



ALLIANCE FOR LAND,
INDIGENOUS AND
ENVIRONMENTAL
DEFENDERS

**REPORT OF THE 6TH ANNUAL LAND AND ENVIRONMENTAL DEFENDERS
WORKSHOP HELD AT PRIDE INN PARADISE BEACH
RESORT HOTEL FROM 21ST-23RD JUNE 2022.**

*(“Strengthening Commitments to Protect Land and Environmental Human Rights
Defenders”)*



ACRONYMS.

ALLIED – Alliance for Land Indigenous and Environmental Defenders

ATI – Access to Information Act

CAJ – Commission of Administrative Justice

CBO - Community Based Organization

CDA - Community Development Agreement

CDAC- Community Development Agreement Committees

CJGEA - Center for Justice Governance and Environmental Action

CoK – Constitution of Kenya

COVID-19 – Corona Virus Disease

CRD – Civil Rights Defenders

CSO - Civil Society Organizations

CSO – Civil Society Organizations

CSR - Cooperate Social Responsibility

DDR - Disaster Risk Reduction

DRS - Decreasing Returns to Scale

EHRD - Environmental Human Rights Defenders

HRDs - Human Rights Defenders

HURIA – Human Rights Agenda

KAM- Kenya Association of Manufactures

KDF - Kenya Defense Forces

KWS – Kenya wildlife Service

LED - Land and Environment Defender

MCA - Member of County Assembly

NAP – National Action Plan

NEMA - National Environment Management Authority

NGO - Non-Governmental Organization

OHCHR - UN Office of High Commissioner on Human Rights

PI - Protection International

SG - Secretary General

UK – United Kingdom

UN – United Nations

UNEP – United Nations Environment

UNGPs - United Nations General Procedures

UPR - Universal Periodic Review

URG – Universal Rights Group

ABSTRACT

This workshop marked the 6th Annual Land and Environment Defenders (LED) Workshop since first one was held in 2017. The workshop was held at Pride Inn Paradise Resort from 21st – 23rd of June, 2022. The theme for the workshop was ***“Strengthening commitments to protect land, ocean and environmental human rights defenders”***. The theme resonated with the current situation of LEDs in the country where many have fallen victims to violent reprisal from their aggressors. In recent years there has been a spike in the number of killings of the LEDs especially women LEDs who work on land and the environment. Global Witness documented that on average four environmental human rights defenders were killed every week during 2020 in what was considered the worst year on record for their work protecting the environment including from deforestation and industrial development. In Kenya we have witnessed high profile murders of LEDs with most of the killings remaining unresolved. The spike in the number of killings is just 'the tip of the iceberg' in terms of the vulnerable and perilous situation of LEDs. For every individual killed, many more face a range of other retaliations. This created the need to ensure proper mechanisms are put in place to protect these defenders. The loss of lives of defenders is a clear indication of the insufficiency of current mechanisms and structures to ensure defenders work is safe and it is not used to compromise their rights. The workshop therefore focused on identifying mechanisms for LEDs protection and proposed improvements to existing gaps in the mechanisms. It also identified gaps in environmental incident reporting, developed mechanisms for response and built the capacity of LEDs for risk reduction. On a different aspect workshop as well focused on the role of LEDs and other stakeholders in conservation, protection and rehabilitation of oceans and seas from marine litter and micro plastics. The workshop highlighted the critical work of defenders working on marine litter. Attention was placed on discussing the interlinkages of environmental justice, marine litter and ocean plastics, and tabling of potential solutions to contribute to addressing these injustices. This was timely as it came against the backdrop of the most recent UNEA 5.2 resolution 5/14 titled “End Plastic Pollution” that provides a starting point towards a legally binding treaty to end plastic pollution. The resolutions are perfect entry point for defenders working in marine space to contribute to intergovernmental efforts to end plastic pollution, including ocean plastics. The workshop brought together LEDs, CSOs, and state actors, regional and international organizations that work on land and environmental rights issues, including ocean plastics and marine litter, and the relevant duty bearers. The notable workshop outcomes included a statement of state actors and stakeholders commitments to implement and increased action towards protecting and supporting LEDs; concrete steps in tackling marine litter; and a workshop report with concrete action plans for the year.

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INTRODUCTION.

This year's workshop took place against not only the backdrop of the world desperately trying to emerge from the impact of the deadly pandemic but also the environmental implications from disposal of medical waste. In Kenya, just like the rest of the globe, environmental issues have been neglected as priority is given to economic recovery and thus a reversal on gains made on critical environmental issues such as climate change. LEDs globally continue being criminalized for standing up for their communities land and environmental rights. For instance we have witnessed LEDs facing criminal prosecution and imprisonment for defending environmental rights in their communities. The workshop provided a safe platform for the LEDs and the relevant stakeholders to come together and deliberate on array of issues affecting the work of LEDs.

The 6th annual workshop was organized and convened by the Centre for Justice Governance and Environmental Action (CJGEA) in partnership with the United Nations Office of the High Commissioner for Human Rights (OHCHR), UN Environment (UNEP) and the Alliance for Land, Indigenous and Environmental Defenders (ALLIED) The workshop took place over a four day period at Pride Inn Paradise Hotel from the 21st to 23rd of June, 2022.

The workshop had very interactive sessions with the following key topics leading the three days discussions.

- Addressing marine litter and plastic pollution.
- Discussions around the most recent resolutions by both the HRC (Res. 48/13) and UNEA 5.2 (Res 5/14).
- Protection mechanisms for environmental and land human rights defenders.
- Roles of relevant government agencies in ensuring access to environmental justice.
- Role of the Environment and Lands Court in administering access to effective remedy on land and environmental cases.
- Land and Environmental Defenders (LEDs) interactions with the criminal justice sector and other justice mechanisms (including sharing of good practices)
- Analyzing working environment, risk assessment and action planning for LEDs.
- Sharing support resources, website and app from Kenya and Network of LEDs and what it has accomplished in Kenya.
- Capacity building on how to find support.
- Environment and politics.
- Women and Climate change.
- Business and Human rights.

The above topics were discussed in details, in line with the workshops agenda.

WORKSHOP OBJECTIVES

The workshop objectives comprised of:

- To create a proactive approach of identifying and responding to environmental complaints with a view to fostering peace and increasing protection for land and environment defenders.

- To identify gaps in environmental incident reporting, develop mechanisms for response and build the capacity of LEDs for risk reduction.
- To identify mechanisms for LEDs protection and propose improvements to existing gaps in the mechanisms.
- To strategize on engaging political aspirants and delegates in ensuring human environmental justice.
- To establish the role and commitment of relevant stakeholders such as NEMA and NECC to work with LEDs and to ensure access to environmental justice in the country.
- The role of LEDs and other stakeholders in conservation, protection and rehabilitation of oceans and seas from marine litter and micro plastics.

1.0 DAY ONE

1.1 Opening Remarks and Introductory session.

The meeting was opened by welcoming remarks from CJGEA and OHCHR followed with a brief security assurance speech from the head of security at Pride Inn Paradise Resort.

Peter Komora led the participants in singing the national anthem. The opening speech was then issued by Ms. Claris Ogangah of OHCHR. She commended the participants for attending these workshops with so much dedication, while thanking CJGEA for being steadfast in organizing the workshop over the years and managing to bring LEDs from all over the country as well as the neighboring countries i.e. Uganda and Tanzania. She noted that the government has shown some commitment in taking up cases on environmental matters alongside a lot of other changes and policies that embrace environmental matters. Ms. Phyllis Omido, the Executive Director at CJGEA also gave her welcoming remarks as well, where she noted the milestones that have been achieved since the first annual workshop and reiterated the need for commitment in order to achieve more and better results in the field of defending Human Rights. She used the opportunity to remind participants of the Owino Uhuru case. She also thanked the LEDs on the good and commendable work they were doing despite the challenges and risks they faced in the line of duty.

