



SIXTH SIR DAWDA KAIRABA JAWARA INTERNATIONAL HUMAN RIGHTS MOOT COURT COMPETITION HYPOTHETICAL CASE, 2025

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

V

THE REPUBLIC OF VENEZIA

BEFORE THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

1. The Republic of Venezia is located in the Somali peninsula of East Africa with a population of 10 million people. Venezia has been inhabited throughout history by indigenous peoples who are credited for major developments in Astronomy, Mathematics, Civil Engineering and African Philosophy. These developments are evident in the remnants of pyramids built to elevations of 140 meters across Venezia. Archaeological studies also place the birth of humanity to the regions very close to the Great Lake Regions in the Omo Valley near Venezia. A recent scientific research discovery by archeologists indicates that the carvings in some of the caves in the Venezia valley date back to the Paleolithic age when the indigenous groups ruled the area. While these scientific discoveries are very 'controversial,' they continue to attract millions of tourists from Europe, America and Asia to Venezia.
2. Venezia covers approximately 210,000 square miles with few islands along the Somali Peninsula. It has a land and maritime border with the Republic of Kinti. The hinterland of Venezia is endowed with enormous biological diversity. It also has the highest number of endangered animal species in Africa. Peanuts, tea and corn production were historically essential to the economy of the country accounting for up to 20% of the GDP. The Capital of Venezia, Ndarr, is a desert area that is inhabited by the Faa, Ndanka and Nkoweh indigenous peoples. The southern part of the Capital is connected to river Nile that enables the cultivation of crops and supports centuries' old nomadic life of the Nkoweh indigenous people. The indigenous people represents about 30% of the population. Many of them are involved in artisanal fishing, subsistence farming and traditional cattle herding. In terms of healthcare, many of the indigenous peoples rely on traditional medicines from herbs and animal products for basic treatment.
3. Venezia is the first African state to gain independence in 1874 from Britain. The population of Venezia includes indigenous population of 27 indigenous groups as well as a large population of Arab and Asian descendants. The Arab and Asian descendants who had settled in the country before independence led the struggles for independence and now occupy key positions in Government. They

are also more educated than the indigenous peoples. Since independence, they have occupied the presidency and also lead all the major state-owned and private corporations, especially those in the energy and telecommunication sectors.

4. Venezia adopted a Constitution in 1910, which guarantees civil and political rights, and economic, social and environmental rights. The country has a presidential system of Government with legislative powers in the Legislature, judicial powers in the Courts, and executive powers in the President. Venezia also has a Constitutional Court that is empowered to interpret and enforce the Constitution. As a former British colony, Venezia applies the common law principles, the principles of equity in the administration of justice and is a dualist state in its application of international law.
5. Venezia was part of the States that negotiated the African Charter on Human and Peoples' Rights (African Charter) and became the first State to ratify the Charter. It is also a party to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (Court Protocol) and made the Article 34 declaration in 2012. It also led the negotiation of several international treaties on environmental protection and human rights. It ratified the International Convention on Civil and Political Rights (ICCPR) in 1979 and International Covenant on Economic, Social and Cultural Rights (ICESCR) in April 1980; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 17 July 2006; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on 7 June 1990; the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on the 15 August 1990 and the UN Convention on the Rights of the Child (CRC) in 2002. The country is also a party to the African Charter on the Rights and Welfare of the Child (ACRWC), which it ratified in 2003.
6. Moreover, due to Venezia's geography and biodiversity, it is a key proponent and advocate for climate change mitigation and environmental protection at the regional and global levels. Venezia supported the UN Declaration on the Rights of Indigenous Peoples in 2007 and is a party to the Vienna Convention for the Protection of the Ozone Layer, 1985; Montreal Protocol on Substances that Deplete the Ozone Layer of 1987; Kigali Amendment 2016 and the United Nations Framework Convention on Climate Change (UNFCCC) 1992. It is also a party to the Paris Agreement 2015, UN Convention to Combat Desertification (UNCCD) 1994, RAMSAR Convention of 1971 and the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and its subsequent Agreements.
7. In 2005, the Government established the National Environment Agency (NEA). One of the core mandates of NEA is to conduct regular research into climate change. In 2008, NEA signed an agreement with the oil companies in the

country to conduct studies on the impacts of climate change in Venezia. They also jointly established grants called 'Friends of Mother Earth Grants' to support and fund universities to carry out research in different areas of interests. However, NEA and the oil companies kept the outcome of the research confidential. The revised NEA Environmental and Social Impact Assessment Regulation 2010 (ESIA) requires adequate consultation with local communities on development projects. The ESIA was revised in 2013 to provide a dispute settlement mechanism, compensation and integrate free and informed consent principles into energy projects.

