



LUSAKA OAKTREE SCHOOL MODEL UNITED NATIONS
LOTSMUN 2026

***Architects of Accountability** • Redefining Power, Peace and Progress*

STUDY GUIDE

UNEP | Upper Secondary

Topic: Corporate Liability and Legally Binding Reparations for Deep-Sea Mining and Toxic Dumping

ZAMBIA MODEL UNITED NATIONS

Message from the Secretary General

Dear Delegates,

It is my great pleasure to welcome you to LOTSMUN 2026.

This year, under the theme “Architects of Accountability: Redefining Power, Peace and Progress,” we invite you to consider not only how decisions are made but who is responsible for them, who is affected by them and how meaningful change can be achieved.

Model United Nations is more than an exercise in public speaking. It is an opportunity to understand complex international problems, challenge assumptions, negotiate with people who may disagree with you and transform competing ideas into meaningful solutions.

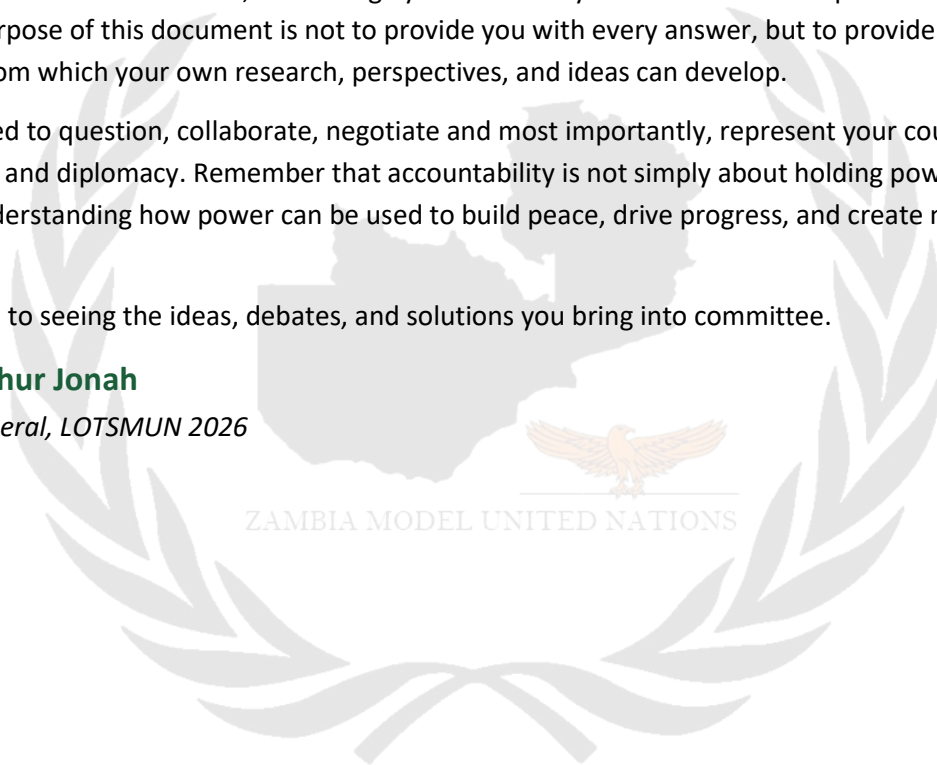
As you prepare for this committee, I encourage you to look beyond the information presented in this study guide. The purpose of this document is not to provide you with every answer, but to provide you with the foundation from which your own research, perspectives, and ideas can develop.

Come prepared to question, collaborate, negotiate and most importantly, represent your country’s position with accuracy and diplomacy. Remember that accountability is not simply about holding power responsible; it is about understanding how power can be used to build peace, drive progress, and create meaningful change.

I look forward to seeing the ideas, debates, and solutions you bring into committee.

