

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

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21 April 2026

Excellency,

We have the honour to 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.

In this connection, we would like to bring to the attention of your Excellency's Government 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, which have rapidly expanded since 2023, 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 last year.

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 adaptation and mitigation as well as 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 Thai Senate Committee on Political Development, Public Participation, Human Rights, Liberties, and Consumer Protection released its findings after a field inspection in Chiang Rai from 19-21 September 2025. The Committee flagged worsening contamination from mines in Myanmar's Shan State, calling it a cross-border environmental crisis with serious health and economic consequences.

Following his visit to Chiang Rai in September 2025, Thai Deputy Prime Minister Thamanat Prompow pledged to resolve the issue through diplomatic engagement with Myanmar. He proposed a local committee and instructed the Royal Irrigation Department to expedite plans for a sediment-trapping weir near Mae Ai, aiming to filter pollutants before they reach Chiang Rai's water supply. However, the sediment-trapping weir project on the Kok River has faced significant criticism from civil society and environmental experts due to the lack of meaningful community consultation, insufficient environmental impact assessment, risk of unintended consequences such as flooding, and concerns over cost and effectiveness.

Furthermore, Deputy Prime Minister and Minister of Natural Resources and Environment, Suchart Chomklin, visited Chiang Mai and Chiang Rai on 9 October to assess arsenic contamination in the Kok, Sai, and Ruak Rivers. During the visit, he engaged directly with affected communities and pledged urgent measures, including emergency groundwater supply, alternative raw water sources, and deployment of on-site water monitoring. On 13 November, he chaired the first meeting of the Subcommittee on Surface Water Quality under the new cabinet, where he reviewed contamination data and ongoing cross-border cooperation. Amid community opposition to sediment trapping during the consultations held between 10-11 November in Chiang Mai and Chiang Rai provinces, the Subcommittee also decided to establish a technical committee, chaired by the Director-General of the Department of Water Resources, which will convene experts to re-evaluate the sediment trapping project. While these steps indicate some progress, concerns remain regarding their adequacy, transparency, and long-term effectiveness. The measures appear reactive and limited to downstream mitigation, without clear commitments to upstream accountability or comprehensive remediation. Furthermore, questions persist about whether affected communities, including Indigenous Peoples,

were meaningfully consulted in line with international standards on participation and free, prior, and informed consent (FPIC).

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 nonstate-owned gold producer in China. Xiamen Tungsten Corporation is one of China's major rare earth corporations.

While China, as the source of investment and main recipient of the extracted rare earth elements, and Myanmar, as the origin of the pollution, bear direct responsibility, Thailand has a duty to prevent and address adverse human rights and environmental impacts in its territory. Thailand is also importing critical minerals from Myanmar, thus contributing to the contamination. Thailand's international human rights obligations include regulating and monitoring effectively businesses within its territory or under jurisdiction to ensure that they prevent significant environmental and human rights harm, including through the conduct of human rights due diligence in line with the UN Guiding Principles on Business and Human Rights. Companies themselves importing minerals or being linked to mining operations causing environmental harm have an independent responsibility, additional and regardless of State regulation, to prevent and address environmental and human rights harm. However, Thailand's response has mainly been downstream, limited to issuing water warnings and monitoring, while not taking adequate action to ensure upstream accountability.

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 hazardous substances that risk contaminating groundwater, eroding soil and polluting the air. These methods produce high levels of hazardous and other 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.¹ Toxic pollution and biodiversity loss worsen the climate crisis and its negative impacts on human rights.

The extraction of rare earth elements require effective environmental safeguards and can have 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 toxic pollution of the water resources of Indigenous Peoples and local communities further impedes their safe

¹ 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

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 undermines 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 environmental justice mechanisms. In addition, ensuring access to information across borders about the toxic 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.

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. Please provide details on the measures taken by your Excellency's Government to protect the human rights to health, water, food and a healthy environment, and to support the communities affected by pollution with heavy metals and other hazardous substances in the Kok, Ruak, Sai, and Mekong rivers.
3. Please provide information on whether a comprehensive environmental, socio-cultural, and economic impact assessment has been conducted, including key findings on the number of people affected, emergency responses, long-term remediation plans, and public health interventions, with particular attention to children and marginalized or vulnerable groups.
4. Please provide updated information and details on the action plan of the Subcommittee on Surface Water Quality and whether affected communities, including Indigenous Peoples, were properly consulted.
5. Please provide details on the Joint Technical Working Group established with the Myanmar military junta to address pollution in the Kok river.
6. Given the transboundary nature of the case, please provide detailed information regarding international cooperation, including any other steps taken toward initiating high-level dialogues with the Myanmar military junta and/or the Government of China to halt or regulate the mining activities at the source, including any diplomatic, multilateral, or

technical engagements, as well as follow-up actions and outcomes achieved to date.