8. Venezia discovered oil, gas and rare minerals in 1962. The mineral sector accounts for about 45% of the country's GDP. Most of these natural resource deposits are mainly located in the northern part of the country and many of the oil wells are in the settlements of the Ndanka and Nkoweh indigenous people. The domestic market of oil production is entirely supplied by the sector and about 60% of the oil produced is exported to other African countries and Asia. There are several companies in the sector including Ven-oil Producing Company (VPC) which is owned by the State. VPC manages and owns 20% of the oil market share, and it operates alongside transnational equity firms that control the rest of the industry. VPC was established in 1960 by the Government to manage oil and gas exploration. It enjoyed monopoly until 1994 when the Government introduced reforms that opened up the market to private players.
9. In the early 1964, the VPC made its biggest oil discovery with a potential of 12 billion barrels. Oil exploration commenced in 1969 with hundreds of oil wells in the Berre-kolong Municipality. By the mid-1970s Venezia had become a leading producer of oil in Africa and ranked 6th in the world. In 1995, Emerald Oil Company (EOC), a private foreign company, began working in Venezia with 70% of the market share. According to the license granted to EOC, it is obliged to share technical information on exploration, environmental impact assessment, environment restoration and corporate social responsibility programmes. Berre-kolong Municipality was traditionally an important region for the nomadic indigenous groups such as the Nkowehs and Ndankas. The Ndankas are traditionally subsistence farmers, and some of their agricultural practices were passed down through generations. In 1991, the national employment statistics indicated that over 55% of the indigenous population earned a living from agriculture while 15% from the mineral sector.
10. Since the start of oil exploration, Venezia has expanded its energy sector which uses fossil fuel to produce electricity and currently accounts for 40% of total energy produced. Under the Green Energy Marshall Plan (GEMP) 1995, Venezia planned to cut the use of fossil fuel by 70% in 2020. One of the main power stations of the country, which was located in Berre-Kolong, was decommissioned in 2019 and replaced with state of the earth solar power plant. This transition enabled free electricity supply to schools, police stations and

hospitals across Berre-Kolong and its neighboring regions. In 2021, the country began to phase out fuel powered vehicles from its roads and introduced electric vehicles to government employees. In Ndarr and other major cities, the public transportation system is powered entirely by solar-powered depots.

11. In 2019, the Government announced a five-year plan to construct the Dalaba Hydroelectric Dam along the Nile in the Berre-Kolong Municipality at the cost of \$2 billion USD. The project is the largest hydroelectric project in Africa. It aims to generate over 1,800 megawatts of electricity to cut national GHG emissions. The Government emphasized that the Dalaba Dam is essential to enable Venezia to meet her commitments under the Paris Agreement and generate enough electricity for export to neighboring countries. However, the potential impacts of the project has been a subject of immense controversy as the site is located on the stretches of the Nile traditionally used by Nkoweh, Faa, and Ndanka indigenous communities. Since the construction began, the water levels in the upstream have significantly gone down. This has affected fish breeding patterns and grazing fields near the riverbank. Due to the proximity of the indigenous settlements to the dam site, Government rolled out plans to 'resettle' some communities to a suitable alternate land as this will enable the creation of 10km buffer.
12. According to an independent researcher, approximately 20,000 residents are projected to be relocated from Berre-Kolong as part of the Dalaba Dam project. The researcher noted that a resettlement and compensation framework has been developed, and several households that have already moved reported to receive compensation packages beyond their expectations. This includes accommodation and improved social amenities. The assessment further revealed that many local residents have limited prior exposure to large-scale hydroelectric projects and, in some cases, had no clear understanding of what a dam is, despite multiple community meetings held to explain the project's purpose and potential impacts. Nevertheless, aside from a few elderly individuals who expressed reservations, the majority of interviewed community members conveyed optimism that the project might bring education, healthcare, electricity access, and economic opportunities to the region.
13. In 2015, through 'Friends of Mother Earth' EOC sponsored a group of scholars to participate in the scientific discussions at the Paris Agreement forum. They worked with experts from the 'Global South' to develop common positions on climate change. The scholars stressed that since there is obvious uncertainties about the science behind climate change, they should advance voluntary actions for States instead of imposing immediate or long measures that could affect economic growth in the Global South. A group from Berre-Kolong headed by Peter Lambert attended the discussions and were widely credited for the protection of the red colobus monkey that was endangered in Venezia. Their intervention has resulted in the repopulation of the specie.

