Social Sciences
2019; 8(2): 52-61
http://www.sciencepublishinggroup.com/j/ss
doi: 10.11648/j.ss.20190802.13
ISSN: 2326-9863 (Print); ISSN: 2326-988X (Online)

The Problem of the Application of International Environmental Law in Chad

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To cite this article:
Abdelkerim Marcelin, Ndingangar Teadoum Emmanuel. The Problem of the Application of International Environmental Law in Chad. *Social Sciences*. Vol. 8, No. 2, 2019, pp. 52-61. doi: 10.11648/j.ss.20190802.13

Received: May 9, 2018; **Accepted**: June 4, 2018; **Published**: May 7, 2019

Abstract: The question of the legality of international environmental law is particularly acute in the domestic legal systems of sub-Saharan African states. This is the case of Chad. The current configuration of this problem is reflected in ambiguities common to global and regional environmental standards and those specific to sub-regional environmental standards. They are likely to deny their legality. With regard to the former, these ambiguities revolve around the ratification of conventional legal instruments and their transposition into the domestic legal order. With regard to the second ones falling precisely under Community law, they are broken down into the lack of knowledge of these standards, their inadequacies not contributing to the construction of an autonomous Community law of the environment. The lack of effectiveness of international environmental law is thus far from leading to an effective protection of the environment in Chad.

Keywords: International Environmental Law, Community Environmental Law, Legality, Effectiveness

1. Introduction

If there is one area that has always been the subject of an unprecedented plurality of international conventions [1-3], it is that of the environment [4]. International environmental law, like international law in general, has several sources [5-7]. They range from treaties to doctrine, custom, jurisprudence and general principles of law. Conventional sources are the most important in terms of number and scope of coverage [8]. They lead to sectoral, cross-sectoral or global protection of the environment at the international level [9]. The international conventions, by their consequent number, result from the will of the States [10] to protect the environment by formalizing it in the international treaties, legal instruments which engage them legally [11-13].

Environmental problems that do not have border boundaries are manifested beyond them. Thus, international law is solicited, because of the transnational stakes which led to the consecration of the principles of cooperation and solidarity [14]. It is on the basis of these that the states cooperate and pool their forces in order to reduce the environmental constraints they face [15]. These solutions requiring a lot of resources, for the effectiveness of these answers to the environmental questions [16], impose a synergy between the States. It is experiencing a particular momentum in the framework of the United Nations (UN) which has established a UNEP (United Nations Environment Program) through the holding of conferences and summits in which, are taken important decisions. In this sphere, important treaty instruments are now being developed and adopted within the framework of the United Nations, thus contributing to the legality of international environmental protection.

Character of what is placed under the rule of law [17], the legality is a vital element for a legal norm. This is what distinguishes it from religious or moral norms. It is linked to legal positivism, better still to normativism. For his supporters, "*convinced of the legality of international law retort that a rule retains its legal character even if it is violated, provided that, [...] this rule remains respected in a general way (no systematic violation)*" [18].

At the continental African level in general and subregional Central Africa, several norms are secreted by the sub-

regional political and economic integration organizations of which Chad is a member [19]. For Mr. ROMI Raphael, "there is no longer a society that can claim to live in autarky. Ecological problems are intimately intertwined with economic issues; they are generated or influenced by imbalances that we cannot believe can be regulated otherwise than by international standards". Chad is a member of many organizations and communities, they do not really integrate, but they overlap.

All the African countries, following the winds of democracy, through the new "liberal" Constitutions have incorporated into them several provisions relating to the environment It is in fact what Professor TCHEUWA Jean-Claude describes as a constitutionalization [20] of the environment resulting in the consecration of the right to the environment [21-27].

The overall conclusion that emerges from the environmental literature in the states of sub-Saharan Africa is the lack of effectiveness [28] leading to a lack of legality in environmental law in general and international environmental law in particular. Chad is less evasive of this stumbling block to the protection of the environment, but on the contrary, it stands out more [29]. Hence the need to look into this question, to know in fine, the current declension of the ambiguous state of the legality of international environmental law in Chad.

The sources of environmental law in Chad, tinged with duality, include conventional international law as well as community or regional law. In this apprehension of the state of the law, it is necessary to dwell more on the ambiguities that global and regional environmental standards have in common, then on those specific to sub-regional environmental standards.