Malenji Arthur Jonah

Secretary General, LOTSMUN 2026



ZAMBIA MODEL UNITED NATIONS

1. The United Nations Environment Programme

1.1 What is UNEP?

The United Nations Environment Programme (UNEP) was established in 1972 and describes itself as the UN's leading global authority on the environment, working on the triple planetary crisis of climate change, biodiversity loss and pollution.¹ It hosts the **United Nations Environment Assembly (UNEA)**, which brings together all 193 UN member states and is described as the world's highest-level decision-making body on the environment.²

In this simulation, you are a **member state** at a UNEP session. The topic crosses several legal systems, so many bodies and treaties matter. Here are the ones you are most likely to cite:

Body or instrument	What it does
UNEP and UNEA	Set global environmental priorities and adopt resolutions. UNEA resolutions are policy decisions, and how far they bind depends on their wording. ³
International Seabed Authority (ISA)	The body under the UN Convention on the Law of the Sea (UNCLOS) that governs mining in the seabed beyond national jurisdiction, known as "the Area". ⁴
ITLOS Seabed Disputes Chamber	Gave a 2011 advisory opinion on the duties and liability of states that sponsor mining companies. ⁵
Basel Convention and Protocol	The treaty on transboundary movements of hazardous waste, with a 1999 liability protocol that has not entered into force. ⁶
Bamako Convention	An African treaty, negotiated in Bamako in 1991, that bans the import of hazardous waste into Africa. ⁷

¹ UNEP. About the United Nations Environment Programme. <https://www.unep.org/who-we-are/about-us>

² UNEP. About the United Nations Environment Assembly. <https://www.unep.org/environmentassembly/about-united-nations-environment-assembly>

³ UNEP. About the United Nations Environment Assembly... (See earlier note or bibliography.)

⁴ International Seabed Authority. Statement on the US Executive Order "Unleashing America's Offshore Critical Minerals and Resources" (30 April 2025). <https://isa.org.jm/news/statement-on-the-us-executive-order-unleashing-americas-offshore-critical-minerals-and-resources/>

⁵ Netherlands International Law Review. Obligations and liability of sponsoring states concerning activities in the Area: reflections on the ITLOS advisory opinion of 1 February 2011. <https://link.springer.com/article/10.1017/S0165070X12001167>

⁶ Springer. Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes (Basel Liability Protocol). https://link.springer.com/chapter/10.1007/978-3-031-13264-3_15

⁷ UNEP. Bamako Convention: preventing Africa from becoming a dumping ground for toxic waste. <https://www.unep.org/news-and-stories/press-release/bamako-convention-preventing-africa-becoming-dumping-ground-toxic>

2. Introduction to the Topic

Two kinds of damage share one legal problem. **Deep-sea mining** would remove metal-rich rocks from the ocean floor, in places scientists have barely studied. **Toxic dumping** moves dangerous waste to places with weaker rules, where communities pay the cost. In both cases the harm may be severe, far from the decision-makers and hard to reverse, and the company responsible may be hard to reach in court. **Corporate liability** is the legal duty of a company to repair the damage it causes. **Reparations** are the payments and other remedies that put victims and the environment as near as possible to where they were.

Here is one way the problem develops:



This is a simplified picture. Companies also bring investment, metals for technology and jobs, and many states disagree about whether deep-sea mining should ever happen. This committee focuses on the **liability and reparations** question, whichever side of that debate a delegate takes.

2.1 The scale of the problem

Seabed. The ISA has granted exploration rights to nearly two dozen contractors but has not approved commercial mining.⁸ At least 38 countries support a moratorium or precautionary pause, and the ISA's July 2025 session ended without one.⁹ In March 2026 the ISA Council completed a second reading of the draft exploitation regulations, but disputes remain over scope, standards and when mining could begin.¹⁰

Waste. In 2006 the ship *Probo Koala* discharged about 500 tonnes of toxic waste in Abidjan, Côte d'Ivoire. The waste belonged to the trading company Trafigura, which chose not to dispose of it in the Netherlands because of the cost. Official estimates counted 15 deaths, 69 hospitalisations and over 108,000 medical consultations.¹¹

38+ countries backed a moratorium or pause on deep-sea mining by August 2025	1999 year the Basel Liability Protocol was adopted; it is still not in force	95 billion CFA francs Trafigura paid Côte d'Ivoire in a 2007 settlement
--	--	---