14. However, a coalition of scholars and scientists called the 'Climate Restoration and Defense Scholars' (CRDS) were not supported to attend the conference. They requested support from EOC and the NEA to attend the conference and present on what they termed as 'Climate Change Crisis in Berre-Kolong'. The CRDS research documented that due to over 40 years of intensive oil exploration in Berre-Kolong, several communities have begun to experience health conditions among women and children. Doctors at the Berre-Kolong Central Hospital (BCH) recorded rise in respiratory illnesses, abnormal miscarriages among younger women, premature births and fetal deformities.
15. Government data released by the Ministry of Health in its Annual Epidemiological Report in 2014 noted that Berre-Kolong had the highest recorded cases of child mortality in the country. Respiratory infections accounted for nearly 60% of child mortality and breast cancer was reported among adult women. CDRS attributed this increase to long-term contamination of groundwater and food sources by chemicals and oil from exploration sites. Tests conducted on water samples by researchers from the University of Ndarr did not find high levels of contaminants, but noted that further research is essential to make conclusive findings.
16. Meteorological data collected between 1990 and 2013 by the University of Ndarr indicated that the mean temperature in the Berre-Kolong region had increased by 2.4°. The rise in the temperature was linked to GHG emissions and deforestation linked to oil infrastructure development. The research also suggests that this change resulted in drought conditions and reduced crop yields. As these conditions deteriorated, the indigenous Nkoweh and Ndanka communities grew increasingly vocal about the problems.
17. In 2016 Venezia experienced a heavy flood across the country. Many communities in the country were inundated due to the flash floods and overflow of the rivers. These resulted in significant salt deposits on farms and made it impossible for farmers to grow crops. In 2017, The Government contracted a Dutch company to 'de-salinise' the affected lands. Further, in the aftermath of the flood, Twenty-seven people went missing and a Government spokesperson said that they could confirm that about 40 people were killed by the flood in the most affected areas in Berre-Kolong. Security forces and volunteers rescued about 18,000 people. Water pumps, pipes and farmlands were damaged and many livestock drowned. The President later announced that the country was fully ready for search and rescue. He further instructed the EOC and other private companies to make available \$ 27,000,000 (twenty-seven million USD) as relief packages for essential materials such as food, clothes and temporary shelter for affected families.
18. The Government organized a national remembrance ceremony to discuss the situation and pay tribute to those who died. NEA reported that the available data suggest that they are facing climate change brought about by GHG

emissions. The leaders of Ndanka and Nkoweh indigenous tribes also reported that soil fertility has significantly decreased since the early 1990s. NEA promised that it would submit a plan to Government and oil companies to address the immediate and long-term climate crisis in Berre-Kolong. The plan was never published, and the CEO of NEA was later removed from office for organizing such a 'national event without authorization'. The Government also announced that it would open investigations into the activities of private oil companies to investigate allegations that several oil companies, including VPC and EOC, may have suppressed or falsified environment impact assessments.