2. The Common Problems of Global and Regional Environmental Standards

Normative protection of the environment poses several problems. They concern both international conventions and regional ones. These problems revolve around the ratification of international legal instruments and their transposition into the internal legal order.

The problem of ratification

Ratification means the approval of a convention or treaty by the internal organs authorized or competent for the international commitment of the State [30]. In Chad, the competent authorities to engage the State internationally are the President of the Republic and the National Assembly [31]. The problem of ratification, a stumbling block to the legality of international environmental law, is reflected in two variants. It cannot be better approached than by distinctly analyzing no ratification and late ratification.

Not ratification

It consists of the non-approval of international conventions (in the field of the environment) by the State. On the other hand, ratification is a final procedure at the end of which an international convention enters into the internal legal order of a State. It participates in the entry into force of this one, even its effectiveness [32]. It is the expression of the consent of the state to be bound. It constitutes a modality of introduction of international law into the internal legal order. The domestic application of a treaty or international agreement is subject to ratification. The non-ratification of an international convention in general and in environmental matters in particular does not allow its insertion in the legal ordering and consequently, the absence of a possible application. The state in question is not bound by this convention, because it is not engaged internationally.

Non-ratification is a corollary of international sovereignty, a tangible manifestation of the sovereign will of the state and its refusal to shake it [33]. It is linked to the sovereignty of the state; however it would gain more by ratifying international legal instruments.

These are issues of the international legal instrument in question, because any international convention on environmental issues stems from several issues. These strengths and conceivable weights can be ecological, economic, social or political. Ecological benefits relate to effective opportunities to preserve the environment. The economic benefits are related to the possibilities of sustainable management of natural resources. The social impacts are on poverty reduction, which could politically give more legitimacy to the political authorities. Some may, in the course of time, be manifest and others latent. It is thus conceivable that a State which does not identify its interest in ratifying any environmental convention should refrain from doing so. This lack of interest can be reflected in the area covered by the convention as well as the space.

This problem arises in Chad at random. It is episodic, cyclical or periodic. Several factors contribute to the formulation of this problem. Political will is the primary cause of this phenomenon. The ratification of an international convention is also strategic insofar as the State only ratifies the conventions that give it an interest. This attitude of the State joins in a certain measure the procedural maxim "no interest, no action" by noting that the non-ratification of an international convention is essentially justified by its lack of interest in the State.

This interest is not necessarily constant. It varies from one convention to another, from one regional agreement to another. It may be related to the geographical scope of the international and regional legal instrument or to the material field; it is the substance that is the subject of the same normative instrument. It is conceivable that a State cannot ratify a convention which by its geographical scope does not concern it, in spite of the material relevance of its object. By way of illustration, we note the many European legal instruments whose signature and ratification are open only to the States of the European Union [34].

In the African context, non-ratification is justified by the geographical scope and purpose of certain conventions that are not of interest to Chad. This is the case of the Abidjan Convention of 23 March 1981 on cooperation for the

protection and enhancement of the marine environment and coastal zones of the West and Central African region. Its purpose is purely maritime and is only of interest to coastal countries. Chad, by its geographical position is not a coastal country, but rather a landlocked country devoid of any opening to the sea. However, the non-ratification of these conventions does not pose any problem as regards the normative protection of the environment in Chad.

It should also be noted that this non-ratification is indeed permanent and even perpetual without hope of ratification in the future, unless the geographical and material interest arises, which is less likely if it is not a miracle.

The most inconvenient lack of ratification is that of international or regional conventions whose geographical and material scope requires ratification for consistent and relevant normative protection of the environment, which is already subject to constant deterioration. As noted above, it is episodic and cyclical in that it is between the adoption, the signing of a convention and the eventual ratification. Ratification is often sought for these relevant legal instruments, it is a wish, better still a dear wish, which thus constitutes a solution to non-ratification [35].

For example, the Maputo African Convention of 11 July 2003 on the Conservation of Nature and Natural Resources [36-38], the entry into force of which is still pending until now [39]. This problem arose from 2003 to 2015. These years correspond respectively to the year of signature and ratification. The same is true of several other conventions.

The usefulness of ratification lies in the value it adds to the national normative protection of the environment. Art. 97 of the Forest Law states that "any wild animal found on the national territory enjoys the protection conferred on wildlife by this Act, by the implementing regulations, and by international conventions, ratified by the Republic of Chad ".