7. Please provide information on measures taken to ensure that companies involved in the above-mentioned allegations respect human rights, including whether human rights due diligence requirements have been enforced for businesses involved in mining or mineral imports.
8. Please provide information regarding the measures that your Excellency's Government is taking or considering to ensure that communities affected by pollution with heavy metals and other hazardous substances in the Kok, Ruak, Sai, and Mekong rivers have access to effective remedies, in line with UNGPs.
9. Please advise about the steps taken your Excellency's Government to ensure that business enterprises domiciled in Thailand facilitate active, free and meaningful participation of people in decision-making as well as respect Indigenous Peoples' human rights, including the rights to self-determination and free, prior and informed consent, while operating overseas.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government 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 Xiamen Tungsten Corporation and Chifeng Gold, the Government of China, and the Myanmar military junta.

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

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climate change

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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, including customary international law as reflected in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights, as well as authoritative guidance on their interpretation.

States have a duty to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes to the United Nations General Assembly (A/74/480). This obligation derives implicitly, but clearly, from a range of rights and duties enshrined in the global human rights framework, under which States are obliged to respect and fulfill recognized human rights, and to protect those rights, including from the consequences of exposure to toxic substances. These rights include the human rights to life, health, food, safe drinking water and a healthy environment.

The obligation to protect, respect, and fulfil human rights, recognized under treaty and customary law entails a duty on the part of the State not only to refrain from violating human rights, but to exercise due diligence to prevent and protect individuals from abuse committed by non-State actors (see for example Human Rights Committee, general comment No. 31 para. 8).

We wish to recall article 3 of the Universal Declaration of Human Rights as well as article 6(1) of the International Covenant on Civil and Political Rights (ICCPR, acceded to by Thailand on 29 October 1996), which guarantee the right to life. As highlighted by the Human Rights Committee in general comment No. 36, the duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including degradation of the environment (para. 26). Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, *inter alia*, on measures taken by States to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors (para. 62).

We would also like to refer to the International Covenant on Economic, Social and Cultural Rights, which Thailand is party to, including its article 12 which provides for the right to health. In this regard, the Committee on Economic, Social and Cultural Rights (ICESCR) has adopted general comment No. 14, which describes the normative content of article 12 of ICESCR and the legal obligations by the States parties to the Covenant to respect, protect and fulfil the right to health. The Committee stated that the right to health “embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as [...] a healthy environment” (para. 4). It interprets the

right to health as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe drinking water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information (para. 11). It also comprises the prevention and reduction of exposure to harmful substances and chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health (para 15). States must protect the right to health of its population by taking measures to prevent pollution caused by businesses (para. 35 and 51).

Article 11(1) of ICESCR recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. Article 11(2) provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application. Article 11(1) of the ICESCR further requires States to “take appropriate steps to ensure the realization of this right”. The Committee on Economic Social and Cultural Rights stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). According to the Committee, the obligation to respect existing access to adequate food requires State parties to refrain from taking any measures that result in preventing such access. The obligation to protect requires the State to take measures to ensure that enterprises or individuals do not deprive other individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including their access to land to ensure their food security (para. 15). The right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1).

We also recall the explicit recognition of the human right to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. General comment No. 15 also states that environmental hygiene is an aspect of the right to health, encompassing taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions. Following the Committee’s rationale, in a transboundary context, this implies an extraterritorial obligation not to pollute the water sources of rights holders from other countries.

In his 2023 report on water as an argument for peace, twinning and cooperation, the Special Rapporteur on the human rights to water and sanitation stated that international water law supports the realization of human rights in transboundary contexts even without explicitly including them. Many of the principles of international water law are codified in the Convention on the Law of the Non-navigational Uses of International Watercourses, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and its Protocol on Water and Health, supporting transboundary obligations regarding water and sanitation rights.

These principles provide a legal basis that, along with the ICESCR, supports transboundary obligations related to the rights to water and sanitation (A/78/253, para. 46).

