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Answers

Issues for determination:

1)Whether there was a transfer of modified grains from chad republic to Doro community

2)Whether thereChad would be liable for damages caused in the Doro community

3) whether the chad republic can be exonerated on the grounds of a sovereign state

The Cartagena Protocol on Biosafety to the convention on biological Diversity ( the Cartagena Protocol) the Cartagena Protocol is supplementary agreement to the CBD. It was adopted on 29th of January 2000 and entered into force 11th September 2003. It aims to ensure the safe handling transport and use of living modified organisms (LMOs) 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 in articles 1 and 11 (8),to the effect that lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity, also taking a decision with regard to the import of living modified organisms in order to avoid or minimize such potential adverse effects. Article 1 sets out the objective of the Cartagena protocol which is to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling ams 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 risks to human health, and specifically focusing on trans boundary movement, protocol as spelt out in article 4 includes the trans boundary movement transit, handling and use of all living modified organisms that they may have adverse effects on the conservation and sustainable use of biological diversity. Protocol assists in developing countries in building their capacity for managing modern technology It Creates an advanced agreement procedure that requires exporters to seek consent from importing countries before the first shipment of LMOs meant to be introduced into the environment (eg seeds for planting fish for release and micro organisms for bioremediation). As of June 2002 , 103 countries however signed but only 21 have ratified. When the country signs the Protocol, it signifies its general support for the principles in the protocol and commits to take steps necessary to consider and pursued its ratification. The protocol only becomes legally binding when a country deposits and instruments of ratification with United Nations.

 The primary governance tool employed by the Cartagena Protocol is advanced Informed Agreement(AIA) as set out in Article 7. The AIA procedure is desigNed to ensure that before an LMO is imported into a country for the first time for intentional introduction into the environment,the party of import: (a) it is notified about the proposed import receives full information about LMO and its intended us ams has whether or not to allow the import. In addition the provisions of articles 8,9,10 and 12 elaborate rules on notification by party of export to the party of import, the procedure for communication of consent or non consent as well as procedure for review of decisions, which shall apply prior to the first intentional trans boundary movement of living modified organisms. Article 23 promotes public awareness education and participation regarding the safe transfer handling was use of living modified organisms in relation to the conservation and sustainable use of biological diversity taking also into account risks to human health.The role of national government under article 19 includes the designation of competent national authority and national focal points to act on its behalf with respect to the protocol. Article 11(6) and (9) provide concessions for developing countries with respect to decisions-making under the Protocol, as well as the need for financial technical assistance and capacity building. Article building provides that the parties are to corporate in the development and strengthening of resources and access to and transfer of technology mad know how in accordance with the relevant provisions of the CBD. It also provides that the needs of parties with economies in transition are to be taken fully into account for capacity building in bio safety. Article 28 (3) also details the need to provide financial resources by developing country parties, in particular the least developed and the small island developing states among them. In terms of institutions, the protocol establishes amongst others a bio safety exchange Clearing House Under Article 20 whose function include facilitating the exchange of scientific, technical, environmental and legal information on living modified organisms, assisting partied to implement the protocol as well as countries that are centers of origin and centers of generic diversity. On compliance, article 33 provides that each party will monitor the implementation of its obligations under the protocol and report on measures that they have taken to implement it.

In accordance with the precautionary approach contained in principle 15 of Rio Declaration Environment and development, the objective of protocol is to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use if

Living modified organisms resulting from Morten bio technology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health and specifically focusing on trans boundary movements (Article 1 of the protocol, SCBD 2000). The bio safety protocol makes it clear that products for new technologies must be based on precautionary principle and allow developing nations to balance public health against economic benefits. It will let countries ban imports of genetically modified organisms if they feel there is not enough scientific evidence that product is safe and requires exporters to label shipments containing genetically altered commodities such as Cotton. The required number of 50 instruments of ratification/accession/approval/acceptance by countries was reached in May 2003. In accordance with provisions of its article 37 the protocol entered into force on 11th September 2003. As of December 2019 the protocol had 172 parties which includes 168 United Nations member states the stare of Palestine Niue the European Union and now Uzbekistan signed on October 25 2019. The Cartagena protocol on bio safety to the convention on biological diversity is an international agreement in bio safety as a supplement to the convention on biological diversity effective since 2003. The bio safety protocol seeks to protect biodiversity from potential risks posed by genetically modified organisms resulting from modern biotechnology.