The introductory session was then taken up by Tom Bicko from CJGEA. He gave chance to the participants to introduce themselves and thereafter pointed out the key areas where the workshop would focus on. He briefly commented on the day's agenda as well as the workshop objectives and the expected outcomes. He mentioned the need to enhance advocacy on matters environmental and human rights protection. He noted that environmental rights are linked to human rights and hence the need to always stand up for and defend those rights. He urged the participants to make full use of the sessions in the agenda so as to impact their personal capacity and that of the organizations they work with.

1.2 Addressing marine litter and plastic pollution.

The first session of the workshop was virtual and facilitated by Griffins Ochieng' from Centre for Environment Justice and Development (CEJAD). He handled the topic on national, regional and

international efforts in addressing marine litter and plastic pollution including policies and frameworks on marine litter and plastic pollution. He also touched briefly on the UNEA resolution 5/14 on “Ending Plastic Pollution.”

He started by giving an overview of the journey towards the global treaty from 2014 all the way to 2019.

1. UNEA 1 (2014) [Resolution](#): 1/6, Marine plastic debris and micro plastics:
 - Agreeing on the global emerging threat of plastics.
2. UNEA (2016) 2 Resolution 2/11 Marine plastic debris and micro plastics:
 - Identifies knowledge gaps, calls for global response considering a product life-cycle approach.
3. UNEA 3 (2017) [Resolution](#): Marine plastic debris and micro plastics:
 - Recognized the inefficient global governance, established expert group.
4. UNEA 4 (2019) - [Resolution](#) on marine plastic litter and micro plastics:
 - Strengthening International coordination and sharing knowledge.
 - Extended mandate of expert group on marine litter and micro plastic.

He went on to give a brief on the ad-hoc open-ended expert group review on marine litter and micro plastics. The first meeting of the expert group was held in Nairobi, Kenya from 29th to 31st May 2018, the second meeting of the expert group was held in Geneva, Switzerland from 3rd to 7th December 2018, the third meeting of the expert group was held in Bangkok, Thailand from 18th to 22nd November 2019, the fourth meeting of the ad hoc open-ended expert group on marine litter and micro plastics (AHEG-4) took place virtually from 9th to 13th November 2020.

He highlighted the key areas of convergence and key differences.

The key areas of convergence included:

- Call for quick negotiation in the lead-up to UNEA-6.
- Specificity on the need for a global legally binding instrument and convening an inter-governmental negotiating committee (INC) to negotiate one.
- Common elements across both resolutions on things like national action plans, cooperation, and technical support, research and innovation, etc.

The key differences included:

Open Mandate vs. Closed Mandate (mandate) –

- The Rwanda-Peru draft resolution (RP) contained an open mandate, whereby the INC may “consider any other aspects that the intergovernmental negotiating committee may consider relevant.”
- The Japan draft resolution (JP) contained different aspects on elements and design, while also containing a closed mandate whereby the INC is not allowed to consider other relevant aspects.

Plastic Pollution vs. Marine Plastic Pollution (scope).

- The RP sought to address plastic pollution in all environments.

- The JP focuses on “marine plastic pollution.”

Lifecycle Approach vs. Downstream Focus (scope)

- The RP resolution promoted a full lifecycle approach with interventions envisioned on production (upstream), product design (midstream), and waste management (downstream).
- The JP referred to the plastics “lifecycle” but included more emphasis on downstream interventions, e.g., monitoring discharge in the marine environment, the goal of reducing additional marine plastic pollution by 2050, and national action plans that by their nature will predominantly contain measures on waste management.
- The JP did not include OP2 (b) on sustainable production and OP2(c) on product design from the Rwanda-Peru resolution.

Strong Institutional Framework vs. Weak Institutional Framework (structure).

- The RP resolution requested consideration of key aspects related to the institutional framework, including a financial mechanism and scientific and socio-economic body to support the implementation of the treaty.
- This was not included in the JP.

He further mentioned that the INC mandated itself to:

- Address the full life cycle of plastic taking into account among others the principles of the Rio declaration on environment and development as well as national circumstances and capabilities.
- Promote sustainable production and consumption of plastics using resource efficiency and circular economy approaches through product design and waste management.
- Develop technical and capacity means of implementation as well as finance mechanisms to support the implementation, including the consideration of a dedicated multilateral fund.
- Consideration of national action plans, scientific and socio-economic information, and assessment and data monitoring and reporting, including means of assessing implementation and effectiveness and addressing compliance.

He ended the session by giving a way forward to the end plastic campaign which starts with the implementation of UNEA-5 resolution on ending plastic pollution.

1.3 Challenges in mitigating plastic waste production and marine dumping.

The first session of the day was done by James Wakibia from Eco-Rethink Organization. He engaged participants on understanding the challenges faced in the mitigation of the plastic waste production and marine dumping. He also gave an in-depth explanation why plastic is a huge problem and some of the reasons included that:

- Plastic is not biodegradable.
- Plastic degrades to tiny and dangerous particles-micro plastics.
- Most plastic is single-use.
- Most plastic is not designed for circularity.

- Only 9% of plastic ever made has been recycled.
- Plastic cannot be recycled to the same product-deteriorates at every recycling stage.
- Plastic disposed in landfills is often burned, releasing harmful gases.
- Plastic contributes to climate change.
- Plastic contains potentially toxic additives.
- Once plastic get into the natural environment it can affect wildlife and marine animal.
- Lack of enough infrastructure to recycle plastics.
- Overdependence on plastic for almost everything.
- Convenience, we want it but don't need it.
- Lack of accountability by plastic producers for their end products.
- Bad solid waste management/insufficient or non-existing.
- Littering culture or just throw away culture- out of sight out of mind.

He stressed on the need to ramp up efforts towards ensuring that the plastic menace is addressed and urged the LEDs to come up with comprehensive action points towards addressing plastic pollution.

He also briefly dwelled on UNEA resolution 5/14 on “Ending Plastic Pollution” and helped the LEDs understand why it was very critical to have a global plastic resolution treaty. He mentioned that a global plastic treaty under UNEA would lead to: Reduced production of single use plastics; better plastic designs; addressing of issues of chemical additives; promotion of real recycling or circular economy; stopping of plastic waste exports to poor countries and; stopping of plastic pollution.

He further highlighted whose responsibility it is to protect the environment against pollution and these were the government, industries and citizens or the consumers. According to him, the government's role in protecting the environment included to implement the 2017 ban on single-use plastic bags, to introduce an extended producer responsibility regulation, to ensure that the extended producer regulation have mandatory DRS, to ban more single-use plastics, to support and promote recycling including waste pickers, to implement law of waste segregation at source, to invest more resources in revamping solid waste management, to conduct nationwide public awareness campaigns against littering and to support international instruments to control plastic pollution. The industries on the other hand had to design plastics with lower environmental impact, use more recycled feedstock in new products/reduce new plastics, work with communities to get rid of plastics already in the environment, establish their own recycling facilities, clearly indicate on the label chemical additives in their products and stop blaming consumers for pollution. The consumers' role included to support government ban on single-use plastics, reduce, where necessary, overdependence on single-use plastic, use the litter bins, participate in clean-up activities and keep recyclable plastics unmixed with other garbage.

At the close of his informative presentation, he explained to the participants which channels to follow in order to access information in case one is rejected during the process of information

acquisition and he urged all the LEDs to be information conscious in order to help them in their work.

1.4 Exploring solutions to marine litter and plastic pollution through sharing of experience on interaction with marine litter and plastics.

This session was handled by Bosco Juma from the Big Ship Organization. He began by giving a short preview of the strategic plan of 2016-2021 of his organization where he stated that they have been working with 60 registered groups with a total of 812 youths who have been trained on business skills and labor market skills. Moreover, it has trained 17 Beach Management Units.

