

Organisations Call on Malaysian Government to Ensure That Lynas Rare Earth Operations Do Not Violate International Law

In an [open letter](#) to the Prime Minister of Malaysia dated 13 April, 57 organisations, representing a diverse groups of Malaysian society sent a very strong message, opposing the agreement by Lynas Rare Earths Ltd to supply rare earth oxides to the United States Department of War [the DoW Agreement].

They said that “this arrangement, valued at approximately USD96 million over four years, directly links processing operations conducted on Malaysian soil to foreign military supply chains” and “implicates Malaysia in the military activities of a State that is, at the time of writing, engaged in armed conflicts and military operations that have attracted credible allegations of grave breaches of international humanitarian law (IHL) and serious violations of international human rights law (IHRL)”.

The letter expressed the following concerns:

“Peace and Non-Alignment. Malaysia’s foreign policy is rooted in the principle of non-alignment. The DoW Agreement would make Malaysia a link in the military supply chain of a State currently waging wars and conducting military operations on multiple fronts. This is fundamentally incompatible with Malaysia’s longstanding commitment to peace and its consistent opposition to the use of force in international relations. Permitting such an arrangement to proceed risks reducing Malaysia’s credibility as an independent voice in multilateral forums and compromising its principled positions on conflicts in Palestine, Iran, and elsewhere.

National Sovereignty. Allowing operations on Malaysian territory to serve, directly or indirectly, the war efforts of a foreign power compromises Malaysia’s sovereign independence. The processing of strategic minerals in Gebeng for delivery to the US Department of War effectively subordinates Malaysian industrial infrastructure to the military requirements of another State. This raises serious questions about the extent to which Malaysia’s regulatory and licensing frameworks have been made to serve foreign strategic objectives without adequate scrutiny or public accountability.

Environmental Responsibility. The Lynas facility in Gebeng has faced sustained public opposition over the management of radioactive waste and associated environmental risks. That these operations are now to be linked to military supply chains compounds the ethical burden borne by the communities surrounding the facility and by Malaysia as a whole.”

The letter also pointed out the government’s **risk of complicity in violations of international law**. It said that the DoW Agreement does not exist in a vacuum. It must be assessed against the backdrop of the United States’ current and recent military conduct, which has attracted widespread condemnation and credible allegations of violations of international law across multiple theatres including in Gaza and the Occupied Palestinian Territory, Venezuela and Iran.

The letter acknowledges that the Malaysian Prime Minister has publicly and strongly condemned these attacks, stating that they are “contrary to universal principles.”

“In this context, supplying rare earth oxides processed at the Gebeng facility to the US Department of War presents a real and foreseeable risk that Lynas, an entity operating under Malaysian jurisdiction and regulatory authority, becomes complicit in violations of international law. Rare earth oxides are critical inputs for permanent magnets used in precision-guided munitions, advanced weapons systems, military vehicles, and defence electronics. Materials refined in Malaysia may therefore be incorporated into weapons systems deployed in operations where grave breaches of IHL and serious violations of IHRL are being perpetrated or are credibly alleged,” states the letter further.

The letter highlights Malaysia’s commitment and adherence to obligations under international law, including the **Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), adopted by the United Nations General Assembly in 2001**.

As part of its obligations under international law, the letter stresses that Malaysia must ensure that all actors operating under its jurisdiction respect, protect, and fulfil international law, including IHL and IHRL. Under Article 16 of ARSIWA, Malaysia must not knowingly aid or assist another State in the

commission of grave breaches of IHL or serious violations of IHRL that would be unlawful if committed by Malaysia itself, including war crimes, crimes against humanity, or genocide.

“Where a commercial operation of this nature is conducted on Malaysian soil, through its regulatory and licensing frameworks, the government cannot be indifferent to the purposes to which its territory and institutional infrastructure are made to serve. To permit Lynas to fulfil the DoW Agreement without scrutiny, in the face of the facts set out above, would amount at best to negligence in discharging Malaysia’s obligations under international law, and at worst to wilful blindness to the risk of complicity in internationally wrongful acts.”