⁸ Alaska Public Media. Companies join a deep-sea mining rush after Trump executive order, as regulators fast-track permits (21 May 2026). <https://alaskapublic.org/news/environment/2026-05-21/companies-join-a-deep-sea-mining-rush-after-trump-executive-order-as-regulators-fast-track-permits>

⁹ Mongabay. UN meeting closes with no moratorium on deep-sea mining; groups lament (1 August 2025). <https://news.mongabay.com/short-article/2025/08/un-meeting-closes-with-no-moratorium-on-deep-sea-mining-groups-lament/>

¹⁰ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026. <https://enb.iisd.org/international-seabed-authority-isa-council-31-1-summary>

¹¹ UN News. Côte d'Ivoire: 10 years on, survivors of toxic waste dumping remain in the dark (August 2016). <https://news.un.org/en/story/2016/08/536822>

Figures come from different organisations and dates, and negotiations move quickly, so check the latest position before you cite a number.

2.2 Why is liability so hard?

Unknown harm. The ISA Council has noted there is insufficient scientific data to calculate environmental costs and the value of biodiversity impacts.¹² **Who pays?** States debated whether parent companies should give statements of financial responsibility, and had no clear consensus.¹³ **Gaps between states and companies.** The ITLOS opinion said sponsoring states must show due diligence, but that liability schemes for contractors needed clarifying so injured parties can be compensated.¹⁴ **Treaties without teeth.** The Basel Liability Protocol, which would give strict liability and mandatory insurance, has not gained enough ratifications.¹⁵ **Settlements that limit remedy.** In 2007 Côte d'Ivoire accepted 95 billion CFA francs in return for renouncing future legal action, and the African Court later said this limited victims' remedies.¹⁶



¹² Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

¹³ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

¹⁴ Netherlands International Law Review. Obligations and liability of sponsoring states concerning... (See earlier note or bibliography.)

¹⁵ Springer. Protocol on Liability and Compensation for Damage Resulting from Transboundary... (See earlier note or bibliography.)

¹⁶ FIDH. Ivory Coast: Victory at the African Court for victims of the Trafigura toxic waste dumping (September 2023). <https://www.fidh.org/en/issues/business-human-rights-environment/business-and-human-rights/ivory-coast-victory-at-the-african-court-for-victims-of-the-trafigura>

3. Key Definitions

These definitions are written for delegates and adapted from the sources in the bibliography. Learn them, because you will use them in speeches and clauses.

Term	Meaning
Deep-sea mining	Removing minerals, such as nickel, cobalt, copper and manganese, from the ocean floor. ¹⁷
Polymetallic nodules	Rocks on the seabed that contain manganese, copper, nickel and cobalt. ¹⁸
The Area	The seabed beyond national jurisdiction, governed by the ISA under UNCLOS. ¹⁹
Common heritage of humankind	The principle that the Area and its resources belong to all humanity, and no state may claim sovereignty over them. ²⁰
International Seabed Authority (ISA)	The body that organises and controls activities in the Area, including through the mining code. ²¹
Mining code	The regulations under negotiation at the ISA for exploitation of seabed minerals. ²²
Contractor	A company or entity that holds an ISA contract for activities in the Area. ²³
Sponsoring state	A state that vouches for a contractor and must use due diligence to ensure it follows the rules. ²⁴
Due diligence	The duty to take reasonable steps to prevent harm. The standard rises as science and technology develop. ²⁵
Precautionary approach	Acting to prevent serious harm even when scientific proof is incomplete. ^{26,27}
Moratorium	A pause on an activity. Some states want one on deep-sea mining until the science and rules are ready. ²⁸
Toxic dumping	Discarding hazardous waste in places where it harms people and the environment, often in countries with weaker rules. ²⁹

¹⁷ Alaska Public Media. Companies join a deep-sea mining rush after Trump executive order, as... (See earlier note or bibliography.)

¹⁸ Alaska Public Media. Companies join a deep-sea mining rush after Trump executive order, as... (See earlier note or bibliography.)

¹⁹ International Seabed Authority. Statement on the US Executive Order "Unleashing America's... (See earlier note or bibliography.)