As noted in its general comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, the Committee on Economic, Social and Cultural Rights reaffirms that “States parties must exercise their right to dispose of natural resources in accordance with the principles of sustainability, intergenerational equity, and the prohibition of transboundary environmental harm. Overexploitation undermines the enjoyment of Covenant rights, which depend on a healthy environment. Where communities are directly affected by extractive activities, States parties should ensure mitigation, fair compensation, and accountability, including requiring polluters, including business entities, to cover the costs of harm and environmental rehabilitation.” (para. 48). The Committee further recalls States parties’ obligation to prevent and redress infringements of Covenant rights resulting from environmental harm caused by business entities and other non-State actors subject to their jurisdiction or control, including those operating abroad, adding that home States of those responsible actors must ensure access to effective redress mechanisms for victims of transboundary harm, especially where such remedies are unavailable or ineffective in the States where the harm occurs (para. 88). The obligation to prevent significant environmental harm to other States is a firmly established customary rule which requires States “to use all the means at [their] disposal to avoid activities which take place in its territory, or in any area under its jurisdiction, causing significant damage to the environment of another State”.² Where transboundary environmental harm occurs, States parties must mitigate and remedy the impacts on Covenant rights.” (para. 30).

We 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 for present and future generations. In addition, the International Court of Justice, in its Advisory Opinion the Obligations of States in respect of Climate Change (July 2025) clarified that the human right to a healthy environment is a precondition and essential for the enjoyment of all human rights, and fundamental for States to fulfill their obligation to guarantee the enjoyment of all human rights (para. 393). The right was most recently recognized at the regional level in the ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment, adopted on 26 October 2025.

We would like to bring to the attention of the Government of your Excellency, the Framework for environmental, social and human rights impact assessments on the human right to a healthy environment, presented to the UN General Assembly in October 2025 (A/80/187). According with this Framework, all States, have the obligation under international law, to prevent environmental harms, including transboundary harms. In connection with such obligation and also recognized as an obligation of all States under international law, is the obligation to regulate and

² ICJ, *Pulp Mills on the River Uruguay*, para. 101.

undertake comprehensive environmental, social and human rights impact assessments prior to any proposal authorization or the commencement of any activity that might cause significant environmental, social or human rights impacts (ESHRIA). Such ESHRIAs must be comprehensive therefore including direct, indirect, domestic, transboundary, cumulative, long-term, short-term, climate, biodiversity, environmental, health, cultural, social and human impacts must be considered; integrally evaluate climate impacts including consideration of scope 1, 2 and 3 emissions from projects; comply with international law principles of precaution, prevention, proportionality, best-available science – including Indigenous science, maximum disclosure and equity and non-discrimination; be prepared by independent, qualified experts; ensure access to information, public participation and access to justice and remedy, in all steps of the process; and, guarantee special measures for the protection of the rights of marginalized people and groups.

Additionally, in his report A/HRC/49/53, the Special Rapporteur on human rights and the environment concluded that “the substantive obligations stemming from the right to a non-toxic environment require immediate and ambitious action to detoxify people’s bodies and the planet. States must prevent toxic exposure by eliminating pollution, terminating the use or release of hazardous substances, and rehabilitating contaminated communities”.

Furthermore, we would 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 provide, inter alia, that States should avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights and require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights (principle 8), provide for and facilitate public participation in decision-making related to the environment and take the views of the public into account in the decision-making process (principle 9), provide access to effective remedies for violations of human rights and domestic laws relating to the environment (principle 10), and ensure the effective enforcement of their environmental standards against public and private actors (principle 12). Principle 13 provides for the cooperation of States “to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.” Principle 15 provides that States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by recognizing and protecting the rights to their lands, territories and resources; consulting with them and obtaining their free, prior and informed consent; respecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources; and ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

We also wish to highlight the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which sets out international human rights standards relating to Indigenous Peoples’ rights. Article 26 of UNDRIP asserts the right of Indigenous Peoples to ‘the lands, territories and resources which they have traditionally owned, occupied or otherwise used or

acquired'. Article 32 affirms that Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources and that 'States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources'. UNDRIP furthermore underlines that States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact. With regard to the environment, article 29(1) of the UN Declaration on the Rights of Indigenous Peoples clearly states that 'Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources'.

We would like to recall the Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986. Article 1(2) of the Declaration provides that the human right to development "implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources." Article 2(3) further reminds States of their "duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." Moreover, principle 3 of the Rio Declaration 1992 provides that the "right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."

We also wish to draw your Excellency's attention to the rights of peasants and other people working in rural areas, as recognized in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), adopted by the General Assembly in 2018. This Declaration reaffirms the right of peasants to land, water, seeds, and natural resources, which are essential to their livelihoods, culture and identity. UNDROP provides that "Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage." (article 18).

