

**NGO Joint Parallel Report on the Government of Zambia's
Second Report on the Implementation of the
International Covenant on Economic, Social and Cultural Rights**

*Submitted to the
UN Committee on Economic, Social and Cultural Rights
for consideration in the formulation of the
List of Issues during the 79th Pre-Sessional Working Group (10 November 2025 – 6 February 2026)*
by

Jesuit Centre of Theological Reflection

3813 Martin Mwamba Road,
Olympia Park, 10101, Lusaka, Zambia

Contact: Rev. Daniel Mwamba Mutale, S.J.
director@jctr.org.zm

*International Human Rights Center
Loyola Law School, Los Angeles*

and

919 Albany Street
90015, Los Angeles, CA, USA

Contact: Prof. Cesare Romano
cesare.romano@lls.edu

PURPOSE OF THIS PARALLEL REPORT.....	2
ABOUT THE AUTHORS OF THIS REPORT AND SOURCES	2
BACKGROUND.....	3
BY FAILING TO ENSURE TRANSPARENT, SCIENCE-BASED ENVIRONMENTAL GOVERNANCE, TO REGULATE POWERFUL CORPORATE ACTORS, AND TO ENFORCE ITS OWN ENVIRONMENTAL LAWS, ZAMBIA HAS BREACHED ITS OBLIGATIONS UNDER THE COVENANT	8
I) Article 2.....	8
II) Article 11	9
III) Article 12.....	11
IV) Article 15.....	12
RECOMMENDATIONS.....	15

PURPOSE OF THIS PARALLEL REPORT

(1) The purpose of this parallel report is to assist the Committee on Economic, Social and Cultural Rights (the Committee) in the formulation of the List of Issues during the 79th Pre-Sessional Working Group (10 November 2025 – 6 February 2026), leading to the discussion of the Government of Zambia’s Second Periodic Report on the Implementation of the Covenant on Economic, Social and Cultural Rights (“CESCR” or “Covenant”). Zambia acceded to the Covenant on 10 April 1984.¹

(2) The report focuses on Zambia’s systemic failure to prevent, regulate, and remedy environmental pollution caused by the country’s mining sector, culminating in the February 2025 Kafue River tailings dam collapse. These issues come under the purview of the Covenant (Article 2, 11, 12, and 15). Using this event as a focal point, the report highlights how chronic underenforcement of environmental laws, weak institutional oversight, and lack of transparency have undermined the rights of affected citizens protected under the Covenant.

ABOUT THE AUTHORS OF THIS REPORT AND SOURCES

(3) This report was prepared by Catherine Machado (JD Candidate 2027) and Jackson Stouder (JD Candidate 2027) of the International Human Rights Center of Loyola Law School, Los Angeles, working under the supervision of Professor Cesare Romano and Rev. Fernando C. Saldivar, S.J., and in collaboration with Rev. Daniel Mwamba Mutale, S.J. (Jesuit Centre of Theological Reflection).

(4) The International Human Rights Center of Loyola Law School, Los Angeles is committed to achieving the full exercise of human rights by all persons and seeks to maximize the use of international and regional political, judicial, and quasi-judicial bodies through litigation, advocacy, and capacity-building.² Loyola Law School, Los Angeles is the school of law of Loyola Marymount University, a Catholic university in the tradition of the Jesuits, the Religious of the Sacred Heart of Mary, and the Sisters of St. Joseph of Orange..

(5) The Jesuit Centre of Theological Reflection (JCTR) is a faith-based organization and ministry of the Society of Jesus (Jesuits) that has been operating in Zambia since 1988 to promote social justice.³ Guided by the principles of Catholic Social Teaching, JCTR is committed to upholding and defending the dignity of all, especially the poor, vulnerable, and marginalized within the Zambian population.

¹ International Covenant on Economic, Social and Cultural Rights, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=156&Lang=EN, [last accessed 17 Nov 2025].

² Loyola Marymount University, International Human Rights Center, <https://www.lls.edu/academics/centers/internationalhumanrightscenter/> [last accessed 17 Nov 2025].

³ Jesuit Centre of Theological Reflection, <https://jctr.org.zm/en/> [last accessed 17 Nov 2025].

BACKGROUND

(6) Zambia's economy is heavily dependent on the mining industry, even as most of its population works in agriculture.⁴ In 2022, mining accounted for 12.9% of the country's \$29.8 billion GDP, but only 2.4% of total employment.⁵ In contrast, about 75% of Zambians work in agriculture, which contributes only 3.9% of GDP.⁶ In 2022, copper exports alone were worth \$7.7 billion, accounting for 76% of Zambia's total export revenue, rising to roughly 84% when all mining products and byproducts are included.⁷ This economic imbalance is exacerbated by chronic drought caused by climate change, which has repeatedly devastated agricultural production and water security.⁸ Zambia's reliance on mining not only deepens economic inequality but also increases vulnerability to environmental degradation and resource scarcity.

(7) Since Zambia's structural adjustment program (SAP) reforms of the 1990s and early 2000s, which privatized much of the country's previously State-run industries, the mining sector has been dominated by foreign mining corporations, primarily from Western nations and China.⁹ While privatization spurred foreign investment in Zambia's once-languishing mining sector, it also ushered in widespread environmental harm.¹⁰ Across Zambia, particularly in its Copperbelt Province, reckless mining practices have resulted in widespread pollution, causing a "systemic failure of the government to protect both people and the environment."¹¹ Mining waste and acidic tailings have contaminated rivers, groundwater, and soil, leaving behind a legacy of toxic exposure and degraded ecosystems.¹²

(8) Multiple studies have documented severe lead contamination in Kabwe, once home to one of the world's largest lead mines, as well as persistent acid spills and heavy metal pollution in the Kafue River basin.¹³ These impacts have disproportionately harmed rural and low-income communities, many of whom depend directly on local water sources for drinking and farming.¹⁴ While Zambia is equipped with a robust regulatory apparatus on paper, discussed *infra*, environmental protection is disturbingly weak in practice. Mr. Collins Nzovu, Zambia's Minister of Water

⁴ International Trade Administration, U.S. Dep't of Commerce, Zambia - Market Overview (6 Jun 2024), <https://www.trade.gov/country-commercial-guides/zambia-market-overview> [last accessed 4 Nov 2025].