²⁰ International Seabed Authority. Statement on the US Executive Order "Unleashing America's... (See earlier note or bibliography.)

²¹ International Seabed Authority. Statement on the US Executive Order "Unleashing America's... (See earlier note or bibliography.)

²² Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

²³ International Seabed Authority. Statement on the US Executive Order "Unleashing America's... (See earlier note or bibliography.)

²⁴ Netherlands International Law Review. Obligations and liability of sponsoring states concerning... (See earlier note or bibliography.)

²⁵ Netherlands International Law Review. Obligations and liability of sponsoring states concerning... (See earlier note or bibliography.)

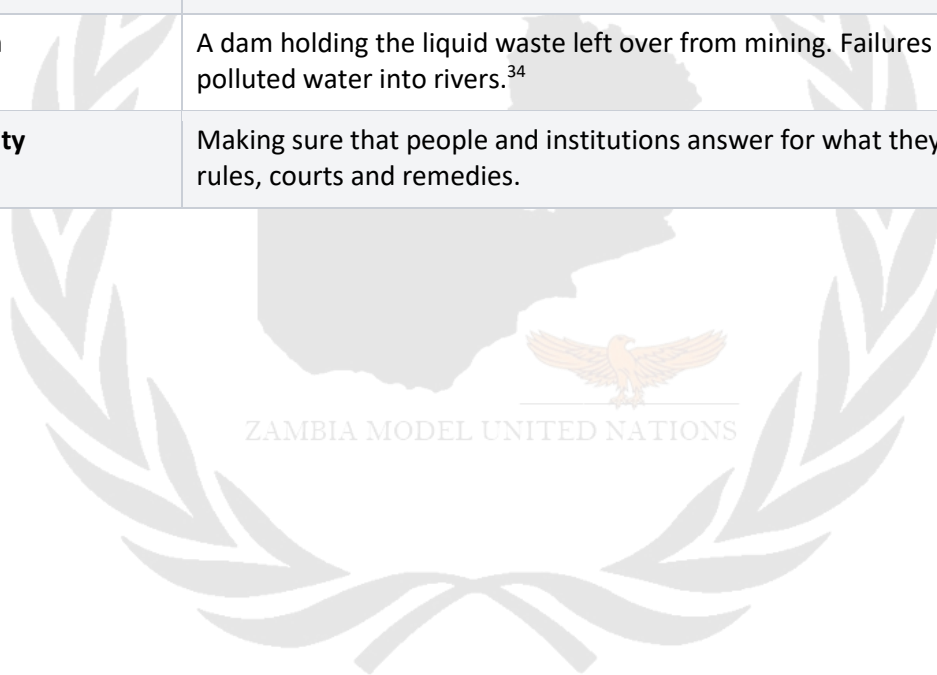
²⁶ Netherlands International Law Review. Obligations and liability of sponsoring states concerning... (See earlier note or bibliography.)

²⁷ UNEP. Bamako Convention: preventing Africa from becoming a dumping ground for toxic waste... (See earlier note or bibliography.)

²⁸ Mongabay. UN meeting closes with no moratorium on deep-sea mining; groups lament (1 August... (See earlier note or bibliography.)

²⁹ UN News. Côte d'Ivoire: 10 years on, survivors of toxic waste dumping remain in the dark... (See earlier note or bibliography.)

Term	Meaning
Transboundary movement	Shipping of hazardous waste across national borders, controlled by the Basel Convention. ³⁰
Corporate liability	The legal duty of a company to repair the damage it causes.
Strict liability	Liability that applies without the victim having to prove fault, as in the Basel Liability Protocol. ³¹
Parent company liability	Holding the parent firm, and not only a local subsidiary, responsible for harm. States have debated financial responsibility statements from parent companies. ³²
Reparations	Remedies for harm, such as compensation, clean-up, restoration and guarantees that it will not happen again.
Escrow fund	Money set aside in advance to pay for damage and restoration. Zambian plaintiffs have asked for one. ³³
Tailings dam	A dam holding the liquid waste left over from mining. Failures can release polluted water into rivers. ³⁴
Accountability	Making sure that people and institutions answer for what they do, through rules, courts and remedies.