The most important African legal instrument that has not been hitherto in the legal framework of Chad today, yet worthy of interest, especially for the fight against wildlife crime like the poaching that is still rife with acuity. Chad, is the Lusaka Agreement of 8 September 1994 on Concerted Coercion Operations for the Illegal Trade in Wild Fauna and Flora. The remedy is thus ratification or accession, although "better late than never", when it comes late, it is also a problem.

Late ratification

Ratification of conventions is not defined in time. It is left to the wishes of the signatory State. His intervention can take place at any time. As is generally the case in the field of justice, the period during which ratification must take place is not determined. In other words, there is no ratification deadline. This is a characteristic of international law marked by its flexibility thus contributing to respect for the international sovereignty of States.

In other fields, for some signatory States, twenty or even thirty years will pass between the signature and ratification of a convention, a not ratification sometimes in certain hypotheses studied above. This constitutes a sprain, a hindrance to the entry into force of the standard. It does not hasten its entry into force and thus its application internally.

This practice in general is not tolerated by the doctrine, let alone the environment. In this sense, Mr OUMBA Parfait notes that despite the many pitfalls to the preservation of the environment, we must add "the slow ratification of treaties" [40]. Environmental matter is by nature an urgently tinted material. It is hardly conceivable that in view of the urgent needs and urgent issues that led to the elaboration, adoption of an international convention, that more than ten years pass before ratification can take place. The environmental issue loses its urgency. In this period of time, the perpetuation and perpetuation of the deterioration of the environment could be noted. This state practice is not likely to allow the environment to be protected. On the contrary, it accentuates rather its degradation.

Even though the signature imposes a number of obligations on the signatory State, it should be noted that they are not significant because they impose only a few "virtual" obligations to the extent that the signatory must observe an abstention. They would be more relevant by instead imposing actions on the state pending ratification. This is not the case in accordance with conventional public international law.

In the case of Chad, there is the 11 July Maputo Convention on the Conservation of Nature and Natural Resources, which is a master and founding convention for environmental protection in the African context. Chad had been a signatory to this convention since its adoption in 2003. It only ratified it in 2015. It should be noted that this time is relatively long as for some conventions. That is why we are talking about late ratification.

In general, the ratification of environmental conventions by Chad takes place within a reasonable qualifying period, not exceeding five years on average. Some ratifications can be said to be expeditious, unlike others [41]. This is the case of the Paris Agreement of December 12, 2015 on the climate signed on April 22, 2016 and ratified on January 12, 2017 by the Chadian State.

The cause of the delayed and varied ratification period of the African Maputo Convention must be further questioned. It should be noted that for the other conventions, they have been adopted in general following donor pressure through environmental conditionalities [42] and structural adjustment programs [43]. With regard to Chad, to this was added the pressure of the civil society during the National Sovereign Conference of 1993 [44].

The Chadian state in crisis had no choice but to ratify them quickly to break the current political and socio-economic stalemate. This was missed for the African convention. In addition to this, the Government of Chad also has an insufficient willingness to wait more than a decade before ratifying a convention for which it was already a signatory. In the opinion of Professors DOUMBE BILLE Stéphane and MEKOUAR Mohamed, "the ratification of conventions in Africa is not as easy as we think, especially in the field of the environment" [45]. Indeed, Chad did not have much to lose, but rather had much to gain for the preservation of its

ecosystem that is subject to all-out threats ranging from desertification, poaching and drought.

This delay, it must be emphasized is detrimental to the environment because several serious attacks were brought to the environment during this period from 2003 to 2015. Ratification early enough could have prevented these ecological disasters by a proven promotion of the environment.

The ratification of an international convention by a State is not an end in itself, but it will have to be transposed internally.

3. The Problem of Transposition

Transposition is a way of transcribing and integrating international rules internally [46]. It is a transcription in the national legal instruments of the rules resulting from the international conventions. Transposition facilitates and constitutes a prerequisite for the implementation of conventions that cannot be included as such in the internal legal order in the same way as international treaties on the environment. Although in countries where the monistic conception prevails, transcription poses fewer problems and remains indispensable for the application of the international legal instrument. After ratification or accession to a convention, when it comes in immediately and by a good process, it poses less of a problem. If not, it remains problematic. This arises in terms of a part of defect or delay of transposition and secondly of poor transposition.