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ FAO of the United Nations, *Drought Portal: Zambia*, <https://www.fao.org/in-action/drought-portal/preparedness/vulnerability-and-impact-assessment/national-case-studies/zambia/en> [last accessed 4 Nov 2025].

⁹ Imasiku Nyambe and Cryton Phiri, *Database of Mineral Resources of Zambia*, UN ECONOMIC COMMISSION FOR EUROPE (June 2010), https://unece.org/fileadmin/DAM/energy/se/pp/unfc/UNFC_iw_June10_WarsawPI/14_Nyambe_Phiri.pdf [last accessed 17 Nov 2025].

¹⁰ Bertelsmann Stiftung, *BTI 2020 Country Report - Zambia*, Gütersloh: Bertelsmann Stiftung, 2020, https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2020_ZMB.pdf [last accessed 17 Nov 2025].

¹¹ Pamela Kapekale, "*Catastrophic*" acid spills at copper mines test Zambia's plans to boost production, CLIMATE CHANGE NEWS (28 Mar 2025), <https://www.climatechangenews.com/2025/03/28/catastrophic-acid-spills-at-copper-mines-test-zambia-plans-to-boost-production/> [last accessed 17 Nov 2025].

¹² John Vidal, 'I drank the water and ate the fish. We all did. The acid has damaged me permanently', THE GUARDIAN (1 Aug 2015), <https://www.theguardian.com/global-development/2015/aug/01/zambia-vedanta-pollution-village-copper-mine> [last accessed 17 Nov 2025].

¹³ Malavika Rao, *Critical Minerals, Environmental Harm and the Unspoken Rights of Nature: The Kafue River Spill in Zambia*, EJIL: TALK! (5 May 2025), <https://www.ejiltalk.org/critical-minerals-environmental-harm-and-the-unspoken-rights-of-nature-the-kafue-river-spill-in-zambia/> [last accessed 17 Nov 2025].

¹⁴ "We Have to Be Worried" - *The Impact of Lead Contamination on Children's Rights in Kabwe, Zambia*, HUMAN RIGHTS WATCH (23 Aug 2019), <https://www.hrw.org/report/2019/08/23/we-have-be-worried/impact-lead-contamination-childrens-rights-kabwe-zambia> [last accessed 17 Nov 2025].

Development and Sanitation, characterized the current situation as one where “[p]olluters often face minimal penalties, allowing them to continue their operations without meaningful consequences.”¹⁵

(9) Zambia is not only heavily dependent on mining, but it is doubling down on it. As global demand for copper grows to feed the renewable energy transition, the Zambian government aims to nearly quadruple its production by 2031 (“2031 Plan”).¹⁶ To achieve this, it seeks to attract further foreign investment and expand existing operations, scaling up the current model of extraction.¹⁷ While the 2031 Plan references regulatory improvements “with a focus on licensing system, safety, health and environment,” only 0.28% of the plan’s budget is allocated to those objectives, the smallest of any single category.¹⁸ Moreover, the 2026 Zambian national budget designates merely 0.6% of the total national expenditure to environmental protection initiatives.¹⁹ This imbalance underscores that the government’s central goal remains creating an “enabling environment” where economic expansion takes precedence over environmental safety and community wellbeing.²⁰

(10) Zambia’s long-standing pattern of weak oversight and industrial pollution came into sharp relief in early 2025, when four serious mining incidents occurred between January and March.²¹ In January, Mimbula Mine, operated by British firm Moxico Resources, suffered a toxic spill resulting in nearby rivers turning reddish-brown and leaving a strong chemical odor.²² On February 4, mine operator Dickson Nyoni, employed by Chinese firm Ronxing Investments, died after falling into a pool of acidic waste at a mineral processing plant.²³ Despite the plant being ordered to halt operations, Ronxing continued operating as normal.²⁴ Moreover, during an inspection of the premises, Minister Nzovu reported that acid had been leaking from a tailings dam for some time, “polluting our river system with impunity.”²⁵ In March, the Chinese-owned Ozone Mine, located in Mumbwa District, was accused of discharging acidic waste into the local water supply, although reporting has been limited.²⁶ These incidents reflect a pattern of impunity and weak enforcement that has persisted for decades.

(11) The most serious accident took place on 18 February, 2025, when a tailings dam at the Sino Metals Leach Zambia Ltd. (Sino Metals) facility in Chambishi, Copperbelt Province, collapsed, releasing acidic slurry laden with

¹⁵ Pamela Kapekale, *Zambia: Four foreign mining companies accused of polluting the country's main watershed, sparking public outrage*, BUSINESS & HUMAN RIGHTS RESOURCE CENTRE (28 Mar 2025), <https://www.business-humanrights.org/en/latest-news/zambia-four-foreign-mining-companies-accused-of-polluting-the-countrys-main-watershed-sparking-public-outrage/> [last accessed 17 Nov 2025].

¹⁶ Republic of Zambia, National Three (3) Million Tonnes Copper Production Strategy by 2031, MINISTRY OF MINES AND MINERAL DEVELOPMENT (July 2024), <https://www.mmmmd.gov.zm/wp-content/uploads/2024/08/2-National-Three-3-Millions-Tonnes-Copper-Production-Booklet-August-27-204.pdf> [last accessed 17 Nov 2025].

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Budget Address by Honourable Dr. Situmbeko Musokotwane, PM, Minister of Finance and National Planning, delivered to the National Assembly on Friday, 26th September, 2025.

²⁰ *Id.*

²¹ Kapekale, *supra* note 15.

²² Alberto Leny, *Zambian disaster as mining companies pollute key river*, PEOPLE DAILY DIGITAL (3 Apr 2025), <https://peopledaily.digital/insights/zambian-disaster-as-mining-companies-pollute-key-river> [last accessed 17 Nov 2025].