³⁰ Springer. Protocol on Liability and Compensation for Damage Resulting from Transboundary... (See earlier note or bibliography.)

³¹ Springer. Protocol on Liability and Compensation for Damage Resulting from Transboundary... (See earlier note or bibliography.)

³² Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

³³ Southern Africa Litigation Centre. Zambian communities sue mining giants over spill disaster (2025).

<https://www.southernafricalitigationcentre.org/zambian-communities-sue-mining-giants-over-spill-disaster/>

³⁴ Southern Africa Litigation Centre. Zambian communities sue mining giants over spill disaster... (See earlier note or bibliography.)

4. Case Studies

These cases show the problems and some responses in real life. Facts come from the sources in the bibliography. Some events are recent or still in court, so check dates and separate proven facts from claims. **You must represent your assigned country's view.**

4.1 The ISA mining code: unfinished rules on liability

The first part of the ISA's 31st session, held on 9 to 19 March 2026 in Kingston, Jamaica, completed a second reading of the consolidated exploitation regulations. Delegates still disagreed on whether the rules should cover only nodules or all minerals, how quickly to produce standards and guidelines, and whether mining should wait until all standards are adopted. They discussed a compliance committee. There was broad agreement that contractors should pay a minimum level of revenue whatever the sponsoring state taxes. Spain opposed deep-sea mining on precautionary grounds, while China and Russia urged completing the regulations quickly.³⁵

4.2 The unilateral route: mining under national law

On 30 April 2025 the ISA's Secretary-General responded to a US Executive Order and to a permit application by The Metals Company USA, saying deep-sea resources beyond national jurisdiction can be exploited only under ISA oversight, and that unilateral action "sets a dangerous precedent". The United States has not ratified UNCLOS.³⁶ By May 2026 at least nine companies were in talks with the US government, NOAA had removed a requirement for exploration licences before commercial operations, and a first lease sale was planned for August 2026.³⁷ At the ISA in March 2026 all major delegations condemned mining under US domestic law.³⁸

4.3 Sponsoring states: the ITLOS advisory opinion

In 2011 the ITLOS Seabed Disputes Chamber said sponsoring states must use due diligence to ensure contractors comply, with a standard that develops as science and technology advance. It built the precautionary approach into environmental duties, allowed for developing states' different capacities without removing their obligations, and found that some protection duties benefit the international community as a whole. Analysts note that questions remained about how to make contractors compensate injured parties.³⁹

4.4 Côte d'Ivoire: the Probo Koala

On 19 August 2006 the Probo Koala discharged about 500 tonnes of toxic waste in Abidjan. Official estimates counted 15 deaths, 69 hospitalisations and over 108,000 medical consultations.⁴⁰ The African Court on Human and Peoples' Rights counts 17 deaths and about 528 cubic metres of waste dumped by local firms at several sites. In 2007 Côte d'Ivoire accepted 95 billion CFA francs from Trafigura in return for

³⁵ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

³⁶ International Seabed Authority. Statement on the US Executive Order "Unleashing America's..." (See earlier note or bibliography.)

³⁷ Alaska Public Media. Companies join a deep-sea mining rush after Trump executive order, as... (See earlier note or bibliography.)

³⁸ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

³⁹ Netherlands International Law Review. Obligations and liability of sponsoring states concerning... (See earlier note or bibliography.)

⁴⁰ UN News. Côte d'Ivoire: 10 years on, survivors of toxic waste dumping remain in the dark... (See earlier note or bibliography.)

renouncing future legal action. On 5 September 2023 the Court found Côte d'Ivoire responsible for failing to prevent the dumping and to provide remedies, and ordered a compensation fund within one year, investigations, prosecutions, and laws banning hazardous waste imports and setting environmental liability.⁴¹

