



THE 2ND EDITION OF THE GREEN LAW AFRICA INITIATIVE

MOOT COMPETITIONS

THEME

*"Transboundary Environmental Harm and State Responsibility: Strengthening
Legal Accountability for a Sustainable Africa."*

HELD AT MZUMBE UNIVERSITY, TANZANIA, ON THE 9TH & 10TH OCTOBER 2025

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GREEN LAW AFRICA INITIATIVE CLIMATE JUSTICE MOOT COURT COMPETITION 2025

Case No. 2025/01

Republic of Nyandria v. Federal Republic of Zawari

Before the **African Union Climate Justice Tribunal (AUCJT)**

MOOT PROBLEM

Introduction

The 2025 Green Law Africa Initiative Climate Justice Moot Court Competition seeks to engage law students across Africa in contemporary issues of climate justice, transboundary environmental harm, and international climate governance. Participants will argue before the **African Union Climate Justice Tribunal (AUCJT)**, addressing critical legal and policy questions on environmental obligations of states, climate accountability, and sustainable development.

This year's case concerns a dispute between the **Republic of Nyandria** and the **Federal Republic of Zawari**, two fictitious African states, over allegations of **transboundary pollution, climate justice violations, and procedural lapses in environmental decision-making**.

Participants must analyze and argue based on **international environmental law, African regional agreements, and relevant international jurisprudence**. They must consider legal principles such as the **duty to prevent transboundary harm, the precautionary principle, sustainable development, environmental impact assessment (EIA) obligations, and the role of climate change commitments under the Paris Agreement**.

FACTS OF THE CASE

The **Republic of Nyandria** and the **Federal Republic of Zawari** are neighboring African states that share the **Trans-Zina River**, a lifeline for agriculture, fisheries, and biodiversity. The river also sustains indigenous communities and is recognized as an **ecologically significant transboundary watercourse** under the African Convention on the Conservation of Nature and Natural Resources (Algiers Convention). Both states are parties to the **Paris Agreement, the African Climate Justice Charter, and the AU Protocol on Environmental Governance**.

In 2018, Zawari launched the **Green Growth Energy Project (GGEP)**, an ambitious industrial initiative aimed at producing **biofuels and green hydrogen** to accelerate its transition to clean energy. The project involved constructing a **hydrogen processing plant, biofuel refineries, and industrial complexes** near the banks of the Trans-Zina River.

Environmental Concerns

While Zawari conducted an **Environmental and Social Impact Assessment (ESIA)**, Nyandria contends that:

- It was **not adequately consulted** on the potential transboundary effects.
- The ESIA **underestimated** the risks of industrial **chemical discharge, soil degradation, and biodiversity loss**.
- The project has **increased the carbon footprint** instead of reducing emissions due to large-scale deforestation for biofuel plantations.

By 2023, environmental reports commissioned by Nyandria revealed:

1. **Significant water pollution:** Chemical effluents from the GGEP processing plants **contaminated the Trans-Zina River**, reducing fish populations and harming local communities that depend on the river.

2. **Biodiversity destruction:** Loss of wetlands and destruction of mangrove forests accelerated soil erosion, negatively impacting the region's ecological balance.
3. **Harm to indigenous communities:** Displaced local communities faced water shortages, increased health risks, and loss of cultural heritage tied to the river.
4. **Excessive greenhouse gas emissions:** Despite being labeled a **green project**, the initiative contributed to deforestation and methane release from waste disposal sites.

Zawari's Defense

The Federal Republic of Zawari denies liability and argues that:

- It **followed due process**, including conducting an **ESIA** and seeking approvals from its national environmental authority.
- The project aligns with **Africa's clean energy agenda** and the **AU Climate Strategy**.
- The alleged transboundary harm lacks scientific proof and could be **exaggerated for political reasons**.
- Nyandria's claims violate its **sovereign right** to exploit its natural resources for economic development.

Diplomatic Breakdown

Nyandria attempted diplomatic engagement under the **AU Environmental Dispute Resolution Mechanism**, but negotiations failed. In 2024, Nyandria **unilaterally imposed restrictions** on Zawari's industrial exports and threatened legal action under **international environmental law**. In response, Zawari accused Nyandria of **economic sabotage** and vowed to defend its development agenda.

With negotiations collapsing, Nyandria has now filed an application before the **African Union Climate Justice Tribunal (AUCJT)**, seeking the following reliefs:

Reliefs Sought by Nyandria

1. A **declaration** that Zawari has violated international law by failing to prevent transboundary environmental harm.
2. An **order suspending** the Green Growth Energy Project (GGEPP) until comprehensive environmental safeguards are in place.
3. **Compensation** for environmental damage, loss of biodiversity, and harm to affected communities.
4. A **binding agreement** mandating transboundary consultation and environmental monitoring for future projects.

Zawari's Counterclaims

Zawari has **filed a counterclaim**, requesting the Tribunal to:

1. **Dismiss** Nyandria's application as **unsubstantiated and politically motivated**.
2. **Recognize its sovereign right** to pursue sustainable development through clean energy investments.
3. **Affirm the legality** of its ESIA process and domestic approvals.
4. **Order Nyandria** to lift any economic restrictions imposed on Zawari's industrial sector.

ISSUES FOR DETERMINATION

1. **Whether Zawari breached its international legal obligations** by failing to prevent transboundary environmental harm.
2. **Whether Zawari's ESIA process met international and regional standards**, including consultation requirements.
3. **Whether Nyandria is entitled to compensation** for alleged environmental damage.

4. **How international climate agreements (e.g., the Paris Agreement) should influence transboundary environmental disputes.**
 5. **To what extent the principle of state sovereignty applies** in environmental matters concerning transboundary resources.
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INSTRUCTIONS TO PARTICIPANTS

1. **Teams shall consist of 2-4 members**, each representing either the **Applicant (Nyandria) or the Respondent (Zawari)**.
 2. **Each team must prepare written memorials (submissions) for both** the Applicant State and the Respondent State in compliance with the Tribunal's procedural rules.
 3. **Oral arguments** will be evaluated based on legal reasoning, use of precedents, articulation of environmental principles, and advocacy skills.
 4. Participants **must cite international instruments, AU treaties, and relevant case law**, including decisions from the ICJ, African Court on Human and Peoples' Rights, and other environmental tribunals.
 5. The competition encourages **innovative arguments on climate litigation**, including **rights-based approaches, indigenous peoples' rights, and environmental justice frameworks**.
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RELEVANT LEGAL SOURCES

1. **Paris Agreement (2015)** – Obligations on emission reduction and environmental impact assessments.
2. **African Charter on Human and Peoples' Rights (Banjul Charter, 1981)** – Rights to a healthy environment and sustainable development.
3. **Algiers Convention (1968)** – Transboundary environmental obligations in Africa.

4. **United Nations Framework Convention on Climate Change (UNFCCC, 1992).**
 5. **Pulp Mills Case (Argentina v. Uruguay, ICJ 2010)** – Precedent on transboundary environmental harm.
 6. **Lake Lanoux Arbitration (France v. Spain, 1957)** – Precedent on state obligations regarding shared water resources.
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CONCLUSION

This moot question challenges students to critically engage with transboundary environmental law, climate litigation, and sustainable development. It provides an opportunity to explore **how international legal frameworks can balance environmental protection with economic growth in Africa.**

ALL THE VERY BEST AND SEE YOU THIS OCTOBER, 2025, IN TANZANIA!



Brian Awuonda (Chief Executive Officer)

GREEN LAW AFRICA INITIATIVE