3.1. Failure and Delay of Transposition

The difficulties inherent in transposition really arise when it comes to reproducing in international legal instruments the rules enacted at international level [47]. They are related to the issue of ratification. That is why, Mr OUMBA Parfait notes that, "the slow ratification of the treaties [is not without consequence on the implementation of the international standard, because it is] which delays their application for lack of transposition internally" [48]. Nevertheless, we note that "African states will use international law in the development of domestic environmental law for several reasons: it may be a form of implementation at national level of international standards or reception in local law, measures that are in the universal or regional context" [49].

Transposition is thus done by drawing up legislative and regulatory texts to this effect. On the basis of this, we know that two constitutional bodies share the power of transposition. It is the Parliament and the Government. From the outset, it must be remembered that in the environmental field, international conventions are often framework treaties. According to Professor KISS Alexandre Charles, "a framework treaty is a conventional instrument which lays down the principles to be used as a basis for cooperation between States Parties in a specific field, while leaving it to them to define, by separate agreements, the details and details of the cooperation, providing, where appropriate, one or more appropriate institutions for that purpose" [50]. It goes without saying that transposition is an imperative necessity in environmental matters, international conventions generally defining only general or fundamental principles, broad outlines, and even states to take internal measures for the implementation of these principles. Indeed, it often stems from the provisions of international agreements.

The lack of transposition results in the absence of laws and regulations after the ratification of a convention. Indeed, it makes it difficult for citizens to apply this convention than judges. This often leads to an inapplicability of international conventions, or even their ignorance usually. It is a transposition deficit [51].

Transposition is also problematic when it comes late. Some polluting activities that would not have happened if the convention was transposed, grow, sustain themselves and take a particular boom, making it difficult for them to prohibit for socio-economic reasons like unemployment.

As an example, in the national implementation of the prevention principle the regulatory act on environmental impact studies (Décret n° 630/PR/PM/MEERH/2010). The framework law dates from 1998, it provided for Art. 80 impact studies (Arrêté n° 039/PR/PM/SG/DGE/DEELCPN/2002), despite the inadequacies perceived early enough by the decree on the general guide to carry out an impact study, it is more than ten years later that this implementing decree has come into play. This raises the question of the relevance of the regulation of impact studies during this period tinged with proliferation and the realization of projects whose environmental impacts are real, but which have not been sufficiently measured and evaluated. This particular period is it, has been marked by the multitude of large presidential projects.

To this text, it should also be added that for the implementation of the precautionary principle, Decree No. 904 / PR / PM / MERH / 09 of 6 August 2009 on the regulation of pollution and environmental pollution is ten years after the framework law, while oil exploration activities have started since the beginning of the 1990s. It should be noted that late transposition is still problematic since in Chad environmental texts are less preventive. They are repressive because it is after the observation of the attacks that do not fall under any provision of the texts in force that the authorities elaborate the laws and regulations. However, it is essential to transpose international principles as quickly as possible to incorporate them into national law in order to better protect the environment with the support of local authorities, which have a significant role to play in the implementation of the standard. International [52].

The important thing is not only to transpose, it would still be necessary to do it. If this is not the case, it will always be a problem.

3.2. The Bad Transposition

The transposition of a rule of international environmental law, when it is successful and well done, is not a problem, it is the ideal. This is not often the case in Chad when it comes to the national transcription of an international environmental

convention. The integration of the international legal instrument into the internal legal order is not always successful.

The essential cause boils down to the complexity of environmental law in general and international environmental law in particular. This complexity is linked to the transversality, to see the interdisciplinarity of the international law of the environment. First of all, even with regard to the concept of the environment, we are far from unanimous in its definition. This is due to the vast expanse of the concept of environment that can encompass everything but nothing. We also integrate nature, culture, man, etc. Thus a convention can relate to a specific object that is nonetheless apprehended differently by law, sociology, chemistry, agronomy, biology and so on. Taking into account these various apprehensions requires careful work prior to the development of any law or regulation.

A provision of an environmental convention will thus bear several aspects, namely, first legal, then ecological, then chemical, and finally cultural. It should be noted that national expertise is often not sufficient in this difficult exercise of transposition [53]. As is usually the case, the contribution of international organizations can be summed up simply as the financing of the commissions and committees responsible for drawing up national legal instruments for the purpose of transposing international imperatives.