4.5 Zambia: the Kafue River acid spill

On 18 February 2025 tailings dams at Chambishi in Zambia's Copperbelt burst, releasing acidic waste into the Kafue River watershed. The spill killed fish, burned crops and killed livestock, affecting over 500 farmers and their communities. Sino-Metals Leach Zambia is a subsidiary of the state-owned China Nonferrous Metal Mining Group. Zambia ordered a clean-up and compensation, but Human Rights Watch reported in September 2025 that samples contained 24 heavy metals, 16 above WHO thresholds, and that some residents had not received promised payments.⁴² On 12 September 2025, 176 residents filed a case in Zambia's High Court against Sino Metals Leach Zambia and NFC Africa Mining, asking for clean water, medical care, compensation and an escrow fund.⁴³

4.6 The treaty gap: Basel and Bamako

The Basel Convention (1989) controls transboundary movements of hazardous waste. Its Liability Protocol was finalised on 10 December 1999 after six years of negotiation, with strict liability for operators, fault-based liability for wrongdoing, mandatory insurance and several places to file claims. It has not entered into force, because it lacks the required ratifications.⁴⁴ The Bamako Convention, negotiated by twelve African states in 1991 and in force since 1998, goes further by banning imports of hazardous waste into Africa.⁴⁵ Check whether your country has ratified these treaties and what it has said about liability.

⁴¹ FIDH. Ivory Coast: Victory at the African Court for victims of the Trafigura toxic waste... (See earlier note or bibliography.)

⁴² Human Rights Watch. Zambia: Acid spill jeopardizes residents' health (11 September 2025). <https://www.hrw.org/news/2025/09/11/zambia-acid-spill-jeopardizes-residents-health>

⁴³ Southern Africa Litigation Centre. Zambian communities sue mining giants over spill disaster... (See earlier note or bibliography.)

⁴⁴ Springer. Protocol on Liability and Compensation for Damage Resulting from Transboundary... (See earlier note or bibliography.)

⁴⁵ UNEP. Bamako Convention: preventing Africa from becoming a dumping ground for toxic waste... (See earlier note or bibliography.)

5. Major Actors

5.1 Countries and regions

Your delegation may represent any country, and your country may not be listed here. The table shows broad patterns only. **Always check your country's recent statements, laws and policies before you rely on them.**

Type of country	What to expect
States calling for a moratorium	At least 38 support a pause, including France, Brazil and Palau, and Spain opposes seabed mining on precautionary grounds. ^{46,47}
States acting outside the ISA	The United States has not ratified UNCLOS and is moving to issue permits under national law, opposed by most delegations. ^{48,49,50}
Waste-receiving and mining-host countries	Countries such as Côte d'Ivoire and Zambia have faced harm and often ask for strict liability, funds and help enforcing rules. ^{51,52}
Home states of multinational companies	Often prefer flexible rules but face pressure to make parent companies answer for harm abroad. ^{53,54}

Almost every state says it wants to protect the environment and victims. The disagreements tend to come over **timing** (whether mining should proceed at all), **responsibility** (companies, parents or states) and **money** (how much must be guaranteed and who holds it).

⁴⁶ Mongabay. UN meeting closes with no moratorium on deep-sea mining; groups lament (1 August... (See earlier note or bibliography.)

⁴⁷ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

⁴⁸ International Seabed Authority. Statement on the US Executive Order "Unleashing America's... (See earlier note or bibliography.)

⁴⁹ Alaska Public Media. Companies join a deep-sea mining rush after Trump executive order, as... (See earlier note or bibliography.)

⁵⁰ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

⁵¹ FIDH. Ivory Coast: Victory at the African Court for victims of the Trafigura toxic waste... (See earlier note or bibliography.)

⁵² Human Rights Watch. Zambia: Acid spill jeopardizes residents' health (11 September 2025)... (See earlier note or bibliography.)

⁵³ Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026... (See earlier note or bibliography.)

⁵⁴ Netherlands International Law Review. Obligations and liability of sponsoring states concerning... (See earlier note or bibliography.)

6. Preparing for Committee

6.1 Questions a strong resolution answers

1. **Who is liable?** The operating company, its parent, the sponsoring state, or a combination?
2. **What harm is covered?** Damage to people, property, the environment and the shared ocean?
3. **How is payment guaranteed?** Insurance, bonds, escrow funds or a shared compensation fund?
4. **Where can victims claim?** National courts, an international body, or a new mechanism?
5. **How is harm prevented?** Standards, inspections, environmental thresholds or a pause?
6. **Is it fair?** Does it help poorer states and communities that lack legal or scientific resources?
7. **Does it fit existing law?** Link to UNCLOS, the Basel and Bamako Conventions and the ITLOS opinion.
8. **Can it win support?** Will states with different views on mining vote for it?