He went on to give an overview of the connection between marine pollution and humans and mentioned that ocean related activities such as tourism and artisanal fisheries support up to 30% of the national economies. On the other hand he said that ninety percent of the global heat comes from global warming. Programs such as [#bringbacktudorcreek](#) which they have undertaken have greatly led to the improvement of the environmental status of the creek. He also went on to add that mangrove trees help in trapping some of the plastic wastes that have been dumped into the ocean. The initiative named *ADOPT A SITE* is one of the success stories that has led to the planting of over 300,000 mangrove seedlings and has restored 80ha of land in partnerships with other organizations. Another initiative is the Resource Collection Initiative which majorly deals with the buying back of plastics, also participates in beach cleanups, capacity building of the community members as well as its team members. He ended his session by acknowledging some of the programs and initiatives that have shown massive improvement such as:

- Integrating Value chain in Sustainable Solid Waste management in Kwale and Mombasa Counties, Kenya Solution Provider: Raymond Obare, Centre for Environmental Justice and Development (CEJAD)
- From Waste to Products: Maximizing impacts of community-based plastic enterprise in Watamu, Kenya Blue carbon credits financing community-based mangrove management,
- **Mikoko Pamoja** Community Organization, Community Marine Conservation.
- The start of the Locally Managed Marine Area movement in Kenya in response to the decline of fish in Kuruwitu, on the North Kenya coast. **Kuruwitu Conservation** and Welfare Association (KCWA)

1.5 Sharing of findings of the study on micro plastics study by CJGEA.

The session was facilitated by Tom Bicko of CJGEA. He introduced the session by stating the involvement of the organization in the study. CJGEA is a member of International Pollutant Elimination Network (IPEN) and have partnered over the years on numerous projects geared towards realizing a toxic free future. IPEN is a network of over 600 non-governmental organizations working in more than 120 countries to reduce and eliminate the harm to human health and the environment from toxic chemicals. In this particular study, CJGEA partnered with IPEN to conduct the project on beach sampling exercise to collect plastic polyethylene pellets and plastic scrap samples that were sent to a lab in the Czech Republic for analysis. The samples were

analyzed to determine one or more additional hazardous chemicals they possess to raise global awareness about hazardous chemicals related to plastics through generation of data on persistent organic pollutants (POPs), plastic pellets and fragments.

He continued by highlighting some of the most frequently asked questions in relation to beach pellets which the participants briefly discussed before he proceeded. The questions included:

- What is the magnitude of the problem associated with beached pellets?
- What is the magnitude of the problem associated with recycled pellets?
- How come toxic chemical additives are used in plastics?
- What are beach pellets?

He went ahead to present the findings of the recycled pellet study results. The recycled pellets were analysed for **Flame Retardants**, **Bisphenol A (BPA)** and **UV Light Stabilizers**. He mentioned that all the above chemicals were present in plastic waste and had associated human health impacts, including disruption to endocrine, immune, and reproductive systems. The study findings showed that there was presence of 18 chemical additives that are found in recycled pellets available on the market around the world. Of the total 18, 12 had confirmed health impacts while information on the remaining six was insufficient to determine their safety.

He further stated that Chemical additives are not removed when plastic material is recycled and turned into pellets, so they end up in recycled pellets – which are then used in a range of new consumer products, such as kitchen utensils, toys and furniture. He informed the audience that chemical additives can also react within the recycling process to generate more toxic substances, such as dioxins.

Uncontrollable use of toxic chemical additives in plastic products makes much of the recycled plastic waste an unacceptable raw material for making new products. This is because new products can cause high levels of exposure to humans and the environment and are especially dangerous for children and other vulnerable groups. Continued use of toxic chemical additives in plastics render most plastics in use today ‘non-circular’.

He then touched briefly on evidence of health and environmental impacts from the toxic chemicals that were found. Polybrominated biphenyl ethers (PBDEs) and hexabromocyclododecane (HBCD) were some of the chemicals found and they are known to disrupt human hormone (endocrine), immune, reproductive, and nervous systems, as well as negatively impacting the IQ of children. Bisphenol (A) (BPA) has multiple health impacts, including on the reproductive, metabolic, immune, and nervous systems.

Lastly he highlighted some of the recommendations from the study which included:

- Establishing routines to prevent the release of plastic pellets during production, transport and storage.
- Stop adding toxic chemicals to plastics products.

- If some additives are essential for specific plastic products, the safety of those additives should be confirmed by a third-party organization; and List plastic ingredients, including additives, on labels and make chemical content of plastics traceable throughout its life and waste stages.
- Implement the same chemical safety rules to materials made with recycled plastics, as to those made from virgin plastics.
- Accelerate the phase-out of ‘groups’ of toxic chemicals, rather than taking a substance-by-substance approach.
- Use regulation to promote safe non-chemical alternatives that support the transition to a circular economy.
- Halt the export of plastic waste containing toxic chemical additives, especially electronics.
- Accelerate the phase-out of ‘groups’ of toxic chemicals, rather than taking a substance-by-substance approach;
- Establish a right-to-know regulation that requires producers to publicly disclose substances and chemical additives used in products;
- Ensure that the Polluter Pays principle is enforced.
- Ensure that companies producing and handling pellets adopt strategies to avoid spills into the environment.

The study also recommended that manufacturers should:

- Redesign products to allow for a toxics-free circular economy, including the phase out of toxic chemical additives, and avoiding use of alternatives that are known or suspected to be toxic.
- List plastic ingredients, including additives, on labels and make chemical content of plastics traceable throughout its life and waste stages.

He ended the presentation by explaining the need for strong international action to control plastic products and waste. Furthermore, the huge volumes of plastics in circulation and generated as waste meant fast action is required to turn the tap off so further pollution is prevented. Once plastics are in the environment, they take centuries to degrade. Once the toxic chemicals in plastics are dispersed into the environment, it is impossible to remove them.

1.6 Briefing on the UN resolution 48/13 on the human right to a clean, healthy and sustainable environment and its significance to the work of LEDs

Briefing on the UN resolution 48/13 on the human right to a clean, healthy and sustainable environment and its significance to the work of LEDs; and Government's commitments on the right to a clean and healthy environment in the UPR was presented by Claris Ogangah from OHCHR.

She introduced the session by educating the LED participants on what human rights are and went ahead to explain that there are nine human rights conventions and treaties. She then proceeded to

touch on each of the treaties and conventions including those that Kenya had ratified. She explained that out of the ten treaties, Kenya had ratified about 7 making them laws to be abided to by the state.

She informed the participation bench that all the charter based human rights worked hand in hand with the Human Rights Council to ensure protection and adherence to these laws.

She took her time to explain and what each meant in the fields of human rights. She mentioned that the charter based rights promotes universal protection, addresses and prevents violations, develops international law, reviews compliance of Member States, respond to emergencies and international forum for dialogue

She also gave a brief overview of the establishment of the human rights council where she mentioned that the Human Rights Council was created on 15th March 2006 by the UN General Assembly in resolution [60/251](#). This mandated the Council to undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States. She continued further on the Universal Periodic Review (UPR), a unique process which involves a periodic review of the human rights records of all 193 UN Member States. This according to her was a significant innovation of the HRC based on equal treatment for all countries. It provided an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. She further mentioned that the UPR process as well provided a level playing ground for all countries and that all member states would be reviewed within every 5years. The review in itself is undertaken by “peers” made up of member states and allows participation of all stakeholders in the review and implementation such as the UN, CSOs and National Human Rights Institutions etc.

Clariss then moved on to explaining the connection between the work of the LEDs and the UPR process. She mentioned that UPR process is a cycle and that it included the right to a clean and healthy environment. Kenya had been reviewed thrice and the 1st cycle took place in 2010 where Singapore gave recommendations that they were encouraged by the enhancement of the policy environment for advancing human rights. The 2nd Cycle came in 2015 where there was no recommendation on environment or climate change. The 3rd cycle was in 2020 where Fiji noted the adoption of the Climate Change Act. They further urged Kenya to ensure that women, especially rural women, are meaningfully engaged in the development and implementation of climate-change and disaster-risk-reduction legislation and policies. According to Clariss, this was the first time we were seeing member states give tangible recommendations with regards to the environment and climate change.