One could suggest the use of international expertise, however it ignores or at least does not sufficiently know the socio-economic and especially ecological realities of Chad. Added to this is the financial problem insofar as this international expertise is most often known for its almost exorbitant cost. The Chadian State would benefit more from training its agents in international environmental law to better understand the spirit and contours of international conventions before proceeding with any attempt at transposition. The complexity of environmental law is a stumbling block to a good and faithful transposition. In order to overcome this, the capacity building of the members of the committees responsible for the drafting of national texts is an absolute necessity. It often excludes the national legislator from the spirit of the international "legislator". Taming the complexity of environmental law is a final challenge in transposing international conventions in Chad.

In addition to this transversality of environmental law, we must also add its youth. Indeed, recent boom, environmental law is always abounding. Inventions and discoveries in this area occur every day with new concepts, new principles and precepts. Since the degradation of the environment has so far not really slowed down, new forms of this deterioration are still emerging. Climate change, which affects life patterns, also reveals several new factors of degradation, which should be stopped by incriminating these environmentally damaging acts. This perpetual evolution is a dynamic of environmental law which, it must be emphasized, does not facilitate its deep knowledge or control.

The plurality of conventions is also at the origin of this impasse to the extent that the same object is seized by two or more conventions. When one of them is specific and the others general, one refers to the maxim "specialia generalibus derogant" which means that "the special laws derogate from the laws which have a general scope". When they are all special or general, the one that better protects the environment wins. These solutions make it possible to avoid poor transposition, which is in itself less unfavorable or detrimental to the environment.

The legality of international environmental law at the domestic level is largely dependent on transposition. When it is not coherent, it remains a stumbling block to legality.

In this respect, subregional standards are not unambiguous in this respect either.

4. Problems Specific to Sub-Regional Environmental Standards

As part of the integration and inter-state cooperation in Central Africa and the Sahel, several communities have been created for this purpose. Organizations have also been established for the harmonious management of common natural resources. These bodies secrete standards on natural resources. The lack of knowledge of these standards (A) as well as their insufficiencies not contributing to the construction of an autonomous community law of the environment (B) are far from leading to an effective protection of the environment in Chad.

Ignorance of the existence of the Community environmental standard

Subregional bodies develop environmental standards. According to Mr. OUMBA Parfait, "the role played by the sub-regional organizations in the integration of the DIE and the increasing importance they attach to the environmental component in the process of economic integration of the sub-region testify to their efforts. in terms of the appropriation and exploitation of this right ". Sub-regional instruments focus on natural resources. These are often ignored on the one hand by the Chadian authorities and on the other hand by Chadian citizens.

Lack of knowledge by the Chadian authorities

Ignorance of sub-regional and often communal texts is a crucial problem in many subjects. It is posed with certain sharpness in environmental matters. Ignorance of the texts is a hindrance to the effectiveness of the protection of the environment.

With regard to the Chadian authorities, it is justified by the insufficiency of the political will resulting in insufficient popularization of the Community texts. Some authorities, including administrative ones, in the elaboration of the texts would even doubt, for example, the existence of directives and community regulations of the CEMAC in the matter. This can be demonstrated by the careful examination of visas for regulatory acts, in particular implementing decrees which do not refer to any Community regulation when a matter is seized by it.

The judicial authorities are not immune to this perverse

phenomenon. They have always been known for their reluctance to international law in general and to Community law in particular. Chadian judges, like their African colleagues, rarely apply international law, let alone community law. Yet there is no need to show that the national judge is the ordinary community judge. Community law of CEMAC is now part of the Chadian legal system. Environmental matters are among the matters seized by Community law.

It must be remembered, however, that "CEMAC's primary purpose is not the protection of the environment, its objectives being essentially economic and political". Mrs SIME Rose Nicole, in approaching the integration and the harmonization of the norms of international law of the environment in the African law puts the access on the increasing importance of the environmental part of the sub-regional economic integration. For the author, "the protection of the environment has been more prominently and prominently featured in the political agenda of the Central African authorities [...] [54]. The development of sub-regional integration and the creation of geographically, legally and economically homogenous spaces favor the harmonization of the rules governing these areas"[55].

While availing itself of the primacy of the community norm, the Chadian judge must, to this end, hasten not to be on the sidelines of the integration movement, by participating through his jurisprudence in the harmonization of environmental law in Central Africa. This ignorance of the rules of Community origin is not likely to contribute to the protection of the environment in Chad [56]. It leads to the removal of certain environmental damage from the empire from the rules of Community law. This contributes to the perpetuation of the impunity so much criticized in Chad especially in environmental matters. It promotes the continued deterioration of the environment.