²³ Kenneth Lutena, *Miner dies after falling into acid spill at Ronxing Investments in Kalulushi*, ZAMBIA MONITOR (4 Feb 2025), <https://www.zambiamonitor.com/miner-dies-after-falling-into-acid-spill-at-rongxing-investments-in-kalulushi/> [last accessed 17 Nov 2025].

²⁴ *Toxic Spills in Zambia Bring Chinese Mining Abuses to Light*, AFRICA DEFENSE FORUM (8 Apr 2025), <https://adf-magazine.com/2025/04/toxic-spills-in-zambia-bring-chinese-mining-abuses-to-light/> [last accessed 17 Nov 2025].

²⁵ *Id.*

²⁶ Kapekale, *supra* note 15.

heavy metals into the Kafue River ecosystem.²⁷ This river basin has been a lifeline for nearly 60% of Zambia's 20 million citizens, providing water for drinking, irrigation, and industry amidst the chronic drought.²⁸ Torrents of "murky acidic water" flooded nearby homes, creating an "overnight" ecological catastrophe.²⁹ Within days, residents reported scorched crops, dead fish, and dying livestock.³⁰ Those who unknowingly consumed contaminated water or food suffered headaches, coughs, diarrhea, muscle cramps and skin sores.³¹

(12) As Chambishi is located just up-river from Kitwe, water treatment plants serving the city detected abnormally acidic water by February 20, causing the government to temporarily shut down the plants "to prevent the distribution of unsafe water to residents of Kitwe."³² Additionally, the government deployed its air force and speedboats to spread lime throughout the immediately affected portions in an attempt to neutralize the polluted water's acidity.³³ By February 24, the government had allowed both water treatment plants near Kitwe to reopen, declaring that "acceptable" water quality had been restored.³⁴

(13) Following the collapse, the Engineering Institution of Zambia (EIZ) promptly conducted an investigation into the dam's structural integrity.³⁵ The investigation revealed "cracks, uncompacted walls, and inconsistent wall thickness," in the dam's structure, raising serious doubts about "whether the infrastructure was operated by qualified and licensed engineers," according to a February 26 statement by EIZ President Wesley Kaluba.³⁶ The investigation further revealed that "records of inspections, maintenance, and structural monitoring appeared incomplete or nonexistent."³⁷ Mr. Kaluba emphasized that such nonenforcement of regulations that may have prevented the disaster underscored the "urgent need to strengthen regulatory institutions" more broadly to ensure all tailings dams in Zambia "undergo inspections, recertifications, and adherence to international engineering standards."³⁸

(14) Sino Metals initially reported that 50,000 tonnes of acidic waste had spilled into the Kafue river ecosystem.³⁹ In an apology to President Hakainde Hichilema and the citizens of Zambia on February 28, Sino Metals stated that they "immediately took active and effective measures to quickly control the spread of [the] accident," declaring that

²⁷ Kennedy Gondwe, *Zambia presses China for more compensation over toxic mine spill*, BBC NEWS (11 Sep 2025), <https://www.bbc.com/news/articles/cwy918xqq2yo> [last accessed 17 Nov 2025].

²⁸ Richard Kille & Jacob Zimba, *A river 'died' overnight in Zambia after an acidic waste spill at a Chinese-owned mine*, AP NEWS (14 Mar 2025), <https://apnews.com/article/mining-pollution-china-zambia-environment-93ee91d1156471aa9a7ebd6f51333c1#:~:text=About%2060%25%20of%20Zambia's%2020,to%20an%20estimated%20700%2C000%20people> [last accessed 17 Nov 2025].

²⁹ Kapekale, *supra* note 15; Richard Kille & Jacob Zimba, *Zambia: Acid spill from copper mine contaminates major river, sparking fears of long-term environmental damage and potential harm to millions of people*, BUSINESS & HUMAN RIGHTS RESOURCE CENTRE (15 Mar 2025), <https://www.business-humanrights.org/en/latest-news/zambia-acid-spill-from-copper-mine-contaminates-major-river-sparking-fears-of-long-term-environmental-damage-and-potential-harm-to-millions-of-people/> [last accessed 17 Nov 2025].

³⁰ Kapekale, *supra* note 11.

³¹ *Id.*

³² Republic of Zambia, Office of the Vice President, *Statement by the Minister of Information and Media and Chief Government Spokesperson, Hon. Cornelius Mweetwa, MP, on the Pollution Incident Involving Sino Metals Leach Zambia Limited* (7 Aug 2025). ; Kille & Zimba, *supra* note 28.

³³ Kapekale, *supra* note 15.

³⁴ Republic of Zambia, Office of the Vice President, *supra* note 32.

³⁵ Kapekale, *supra* note 11.

³⁶ Bumba Mulenga, *Body of Zambia engineers returns damning report on construction, management of Sino Metals' dam*, ZAMBIA MONITOR (27 Feb 2025), <https://www.zambiamonitor.com/body-of-zambian-engineers-returns-damning-report-on-construction-management-of-sino-metals-dam/> [last accessed 4 Nov 2025].

³⁷ *Id.*

³⁸ *Id.*

³⁹ Gondwe, *supra* note 27.

“water quality testing data is at normal levels.”⁴⁰ On August 7, the Zambian government released a “final” statement on the spill, claiming that only “50,000 cubic meters” of waste was released, and that acidic pH levels had returned to normal levels by early March.⁴¹ Based on this, and “over 200 water and sediment samples,” the government declared that the immediate danger to human, animal, and plant life had been averted, and that there was “no cause for alarm.”⁴²

(15) While the government has sought to paint the situation as being brought under control, the reports of two independent experts cast doubt on these claims. The Finnish embassy in Zambia commissioned a private study of the pollution, which found elevated levels of heavy metals in their water sampling in July. This prompted the Finnish government to instruct its citizens to avoid the area surrounding the disaster site.⁴³ Furthermore, in April, Sino Metals contracted the services of Drizit Environmental, a South Africa-based oil and chemical pollution control company, to assess the full extent of the damage.⁴⁴ However, as Drizit’s work was nearing completion, Sino Metals cancelled the contract one day before the final report was to be released.⁴⁵ In an August 29 statement, Drizit announced its intent to pursue legal action against Sino Metals, and declared: “unless the remaining toxic tailings are removed and safely contained in a properly engineered facility, downstream communities will remain at risk for decades.”⁴⁶