She further mentioned that there was need to develop adaptation programs in the nationally determined contributions that are human rights compliant and take into consideration the needs of vulnerable groups. In conclusion she said that there is need for LEDs to engage the government in

the preparation of the state reports submitted in the UPR, submission of shadow reports and advocacies with member states to give recommendations on the issue of environment and climate change.

1.7 Plenary (Group work discussion on marine litter and plastic pollution and significance of UN resolution 48/13 to LED work. The groups will give feedback on their discussions)

This session was an interactive session where the participants were divided into 4 groups with each group containing at least one CSO representative working on ocean plastics/marine litter. The four groups were then given four similar questions for discussion amongst themselves to ensure that we sought tangible outcomes, commitments and recommendations on engagement in the UNEA resolution/forthcoming plastic treaty process. This session was closely married with the exercise where we worked closely with our videographer to take short snippets from defenders working on ocean plastics/marine litter sharing quotes and feedback to questions that were asked to them in relation to their work, environmental justice impacts of marine litter/ocean plastics, and engagement with the UNEA resolution/forthcoming plastic treaty process. These snippets were then later be stitched together in a short 3 minutes video which was then used for advocacy and awareness-raising.

The questions to the LEDs were as follows:

1. How to strengthen LED network's involvement in the plastics intergovernmental Negotiating Committee process and on the topic of marine litter and plastic pollution in general?
2. What actions can be taken to take these issues forward? (E.g. advocacy, official communications, briefings, litigation etc.)
3. What ideas can be tabled to improve interactions on the topic of marine litter and plastic pollution?
4. What are three priority or key environmental justice issues that affect LEDs directly in terms of environmental justice implications of marine litter and plastic pollution? How should these issues be addressed and by whom?

The plenary session in groups lasted for 40 minutes and thereafter the presentations by the groups proceeded with each group outlining the follow-up actions, concrete action points with responsibilities and timelines. Below is a random summary from the group presentations.

For question 1, the groups noted that there was need for capacity building of LEDs on matters environment; holding of regular workshops to train the LEDs;

creating memos and submitting to the relevant offices e.g. OHCHR; identifying INC membership and its functions; enhancing capacity of LEDs to engage in INC process through dialogues and; having a common position by all LEDs on marine litter and plastic pollution.

For question 2, the different groups noted that in order to take the issues mentioned in question 1 forward, then the following could be done: Frequent monitoring and evaluation; use of advocacy initiatives like evidence based memos, demonstrations, online campaigns and lobbying;

representation of LEDs within INC; and having a sustainable funding source for LEDs to advance their work.

On question 3, the LEDs mentioned that the following ideas could be tabled to improve interactions on the topic of marine litter and plastic pollution: Use of the media to highlight impacts of marine pollution; carrying out of community sensitization programs and creation of awareness on marine pollution; introduction in the school curriculum debates/dialogues on matters concerning the environment; providing more avenues for interactions and discussions on matters concerning plastic pollution; having plastic credit exchange; spearheading of advocacy programs; establishment of a secretariat through which LED network can have views before INC; creating links through which different stakeholders can share experiences; making documentaries that show the work of LEDs; and carrying out digital campaigns plus workshops.

On question 4, the groups suggested that the following were the priority or key environmental justice issues that affected LEDs directly in terms of environmental justice implications of marine litter and plastic pollution: Lack of legal support; security threats and intimidation; lack of resources like funding; and lack of proper policies that ensure protection of LEDs. On how the issues could be addressed and by whom, the LEDs had the following views: Establishing working relationships with independent commissions; strengthening relevant state offices such as KNCHR; develop legal framework on the protection of whistle blowers; conducting frequent physical and digital security management trainings for LED; bottom-up approach from the community to the LED; lack of environmental justice to be addressed by DPP; sensitizing the officers in charge on matters concerning LEDs.

1.8 Evaluation of day One (Feedback from the LEDs on the day's sessions).

James Wakibia, reacted by saying that the newly adopted resolution on plastics may take some time to fully come to implementation or even its effect to be fully felt. Other participants mentioned that the day's sessions were extremely interactive and informative and that they learnt so much especially on the negative effects of climate change. The day's session ended at 4:30p.m and everyone took a break to rest for the next day.

'End of Day One'

2.0 DAY TWO

Day two of the workshop focused on presentations by relevant duty bearers and experts on protection mechanisms by LEDs. The first session began at 8:30 a.m. and this was recap of the previous day that was conducted by Mr. Peter Kiprotich. A few participants were given time to share their takeaways from the previous day's sessions. Hillary noted that he had learnt of how plastics can impact one's health negatively and interfere with the normal functioning of the human system. He shared a short experience he has had with plastic pollution and mentioned that one of

his family members is sick from toxins found in plastics. He urged all the LEDs to stop using plastics and advocate for its complete eradication from the environment.

2.1 Presentation by Witness Protection Agency (WPA).

The next session was the one conducted by WPA. The facilitator was Mr. Robert Karani who dwelled on two topics i.e. Role of the witness protection agency in delivering access to justice safely and; Procedures for admission under the WPA programme.

He began his presentation by explaining the origin of concept of Witness Protection. He expressed that globally, the concept of Witness Protection came into prominence in 1970s in the USA as a legally sanctioned procedure in the efforts of dismantling Mafia Style criminal organizations. Today, witness protection has been adopted in many countries including Australia 1994, China 1994, Colombia (1991), Germany (1980), Italy (1991), South Africa (1996), Kenya (2006), with Kenya being the second country in Africa to adopt the programme.

Some of the international legal framework that govern witness protection he mentioned included:

- U.N. Convention against TOC, Art. 24 that urges state parties to take appropriate measures to protect witnesses.
- U.N. Convention against Corruption, Resolution 58/4 that calls for protection against retaliation or intimidation of witnesses.
- Rome Statute, Art. 68 that provides for protection of witnesses and victims and their participation in criminal proceedings.

Specific Legal Frameworks in the Kenyan context included Witness Protection Act, Cap 79 Laws of Kenya, Witness Protection Regulations, 2011, Witness Protection Rules, 2015, Standard Operating Procedures, Internal Policies. Mr. Karani proceeded to give an overview of the Witness Protection Act that established the Witness Protection Agency that is a State Agency established under section 3A of the Witness Protection Act, (Cap 79 Laws of Kenya). The Witness Protection Regulations for effective and efficient implementation of the Act came into force on 5th August 2011. The Witness Protection Rules which apply to the proceedings in court with respect to protected witnesses came into effect on 23rd November 2015 vide Legal Notice No. 225 of 2015. The Act establishes both the Witness Protection Agency and the Witness Protection Programme to specifically protect the safety and welfare of crucial witnesses and related persons who are threatened, or at risk. The Act also provides for the protection of witnesses in criminal proceedings.

Mr. Karani informed the participants that the agency is established to provide the framework and procedures for giving special protection, on behalf of the state to persons in possession of important information and are facing potential risk or intimidation due to their co-operation with law enforcement agencies. He went ahead and gave some of the functions of WPA that included: Establish and maintain a Witness Protection Programme; determine the criteria for admission to and removal from the Witness Protection Programme; determine the type of Protection Measures to be applied; advise a Government Ministry, Department, Agency or any other person on adoption

of strategies and measures on Witness Protection; and perform such functions as may be necessary for the better carrying out of the purpose of the Act.