19. In 2015, CRDS filed a suit in the Constitutional Court of Venezia and argued that the lack of concrete efforts to reduce GHG emissions by 2030 and resettlement of indigenous groups by the Government, of Venezia violated the fundamental rights of the indigenous communities as enshrined in the Constitution. CRDS argued that the Government has the obligation to protect the people and vulnerable communities from the consequences of climate change. The State argued that Climate Change is a global problem and Venezia alone cannot be held responsible for global warming, and that its efforts to develop a green economy is in line with her commitments under the relevant domestic and international frameworks. After several years of litigation, the Constitutional Court ruled in favor of the Government on the basis that the climate target under the Paris Agreement is a collective obligation among member States. The Court further added that the main players in the mineral sector are VPC and EOC.
20. The Legal Center for the Rights of the Child (LCRC), a prominent child rights organization in Venezia, has raised concerns over the number of Nkoweh children that missed early childhood education due to their community's nomadic traditions. Cattle herding remains the primary livelihood of the Nkoweh indigenous groups, who have long depended on seasonal migration to sustain their herds and livelihood. Their diet depended on milk and cereals. The Nkowehs would move about 50 kilometers from Berre-Kolong during the dry season to graze their cattle in areas near fresh water bodies, where pasture remains green during the length of the dry season. When the dry season ends, they would return to their villages. Every year, traditional leaders, believed to receive signals from their ancestors, communicate the return dates of the herdsmen.
21. The return of the Nkowehs to their home villages is the most significant spiritual rite in their culture, celebrated as an act of gratitude to their deity. These returns are marked by days of festivities and rituals that culminate in sacrifices offered to the deity for a fruitful and abundant rainy season. However, in recent years, persistent drought and the desiccation of nearby water bodies have forced the Nkowehs to travel much farther to find suitable grazing lands around the hills of Kansala even during the rainy season. This extended migration has disrupted their traditional cycles and exacerbated the educational exclusion of Nkoweh

children. The matter is also compounded by the role of the child in the Nkoveh tradition. Boys and girls from the age of 8 are expected to support the family. While boys are expected to begin to learn the art of animal grazing and herding, the girls are exclusively responsible for milking the cattle in the morning and evening.

22. In response to this challenge, the Government initiated a programme in 2010 to send teachers who follow the migratory routes of Nkoveh families in an effort to ensure continuity in education. It also built accommodation on the migration routes for the teachers. This initiative was launched after a report by the UN Special Rapporteur on the Right to Education revealed significant disparities in access to education between Nkoveh children and other children in Venezia. Despite the Government's efforts, the initiative has only been able to reach about 37% of Nkoveh children. The LCRC continues to advocate for stronger, more adaptive policies that ensure that all children, regardless of their communities' way of life, enjoy their fundamental right to education.
23. The Center for Green Belt (CGB), an international organization headquartered in Kinti, became aware of the decision of the Constitutional Court of Venezia through media coverage. Given its observer status with the African Commission on Human and Peoples' Rights (ACHPR), CGB recognized the need to submit the case to the ACHPR for determination. After a series of consultations CDRS collaborated with CGB to prepare and submit a communication to the African Commission. On the 25 June 2018 CGB submitted a communication to the Commission against Venezia on the same issues as the CRDS case in the Constitutional Court. The Commission found violations of the rights to life, health, food, education and clean environment. It also required Venezia to deposit \$ 300,000,000 into a Government development endowment fund to support indigenous communities that are affected by the impacts of climate change. However, the decision did not make any reference to the science of climate change.
24. The Government of Venezia acknowledged the decision of the Commission and publicly expressed her commitment to engage in dialogue with relevant stakeholders on the procedures for implementation of the recommendations. However, by 2021 Venezia's position shifted significantly. The Government contended that the Commission's findings were not grounded in credible scientific evidence and argued that full compliance with the decision would jeopardize the country's industrial and energy sectors. Therefore, Venezia announced its intention to withdraw from the African Charter and the Court Protocol, with the formal submission of its withdrawal notice in November 2024.
25. After several visits and consultations on Venezia's failure to comply with the recommendations, in January 2025, the Commission, acting in terms of Article 5(1)(a) of the Court Protocol referred the matter to the African Court for judicial determination. When the LCRC learned that, the African Commission has

referred the case between the CBG and Venezia to the African Court it decided to apply as *amicus curiae*. The organization sought to bring to the Court's attention the educational challenges faced by Nkoweh children.

26. The matter is set for oral hearings on the 10 December 2025. Parties are required to address the Court on the following issues:

- a. Jurisdiction and Admissibility of the case before the African Court.
- b. Whether Venezia's climate change mitigation and adaptation measures are consistent with the African Charter and other relevant international human rights instruments ratified by Venezia.
- c. Whether the proposed resettlement of indigenous groups near the Dalaba Dam violates the African Charter and other human rights instruments ratified by Venezia.
- d. Whether the adverse climate induced impacts suffered by the Nkoweh, Faa and Ndanka indigenous peoples amount to a violation of the African Charter and other relevant human rights instruments ratified by Venezia.
- e. Whether Venezia is in violation of the African Charter and other relevant human rights instruments ratified by Venezia in the way it handles the education of Nkoweh Children.