(16) The extensive regulatory and statutory framework governing Zambia’s mining, environmental protection, and natural resource management sets out on paper a comprehensive system of oversight. As of December 2024, Zambia enacted the Mineral Regulation Commission Act, No. 14 of 2024 (MRCA), which repealed the former Mines and Minerals Development Act, No. 11 of 2015.⁴⁷ The MRCA established the Minerals Regulation Commission (MRC), consolidating oversight of mining rights, environmental compliance, and safety standards under a single independent regulator.⁴⁸ Under the MRCA, mining operators must obtain mining rights and environmental authorizations from the Zambia Environmental Management Agency (ZEMA) for tailings storage, hazardous waste management, and mine closure planning.⁴⁹

(17) ZEMA, established under the Environmental Management Act, No. 12 of 2011 (EMA), is the central authority responsible for implementing environmental laws, issuing licenses, and monitoring compliance.⁵⁰ The EMA mandates Environmental Impact Assessments (EIAs) for projects likely to have significant environmental

⁴⁰ ZNBC Today, *Sino Metals Apologizes for Environmental Pollution* (28 Feb 2025), <https://www.youtube.com/watch?v=QaxmhaNgyK4> [last accessed 17 Nov 2025].

⁴¹ Republic of Zambia, Office of the Vice President, *supra* note 32.

⁴² *Id.*

⁴³ Africa Defense Forum, *Zambia Still Grappling With Impact of Chinese Mining Disaster* (23 Sep 2025), <https://adf-magazine.com/2025/09/zambia-still-grappling-with-impact-of-chinese-mining-disaster/> [last accessed 17 Nov 2025] ; Jacob Zimba and Gerald Imray, *A Chinese mining company is accused of covering up the extent of a major toxic spill in Zambia*, AP News (1 Sep 2025), <https://apnews.com/article/china-zambia-copper-mine-pollution-environment-e2013c6271b97c229c9135e8a0d471fb> [last accessed 17 Nov 2025].

⁴⁴ Drizit Environmental, *Drizit Zambia Responds to False Allegations Regarding Sino Metals Tailings Disaster* (29 Aug 2025), <https://drizit.com/wp-content/uploads/2025/09/29-08-2025-Drizit-Media-Statement-Zambia.pdf> [last accessed 17 Nov 2025].

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ ICLG, *Mining Laws & Regulations Zambia 2026* (16 Sept. 2025), <https://iclg.com/practice-areas/mining-laws-and-regulations/zambia> [last accessed 4 Nov 2025].

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Environmental Management Act, No. 12 of 2011 (Zambia).

effects and explicitly recognizes the right to a clean, safe, and healthy environment.⁵¹ And in anticipation of emergencies, the EMA states that the Minister of Green Economy and Environment “shall” prepare guidelines for the management of environmental emergencies and “may” declare an environmental emergency following major pollution incidents.⁵²

(18) ZEMA is empowered to conduct inspections and to impose penalties, suspensions, or revocations of licenses for non-compliance.⁵³ However, enforcement remains deeply inadequate. Reports document a consistent failure to suspend or revoke licenses of hazardous mining operations, a lack of transparency in publishing EIAs, and political interference in regulatory decisions.⁵⁴ While companies are required to develop EIAs and emergency response plans, these documents are often treated as mere compliance formalities rather than practical tools for disaster management.⁵⁵ Investigations reveal that Zambia’s regulatory framework is compromised by its dependence on copper mining, with ZEMA suffering from chronic underfunding, limited institutional capacity, and political interference.⁵⁶

(19) These institutional gaps have fostered a reactive, not preventive, approach to environmental governance, where industrial influence often outweighs public accountability.⁵⁷ The resulting failures are not isolated technical lapses, but systemic weaknesses that compromise transparency, citizen participation, and accountability in the governance of natural resources.⁵⁸ In the aftermath of the February 2025 mining disaster, these shortcomings have become starkly visible with delayed disclosure of contamination data, inconsistent public communication, and the exclusion of affected communities from decision-making processes. It has revealed a governance environment where profit and expedience are prioritized over scientific integrity, environmental safety, and the rights of affected populations.

(20) Using the February 2025 Kafue River spill as a point of reflection, the following sections explain how, through underenforcement of domestic laws, mismanagement, and lack of transparency, Zambia is failing to fulfill its obligations under the Covenant, specifically concerning Articles 2, 11, 12 and 15.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Juliane Kippenberg, *Poisonous Profit: Lead Waste Mining and Children’s Right to a Healthy Environment in Kabwe, Zambia*, HUMAN RIGHTS WATCH (5 Mar 2025), <https://www.hrw.org/report/2025/03/05/poisonous-profit/lead-waste-mining-and-childrens-right-healthy-environment-kabwe> [last accessed 4 Nov 2025].

⁵⁵ Celestina Tiyankeni Mbewe, *Dirty Secrets of Mines Expose Zambia’s Regulatory Failures*, ZAMBIA REPORTS (31 Mar 2025), <https://zambiareports.news/2025/03/31/dirty-secrets-of-mines-expose-zambias-regulatory-failures/> [last accessed 4 Nov 2025].

⁵⁶ *Chambishi tailings failure: A warning sign for Zambia’s Copperbelt*, AFRICA MINING & ENGINEERING REVIEW (18 Mar 2025), <https://miningandengreview.com/chambishi-tailings-failure-a-warning-sign-for-zambias-copperbelt/> [last accessed 4 Nov 2025].

⁵⁷ Mbewe, *supra* note 55.

