



Response Letter to Formosa Letter to UN

Special Procedures Branch

Office of the United Nations High Commissioner for Human Rights

October 11, 2024

Re: Response to Formosa Ha Tinh Steel Corporation (Ref: AL OTH 73/2024)

Dear Sir or Madam,

We acknowledge receipt of Formosa Ha Tinh Steel Corporation's letter dated September 30, 2024, and appreciate the opportunity to respond. It is crucial to address several discrepancies in Formosa's response and refocus on the core issues affecting the victims and the broader community.

Formosa has admitted responsibility for the environmental disaster caused by the release of toxic chemicals into the ocean, which resulted in the death of hundreds of metric tons of fish, devastated over 200 kilometers of coastline, and disrupted the livelihoods of over 100,000 fishermen across four provinces in central Vietnam. This disaster, compounded by months of denial and cover-up, has caused long-term damage to the environment and the communities that depend on it. The victims' fundamental rights—to live in a safe and healthy environment, to employment, and to full transparency—have been grossly violated. These rights are recognized under Vietnamese law and enshrined in the international standards to which Vietnam is a party.

Instead of addressing these critical issues, Formosa has chosen to align with the Vietnamese government in unilaterally deciding on compensation. The victims were neither consulted nor allowed to participate in this process. Compensation was paid directly to the government, bypassing the victims entirely, and an agreement was made to protect Formosa's reputation both domestically and internationally. Source: <https://1drv.ms/b/c/4a6edd9b74a2286c/EU4lsHS9CHNJrF-AG51nrZwBFJ1LKbhd7Ca3SBoMAXggEw?e=4%3a88081ca13c154b9886519dcd7e3a1501&sharingv2=true&fromShare=true&at=9>. This arrangement has left tens of thousands of victims without fair compensation, and some without any compensation at all. Source: <https://international.thenewslens.com/article/84452>

The Vietnamese government has further politicized this matter, framing victims and their advocates as threats to national security. This has resulted in over 500 arbitrary arrests and imprisonments, with sentences as long as 20 years. While Formosa has not directly participated in these human rights violations, its actions have created the circumstances under which the government has acted. Had Formosa adhered to the law and its ethical obligations, these abuses might have been prevented.

Contrary to claims that compensation was delivered and the environment fully recovered by late 2018, the reality on the ground tells a different story. Thousands of victim's reports that they have not received adequate compensation. Source: <https://www.rfa.org/english/news/vietnam/formosa-compensation-environment-spill-10152024124255.html>

Fish populations have not returned to sustainable levels, and many fishermen have been forced to leave their homes in search of work, often facing dangerous and exploitative conditions. The tragic case of the 39 Vietnamese workers who died in a refrigerated truck on the UK border in 2019, 35 of whom were from the affected region, underscores the ongoing economic despair caused by this disaster.

Furthermore, despite repeated assurances, Formosa was allowed to resume operations in early 2017. Source: <https://www.globaltimes.cn/content/993502.shtml>. Even though critical waste treatment issues remained unresolved for three years. According to Vietnamese authorities, Formosa operated without the necessary capacity to fully treat its waste. Source: <https://vietnamnet.vn/en/formosa-meets-standard-three-years-after-pollution-incident-environment-ministry-553519.html>. The victims have repeatedly asked for an independent environmental assessment, but their request was denied. Source: <https://www.rfa.org/english/news/vietnam/formosa-compensation-environment-spill-10152024124255.html>

In its letter, Formosa even cites former Prime Minister Nguyen Xuan Phuc, who was forced to resign due to his involvement in a corruption scandal—raising serious concerns about the credibility of their sources. Source: <https://www.aljazeera.com/news/2023/1/17/vietnam-president-phuc-resigns-amid-ministers-corruption-scandal>.

We urge Formosa to fulfill its legal and ethical obligations by taking the following actions:


1. Provide fair and adequate compensation to all victims;
2. Conduct a thorough and independent assessment of the environmental damage, including the current state of the polluted ocean and coastal areas;
3. Clean up the remaining pollution and ensure future environmental protections are established;
4. Commit to transparency and engage in open dialogue with the victims about their rights and the path to recovery;
5. Collaborate with the Vietnamese government to release all individuals wrongfully imprisoned in connection with this disaster.

Until these actions are taken, we will continue advocating for the victims and remain steadfast in seeking justice.

Additionally, we have yet to receive any response from the Vietnamese government or Formosa Plastics in Taiwan.

Thank you for your attention to this matter. We hope Formosa will act in good faith and address the urgent concerns of the affected communities.

Sincerely,



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About IMFPA:

The International Monitor Formosa Plastics Alliance is a unique coalition consisting of three separate organizations, each fighting against Formosa Plastics in different locations: Justice for Formosa Victims in Vietnam, RISE St. James in Louisiana, and San Antonio Bay Estuarine Waterkeeper in Texas. Coming together to combat this multinational corporation, our alliance represents a powerful force united in the pursuit of

environmental protection, justice, and community empowerment.

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