



THE JUDICIARY

**THIRD REGIONAL SYMPOSIUM
ON GREENING JUDICIARIES
IN AFRICA, 1st – 3rd December 2020;
Nairobi Kenya**

THEME: *Strengthening the Role of Courts in Combating
Climate Change in Africa*

1. Introduction

The UNEP 6th Global Environment Outlook (Regional Assessment Report for Africa) identifies climate change as one of the most pressing problems in Africa posing serious health and economic challenges¹. The region is warming faster than the global average, with projections of a rise of 3–4 °C this century and climate-sensitive diseases such as cholera, meningitis, malaria, and Rift Valley fever likely to spread faster². The continent is the most severely affected by the impacts of climate change as most African economies rely heavily on climate sensitive economic sectors that are exposed to climate variability, droughts, and floods³. The region bears the brunt of the impact of climate change, yet it contributes less than 5% of global carbon emissions⁴

Addressing the challenges posed by climate change requires concerted efforts by all including the judicial system. The African Union's Agenda 2063, the region's blueprint, and master plan for transforming Africa into the global powerhouse of the future, commits to address the global challenge of climate change by drawing upon skills of diverse disciplines. Indeed, courts as the custodians of justice, are increasingly holding governments accountable to their citizens⁵ to a duty of care so as to ensure the realization of the global goal of holding the increase in global average temperature to well below 2 °C above pre-industrial levels.

2. Progress made so far

Greening the Judiciaries in Africa is an ongoing initiative that mainly focuses on building the capacity of judges in applying and enforcing environmental laws and promoting the rule of law in environment matters. During the intervening period since 2017 several initiatives involving the judiciaries in Africa on environment have taken place.

It was at the 1st regional symposium that the 2017 Johannesburg Plan of Action was agreed upon. Following its adaptation, the Africa Judicial Education Network on Environmental Law (AJENEL) was established and office bearers elected. An Africa wide curriculum and training manual on environmental law was completed and launched. The curriculum and training manual will ensure continuous capacity building for judges and magistrates in Africa. In June 2017, a train the trainer for judicial educators in Africa was held in Johannesburg with the objective of enabling the heads of the institutions to improve their skills on integrating and developing environmental law education curriculum. At national level, more than 30 countries now have, in one way or the other, integrated environmental issues in their programmes or are in the process of doing so.

The February 2018 Yaoundé Final Communiqué on Judicial Education in Environmental Law was made to serve the French speaking African countries to mainstream and integrate environmental law in judicial training institutions as part of sustainable curricula. In August 2018 the 2nd symposium was held in Maputo and the 2018 Declaration on Greening Judiciaries in Africa was agreed upon. The symposium in Maputo, that brought together chief justices from Africa also committed to continue holding biennial regional symposia to promote the protection and management of the environment. The Chief Justice of the Republic of Kenya accepted to host the 3rd regional symposium in 2020.

3. Objectives of the 3rd Regional Symposium on Greening Judiciaries

The 3rd regional symposium, which is anchored on the role of the courts in combating climate change and its impacts in Africa is intended to provide much needed leadership in terms of policy direction from attending chief justices on the enhancement of environmental justice, particularly in disputes arising from climate change and its impacts. The Symposium will also provide a platform for discussion on the experiences, challenges, and potential solutions in the adjudication of climate change claims amongst judges, practitioners, and experts in this field. Finally, it will be an opportunity to reflect on gains made in integrating environmental law and in particular climate change in judicial training amongst leaders of judicial training institutions. The symposium will be looking to sustain the achievements made in previous symposia and agree on a thematic focus for the next biennium.

1 UNEP (2016). *GEO-6 Regional Assessment for Africa*. United Nations Environment Programme, Nairobi, Kenya

2 *ibid*

3 AMCEN (2015). *Cairo declaration on managing Africa's natural capital for sustainable development and poverty eradication*. The African Ministerial Conference on the Environment

4 AU (2015). *Agenda 2063 – The Africa We Want*

5 See *Urgenda Foundation v. The Kingdom of the Netherlands* (Supreme Court Netherlands, Civil Division, No. 19/00135, 20th December 2019) and *Massachusetts v. EPA* (549 U.S.497[2007]).

4. Specific Objectives of the Symposium

- i. Identify opportunities and measures for promoting climate change related adjudication in Africa;
- ii. Share experiences, challenges, innovations and prospects in climate change-related adjudication;
- iii. Evaluate progress made in integrating environmental matters in judicial education;
- iv. Provide a basis and progression to build on for the 4th regional symposium.

5. Expected Outcomes of the Symposium

- i. A programme on climate change related adjudication for judiciaries in Africa;
- ii. An understanding of emerging trends and innovative approaches to climate change adjudication and commitment to continue upholding the rule of law in climate change matters;
- iii. An evaluation of the progress made in integrating environmental matters in judicial education.

6. Organizational Matters of the Symposium

The symposium will be held over a period of three (3) days. Delegates are welcome to participate physically or virtually, through a link that will be shared.

Participants: The symposium targets chief justices, senior judges, judicial educators, heads of judicial education institutions, practitioners, and experts from the continent.

Format of the symposium:

▪ **Opening session**

The opening ceremony will take place on Tuesday 1st December 2020 with H.E President Uhuru Muigai Kenyatta expected to give the official opening address.

▪ **Chief Justices Forum on Environmental Law:**

The segment will be hosted by the Chief Justice of Kenya, Hon Justice David Kenani Maraga. Chief Justices of African States and other high-level dignitaries will interrogate and provide policy and strategic leadership and guidance on how the judiciaries and other key actors should promote climate change related adjudication in Africa focusing on collaboration between the 3 arms of government. The high-level dialogue is also expected to deliberate on key resource, infrastructural and technological constraints that could hinder effective and just adjudication of climate change claims. The deliberations are aimed at generating possible responses to these constraints including the possibility of developing an Africa wide collaborative mechanism for sharing information and exchanging experiences in the area of climate justice.

▪ **Plenary Sessions:**

The plenary sessions of the symposium will include moderated panel discussions as well as presentations of relevant conference papers by select experts in the fields of climate change science, policy and law. Being a hybrid symposium, virtual contributions will be welcome. The expert papers and summary of panel discussions will be included in a symposium report which will be posted in the symposium website and shared with all participants within two months from the date of the symposium.

▪ **The General Conference of AJENEL:**

The Africa Judicial Education Network on Environmental Law (AJENEL) General Conference will be held on the afternoon of the second day of the symposium and in accordance with its Constitution. A programme for the AJENEL General Assembly will be circulated to symposium participants in due course.

For any clarifications regarding the organization and content of the programme for the symposium, please contact the persons whose contacts are provided below

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For further information and updates on the symposium please visit:

www.judiciary.go.ke/green-judiciary-2020/

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