⁵⁸ *Id.*

BY FAILING TO ENSURE TRANSPARENT, SCIENCE-BASED ENVIRONMENTAL GOVERNANCE AND ENFORCE ITS OWN ENVIRONMENTAL LAWS, ZAMBIA HAS BREACHED ITS OBLIGATIONS UNDER THE COVENANT

I) Article 2

(21) In recognition of the disparity of resources and wealth available to different States, Article 2(1) of the Covenant provides that States must “take steps” to progressively achieve the full realization of the Covenant’s rights “to the maximum of its available resources . . . including particularly the adoption of legislative measures.”⁵⁹ This aligns with the Committee’s interpretation that, while full realization of economic, social and cultural rights may not be immediately possible, States must “move as expeditiously and effectively as possible towards that goal.”⁶⁰

(22) The progressive realization principle establishes a “core obligation” for States to provide at least the “minimum essential levels of each of the rights” enshrined in the Covenant.⁶¹ A State that fails to ensure these minimum levels despite possessing enough resources to do so is presumed to have “*prima facie*” violated its obligations under the Covenant.⁶² However, if a State genuinely lacks resources to fulfill this obligation, it is not in violation, but “it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.”⁶³ In short, Article 2(1) requires State parties to dedicate their available resources first to establish a “floor” of rights realization, and then to direct its remaining available resources to progressively achieve the Covenant’s full guarantees.

(23) Zambia has made commendable progress in its adoption of legislative measures regarding the rights to health and a clean environment its citizens possess under the Covenant. Zambia is equipped with the organs of governance necessary to regulate mining operations, most notably ZEMA and EIZ, which are empowered by statute to issue penalties for noncompliance with Zambia’s environmental protections and engineering standards, respectively.⁶⁴ However, as the Committee emphasizes, realization of rights requires not only legislative but also “administrative, financial, educational and social” measures.⁶⁵

(24) The Zambian government has failed to utilize its financial resources in a manner consistent with its obligations under Article 2(1). The government’s 2031 Plan allocates over K4.2 billion (~US\$192 million) to quadruple copper production by 2031.⁶⁶ However, only K12 million, representing just 0.28% of the budget, is dedicated to “[improving] regulation, efficiency and transparency in the mineral value chain with focus on licensing system, safety, health and environment.”⁶⁷ The government’s prioritization of economic output over environmental or health considerations is also seen in its proposed 2026 national budget, which allocates K1.57 billion to

⁵⁹ CESCR Art. 2(1).

⁶⁰ CESCR, *General comment No. 3: The nature of States parties’ Obligations*, (Art. 2, para. 1), E/C.12/GC/3, 14 Dec 1990, pp. 2-3.

⁶¹ CESCR, *General comment No. 3: The nature of States parties’ Obligations*, (Art. 2, para. 1), E/C.12/GC/3, 14 Dec 1990, p. 3.

⁶² *Id.* p.3.

⁶³ *Id.* p.3.

⁶⁴ Republic of Zambia, *The Environmental Management Act* (2011) [last accessed 17 Nov 2025] ; Republic of Zambia, *The Engineering Institution Act of Zambia* (2010) [last accessed 17 Nov 2025].

⁶⁵ CESCR, *General comment No. 3: The nature of States parties’ Obligations*, (Art. 2, para. 1), E/C.12/GC/3, 14 Dec 1990, p. 2.

⁶⁶ Ministry of Mines and Mineral Development, *supra* note 16 ; 1 ZMW = 0.044 USD, <https://fixer.io/> [last accessed 18 Nov 2025].

⁶⁷ *Id.*

environmental protection measures, just 0.6% of the budget.⁶⁸ This is an increase from last year's budget allocation of K1.48 billion to such measures, but this is largely a function of Zambia's increase in public spending as a whole since 2025, rather than a concerted effort to expend greater resources to address the country's environmental issues.⁶⁹ This pattern of public spending represents a failure to abide by the progressive realization principle, in that the government possesses the resources and ability to fund regulatory, health, and environmental improvements, but has determined that increased copper production is more deserving of those resources than realization of its citizens' rights under the Covenant.

(25) Chronic underfunding has left the agencies responsible for ensuring compliance with safety and environmental regulations unable to function effectively. For example, ZEMA relies on fees from the entities it regulates to supplement its limited public funding, crippling both the agency's independence and administrative capacity.⁷⁰ These budgetary shortfalls limit agencies' ability to regulate proactively, allowing noncompliant business activity to fester until it is too late to prevent a disaster. EIZ's discovery of major design flaws in the Sino Metals dam only after the February 2025 spill serves as a case in point.⁷¹ Zambia's regulatory agencies are the mechanism by which the right to a clean environment and right to health its citizens are entitled to are realized in practice. By continuing to inadequately fund these agencies, Zambia has failed to take adequate administrative and financial measures toward progressive realization of its Covenant obligations.

II) Article 11

(26) Zambia's failure to prevent and remediate industrial pollution in the Kafue River basin has deprived affected communities of the right to an adequate standard of living. Article 11 of the Covenant specifies a number of rights stemming from the right to an adequate standard of living "including adequate food, clothing and housing, and to the continuous improvement of living conditions."⁷² General Comment 15 states that "including" indicates a non-exhaustive list which necessarily includes the right to "sufficient, safe, acceptable, physically accessible and affordable water."⁷³ The Committee further emphasizes that "the human right to water is indispensable for leading a life in human dignity."⁷⁴ Beyond being an economic commodity, safe water is a foundational prerequisite for other human rights.⁷⁵

(27) The right to water is closely interrelated with the right to the highest attainable standard of health (Article 12) and is recognized in other human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).⁷⁶ The

⁶⁸ PricewaterhouseCoopers (PwC), *Getting Back on Track – Zambia 2026 National Budget Bulletin* (Sep 2025), <https://www.pwc.com/zm/en/assets/pdf/zambia-2026-national-budget-bulletin.pdf> [last accessed 17 Nov 2025].

⁶⁹ *Id.*

⁷⁰ Stewart Alouis, *Chambishi tailings failure: A warning sign for Zambia's Copperbelt*, AFRICA MINING & ENGINEERING REVIEW (18 Mar 2025), <https://miningandengreview.com/chambishi-tailings-failure-a-warning-sign-for-zambias-copperbelt/> [last accessed 17 Nov 2025].

⁷¹ Mulenga, *supra* note 36.

