



To:

OHCHR and Relevant UN Agencies

Issues:

Urgent Appeal Regarding the Cross-Border Heavy Metal Pollution Crisis in the Upper Mekong River and Its Tributaries

From:

Extra-Territorial Obligation Watch Coalition (ETOs Watch Coalition)

The Peoples' Network for the Protection of the Kok, Sai, Ruak, and Mekong Rivers

2 July 2025

Extra-Territorial Obligation Watch Coalition (ETOs Watch Coalition) and the Peoples' Network for the Protection of the Kok, Sai, Ruak, and Mekong Rivers—a collective of civil society organizations, academic groups, and affected communities—are issuing an urgent appeal. We respectfully request your offices to monitor, investigate, and undertake any appropriate measures to resolve the escalating and unprecedented transboundary environmental and human rights crisis, and to prevent potential future impacts. This crisis, originating from large-scale mining operations in Shan State, Republic of the Union of Myanmar, is currently impacting northern Thailand and exacerbates the situation in the Mekong River, which has already been affected by the cumulative impacts of dam construction in the Lower Mekong region.

From information reviewed following the crisis in the Kok River, it has become evident that over the past one to two years—particularly since 2023—mining activities (notably gold and rare earth extraction), widely reported to be financed by Chinese capital, have rapidly expanded in Mong Hsat and Mong Yaw in Shan State, located in the headwaters of the Kok and Sai Rivers which flow into Thailand and

eventually discharge into the Mekong River. Open-pit mining has devastated forests and landscapes, causing runoff of heavy metal-laden sediments directly into international river systems with no indication that any preventive measures have been put in place to contain or mitigate such pollution.

Investigations conducted by Thailand's Pollution Control Department (PCD) between March and May 2025 have confirmed the gravity of the situation. The results originated from large-scale mining operations in Shan State, revealing dangerously high levels of arsenic and other heavy metals exceeding safety standards in the Kok, Sai, and Ruak Rivers, extending downstream into the Mekong River—the major international waterway of the region. The contamination is particularly severe in sediments, posing a long-term secondary pollution risk.

This transboundary pollution has had widespread consequences, seriously threatening the fundamental human rights of hundreds of thousands of people, particularly their rights to health and a safe, clean, and sustainable environment. Local communities can no longer safely use water for daily consumption. Long-term health risks are increasing due to potential bioaccumulation of toxins in aquatic animals and crops which will ultimately affect local populations who consume those aquatic animals as part of the food chain. Drawing on Thailand's past experiences with gold mining, affected communities have suffered exposure to arsenic and cyanide through toxic substances absorbed from contaminated soil. This renders the current situation particularly concerning. In this case, the full extent of sediment contamination remains unknown, especially in light of recurring seasonal flooding in Chiang Rai province since late last year. These floods have not only brought water but also carried substantial volumes of mud and sediment, potentially exacerbating the spread and reach of hazardous pollutants.

In terms of cultural and livelihood rights, the lives and traditional ways of riverside communities—dependent on local fisheries and agriculture—are collapsing. Families have lost vital food sources and income security, impacting not only the local economy but also the broader tourism and agricultural sectors due to declining public confidence and safety concerns.

Despite the clear and growing danger, the Thai government's response has been questionable and ineffective in addressing the root causes. Instead of targeting the upstream pollution sources, authorities have prioritized downstream mitigation efforts, such as the controversial multi-billion baht proposal to build “sediment retention weirs.” Many experts have criticized these as inadequate in removing dissolved heavy metals from the water and potentially ecologically harmful.

Moreover, the government's public communication has been inconsistent and confusing. While the Pollution Control Department has released transparent scientific data, other agencies have issued vague or contradictory statements, undermining local communities' ability to assess and respond to risks.

Diplomatically, there has been notable inertia. The Thai government has yet to take meaningful steps toward initiating high-level dialogues with the Myanmar junta and/or the Chinese government to halt

or regulate the mining activities responsible for the pollution. So far, only members of the Thai parliament and opposition parties, such as the Move Forward Party, have made preliminary efforts to engage Chinese authorities on the issue.

We are also deeply concerned that the Pak Beng Dam, currently under construction downstream in the Lao PDR, may unintentionally become a massive reservoir of toxic sediment. This could lead to the long-term accumulation of arsenic and other heavy metals, creating an environmental time bomb with far-reaching and permanent impacts on the Mekong River ecosystem and its people.

Given the ineffectiveness of domestic and bilateral mechanisms, we believe it is now imperative for the United Nations—as a multilateral body—to step in urgently. Therefore, we respectfully request your offices to convene an official meeting, with the inclusion of senior-level officials who are empowered to engage in preliminary decision-making, together with representatives from our coalition and community network, in order to:

- Present further scientific evidence and local testimonies on the impacts of transboundary pollution
- Discuss potential UN technical support for a comprehensive impact assessment
- Explore possible avenues for engaging relevant UN mechanisms to encourage upstream accountability, including constructive engagement with the governments of Myanmar and China
- Discuss strategies to protect affected communities' rights and develop regional cooperation frameworks for managing transboundary environmental harm

In addition to the above, we also urge the United Nations to take urgent action in seeking effective solutions to this crisis. This situation cannot be addressed by the Thai government alone, as it involves transboundary impacts that fall under the extraterritorial obligations of not only Thailand, but also Myanmar and China. It requires coordinated multilateral engagement to ensure accountability and uphold the human rights of affected populations across borders.

Furthermore, this case also falls within the framework of Business and Human Rights. Countries of origin—such as China, as the source of investment, and Myanmar, as the origin of the pollution—bear direct responsibility. Even Thailand, which may serve as an importer of the resulting minerals or play a role in the downstream supply chain of the mining operations, has a duty to prevent and address adverse human rights and environmental impacts. All three states must therefore share collective responsibility to ensure effective redress and prevent future harms, in accordance with their respective extraterritorial obligations and commitments under international human rights and environmental standards.

This crisis is a litmus test for international cooperation and a matter of life, health, and dignity for millions of people across the Mekong Basin. We sincerely hope for your prompt attention and response.

Respectfully yours,

Extra-Territorial Obligation Watch Coalition (ETOs Watch Coalition)

The People's Network for the Protection of the Kok, Sai, Ruak, and Mekong Rivers