We would also like to bring to your attention the general comment No 26 of the UN Committee on the Rights on the Child on Children's Human Rights and a Healthy Environment, with a special focus on climate change, which underscores that '[e]nvironmental pollution is a major threat to children's health, as explicitly recognized in article 24 (2) (c) of the Children Rights Convention. However, in many countries, pollution is often overlooked and its impact underestimated. Lack of potable water, inadequate sanitation and household air pollution pose serious threats to children's health. Pollution associated with past and present industrial activities, including exposure to toxic substances and hazardous waste, presents more complex threats to health, often resulting in effects long after exposure." The general comment further indicates that "Air and water pollution, exposure to toxic substances, including chemical fertilizers, soil and land degradation and other types of environmental harm

increase child mortality, especially among children under 5 years of age, and contribute to the prevalence of disease, impaired brain development and subsequent cognitive deficits. The effects of climate change, including water scarcity, food insecurity, vector-borne and waterborne diseases, the intensification of air pollution and physical trauma linked to both sudden- and slow-onset events, are disproportionately borne by children.” Accordingly, States should incorporate children’s right to a clean, healthy and sustainable environment into their national legislation and take adequate measures to implement it in order to strengthen accountability, including by mainstreaming it across all decisions and measures concerning children.

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

1. “States’ existing obligations to respect, protect and fulfill human rights and fundamental freedoms;
2. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights; and
3. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

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 to address adverse human rights impacts with 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 fulfill 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.

These obligations have been further clarified in the report of the Working Group on business and human rights on the issue of human rights and transnational corporations and other business enterprises in A/78/155 “Extractive Sector, Just Transition and Human Rights.” The Working Group calls on States to “develop national strategies and legislation and support regional green mineral strategies, in order to strengthen reliable, responsible and guiding principle-compatible production and supply of critical transition minerals that are essential to the energy transition.” Acknowledging the crucial importance of just and right-based development of critical

and energy transition minerals, the Working Group highlighted the need for States to “Require business enterprises to respect and fulfil international human rights obligations when designing or implementing energy transition programmes, including by assessing intersecting forms of discrimination and social exclusion, to develop inclusive, coherent and gender-responsive programmes.” The Working Group also stressed that States should “require extractive sector businesses to prove that they are taking effective action to address the impacts of energy transition programmes on human rights and the environment, by reporting on their board composition, appointments, procurement practices and operations.”

Additionally, we would like to draw your attention to the Guidelines of the United Nations Secretary-General's Expert Group on Minerals Critical for the Energy Transition, which propose seven voluntary guiding principles based on existing standards, commitments and legal obligations set out in United Nations resolutions. Principle 1 states in particular that ‘Human rights must be at the heart of all mining value chains’. Furthermore, human rights experts have specified that "while these Principles refer to the international human rights framework “recognised by all countries”, international human rights instruments that have not been ratified by all countries are nevertheless applicable in the context of the exploitation of minerals essential to the States Parties to those instruments. Furthermore, all States should respect the principle that human rights are universal, interdependent, inherent and indivisible," in a [statement](#) published last year.

As noted by the Special Rapporteur on the promotion and protection of human rights in the context of climate change (A/80/188, A human rights-based approach to the energy transition), mining should be limited to what is essential for the energy transition, as a form of protection of human rights in the context of climate change, taking into account local, inter-State and global environmental impacts according to an ecosystem and human rights-based approach. It should be managed responsibly and carried out sustainably and equitably. It is also necessary to consider the full life cycle of energy transition mining, including how extraction and processing produce a significant proportion of greenhouse gas emissions, as does mineral recycling and management of e-waste. The Special Rapporteur recommended, inter alia, that States should

- Ensure that strategic environmental assessments and environmental impact assessments serve to identify, in an integrated manner, the positive and negative environmental and human rights impacts of renewable energy and related mining projects, in addition to any potential damage to ways of life, livelihoods, well-being and knowledge systems; and
- Ensure that strategic environmental assessments and environmental impact studies are used to genuinely support consultation and free, prior and informed consent processes by providing comprehensive, reliable and accessible information and considering benefit sharing from the selection and scoping phases, including the examination of all alternatives and location options, and integrating indigenous and community methodologies.

Finally, we recall that the International Court of Justice confirmed, in its 2024 Advisory Opinion on State Obligations on Climate Change, the stringent due diligence obligation of all States, based on customary international law and a variety of environmental and human rights treaties, to prevent significant harm to the environment and the climate system, and to effectively protect human rights in the context of climate change.

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