⁷² CESCR Art. 11.

⁷³ CESCR, *General comment No. 15: The Right to Water*, (Arts. 11 and 12), E/C.12/2002/11, 20 Jan 2003, pp. 2-3.

⁷⁴ *Id.* p. 1.

⁷⁵ *Id.*

⁷⁶ *Id.* p. 4.

Committee also notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food.⁷⁷ Given that approximately 75% of Zambians work in agriculture, access to clean water is critical to their livelihoods. The February 2025 mining spill affected approximately 300,000 households in the region, contaminating wells, flooding farms, and forcing farmers to destroy crops that were unsafe for consumption.⁷⁸ Because Article 1, paragraph 2 of the Covenant provides that a people may not “be deprived of its means of subsistence,” Zambia’s obligations under the right to water extend to ensuring equitable access to subsistence farmers.⁷⁹

(28) Accessibility, a necessary factor in the adequacy of water, includes both physical access and information accessibility.⁸⁰ The Committee has stressed that individuals and groups must be able to seek, receive, and impart information about water quality and supply.⁸¹ This includes information on water and the environment held by public authorities or third parties, naturally extending to EIAs and transparent reporting of contamination in Zambia’s context.⁸² Citizens also have a right to participate in decision-making processes that may affect their exercise of the right to water.⁸³ Therefore, Zambia must provide accurate, timely, and consistent information about water contamination and ensure that citizens can participate in policy decisions concerning mining, emergency response, and contamination mitigation.

(29) The right to water imposes the duty to protect, among other obligations.⁸⁴ State parties must prevent third parties from interfering with the enjoyment of the right to water, including preventing them from polluting and inequitably extracting from water resources.⁸⁵ The Committee states that this obligation can be fulfilled through independent monitoring, genuine public participation, and imposition of penalties for non-compliance.⁸⁶ As a result, to prevent third party mining operations from violating Article 11, Zambia must implement action plans, designed through participatory and transparent processes, outlining monitoring protocols and expectations for operations and cleanup in the event of spills. Currently, no publicly available action plan exists between the Zambian State and Sino Metals.

(30) Violations of the right to water can occur through acts of commission or omission.⁸⁷ Acts of omission include the failure to enforce relevant laws.⁸⁸ Therefore, insufficient regulatory oversight of industrial actors and failure to enforce environmental standards constitute direct violations of Article 11 as pollution and degradation deprives communities of safe living conditions without recourse. Even if resource constraints make full compliance difficult, as chronic underfunding has been recognized for Zambia’s regulatory agencies, the State bears the burden

⁷⁷ *Id.* p. 3.

⁷⁸ Kennedy Gondwe, *Chinese-linked mining firms sued over ‘ecological catastrophe’ in Zambia*, BBC (16 Sep 2025), <https://www.bbc.com/news/articles/cy7p51l60rro> [last accessed 4 Nov 2025].

⁷⁹ CESCR, Art. 1(2).

⁸⁰ CESCR, *General comment No. 15: The Right to Water*, (Arts. 11 and 12), E/C.12/2002/11, 20 Jan 2003, p. 12.

⁸¹ *Id.*

⁸² *Id.* p. 48.

⁸³ *Id.*

⁸⁴ *Id.* p. 23.

⁸⁵ *Id.*

⁸⁶ *Id.* p. 24.

⁸⁷ *Id.* pp. 42-43.

⁸⁸ *Id.*

of demonstrating that it has made every effort to use all available resources to satisfy these obligations as a matter of priority.⁸⁹

III) Article 12

(31) Article 12.1 provides that “[t]he States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”⁹⁰ The Committee has affirmed that this right extends beyond health care to include the underlying determinants of health, such as a healthy environment, safe water, and access to information about environmental risks.⁹¹ Therefore, Zambia’s concealment of health risks and failure to prevent and remediate the health and environmental impacts of mining pollution in the Kafue River Basin constitute a systemic neglect of those underlying determinants.

(32) General Comment 14 recognizes that the “deliberate withholding or misrepresentation of information vital to health protection or treatment” violates a State’s obligations to respect the right to health.⁹² Zambia has failed to fully disclose contamination data, exposure levels, and the full extent of health impacts following the February 2025 spill. While the government’s Final Statement in August asserted that the Kafue River had returned to normal and that no major health complications had been recorded, Drizit’s independent assessment and continued reports of illness in affected areas through September suggest otherwise.⁹³ By downplaying the effects of the spill, Zambia obstructs communities’ ability to take preventive measures, seek treatment, and hold responsible actors accountable, contravening its duty to respect the right to health.

(33) The right to health also obligates States to protect individuals from third party interference.⁹⁴ Failure to regulate the activities of private or foreign corporations and to enforce laws preventing “pollution of water, air, and soil by extractive and manufacturing industries” constitutes a breach of this obligation.⁹⁵ The absence of records of inspections, maintenance, and structural monitoring for the Sino Metals tailings dam, alongside the lack of reported “comprehensive environmental cleanup, long-term support, or genuine acceptance of responsibility,” demonstrates a failure to regulate foreseeable health and environmental risks.⁹⁶ This pattern, coupled with the treatment of EIAs and emergency response plans as “mere compliance formalities,” reveals a systemic disregard for prevention and enforcement.⁹⁷

(34) States must also ensure that third parties do not limit people’s access to health-related information and services.⁹⁸ Like under Article 11, States are required to guarantee individuals and communities the “right to seek, receive, and impart information” and to participate in decisions affecting their health.⁹⁹ Following the delayed

⁸⁹ *Id.* p. 41.

⁹⁰ CESCR Art. 12(1).

⁹¹ CESCR, *General comment No. 14: The Right to the Highest Attainable Standard of Health*, (Art. 12), E/C.12/2000/4, 11 Aug 2000, pp. 3-4.

⁹² *Id.* p. 50.

⁹³ *Zambia: Acid Spill Jeopardizes Residents’ Health*, HUMAN RIGHTS WATCH (11 Sep 2025), <https://www.hrw.org/news/2025/09/11/zambia-acid-spill-jeopardizes-residents-health> [last accessed 4 Nov 2025].