Mr. Karani then touched briefly on why a person might need protection. He mentioned that it is a critical component in the administration of criminal justice and ensures that the experience of testifying does not result in further harm, suffering & trauma. He further mentioned that it is a duty of care and that the constitution provides for right of protection to every person. He then added that Witness Protection (WP) ensures that testimony of threatened and intimidated witnesses mainly in high profile cases is well secured e.g. transnational organized crimes and that international and regional cooperation in WP is essential to counter transnational crimes. Finally he said that WP facilitates prosecutions of serious violations of human rights and of international humanitarian law and that a good WPP ends impunity and can improve access to justice and enhance effective investigation/prosecution of crimes.

He then proceeded to talk briefly on some of the core principles of WP that included that participation must be voluntary, WP should not be granted as a reward or incentive to testify and that entry into the WPP is a last resort. He then mentioned the concept of WP and said that it is done through good investigative, prosecutorial, judicial procedures and WPP measures. It requires highly skilled staff and must maintain high level of confidentiality. Some of the good Practice of WP included not discussing the identities of protected persons during investigation of cases, withholding disclosure of evidence pending protection orders and applying for appropriate protection orders. Mr. Karani also talked on the roles of WPA in delivering access to justice safely which included seeking psycho-social support and counselling for vulnerable witnesses protection of threatened and intimidated witnesses in criminal proceedings; continuous sensitization on witness protection; provide advices on adoption of strategies and measures on WP; ensuring pretrial of protected witnesses are done prior to the hearing; application of protection orders to the high court; and application of court protection measures.

Mr. Karani also talked about the procedures for admission into WPP. He mentioned that the procedures are guided by; international best practices, constitution, witness protection Act, witness protection regulations, witness protection rules, standard operating procedures and internal policies. He mentioned that a witness is defined as a person needing protection from a threat or risk on account of being a crucial witness, and; is required to give evidence in a prosecution or inquiry before a court, commission, or tribunal within or outside Kenya. Mr. Karani added that WPP in Kenya work with persons who need protection from a threat or risk on account of being a crucial witnesses. The persons qualifying do so by virtue of being related to a witness, on account of testimony given by a witness or for any other reason the director considers sufficient. Some of the protective actions by WPP include but limited to physical and armed protection, relocation (temporary/permanent), change of identity, any other measure necessary to ensure safety of a protected person. During court proceedings, the witness testimony and cross-examination should take place in camera hearings, through use of pseudonyms, by redaction of identifying information, through use of video link and also through obscuring or distorting identity of the witness.

In conclusion Mr. Karani talked of the summary of procedures for admission to WPP and some of the challenges WPA is facing. The procedures for admission to WPP were as below:

1. Application for protection – self referral /referral by a law enforcement/any other person
2. Acknowledgment of the application
3. Contacting the applicant and conducting an initial risk assessment
4. Conduct a detailed risk assessment
5. Conduct a psychosocial assessment
6. Admission into the WPP/Declination
7. Notification to the applicant or referral authority
8. Signing of Memorandum of Understanding
9. Implementation of the protection measure – relocation, application of the protection order at the high court
10. Court hearing – liaising with relevant agencies to prepare for the testimony of witness including prosecutors, investigations, court
11. Post testimony risk assessment
12. Post testimony psychosocial assessment
13. Discharge from the programme and reintegration

Among the challenges they currently face include inadequate funding, slow pace of trials, lack of appropriate witness protection infrastructures in courts e.g. witness protection boxes and holding rooms, inadequate awareness on witness protection, right to release on bail/bond, media exposure i.e. irresponsible reporting practices that end up exposing vulnerable witnesses by journalists. Mr Karani finished by saying that threats cause witnesses to turn hostile to the course of justice. Protection of witnesses is hence critical in the administration of criminal justice. Also an effective WPP thrives on strict confidentiality and integrity in its operations and that in Kenya, WPP is a manifestation of the State's commitment to witness protection in the administration of criminal justice.

2.2 Presentation by the Environment and Lands Court (ELC)

The next session was about environments and land courts which was tackled by Hon. Justice Oscar A. Angote who is the presiding Judge of the ELC. He discussed the role of the Environment and Lands Court in administering access to effective remedy on land and environmental cases and Shared experiences by the Environment and Lands Court on their work and the challenges encountered.

He began by mentioning that the ELC is one of the two specialized courts with the status of the High Court. It is established under Article. 162 (2) (b) of the Constitution. It is comprised of judges with academic qualifications and experience in environment and land matters. The Judges' tenure is protected to enhance the independence of the ELC. The ELC is headed by an elected Presiding Judge. So far, 36 ELCs have been established countrywide. The ELC does not enjoy exclusive jurisdiction. Article 169 (5) (b) of the CoK prohibits the High Court from dealing with any dispute reserved for the ELC. ELC is bound by the Civil Procedure Act, the Civil Procedure Rules, the Evidence Act and the rules of evidence. The ELC was established 2010 following recommendation by Committee of Experts and was operationalized in 2012 with 15 judges appointed. Currently there are 36 Environment and Land Courts, served by 51 ELC judges.

He further went on to explain that the ELC's mandate which is to determine disputes relating to the environment, and the use, occupation of, and title to land. It has original jurisdiction as well as supervisory and appellate jurisdiction. The ELC Act and the Magistrates Courts' Act was amended in 2016 to allow gazetted magistrates to handle land and environment cases, but they have reported low caseloads and he outlined some of the reasons to be scattered laws across various sectors, enforcement was 'strictly a private affair' (negligence, nuisance etc.) and enforcement of environmental matters was vested in public officials.

He proceeded and gave an overview on the post 2010 Constitution in which he highlighted several articles that support environmental law such as:

- **Article 42** which protects the right to a clean and healthy environment.
- **Article 43** provides for the right to reasonable standards of sanitation; and to clean and safe water in adequate quantities.
- Under **Article 2(5) and (6)**, principles of international law applicable.
- **Article 69** provides for the obligations of the state in respect of the environment.
- **Article 70 (3)** for enforcement of environmental rights, an applicant does not have to demonstrate that any person has incurred loss or suffered injury.
- **Article 22 (2) (b)** – Every person has the right to institute court proceedings to enforce rights in the public interest.

He further stated that despite Kenya having a green constitution, the environmental caseload in ELC was still very low and the reason was due to some of the following factors:

Overlapping jurisdiction: ELC has jurisdiction under Article 42, 69 and 70 of the CoK to hear and determine environmental matters. The High Court, on the other hand, has jurisdiction to hear,

interpret and determine all constitutional issues (Concurrent jurisdiction). The ELC also does not have jurisdiction to hear and determine criminal cases.

The Statute Law (Miscellaneous Amendments) Act No. 12 of 2012, made fundamental changes to the ELC Act: It deleted the position of a Principal Judge and replaced it with the position of a Presiding Judge. It as well provided that the ELC is bound by the Civil Procedure Act, the Civil Procedure Rules and the rules of evidence.

Other factors he mentioned were administrative bureaucracy in court (case backlog and filing fees); lack of capacity and competence on environmental issues by lawyers; lack of public awareness on the ELC's role- seen as a land court; public's apathy towards environmental matters; environmental issues affect the public and it's hard to mobilize people to litigate; lack of public understanding of the right to a clean and healthy environment and other constitutional rights; high court fees and high costs of litigation etc. Justice Angote then highlighted some of the ELC public awareness mechanisms and urged LEDs to make use of the mechanisms which were as below.

- CUCs (Court Users Committees) bring together all stakeholders in the administration of justice.
- CUCs enhance consultative public participation.
- ***Open Court Days*** attract members of the public.
- Advocates offering **pro bono legal services**.
- **NECC** to roll out public *Barazas*.

On the challenges facing the ELC, he gave the reasons below.