With regard to judicial personnel in general, Mr. OUMBA Parfait notes that he "(judges, lawyers, bailiffs, etc.) does not have sufficient knowledge of environmental issues in Central Africa. In particular, the judge does not generally receive adequate training in environmental law, few lawyers and specialized officials in the field. The training of authorities and citizens in environmental law should therefore be developed with a view to more effective action [...] "[57].

The judge, cornerstone of the rule of law, plays a fundamental role in the strengthening of the legality in general and in environmental matters in particular [58].

The lack of knowledge of EU environmental rules becomes worrying when it comes from citizens.

Lack of knowledge by the Chadian citizen

Despite the perceived access to legal instruments as a principle, the lack of popularization [59], at least not enough, of Community environmental standards by the Chadian authorities also affects its perception by citizens. Ignorance of community rules is almost unknown in Chad. One of its causes is the inaccessibility of Community texts at national level. When the citizen has access to this text, he should still be able to read and understand it. A demonstration is not really necessary at this level given the persistence of illiteracy in Chadian society. When national texts are ignored, a fortiori the texts of Community origin can only be more so.

At this level, the promotion of Community law in particular in its environmental dimension is a straightforward necessity. The aim is to raise awareness of international legal instruments in general and Community in particular.

Ignorance of subregional legal instruments is at the root of a stalemate, or even a judicial incoherence. It makes impossible, at least difficult, the invocability of these instruments. Knowledge of a text is a prerequisite for its invocation. This means that we can only invoke a text we know, the opposite is hardly conceivable. As recalled so high, since the judicial authorities ignore the subregional legal instruments, it is up to the litigant during the procedure to remind them for a fairer environmental justice. It is a necessity also related to the rule of law because it implies the empire of the rule of law.

The citizen's ignorance of the Community's environmental rule is even more prejudicial to the environment compared to that of the administrative and judicial authorities because the citizen is ultimately the guardian and protector of the environment vis-à-vis these authorities. This means that he can challenge an administrative decision before the administrative court for annulment for breach of the Community rules on the environment. Following a trial, it can also do so for court decisions by the possible remedies by invoking the lack of knowledge of sub-regional environmental standards by the judges of the merits. These dispute mechanisms will be difficult to set in motion when the citizen ignores sub-regional legal instruments.

This impertinent factor does not contribute to the construction of a true Community environmental law.

5. The Absence of an Autonomous Community Law of the Environment

By autonomous Community law of the environment is meant all the rules of Community origin devoted to the environmental question [60]. The consistency and relevance of these rules are necessary for the construction and consolidation of this right. If there is no longer any doubt about the existence of Community law itself in Africa, whether it is West Africa or Central Africa, it is different in terms of the environment. Chad, belonging to both Central Africa and the Sahel, the problem of the virtual absence of environmental rules of Community origin is reflected in a number of instruments elaborated by sub-regional cooperation or integration bodies and the insufficiency of the legal effect they display.

5.1. Diversity of Instruments Secreted by Institutions of Integration and Cooperation in Natural Resources Management

From the participation of Chad to several organizations of integration and cooperation in the management of natural

resources, follows the parallel existence of a plurality of instruments of an uncertain or even doubtful normative character [61]. To put an end to the various forms of environmental degradation by targeting primarily human factors, several sectoral instruments have been adopted within the framework of these organizations, the national normative systems being very often divergent as in the fight against corruption. Poaching.

The proliferation of instruments for defining, supervising and implementing environmental policies at the sub-regional level is still not successful. In the opinion of Mr. OUMBA Parfait, "the disparate and unusual nature of environmental standards is another limit to the work of subregional organizations. Since the rules of the EIS are sparse and diverse, it is difficult to use or invoke them. The plethora of texts does not facilitate the insertion of the DIE in African practices. Its reception in the continent, slowed down by such a normative proliferation, will certainly take time, thus limiting the action of the subregional organizations of Central Africa, which cannot do everything. If programs, projects or policies are stopped, their full effectiveness depends on the importance attached to the environment by the States concerned" [62].

In some specific areas, and even more so sectoral protection of the environment, sub-regional organizations play an undeniable role in preserving fragile ecosystems. Thus Mr. GARGA Sadou argues that, "the sub-regional organizations of economic integration have become the engine of excellence in the implementation of rules, which far from specific are incorporated explicitly or implicitly in the regional policy in relation to desertification issues " [63].

