feeding oneself directly from productive land or other natural resources, as well as the fundamental right to freedom from hunger.

We are further concerned about the lack of cross-border regulatory coordination, failure to enforce corporate human rights due diligence, and absence of redress mechanisms and access to justice. In addition, ensuring access to information across borders about the pollution and its impacts on human rights is essential to support every State's efforts to protect human health and prevent significant harm to the environment and the climate system.

All businesses have a responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights. In this connection, businesses should exercise human rights due diligence, including in transboundary contexts, to mitigate the potential impact of business operations on the environment. This responsibility applies to companies extracting or importing minerals, or benefiting from mining operations linked to environmental harm.

In connection with the above alleged facts 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 to clarify 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. Kindly advise about measures that you have taken, or plan to take, to respect human rights, including the rights to health, a healthy environment and development.

---

<sup>1</sup> Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, HRC 54/25.

3. Please provide information as to what human rights due diligence policies and processes have been put in place by your company to identify, prevent, mitigate, and account for how you address adverse human rights impacts that your activities and business operations could cause or contribute to, or be directly linked to, as set forth in the UN Guiding Principles on Business and Human Rights (UNGPs).
4. Please provide information on measures that you have taken or plan to take to ensure the equal and meaningful participation of affected communities in project-related decision affecting their human rights, including any measures to seek the free, prior and informed consent of Indigenous Peoples, as part of the company's responsibility to conduct effective human rights due diligence in line with the UNGPs.
5. Please indicate whether your company has established or participates in any operational-level grievance mechanisms, to provide access to remedy for affected individuals and communities, in line with the UNGPs.
6. Please indicate measures taken to disseminate information on the environmental, climate change and human rights impacts of your company's business activities and/or business relationships, taking into consideration the rights to a healthy environment, information, participation, and remedy.
7. Please indicate measures taken to ensure that your company complies with international environmental and human rights law, including through its business relationships.

This communication, and any response received, will be made public via the communications reporting [website](#) at the 60 days mark. Should you respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has been also sent to Chifeng Gold, the Governments of China and Thailand, and the Myanmar military junta.

Please accept, Mr. Gao Chao Wu, the assurances of our highest consideration.

Elisa Morgera  
Special Rapporteur on the promotion and protection of human rights in the context of  
climate change

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

Surya Deva  
Special Rapporteur on the right to development

Astrid Puentes Riaño  
Special Rapporteur on the human right to a clean, healthy and sustainable  
environment

Michael Fakhri  
Special Rapporteur on the right to food

Albert K. Barume  
Special Rapporteur on the rights of Indigenous Peoples

Thomas Andrews  
Special Rapporteur on the situation of human rights in Myanmar

Carlos Arturo Duarte Torres  
Chair-Rapporteur of the Working Group on the rights of peasants and other people  
working in rural areas

Marcos A. Orellana  
Special Rapporteur on the implications for human rights of the environmentally sound  
management and disposal of hazardous substances and wastes

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 above alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards.

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/31) in 2011. These Guiding Principles are grounded in recognition of:

- a) “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b) the role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and
- c) the need for rights and obligations to be matched to appropriate and effective remedies when breached.”

According to the Guiding Principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Furthermore, we would like to note that as set forth in the United Nations Guiding Principles on Business and Human Rights, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others and to address adverse human rights impacts in which they are involved. 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. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principles 11 to 24 and principles 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 cause or contributed to adverse impacts. The commentary of guiding principle 13 notes that business enterprises may be involved with adverse human rights impacts either through their own activities or as a result of their business relationships with other parties. [...] Business enterprise’s “activities” are understood to include both actions and omissions; and its “business relationships” are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services.

The Guiding Principles have identified two main components to the business responsibility to respect human rights, which require that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (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).

Principles 17-21 lay down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when “business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes”.

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to guiding principle 25).

According to the UN Special Rapporteur on Climate Change and Human Rights, businesses have specific responsibilities in relation to ensuring access to information on human rights and climate change, including to:

- (a) Accurately report and disclose their climate impacts in an accessible manner that is sufficient to evaluate the adequacy of their efforts to prevent climate change-related human rights harm;
- (b) Ensure effective communication on these efforts, including by providing translation into local languages and culturally appropriate engagement methods, drawing on external expertise, and offering communities independent legal and technical support to understand these efforts;
- (c) Share information about lobbying related to climate policies;
- (d) Refrain from supporting public misinformation campaigns and from engaging in strategic lawsuits against public participation (A/79/176).

Businesses should also regularly disclose accessible information relevant to climate change and human rights contained in contracts, concessions, agreements or other documents involving public resources. Businesses should ensure effective communication, including translation into local languages and culturally appropriate engagement methods, drawing on external expertise and offering potentially affected communities legal and technical support to understand the project components (A/79/176); and avoid downplaying adverse human rights and climate impacts (A/HRC/54/25).

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. These resolutions underscore that all States have a duty to respect, protect, and fulfill this right.

In addition, the International Court of Justice, in its Advisory Opinion on the Obligations of States in respect of Climate Change of 23 July 2025, in its article 393 clarified that the human right to a healthy environment is a precondition and essential for the enjoyment of all human rights, and therefore fundamental for States in order to fulfill their obligation to guarantee the enjoyment of all human rights.

Further, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 12 provides that States should ensure the effective enforcement of their environmental standards against public and private actors. Furthermore, the commentary of principle 12 provides that “In accordance with the Guiding Principles on Business and Human Rights, the responsibility of business enterprises to respect human rights includes the responsibility to avoid causing or contributing to adverse human rights impacts through environmental harm, to address such impacts when they occur and to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships. Businesses should comply with all applicable environmental laws, issue clear policy commitments to meet their responsibility to respect human rights through environmental protection, implement human rights due diligence processes (including human rights impact assessments) to identify, prevent, mitigate and account for how they address their environmental impacts on human rights, and enable the remediation of any adverse environmental human rights impacts they cause or to which they contribute.”

The UN Special Rapporteur on the right to development in his 2023 report to the General Assembly (A/78/160) provides illustrative examples of how businesses could contribute to realizing all four facets of the right to development (economic, social, cultural and political development). Businesses should reorient their purpose in society, move away from irresponsible business models and go beyond the “do no harm” approach.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.