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**COURSE TITLE: ENVIRNMENTAL LAW II LPI 404**

**LEVEL: 400L**

**ASSIGNMENT ANALYSIS**

**LEGAL ISSUES FOR DETERMINATION:**

1. Whether the Chadian government has sovereign rights to address their electricity issue.
2. Whether the MXZ19s known as living modified organisms (LMO) was properly introduced into Doro Gowon Community.
3. Whether the Chadian government is liable to pay compensation for the damages caused by the MXZ19s.
4. The appropriate authority to tackle the issues raised.

**RULES AND APPLICATION**

**ISSUE ONE:** whether the Chadian government has sovereign rights to address their electricity issues.

**Article 3 of the Convention on Biodiversity (CBD)** provides that states have the sovereign right to exploit their own natural resources pursuant to their environmental policies and the responsibility to ensure that activities within their control or jurisdiction do not cause damage to the environment of other states or areas beyond the limit of national jurisdiction. From the following provision, it is evident that the Chadian government only has sovereign rights to address electrical issues in the southern region of Chad, however they do not have the sovereign rights to address electrical issues in the border community in question. They failed to ensure that activities within their jurisdiction did not cause damage to the environment of other states, in this case the Doro Gowon Community; activities (geothermal project) which have consequently led to the decline of fishing activities and irrigation activities.

**ISSUE TWO:** whether the MXZ19s known as living modified organisms (LMO) was properly introduced into Doro Gowon Community

In a bid to ameliorate and compensate for the damage caused by the Chadian government, they sent modified grains (millet, sorghum and maize) which can be classified as living modified organisms or bio-tech which reduces use of water and fertilizers in agriculture. However, the failed to follow due process as stipulated by the Cartagena Protocol on biodiversity.

The **Advanced Informed Agreement (AIA)** as a primary governance tool employed by the Cartagena Protocol is designed to ensure that before LMOs are imported into a country, the party of import;

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

The Chadian government failed to give full information about the living modified organisms, in the case the MXZ19s and they also failed to give Doro Gowon community the opportunity to assess the risks associated with the MXZ19s.

**ISSUE THREE:** Whether the Chadian government is liable to pay compensation for the damages caused by the MXZ19s

According to **Articles 1 and 2 of the Cartagena Protocol,** the core objectives of the protocol is to ensure an adequate level of protection in the safe transfer handling and use of LMOs, resulting from modern bio-tech that may have adverse effect on the conservation and sustainable use of biodiversity.

The introduction of living modified organisms in the form of MXZ19s into Doro Gowon community has made the natural grains planted, unable t survive on the same soil with the MXZ19s and has also driven away beneficial insects which acted as natural pesticides. This is a violation of the core objectives of the Cartagena protocol on the conservation and sustainable use of biodiversity. The Doro Gowon Community are entitled to compensation as the Chadian government had earlier failed to comply with the Advanced Informed Agreement of the Cartagena Protocol.

**ISSUE FOUR:**  the appropriate authority to tackle the issue raised

The Doro Gowon Community are entitled to bring an action against the Chadian government through the International Court of Justice (ICJ).

**CONCLUSON**

The Chadian government has no sovereign right to address the electrical issues in Doro Gowon Community as it goes against Article 3 of the Convention on Biodiversity. By trying to compensate Doro Gowon Community, they failed to properly introduce the MXZ19s in accordance with Advanced Informed Agreement of the Cartagena Protocol thereby causing grave damage to the environment and threatening the biodiversity in Doro Gowon community. In essence, the have violated the international instruments on biodiversity.