⁹⁴ CESCR, *General comment No. 14: The Right to the Highest Attainable Standard of Health*, (Art. 12), E/C.12/2000/4, 11 Aug 2000, p. 33.

⁹⁵ *Id.* p. 51.

⁹⁶ Mulenga, *supra* note 36.

⁹⁷ Mbewe, *supra* note 55.

⁹⁸ CESCR, *General comment No. 14: The Right to the Highest Attainable Standard of Health*, (Art. 12), E/C.12/2000/4, 11 Aug 2000, p. 35.

⁹⁹ *Id.* p. 12.

dissemination of health-related findings regarding the February 2025 spill and Zambia's official statement that the river had returned to normal, affected residents have filed petitions demanding relief and independently monitored cleanup.¹⁰⁰ Although some victims have received limited compensation, with some receiving as little as K400 (\$17.76), Sino Metals has reportedly required them to sign a "Deed of Settlement and Release" agreement to waive future claims in exchange.¹⁰¹ These coerced waivers suppress the flow of information and hinder citizens' ability to seek, receive, and impart knowledge about the environmental and health risks they endure, contradicting Zambia's duty to uphold transparency and protect the right to health.

(35) Finally, General Comment 14 explicitly provides that States' obligation to fulfill the right to health is violated from "insufficient expenditure or misallocation of public resources" which results in the non-enjoyment of the right to health by individuals or groups.¹⁰² Chronic underfunding of regulatory agencies, and Zambia's proposed 2026 budget demonstrating no intention to strengthen allocation towards them, limits their capacity to monitor pollution and enforce environmental standards.

IV) Article 15

(36) Article 15 of the Covenant establishes the right to "enjoy the benefits of scientific progress and its applications," and provides that realization requires States to take any action "necessary for the conservation, the development and the diffusion of science and culture."¹⁰³ This Committee has clarified that enjoying the benefits of science "refers first to the material results of the applications of scientific research," and "to the scientific knowledge and information directly deriving from scientific activity, as science provides benefits through the development and dissemination of the knowledge itself."¹⁰⁴ Contained within this right are the principles of availability and quality; that "scientific knowledge and its applications are protected and widely disseminated," and that this knowledge be "the most advanced, up-to-date and generally accepted and verifiable science available at the time, according to the standards generally accepted by the scientific community."¹⁰⁵ In order to realize the right to science, State parties must "take positive steps" to "develop science and diffuse its results."¹⁰⁶ Positive steps include adopting mechanisms to align government policy with scientific information, and "[refraining] from disinformation, disparagement and deliberately misinforming the public" with regard to scientific information.¹⁰⁷

¹⁰⁰ Goodman Tivana, *Zambian Communities Take Mining Companies to Court over Toxic Spill*, CHANNEL AFRICA (1 Oct 2025), <https://www.channelafrica.co.za/channelafrica/news/zambian-communities-take-mining-companies-to-court-over-toxic-spill/> [last accessed 4 Nov 2025].

¹⁰¹ Katie Surma, *Zambia Ordered a Mining Company to Pay Villagers After a Toxic Waste Spill. The Firm Made Them Sign Away Their Rights First*, INSIDE CLIMATE NEWS (4 Sep 2025), <https://insideclimatenews.org/news/04092025/china-sino-metals-zambia-toxic-spill/> [last accessed 4 Nov 2025]. ; Mwatita Lubinga, Mining Pollution in Zambia and the Struggle for Justice, TRANSPARENCY INTERNATIONAL ZAMBIA (6 Nov 2025), <https://tizambia.org.zm/2025/11/mining-pollution-in-zambia-and-the-struggle-for-justice/> [last accessed 18 Nov 2025]; *see supra* note 66.

¹⁰² *Id.* p. 52.

¹⁰³ CESCR, Art. 15(1)(b)(2).

¹⁰⁴ CESCR, *General comment No. 25 (2020) on science and economic, social, and cultural rights*, (Art. 15, para. (1)(b), (2), (3) and (4)), E/C.12/GC/25, 30 Apr 2020, p. 2.

¹⁰⁵ *Id.* p. 4.

¹⁰⁶ *Id.* p. 4.

¹⁰⁷ *Id.* p. 11.

(37) On August 7, the Zambian government released its final statement to the public regarding the February 18 disaster. The government first asserted only “50,000 cubic metres” of acidic slurry was released into the Kafue River, contradicting Sino Metals’ initial estimate of 50,000 tonnes released, and provided no data to support this new claim.¹⁰⁸ The government then asserted that “laboratory results show that the pH levels have returned to normal and concentrations of heavy metals are steadily decreasing.”¹⁰⁹ Based on these claims, the government stated that there is “no cause for alarm” and implored citizens not to “alarm the nation and the international community” by continuing to discuss the issue.¹¹⁰ To support its assertions, the government cited its use of lime dosing to neutralize the acidity of the polluted water, and claimed that “by early March,” pH levels had recovered “from elevated acidic levels to above 7, which is within the acceptable national and international standards.”¹¹¹

(38) To address the issue of heavy metal contamination, the government claimed it employed “appropriate remedial measures” to cope with the “elevated” levels of heavy metals found in the surrounding environment, but did not elaborate on what those remedial measures entailed.¹¹² The government’s assertion that heavy metal concentrations are “steadily decreasing” is apparently based on “over 200 water and sediment samples,” it collected, for which “preliminary results for 37 samples have been released while 163 are still undergoing testing by an independent laboratory.”¹¹³ The government has not released the actual results of these 37 samples, leaving observers only with its assertion that they “all [confirm] that the water meets established safety standards.”¹¹⁴

(39) While touting its own sampling, the government drew a direct comparison between its 200 samples and “the few that others have collected and are basing their arguments on.”¹¹⁵ The government did not identify the “others” it favorably compared itself to, but the rosy characterization of the situation as back to normal directly contradicts the findings of the Finnish study and of Drizit Environmental.¹¹⁶ In its August 29 statement, Drizit claimed that it had collected over 3,500 samples, and had reported to Sino Metals based on these samples that “over 1.5 million tonnes were released [in the disaster], with approximately 900,000 cubic metres of toxic tailings still present in the environment.”¹¹⁷ If Drizit’s claims are accurate, the amount of tailings slurry released during the disaster is 30 times higher than Sino Metals’ initial claim, and the amount yet to be removed six months after the disaster is 18 times greater than the amount the Zambian government claims was released during the disaster itself.

