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Course code: LPI 404

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Our ref c10/bank/2020

Your ref _____

Date: 30th April, 2020

The local government chairman,

4, Alhaji Street,

Doro Gowon.

Dear Sir,

This is my legal advice in response to the letter sent to me earlier this month.

Legal issues

1. Did the actions of Chad Republic go against the underlying principles of the convention on biological diversity (CBD)
2. So the citizens of Doro Gowon have the right to demand compensation through the Nigerian government.

The answer to the first legal question is yes the actions of the Chadians have gone against the underlying principles of CBD. The answer to the second legal question is also answered in the affirmative.

Principle

The CBD is a convention in which the main objective is to make sure that the humans use the earth's natural resources in a way that it is still available for the future generation i.e. sustainable development. The CBD is based on three principles which are prevention principle, precautionary principle and finally the sovereignty principles. Each of the above listed principle

works together to make sure countries are using their resources in a way that is not detrimental to the environment.

The prevention principle simply states that when states are aware of the danger that might occur from doing a particular thing that thing should be done in a way that it is preventing such a thing from happening. For example there is a possibility that when you are getting crude oil from the ground it could spill into water bodies and on the ground making the land infertile countries know this but that also need the oil they are meant to extract the oil in such a way that it will prevent it from spilling.

The precautionary principle states that when a country is embarking on a project even if they are not sure there will be any damage they should take precautions to make sure damage does not occur. These precautions can be done in the form of research, EIA e.t.c these things are done so that even when the damages are not foreseeable there are still measures in place to check them

The sovereignty principle states that the government is in full control of what happens in his country and he cannot be dictated to on how to run his business and control his resources but he should do so in a way that it does not affect another state because if the damage caused in his state is affecting another state then it is an infringement on that states right. This can be seen the Trail smelter case 3 RIAA 1905 (1938/417). In the above case the smelter in Canada was releasing large amounts of Sulphur dioxide into the United States and was affecting the farms in the United States. This case was arbitration case but it a very good reference to when acriv3in one country is affecting another. The case was resolved based on principle 21of the UN conference held in Stockholm in 1972. This shows that article 21 of the Stockholm conference also talks about sovereignty which shows that it is a very important aspect of the international law.

Application

As can be seen in the question scenario the Chadians while exploring the natural resources in their land caused damage to a Nigerian community and while they were trying to reverse said damage they caused more damage to the community which might take years to recover the soil of the Doro Gowon community to normal. It can be deduced from the scenario that they did not want to cause the damage by building the geothermal plant but it caused problems because they

did not do enough research to find out what the long and short term effects of using the geothermal plant might be and while they were still trying to fix their first problem they did do research to make sure that the biological enhanced plants they were making did not have any side effect on the soil of the Nigerian community. The issues that have to be resolved are generated from the negligence of the Chadians. This is strongly against the precautionary principle and the fact they it is affecting another country shows that it is also against the sovereignty principle.

Conclusion

I advise the members of the Doro Gowon community to write a letter of petition to the federal government through the ministry of environment. This will allow the country to take the case to the international Court of justice (ICJ) or to take it to arbitration like the smelter's case (supra).

Yours faithfully

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Daramola D.E