- The ELC has a high caseload in land matters, but low caseload in environmental matters.
- The ELC faces the challenge of legitimacy as the legal and appropriate forum to adjudicate environmental matters.
- Jurisdictional challenges i.e. between the ELC and the High Court.
- There are a limited number of ELCs and ELC Judges. This makes justice inaccessible and expensive.
- As it is headed by a Presiding Judge rather than a Principal Judge, the office lacks a distinct budget and adequate support staff. This limits the discharge of its mandate.
- Lack of independence from the High Court.
- Institutional multiplicity on environmental matters.

Justice Angote ended his informative session by giving the following recommending that:

- The geographical presence of the ELC needs to be established in all 47 counties.
- More ELC judges should be employed to increase the number of cases solved.
- A Principal Judge should be in charge of the ELC with an enabling budget and staff.
- There is need to create public awareness on the role of the ELC to build public trust.
- The court should formulate simple rules of procedure/amend its Act.
- Data to be availed to distinguish land and environmental matters.
- Presiding Judges should be in charge of all ELC stations.

- Public awareness should be created on the roles of institutions in environment governance, conservation and enforcement [NET, NEMA, ELC, County Governments & magistrate's courts].
- Regulatory framework to provide guidance on when the magistrates' jurisdiction can be invoked in environmental disputes.
- The judiciary needs to waive court fees in the filing of environmental cases.
- The need to scrap court filing fees.
- The need to have separate environmental case registry and the land registry.

2.3 Role of National Environment Complaints Committee (NECC) in enhancing environmental protection and promoting environmental justice.

The next speaker was Dr. John K. Chumo the secretary to NECC. Dr. Chumo handled topics **on the role of NECC in enhancing environmental protection and promoting environmental justice; capacity building on environmental incident reporting and public complaints; gaps in environmental incident reporting, mechanisms for response to environmental incidents and risk reduction for LEDs in environmental incident reporting.**

He began by giving a brief history of NECC and mentioned that it was established under Sections 31 to 36 of EMCA 1999 (amendment 2015). NECC formerly was known as Public Complaints Committee (PCC), then the name changed to NED, and now, NECC vide EMCA (amendment 2015). Currently there is an amendment to EMCA 2021 which has proposed to change the name to NEO. NECC was Constituted and launched by the then Minister for Environment in August 2001, and started full operations in January 2003. He then proceeded to outline the mandate of NECC which is to investigate:-

- Any allegations or complaints against any person or against the authority in relation to the condition of the environment in Kenya.
- On its own motion, investigate any suspected case of environmental degradation, and to make a report of its findings together with its recommendations thereon to the Cabinet Secretary.
- To prepare and submit to the cabinet secretary, periodic reports of its activities, which reports shall form part of the annual report on the state of the environment under section 9(3)
- Undertake public interest litigation on behalf of the citizens in environmental matters
- To perform such other functions and exercise such powers as may be assigned to it by the cabinet secretary.

Dr. Chumo then gave an elaborate account of the NECC Policies on complaints. He stated that environmental complaints can be made against any person, public or private institutions including against factories and industries, as well as any other organizations that may be degrading the environment through their activities. NECC has the power to require assistance from any person in Kenya in the course of its investigation and failure or refusal to give such assistance is an offence that carries severe penalties. NECC has a nationwide mandate and in the course of its work, NECC

has investigated complaints in all regions of Kenya. A complaint may be made either orally or in writing (by letter or filling in a complaint form). The Committee keeps a register of complaints in which all complaints are entered. NECC, upon receipt of a complaint, then issues a notice to the concerned parties informing them of the intended investigation. The Committee may undertake further investigation on a complaint through site visits, summoning of witnesses, conduct consultative forums, *barazas*, and full hearings and undertake scientific sampling where necessary. Upon conclusion of an investigation the Committee submits its recommendations to the cabinet secretary and copies of the same to the relevant lead agencies for implementation.

He further stated that Public Interest Litigation was the new mandate given to NECC in 2015. The Committee has received and investigated over 4,870 complaints in the last 5 years, proactively initiated and assisted in resolution of environmental complaints from all parts of the country. 128 complaints have gone for public interest litigation. In its investigations, the committee has managed, in some cases to reverse the ill-effects of environmental degradation. The complaints investigated so far border on poor waste management (27%), poor land–use practices (24%), deforestation (20%), water pollution (10%), air pollution (7%), and noise pollution (5%) EIA and licensing (5%) and others (2%).

He went ahead to talk on environmental Justice and defined it as the right to have access to natural resources and not to suffer disproportionately from environmental policies, laws and regulations. He also defined it as the right to environmental information, participation and involvement in decision-making. He explained briefly on **Fair treatment** and meaningful involvement. Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. On the other hand **meaningful involvement** means the Public have an opportunity to participate in making decisions about activities that may affect their environment and/or health. The public's contribution can influence the regulatory agency's decision. Community concerns will be considered in the decision making process and Decision makers will seek out and facilitate the involvement of those potentially affected.

Dr. Chumo stated that NECC promotes environmental justice in the following manner:

- Providing a forum where members of the public can submit complaints on environmental degradation and investigations done in an expeditious manner without charging for this service.
- Issues reports of its findings and recommendations to the stakeholders on the steps to be taken to address environmental complaints where necessary, NECC conducts ADR between parties in a conflict and where necessary, taking such complaints to court through Public Interest Litigation.
- Waste management: Provides advice and recommendations on sound solid waste management strategies that contribute to reduced greenhouse gas emissions for instance NECC recommendations contributed to the ban on import, manufacture and import of single-use plastics in Kenya. NECC interventions contributed to the decommissioning of

the Kibarani dumpsite in Mombasa County and the ongoing upgrade of the Ngong dumpsite into a sanitary landfill. Complaints of poor waste management investigated include: VOK Mombasa, Kachok dumpsite, open burning of medical waste in Baringo county referral hospital and Longisa hospital, Othaya dumpsite in Nyeri, Kipkenyo dumpsite in Uasin Gishu among others.

- Water resource management: Plays an important role in protecting the Kenyan wetlands. NECC has been on the forefront in conserving the Ondiri wetland through tree planting activities as well as highlighting the benefits of the wetland(s) in the World Wetlands Day, 2022. NECC was part of the contributors to the Lake Ol Bollosat Intergrated Management Plan, 2022.
- Air pollution: Air quality is closely linked to the earth's climate and ecosystems globally. Many of the drivers of air pollution (i.e. combustion of fossil fuels) are also sources of greenhouse gas emissions. NECC investigated the operations of several steel mills to ensure conformity with air quality regulations. For example the Endmor Steel mills in Syokimau, Prime Steel mills in Kericho and Palak Steel mills in Kiambu County. NECC has investigated operations of various quarries such as Miharati quarry in Nyandarua County, Nzoia quarry in Kakamega County, Jaribuni quarries in Kilifi County, quarries in Katani, Machakos County, amongst others. Through the intervention of NECC, county governments, such as Mombasa and Kajiado counties have adopted better waste management practices. The Kibarani dumpsites was decommissioned and converted into a recreational area while the Ngong dumpsite is being upgraded into a sanitary landfill. The Kachok dumpsite in Kisumu County was relocated and waste was used to backfill quarries in Mamboleo.

He also went ahead to discuss more on access to environmental integration where he touched on a few points starting with the Rio Declaration, which states that environmental issues are best handled with participation of all concerned citizens at all levels. He mentioned NECC promotes environmental justice through ensuring expeditious investigation of complaints and dissemination of its findings and recommendations to the relevant parties. In closing, he told the participants that more information is available on the NECC website and upon request.

In the second part of his session he highlighted the gaps in environmental incident reporting that included: Poor or lack of knowledge of the relevant environmental and criminal legislation; lack of harmonization of the sectoral environmental laws with EMCA; lack of knowledge of environmental crimes by the police and judiciary; inadequate investigation and prosecution skills among enforcement personnel; poor cooperation and networking skills and opportunities among agencies; poor enhancement of knowledge of international environmental agreements and their domestication/implementation in the country; lack of access to environmental information. He further went on to illustrate the mechanisms for response to environmental incidences that comprised of two components i.e. preparedness and response. Preparedness comprised of political resolve, partner agencies and partnership, legal framework, environmental contingency plans. Response consisted of receiving reports, notifying other parties, providing advice, coordinating responders, facilitating responses necessary, what to do in case an environmental incident occurs,

assessing the situation, notifying the authorities, implementing emergency procedures, cleaning up and contain the spill and taking corrective action.

