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LEVEL: 400 LEVEL

MATRIC NUMBER: 16/LAW01/125

LECTURER: MR OCHE ALEX

DATE: 3OTH APRIL, 2020

**ISSUES FOR DETERMINATION**

1. Whether there was a transfer of modified grains from Chad Republic to Doro Gowon Community?
2. Whether there is a procedure for the export of such modified products?
3. Whether there is a legal framework that regulates the export and import of such living modified Organisms

**RULES**

The scenario given is on the Cartagena protocol under CBD. It aims to ensure the safe handling, transport and use of living modified organisms (LMO’s) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health, it adopts the precautionary principle in its preamble and articles 1 and 11(8).

In its article 1, it sets out the objectives of the protocol, which is to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, while taking into account the risk to human health and specifically focusing on transboundary movements. The primary governance tool employed by this protocol is the Advanced Informed Agreement (AIA) as set out in Article 7. This procedure is designed to endure that before an LMO is imported into a country for the first time for intentional introduction into the environment, the party of import;

1. Is notified about the proposed import
2. Receives full information about the LMO and its intended use, and;
3. Has an opportunity to assess the risk associated with that LMO and to decide whether or not to allow the import.

The provisions of Articles 8,10, ad 12 elaborate rules on notification by party of export to the party of import , the procedure for the communication of consent or non consent , as well as the procedure for review of decisions which shall apply prior to the first intentional transboundary movement of living modified organism.

Article 23 promotes public awareness, education and participation regarding the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity taking also into account risks to human health.

In a bid to answer the above issues ;

1. I’ll answer my first issue in the positive, there was a transfer of modified grains from chad republic to Doro Gowon community and this transfer was done without the right procedure.
2. Yes there is a procedure for the importation of such LMO’s which is the Advanced informed Agreement and the failure of the Chad Republic to carry out the due procedure rendered them liable for the injury suffered by the Doro Gowon community.
3. Yes there is a legal framework framework that guides the exportation and importation of LMO’s

CONCLUSION

Failure to carry out an AIA has made them liable and as such the people of Doro Gowon are entitled to be remedied and an application can be made through their government to the ICJ for them to review the matter