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**MATRIC NO: 16/LAW01/093**

**COURSE TITLE: ENVIRONMENTAL LAW**

**TO: COMMUNITY CHAIRMAN OF DORO GOWON**

**FROM: HAMZA ENEZE ZAKKIYYA (LEGAL ASSISTANT)**

**RE:**

I wish to render my considered legal advice as follows.

**ISSUES**

In the above scenario the following legal issues can be identified;

1. Whether the Chadian authourities complied with the principles of CBD in the execution of the group thermal project.
2. Whether

 The term bio diversity refers to the variability among living organisms from all sources. The convention is the principal international treaty that seeks to protect bio diversity.

 The CBD is primarily founded on the precautionary and prevention principles but article 3 provides that states have sovereign rights to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction. Its prevention principle basically requires that when a state is exploiting its natural resources that will lead to catastrophic consequences either to the state itself or neighboring states, such states should take measures to prevent such occurrences. The precautionary principle expects of a state to take precaution and ensure that in exploitation of its resources even if they are no probable hazards that may occur, they should already put down measures to control or mange such occurrences when they occur.

 From the scenario provided it can be clearly seen that the Chadian authorities did not follow this laid down principles by the CBD. When it comes to the sovereignty principles it can be seen that the damage that occur as a result of the thermal project did not only affect them but their neighboring country Nigeria too, this is provided for in article 3 of the CBD. They had not taken precautionary measures so as to be able to control and mange the damages which occurred.

 And also, in looking at the samples of the MXZ19 grains which where taken along with the soil were the grains where planted for analysis which reveal that due to the modification on the MXZ19 the soil had become virulent therefore making the natural grains unable to survive where they had been planted. According to the article 3 of the Cartagena protocol living modification organism are any living organism that possess a novel combination of genetic material obtained through the use of modern technology. while advances in bio tech have great potential for significant improvement in human wellbeing, they must be developed and used with adequate safety measures for the environment and human health. As much as the Chadian authorities were trying to do something beneficial, they had not developed and used the MXZ19 with adequate safety measures.

In conclusion the Chadian authorities have violated this principles and protocols of the CBD and therefore the Doro Gowon community should file a petition to the Federal Government through the Ministry for environment or NESREA in which the NESREA or Ministry for environment will forward it to the ICJ.