He also gave Guidance for Response Coordination Mechanisms and how to involve environmental actors in existing response structures that included to:

- Determine how the capacities of environmental actors can be best used during emergency response. Examples: providing environmental fact sheets, conducting environmental impact assessments, providing back-office support on environmental matters, advising on local resources and procurement options.
- Determine and/or establish response mechanisms for environmental emergencies.
- Ensure necessary expertise, capabilities and equipment is available. Ensure that international assistance can be received if needed (see the [Environmental Emergency Guidelines](#) for detailed guidance Link environmental actors to existing disaster coordination mechanisms.
- Include the Ministry of Environment, or equivalent, to enable a coordination structure amongst environmental actors, and assign clear roles as well as responsibilities through dialogue between humanitarian and environmental actors.
- Include an environmental representative in the Emergency Operations Center to ensure a coordination of environmental activities and monitor environmental concerns during emergencies.
- Consider the establishment of an environmental emergency coordination cell in the on-site operations center.

He then stated that for environmental actors, they should proactively engage disaster coordination offices and focal points to offer help and expertise on specific environmental issues during emergencies.

In conclusion he tackled response to environmental incidences which explained as:

- [Disaster Risk reduction](#) Raise awareness of environmental risks and reduce vulnerability to natural and industrial hazards. Integrate the environment into risk-reduction policies and actions.
- [Preparedness and response](#) Countries and communities prepare for crisis, and intervene in the aftermath of crisis to identify acute environmental risks.
- [Recovery](#) Strengthen environmental management and address environmental risks that could have serious social and economic impacts.
- [Country programs](#) Develop tailor-made environmental recovery programs through field-based project offices to support long-term stability and sustainable development in conflict and disaster-affected countries.
- [Nature-based solutions](#) locally appropriate actions that address challenges such as climate change and provide human well-being and bio-diversity benefits by protecting, sustainably managing and restoring ecosystems.

2.4 Presentation by the Kenya National Commission on Human Rights (KNCHR).

This session was facilitated by Brenda Dosio from Kenya National Commission on Human Rights. Brenda is the Coast Regional Coordinator of KNCHR. She focused on the following topics; Mechanisms of engaging/reporting human rights violation incidents to the KNCHR, the role of KNCHR in enhancing access to justice for victims of human rights violations and role of KNCHR in protecting the right to a clean and healthy environment and the right of Human Rights Defenders working on the same.

She commenced her presentation by giving a brief introduction of the origin of KNCHR which she mentioned can be traced back to human rights struggle in Kenya in the early 1990s, where by international and national pressure led the Government to establish a Standing Committee on Human Rights (SCHR) in 1996 through a presidential decree. In 2003, an act of Parliament established the National Human Rights Institution (NHRI) with the mandate of ensuring promotion and protection of human rights in Kenya. The promulgation of the Constitution of Kenya in 2010 reaffirmed the Commission's independence as a National Human Rights Institution (NHRI) established under Article 59(1) as read with Article 59(4). The mandate and functions of the Commission were operationalized through the Kenya National Commission on Human Rights Act, No. 14 of 2011 (revised 2012). The National Commission is accredited by the Global Alliance of National Human Rights Institutions (GANHRI) as an 'A' status NHRI and is fully compliant with The Paris Principles as adopted by the UN Human Rights Commission 1992/54 of 1992 and the UN General Assembly Resolution 48/134 of 1993. The Commission enjoys an affiliate status with the African Commission on Human and Peoples' Rights (ACHPR) since 2004.

Functions of KNCHR

She continued to outline the functions of KNCHR which she mentioned are found in the Constitution and Section 8 of the KNCHR Act. The functions were to:

- Promote respect for human rights and develop a culture of human rights in the Republic.
- Promote the protection and observance of human rights in public and private institutions.
- Monitor, investigate and report on the observance of human rights in all spheres of life in the Republic.
- Receive and investigate complaints about alleged abuses of human rights, except those relating to the violation of the principle of equality and freedom from discriminations under the Gender and Equality Commission, and take steps to secure appropriate redress where human rights have been violated.
- On its own initiative or on the basis of complaints investigate or research a matter in respect of human rights, and make recommendations to improve the functioning of State organs.
- Act as the principal organ of the State in ensuring compliance with obligations under international and regional treaties and conventions relating to human rights except those that relate to the rights of special interest groups protected under the law relating to equality and non-discrimination.
- Formulate, implement and oversee programs intended to raise public awareness of the rights and obligations of a citizen under the Constitution and any other written law.

- Work with the National Gender and Equality Commission and the Commission on Administrative Justice to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration.

Brenda mentioned that generally, the Commission will admit all complaints disclosing violation of any human rights and fundamental freedoms provided for in Chapter 4 of the Constitution, 2010; except for complaints that raise a violation where after analysis of the facts it is established that the violation is grounded on either Discrimination or Maladministration. Further, complaints against state organs, state and private corporations and individuals can be admitted so long as they disclose human rights violations. She continued by discussing briefly on the structure of the commission that consisted of five commissioners at the top and secretariat Headquarter Directorates that worked under the commissioners. The commission has another five regional offices in North Eastern, North Rift Region Office, Coast Regional Office, Western Regional Office and Central Regional Office.

There exist different Categories of Rights admitted at KNCHR and these Brenda mentioned include civil and political rights, ECOSOC rights and group rights. Under civil and political rights we have; access to justice, access to information, freedom from slavery/forced labor, freedom of assembly association, right of arrested persons, freedom of movement, right to fair trial, right to life, Right to personal liberty and freedom of conscience, religion, belief, opinion. ECOSOC rights include child rights, consumer rights, family rights, intellectual property rights, labor rights, right to adequate standard of living, clean and healthy environment, right to education, right to health and right to social security. The group rights consist of general complaints (disability, complaints against professionals such as lawyers, doctors), refugee rights in relation to their human rights and rights to indigenous people and minorities.

The categories of complaints that cannot be admitted by the KNCHR comprised of

- Any matter which is pending before a court of law or a matter that has been decided upon on merit by a court or any other competent tribunal.
- A matter involving the relations or dealings between the Government of Kenya and the Government of a foreign state or international organization.
- A matter relating to the exercise of the prerogative of mercy Section 30(d).
- A matter relating to equality and freedom from discrimination Section 30(e).
- Matters in respect of which there is a right of appeal or other legal remedy.
- Matters that for the time being are under investigation by any other person or commission established under the constitution.
- Complaints raised by refugees especially in relation to request for asylum/relocation, humanitarian assistance/financial requests. Instead KNCHR will refer such matters to the UNHCR and other partner organizations.
- Written complaints that are trivial or frivolous.
- Requests about individual's legal representation from the Commission. In such cases, complainants will be referred to other organizations that offer legal representation services

pro bono or at a low cost. However, the Commission will endeavor to identify complaints that are exception and take them up as public interest cases to court.

A complaint to the commission can be filed by an individual, a person appointed by the complainant, any person authorized by law to act for the complainant, a group of persons however one or more persons can be authorized to complain on behalf of a group, an organization and a member of the National Assembly with the consent of the aggrieved person. The complaint can be filed against a private individual, a private organization or a company, a public officer or institution and the government both devolved and National governments. In her presentation Brenda stressed that all the services for complaints processing by the commission are given free of charge.