(40) Drizit’s claim that downstream communities will be affected for “decades” absent greater efforts to remove the toxic pollutants from the environment is bolstered by the complaints of residents in the affected areas.¹¹⁸ Two

¹⁰⁸ Republic of Zambia, Office of the Vice President, *supra* note 32.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Republic of Zambia, *Water Declared Safe After Sino Metal Pollution Incident*, MINISTRY OF WATER DEVELOPMENT & SANITATION, <https://www.mwds.gov.zm/?p=2848> [last accessed 17 Nov 2025].

¹¹⁵ Republic of Zambia, Office of the Vice President, *supra* note 32.

¹¹⁶ EPSE Oy Ltd., *Sino Metals Tailings accident and Finnish Ministry of Foreign Affairs’ updated travel instructions* (7 Jul 2025), <https://www.epse.fi/en/sino-metals-tailings-accident-and-finnish-ministry-of-foreign-affairs-updated-travel-instructions/> [last accessed 17 Nov 2025].

¹¹⁷ Drizit Environmental, *supra* note 44.

¹¹⁸ Katie Surma, *Chinese Mining Firm Downplays Toxic Waste Spill as Residents Reel From Impacts*, Inside Climate News (22 Sep 2025), <https://insideclimateneWS.org/news/22092025/chinese-mining-firm-downplays-toxic-waste-spill-in-zambia/> [last accessed 17 Nov 2025].

groups of households in the affected areas have filed lawsuits against Sino Metals, alleging similar claims that local farmers learned of the danger “only several days after the tailings dam had collapsed,” and that residents have exhibited “various symptoms of illnesses, including blood in urine and chest tightness,” due to their exposure to polluted water, food, and soil.¹¹⁹

(41) The Zambian government has failed to disseminate accurate scientific information regarding the February 18 disaster. Dissemination of information has been inadequate from the start, as evidenced by local farmers only learning of the danger posed by the toxic tailings that inundated their lands in the days following the disaster.¹²⁰ Inconsistencies in reporting on the amount of tailings released and the levels of heavy metals still present in the environment also casts doubt on the accuracy of information the government has provided. Its August 7 statement has only sown further confusion, as it provided no data to support its assertions, and disparaged the results of any studies by “others” on the extent of the danger.¹²¹ Such conduct constitutes at least a violation of States’ responsibility to “widely [disseminate]” scientific information, and its responsibility to ensure that information is based on “the most advanced, up-to-date and generally accepted and verifiable science available.”¹²² Additionally, if the government knowingly presented false information in its August 7 statement, its conduct would constitute a violation of States’ “core obligation” to “refrain from disinformation, disparagement and deliberately misinforming the public,” under Article 15.¹²³

(42) The government’s violations of Article 15 have also exacerbated the existing violations of Articles 11 and 12.¹²⁴ This Committee has noted that the right to science is inextricably linked to other Covenant rights, “as [science] constitutes an essential tool for the realization of other economic, social and cultural rights, particularly the right to food and the right to health.”¹²⁵ States thus have a “duty to make available (...) all the best available applications of scientific progress necessary to enjoy the highest attainable standard of [health]” deriving from their Article 15 obligations.¹²⁶ Pervasive reports of illnesses from residents of the disaster area that unknowingly ingested contaminated water and food provide strong evidence that the government failed in its duty under Article 15 to disseminate information regarding the extent of the pollution and the danger it posed.¹²⁷ This failure, which resulted in greater exposure to toxins, has compounded the threat to affected citizens’ rights to adequate standards of living and health as provided by Articles 11 and 12, which were already imperiled by the disaster itself and the regulatory failures that preceded it.

(43) The Zambian government’s conduct prior to, during, and after the February 18 disaster constitutes violations of Articles 2, 11, 12 and 15 on their own merits. Furthermore, the government’s failure to disseminate

¹¹⁹ Gondwe, *supra* note 78.

¹²⁰ *Id.*

¹²¹ Republic of Zambia, Office of the Vice President, *supra* note 32.

¹²² CESCR, *General comment No. 25 (2020) on science and economic, social, and cultural rights*, (Art. 15, para. (1)(b), (2), (3) and (4)), E/C.12/GC/25, 30 Apr 2020, p. 4.

¹²³ *Id.* p. 11.

¹²⁴ *Supra* at 10-13.

¹²⁵ *Id.* p.14.

¹²⁶ *Id.* p.15.

¹²⁷ Kapekale, *supra* note 11.

accurate scientific information has worsened the existing violations of Articles 11 and 12, as citizens have been unable to take adequate precautions in the absence of accurate knowledge about the dangers they face.

RECOMMENDATIONS

We respectfully recommend this Honorable Committee include at least one of the following questions in the List of issues it will prepare for Zambia:

- 1. Please explain whether EIAs were conducted prior to establishment and operation of the Sino Metals facility, and whether the findings were made publicly available.*
- 2. Please provide any action plan that Zambia has made with Sino Metals, outlining monitoring protocols, emergency response procedures, and responsibilities for remediation.*
- 3. Please provide up-to-date environmental and public health data regarding water contamination levels in the Kafue River and the number of individuals affected by the spill, including physical and mental health impacts, food security, or loss of livelihood.*
- 4. Please explain the methodology used to calculate compensation amounts for each affected farmer and whether amounts were communicated and verified with beneficiaries prior to signing the Deed of Settlement.*
- 5. Please describe the measures Zambia intends to take to strengthen citizen participation in decisions concerning environmental protection and mining oversight, including access to environmental information*
- 6. Please explain what steps Zambia intends to take to increase institutional capacity for regulatory agencies such as ZEMA and EIZ.*