In the framework of ECCAS (Economic Community of Central African States), several projects and programs have been designed. This is the case, for example, with the ECOFAC V Program (Conservation Program for Fragile Ecosystems in Central Africa), whose implementation has focused on protected areas, capacity building and environmental governance.

With regard to CILSS, several declarations, programs and plans have focused on the fight against drought and desertification. It is to this end that it was created following the great drought of the 70s.

As part of the cooperation and management of Lake Chad resources, the LCBC (Lake Chad Basin Commission) was created. Its policies are aimed at fair, but above all ecological and sustainable use of the waters of Lake Chad. We remember the current issues relating to Lake Chad including the drying up of it. Through this organization, the coordination of internal policies in the Member States is ensured institutionally.

In the context of forest protection in Central Africa, the COMIFAC (Commission for Central African Forests) produces several instruments focusing on flora. These contribute to the realization of his multiple projects. It defines subregional forest policies. It is also a forest policy monitoring body of the sub-region. It is indeed "the main body responsible for the conservation and sustainable management of forest ecosystems and savannahs". However, it is not free of difficulties.

In the perspective of the water resources management of the Niger Basin, the NBA (Niger Basin Authority) was created. For example, the Paris Declaration of 2004 can be identified under its leadership.

However, it must be stressed that in Europe the implementation of Community environmental law is an increasingly important aspect of environmental law, and on which information and awareness-raising is public opinion and concerned circles are growing. European Community law thus stands out for its consistency reflected in countless areas that directives, decisions and regulations regularly take into account [64].

This set of declaration, project, program or action plan instruments produced by sub-regional organizations is not likely to favor the emergence or even the consistency and sustainability of a Community law of the environment whose absence is clearly unfavorable to the protection of the environment in Africa in general and in Chad in particular. The environment in the latter is the most threatened, unlike other Central African countries. In addition, the height at this level is that they lack a certain legal value.

5.2. The Limitation of the Legal Scope of Subregional Instruments: Empty Instruments of Normativity

Sub-regional instruments, despite their variety, do not have a significant legal significance, it would still have to exist. The Dean KAMTO Maurice makes the distinction between these instruments according to their degree of constraint or coercion. It must be emphasized that these instruments do not constrain the Chadian state sufficiently [65].

He also notes that "the lack of environmental policies of African economic integration organizations is quite striking. Here and there we find community environmental policy documents that stick to generalities and formulations that are often vague and which, in any case, rarely have a binding force" [66]. In the same sense, Mr OUMBA Parfait added that "the inadequacies of the organizations of the sub-region often stem from the non-binding and imprecise nature of environmental protection conventions; [...] the fact that the DIE recognizes the right of every state to define its environmental policy and formulates, as it were, only the recommendations, is another setback to the applicability of the programs of the sub-regional organizations. In order for the action of the latter to be more tangible, the Central African States must make every effort to ensure that the mechanisms for monitoring compliance with environmental rules are effective " [67]. The vagueness of the texts thus has a considerable impact on their implementation, as does the absence of annexes specifying the modalities of application.

In the opinion of Dean KAMTO Maurice, regional conventions are often "mixed conventions combining binding rules of law and programmatic or prospective norms generally weakly binding. [They] generally prescribe obligations of means. [...] the result obligations tend to weaken the binding force of the conventions that enact them,

in particular by reducing the weight of the constraint of the contractual commitments on the Contracting States ", [68].

In his analysis on the subject, he concludes that "in general, there is no real Community environmental law in most African community organizations" [69]. The doctrine nevertheless considers some possible solutions.

The promotion of international environmental law through the awareness of citizens remains an imperative both on the very essence of environmental protection. This would be of some relevance through the enactment of a sub-regional environmental code for the harmonization of environmental policies like the OHADA code (Organization for Harmonization in Africa of Business Law) in commercial or business matters, sources of coercion with regard to States [70].

6. Conclusion

In short, the lack of effectiveness of international environmental law is a constant problem in the states of sub-Saharan Africa. It leads to internal challenges to the legality of international legal instruments. Chad is hardly an exception to this phenomenon, hindering joint actions to combat climate change. It varies according to whether it is conventional international law or Community law. The panacea to this flat is the ratification and regular transposition of international legal instruments by Chad. In this context, with the help of other States of the subregion, is also the establishment of an autonomous Community law for the environment, which ultimately remains a dear hope of the doctrine. The implementation of international environmental law, however, remains a prerequisite for the effectiveness of environmental standards of supranational origin, more to their legality.

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