“In light of the DoW Agreement and the risk that materials refined at the Lynas Gebeng facility may be used in weapons systems deployed in military operations that are, or may become, the subject of credible allegations of genocide, crimes against humanity, or other grave violations of international law” the letter **calls on the Government of Malaysia to take the following steps** to discharge its obligations and avoid complicity through aid or assistance under Article 16 ARSIWA:

- “1. **Ensure Lynas is not violating international law.** Malaysia should require Lynas to demonstrate that its operations, contracts, and supply chains do not and will not contribute to or facilitate internationally wrongful acts, including grave breaches of IHL, serious violations of IHRL, genocide, war crimes, or crimes against humanity. This includes demanding full transparency on the terms, scope, and intended end-use of the DoW Agreement, and requiring binding assurances that materials refined in Malaysia will not be used in weapons systems deployed in operations where breaches of IHL and IHRL are being perpetrated. Such requirements should be incorporated as conditions in the licence issued to Lynas.
2. **Audit Lynas.** Malaysia should subject Lynas to a robust, independent human-rights and IHL due-diligence audit focused on end-use and end-user risk, with particular attention to potential involvement in conflicts where serious violations of IHL and IHRL are credibly alleged. Where risks of contribution to such violations are identified, Malaysia must impose conditions, corrective measures, or, if necessary, suspend or revoke relevant approvals and licences to prevent any knowing aid or assistance to internationally wrongful acts within the meaning of Article 16 ARSIWA.
3. **Enact and enforce domestic legislation.** Malaysia should adopt and enforce clear domestic laws and regulatory conditions to ensure that companies operating in Malaysia are not complicit in the commission of international crimes or placed in conflict with IHRL or IHL. Such laws should make explicit that regulatory approval and operating licences are conditional on compliance with Malaysia’s obligations under international law, including its duty not to aid or assist in internationally wrongful acts committed by third States, and should require heightened human-rights due diligence for military-linked or conflict-sensitive supply chains.”

The letter was sent to the Prime Minister of Malaysia by Ms. Chee Yoke Ling, the Executive Director of Third World Network on behalf the following undersigned organisations.

1. Agora Society Malaysia
2. AJ Rimba Collective
3. Aliran
4. Apa Kata Wanita Orang Asli
5. BDS Malaysia
6. Center to Combat Corruption and Cronyism (C4 Center)
7. Consumers Association of Penang (CAP)
8. Environmental Protection Society Malaysia (EPSM) /
Persatuan Perlindungan Alam Sekitar Malaysia
9. Forum Kedaulatan Makanan Malaysia (FKMM)
10. Free Tree Society Kuala Lumpur
11. G25 Malaysia
12. Gabungan Darurat Iklim Malaysia Berhad
13. Global Environment Centre
14. Greenpeace Malaysia
15. Health Action International Asia Pacific (HAIAP)
16. Impactlutuon
17. Jaringan kampung Orang Asli Semenanjung Malaysia
18. Jaringan Orang Asal SeMalaysia (JOAS)

19. Karunjattai Ilainyar Padai (Rationalist Youth Movement)
20. Klima Action Malaysia - KAMY
21. KLSCAH Youth
22. Lawyer Kamek (Sarawak)
23. Liga Rakyat Demokratik (LRD)
24. Malaysians Against Death Penalty and Torture - MADPET
25. Malaysian Humanitarian Aid and Relief
26. Malaysian Nature Society Pahang
27. Malaysian Nature Society Selangor Branch
28. Malaysian Women's Action for Tobacco Control and Health (MyWATCH)
29. MANDIRI
30. Monitoring Sustainability of Globalisation (MSN)
31. North South Initiative
32. PACOS Trust
33. Parti Sosialis Malaysia (PSM)
34. Persatuan Aktivis Sahabat Alam (KUASA)
35. Persatuan Melayu Marudi Baram Sarawak Malaysia
36. Persatuan Pengguna Luar Bandar & Ekologi Malaysia (RURAL MALAYSIA)
37. Persatuan Suku Jakun Pahang (PSJP)
38. Pertubuhan Gabungan Institusi Pendidikan Islam Selangor (GIPS)
39. Pertubuhan Jaringan Ekologi Dan Iklim
40. Pertubuhan Lestari Khazanah Alam Pulau Pinang (LEKAS Penang)
41. Pro-Siswa Kolej Komuniti Malaysia / Gerakan Perempuan Melawan
42. Pusat KOMAS
43. Rimbawatch Malaysia
44. Sahabat Alam Malaysia (SAM)
45. Save Malaysia Stop Lynas (SMSL)
46. SAVE Rivers.Org
47. SIUMAN Collective
48. SUARAM
49. Sustainable Development Network Malaysia (SUSDEN Malaysia)
50. TAHABAS
51. Tanjong Bungah Residents' Association
52. Teoh Beng Hock Association for Democratic Advancement (TBH-ADA)
53. The Malaysian Social Research Institute
54. Third World Network
55. Wetlands International (Malaysia)
56. Women for Equality Association (WEA)
57. WWF Malaysia