6.2 Guiding questions for your research

1. Does your country sponsor an ISA contractor or host mining or waste operations?
2. Has your country signed UNCLOS, the Basel Convention or its Liability Protocol, or the Bamako Convention?
3. What is your country's position on a moratorium and on the mining code?
4. What national laws make companies liable for environmental damage?
5. Has your country suffered a mining or waste disaster? What was the outcome for victims?
6. What can your country offer or ask for: money, science, legal help or technology?
7. Which countries share your goals, and where would you compromise?

6.3 Where to research

- ISA website and the **Earth Negotiations Bulletin** summaries of its sessions.
- UNEP pages on the Bamako and Basel Conventions and the Environment Assembly.
- ITLOS and the **African Court** for the rulings discussed here.
- **UN News, Human Rights Watch and the Southern Africa Litigation Centre**, for recent cases.
- Your country's environment ministry, and its statements at UNEA and the ISA.

Bibliography

Alaska Public Media. Companies join a deep-sea mining rush after Trump executive order, as regulators fast-track permits (21 May 2026). <https://alaskapublic.org/news/environment/2026-05-21/companies-join-a-deep-sea-mining-rush-after-trump-executive-order-as-regulators-fast-track-permits>

Earth Negotiations Bulletin. ISA Council 31, Part 1: summary report, 9–19 March 2026. <https://enb.iisd.org/international-seabed-authority-isa-council-31-1-summary>

FIDH. Ivory Coast: Victory at the African Court for victims of the Trafigura toxic waste dumping (September 2023). <https://www.fidh.org/en/issues/business-human-rights-environment/business-and-human-rights/ivory-coast-victory-at-the-african-court-for-victims-of-the-trafigura>

- Human Rights Watch. Zambia: Acid spill jeopardizes residents' health (11 September 2025).
<https://www.hrw.org/news/2025/09/11/zambia-acid-spill-jeopardizes-residents-health>
- International Seabed Authority. Statement on the US Executive Order "Unleashing America's Offshore Critical Minerals and Resources" (30 April 2025). <https://isa.org.jm/news/statement-on-the-us-executive-order-unleashing-americas-offshore-critical-minerals-and-resources/>
- Mongabay. UN meeting closes with no moratorium on deep-sea mining; groups lament (1 August 2025).
<https://news.mongabay.com/short-article/2025/08/un-meeting-closes-with-no-moratorium-on-deep-sea-mining-groups-lament/>
- Netherlands International Law Review. Obligations and liability of sponsoring states concerning activities in the Area: reflections on the ITLOS advisory opinion of 1 February 2011.
<https://link.springer.com/article/10.1017/S0165070X12001167>
- Southern Africa Litigation Centre. Zambian communities sue mining giants over spill disaster (2025).
<https://www.southernafricalitigationcentre.org/zambian-communities-sue-mining-giants-over-spill-disaster/>
- Springer. Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes (Basel Liability Protocol). https://link.springer.com/chapter/10.1007/978-3-031-13264-3_15
- UN News. Côte d'Ivoire: 10 years on, survivors of toxic waste dumping remain in the dark (August 2016).
<https://news.un.org/en/story/2016/08/536822>
- UNEP. About the United Nations Environment Assembly. <https://www.unep.org/environmentassembly/about-united-nations-environment-assembly>
- UNEP. About the United Nations Environment Programme. <https://www.unep.org/who-we-are/about-us>
- UNEP. Bamako Convention: preventing Africa from becoming a dumping ground for toxic waste.
<https://www.unep.org/news-and-stories/press-release/bamako-convention-preventing-africa-becoming-dumping-ground-toxic>

Guide done by:

Malenji Arthur Jonah

Secretary General, LOTSMUN 2026

ZAMBIA MODEL UNITED NATIONS