



Republic of Kenya



UNIVERSITY OF NAIROBI



CONCEPT NOTE

AFRICAN STATES SENSITIZATION CONFERENCE ON THE ICJ (INTERNATIONAL COURT OF JUSTICE) ADVISORY OPINION ON THE OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE



21-23 April 2026



**CIFOR-ICRAF Campus,
Nairobi, Kenya**

BACKGROUND

The debate on who should pay for climate change related loss and damage and on what basis has been one of the most intractable problems facing the international community today. At the core of the debate is the gross inequity that those who have contributed the least to greenhouse gas emissions continue to bear a disproportionate burden of its effects. While there has been an understandable focus on mitigation and adaptation, there has been very little progress on who should pay for loss and damage. Yet confronting both elements of the climate crisis are key, if we are to achieve any progress in tackling this monumental challenge. Attempts to achieve progress on these questions through the Conference of the Parties (COP) process have largely faltered, while accountability through litigation has largely been criticized as inadequate or ineffective.



In March 2023, the Sixth Synthesis Report of the Intergovernmental Panel on Climate Change (IPCC) warned that “[t]here is a rapidly closing window of opportunity to secure a liveable and sustainable future for all.”ⁱ Later in the same month, the United Nations General Assembly adopted [Resolution 77/276](#) by consensus, and asked the International Court of Justice (ICJ) for an advisory opinion in relation to two questions that were deemed of critical importance to the climate change debate. The Court was asked to clarify (a) States’ obligations under international law to protect the climate system and the wider environment; and (b) legal consequences where States have caused significant harm to the climate system and the wider environment.

For the first time, more than 100 States and international organizations participated in these historic proceedings of the International Court of Justice. Of unprecedented significance was the participation of the African Union and 19 African States.ⁱⁱ On 23 July 2025, the Court delivered its unanimous 140-page Advisory Opinion on [Obligations of States in respect of Climate Change](#). The opinion received a warm reception from some States and non-state actors for the clarity and boldness of its conclusions. The Court itself was cautious, noting that legal norms was not necessarily a panacea for every climate change related problem. In its final remarks, the Court emphasized the need for “the contribution of all fields of human knowledge, whether law, science, economics or any other”, and expressed the hope that the conclusions of the Advisory Opinion “will allow the law to inform and guide social and political action to address the ongoing climate crisis”.ⁱⁱⁱ

All African UN Member States, with one exception (which has signed but not ratified), are Parties to the 2015 Paris Agreement.^{iv} Despite the global nature of climate change and near-universal participation in the climate change treaties, profound asymmetries persist in both the causes and impacts of climate change. African States and their peoples have historically contributed the least to greenhouse gas emissions, yet they have suffered, and continue to suffer, the most severe adverse effects of climate change. In this regard, the African Union and African States underscored the pursuit of climate justice as the core objective underpinning any proposed legal solutions.^v Prompted by the urgent need for immediate action, and mindful of the specific circumstances of Africa, this Conference focuses on African visions for climate justice. It brings together scholars, scientists, policymakers, and practitioners, and aims to bridge the gap between the legal principles contained in Advisory Opinion and their practical implementation in the particular context of African States that are vulnerable to climate change.



Target Audience

The Conference will bring together about 40 delegates. Recruitment of conference participants will aim to target delegates from relevant government ministries and agencies dealing with environment and climate change matters, with an emphasis on ensuring they are of sufficient seniority to support implementation and coordination at the national level. Delegates will ideally include persons from across the following areas:

- Judges and Legal experts and practitioners from the national judicial system involved in environment and climate change
- Government officials involved in national and international climate policy development and implementation (covering areas such as environment, transport, energy, trade), government lawyers, diplomats, and negotiators
- Officials from the United Nations and other international organizations, the African Union Commission, and the Regional Economic Communities (East Africa Community – EAC and the Intergovernmental Authority on Development – IGAD)
- National focal points to the UN Framework Convention on Climate Change (UNFCCC)
- National focal points and Bureau Members of the Intergovernmental Panel on Climate Change (IPCC)
- Academic scholars and scientists from higher education institutions and national and international research institutions
- Non-governmental organizations working on climate policy, advocacy, and justice, including legal practitioners and media.

For logistical and budgetary reasons, participation will be limited to countries from the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD) in the Horn of Africa: Democratic Republic of the Congo, Somalia, Rwanda, Burundi, South Sudan, Tanzania, Uganda, Ethiopia, Eritrea and Djibouti. Additionally, there is a strong argument that countries in the EAC and IGAD region, having a shared institutional framework, may have common implementation interests and decision-making processes, making them a coherent bloc for targeted capacity-building at this stage.

Conference Format

The 3-day Conference will consist of three (3) plenary sessions and seven (7) panels:

DAY ONE

Plenary Session 1:

High Level Opening Ceremony: Welcome and Opening Remarks from the organizers – the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF) and the University of Nairobi, followed by an official opening statement from the Government of Kenya.

Plenary Session 2:

Keynote Presentation and High-Level Panel on “A New Frontier for the International Law of Climate Change”

Panel 1:

Background Principles – The Normative Framework Underpinning Climate Change Law

Panel 2:

Making Use of the Advisory Opinion on the International and Regional Context

DAY TWO

Panel 3:

Making use of the advisory opinion on the domestic plane

Panel 4:

International Climate Litigation and Implications of Climate Justice in the context of Africa

Panel 5:

Implications of the Climate Change Advisory Opinion on Loss & Damage and Climate Finance

DAY THREE

Panel 6:

Utilizing the Climate Change Advisory Opinion to Strengthen Technology Transfer

Panel 7:

Climate Change Advisory Opinion and International Trade and Investment Law

Plenary Session 3:

Closing and Adoption of Conference Statement

Conference Venue

The Conference will take place over 3 days, at the CIFOR-ICRAF Campus in Nairobi, Kenya. Nairobi is a diplomatic hub with over one hundred Missions accredited to Kenya and the United Nations and serves as the headquarters of the United Nations Environment Programme (UNEP) and UNHABITAT. This makes Nairobi a significant hub for diplomacy and international affairs. The Government of Kenya has also taken an active role in promoting climate justice from an African perspective, and led the adoption of the [Nairobi Declaration on Climate Change and Call to Action](#) during the inaugural Africa Climate Summit (ACS) in September 2023.^{vi} The location will also allow for cross-fertilization among official attendees and invited Kenyan participants.

Language

The language of the conference will be English. If resources allow, French translations of materials are being considered.

Institutional Collaboration

The Conference is being organised by the CIFOR- ICRAF in partnership with the Institute for Climate Change and Adaptation (ICCA) at the University of Nairobi, the Centre for International Law at Queen Mary University of London, the Kenya Foreign Service Academy, the Ministry of Foreign & Diaspora Affairs of Kenya, and Kabarak University Press.

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ⁱIPCC, Sixth Assessment Report 2023, Summary for Policymakers, pp. 20 and 24, statements B.6 and C.1.

ⁱⁱBurkina Faso (both written and oral pleadings), Cameroon (both written and oral pleadings), Comoros (only oral pleadings), Côte d'Ivoire (only oral pleadings), Democratic Republic of the Congo (both written and oral pleadings), Egypt (both written and oral pleadings), The Gambia (both written and oral pleadings), Ghana (both written and oral pleadings), Kenya (both written and oral pleadings), Madagascar (only written pleadings), Malawi (only oral pleadings), Mauritius (only written pleadings), Namibia (both written and oral pleadings), Senegal (only oral pleadings), Seychelles (both written and oral pleadings), Sierra Leone (both written and oral pleadings), South Africa (both written and oral pleadings), Sudan (only oral pleadings) and Zambia (only oral pleadings).

ⁱⁱⁱObligations of States in respect of Climate Change, Advisory Opinion of 23 July 2025, para. 456.

^{iv}The African Union has 55 Member States, including 54 UN Member States and 1 State, Saharawi Arab Democratic Republic (SADR), recognized by the African Union but not yet in the United Nations. Among the 54 United Nations Member States, all but Libya are Parties to the Paris Agreement. Libya signed the Paris Agreement but is yet to ratify it. See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en.

^vSee Written Statements of the African Union, para. 245; Written Statements of Burkina Faso, para. 26; Written Comments of Burkina Faso, para. 28; Written Statements of Egypt, paras. 53, 60 and 67; Written Statements of Kenya, para. 5.38; Written Comments of Kenya, para. 1.9; Written Statements of Madagascar, paras. 63-64, 93-94 and 98; Written Statements of Namibia, paras. 12-13, and 76; Written Comments of Sierra Leone, para. 1.2. See also CR 2024/35, p. 131 title 3 (South Africa); CR 2024/41, p. 30, para. 3 and p. 34, para. 9 (Ghana); CR 2024/43, p. 29, para. 6 (Kenya); CR 2024/44, p. 63, para. 3 (African Union); CR 2024/52, p. 40, para. 14 (Zambia).

^{vi}https://www.afdb.org/sites/default/files/2023/09/08/the_african_leaders_nairobi_declaration_on_climate_change-rev-eng.pdf.