She ended her presentation by dwelling on LEDs protection and how it applies to the work of KNCHR. Brenda explained that threats arise from the nature of the work one does. For instance, the 2021 shooting of Joannah Stutchbury who was an environmentalist and 2018 shooting of conservationist Esmond Bradley. She mentioned that LEDs have the right to enjoy all the rights in the Bill of rights from right to life, right to a safe environment, freedom of expression, access to information, right to association, assembly and demonstration, picketing and petition, access to justice. In order to increase protection of LED rights and reduce potential harm against them, she urged the LEDs to collaborate with KNCHR in undertaking fact finding missions, documenting instances of environmental pollution using the indigenous and technical knowledge that they have as well as participate in developing policy briefs, articles and advisory to the state and other institutional actors e.g. investors. The joint materials would play an important role in creation of awareness on the work of LEDs thereby increasing their legitimacy and potentially reducing the security risks and threats against them.

3.0 DAY THREE

Day three of the workshop focused on LED interactions with the criminal justice sector and other justice mechanisms including sharing of good practises. The first session was the recap of the previous day that allowed the participants to share briefly what they had learnt the previous day. Mr. Kiplimo expressed that as a first timer attending the LED workshop, he was impressed by the topics that were incorporated in the agenda especially for the previous day. He was very enlightened by the presentation on ELC that was done by Justice Angote. Two other participants gave their views as well after which we went into the day's session.

3.1 Legal framework and response by the criminal justice system to the work of EHRDs and LEDs.

The first session was facilitated by Emily Kinama from Katiba Institute. She dwelled on the legal framework and response by the criminal justice system to the work of EHRDs and LEDs.

Her presentation began with a short video from [YouTube](#) where activists were protesting what they termed as greed by the Kenyan parliamentarians to award themselves hefty salaries and allowances while the citizens were languishing in poverty. The video formed the basis of her presentation as she wanted to demonstrate how the police use excessive force to bar people from exercising their constitutional rights and what legal frameworks exist for LEDs to challenge such actions of impunity.

Under the legal framework she focused on two categories that is the constitution, legislation and international law. She mentioned that the constitution of Kenya 2010 provided for the freedom of expression (Demonstrations) Article 36, Land rights Article 40, 62, 63, Environment (Environmental conservation) Article 42, 69, 70, Rights of arrested persons Article 49, Right to fair trial Article 50, The right, peacefully and unarmed, to assemble, to picket and to present petitions to public authority Article 37. Under the legislation she mentioned we have criminal procedure code, evidence act and laws in relation to different issues on land and the environment.

She expounded on the criminal procedure code and mentioned that a criminal case mostly begins with a complaint at the police station, an order by a person in charge of the police station, an order of the court (Section 89 Criminal Procedure Code (CPC), an order by the DPP followed by an arrest of the accused and according to Section 34 of the CPC, a private person can also conduct a citizen's arrest. In giving the example of the activists who were arrested during the demonstration at parliament and wrongfully charged she illustrated the violations of their rights by referring to High Court decision of Humphrey Kariuki (May 2022) where Justice Anthony Mrima said that any charge sheet not prepared and signed by lawful prosecutors will be quashed by a court of law henceforth. The honorable judge further stated that save for the Charge Sheets prepared and signed by the lawful prosecutors (being either the Director of Public Prosecutions or such other persons exercising the delegated powers of the Director of Public Prosecutions under Article 157(9) of the Constitution or the entities conferred with powers of prosecution pursuant to Article 157(12) of the Constitution), no Court in Kenya shall forthwith accept, register and in any manner whatsoever

deal with any charge sheets not prepared and signed by any of the lawful prosecutors. The judge made it clear that National Police Service, the Ethics and Anti-Corruption Commission, the Kenya National Commission on Human Rights, the Commission on Administration Justice, the Kenya Revenue Authority, the Anti-Counterfeit Agency or any other government entity mandated with criminal investigation role under any written law, **cannot draft, sign and/or present** any Charge Sheets in any criminal prosecution. The police did not therefore have the authority to charge the arrested persons as it was against policy.

She continued her presentation by stating the rights of an arrested person under article 49 of the constitution since the arrested activists for the LEDs to learn since the rights of the arrested activists were denied. They included:

- The right to be informed promptly, in language that the person understands, of
- The reason for the arrest.
- The right to remain silent and the consequences of not remaining silent.
- To communicate with an advocate, and other persons whose assistance is necessary.
- Not to be compelled to make any confession or admission that could be used in evidence against the person.
- To be held separately from persons who are serving a sentence.
- To be brought before a court as soon as reasonably possible, but no later than twenty four hours after being arrested; if the twenty four hours ends outside ordinary court hours, or on a day that is not an ordinary court day, the end of the next court day.
- At the first court appearance, to be charged or informed of the reason for the detention continuing, or to be released.
- To be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.
- A person shall not be remanded in custody for an offence if the offence is punishable by a fine only or by imprisonment for not more than six months.
- Right to fair hearing.

She then touched on bails for arrested persons and explained that bail refers to the release from custody, pending a criminal trial, of an accused person on the promise that the money will be paid if he or she absconds. This right is under article 49 (1) and the discretion to issue bail lies solely with the court. There are various types of bails such as bail pending trial, bail pending appeal anticipatory bail. Denial of a bail involves depriving an accused person of liberty who if subsequently not found guilty or, even if convicted, is given a non-custodial sentence. She added that considerations on whether to grant bail are as follows:

- the nature of the charges;

- strength of evidence supporting the charge;
- gravity of punishment if the accused is convicted;
- probability of guilt;
- previous criminal record of the accused;
- the accused will fail to turn up for trial or surrender to custody;
- the necessity to procure medical or social report pending final disposal of the case;
- the accused will obstruct the cause of justice by intimidating witnesses and destroying evidence; and
- The accused will commit or be charged similar offences.

Lastly she dwelled on the possible challenges that LEDs are likely to face when arrested including moving them to different police stations; inquests where there are deaths failure of police to investigate especially where state machinery is involved trumped up charges e.g. inclusion of CVE issues; miscellaneous applications by police; enforced disappearance and lastly tax issues. Some of the opportunities she mentioned are available for assistance of LEDs are:

- Formation of working group for the defence of environment and land defenders.
- Coordinated funding that allows LEDs to know where they can access funding.
- Training of lawyers countrywide to represent environment and land defenders.
- Tracking of developments in laws that criminalize actions of environmental and land defenders.
- Challenging oppressive laws which out rightly criminalize environment and land defenders.

3.2 Analyzing working environment, risk assessment and action planning for LEDs.

Mercy Chepng'eno from Protection International (PI) facilitated the session on analyzing working environment, risk assessment and action planning for LEDs.

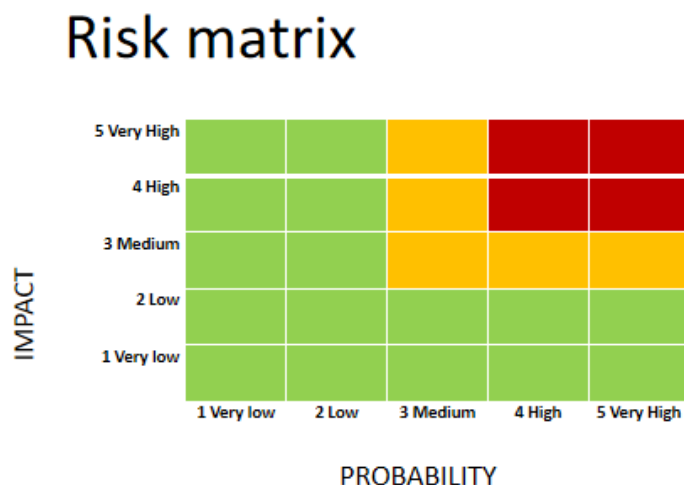
She began her presentation by educating the participants that risk is determined by **threat multiplied by vulnerability against the capacity of one to address the risks and vulnerabilities.**

She proceeded to define the following terms:

Risk as the possibility of an event occurring that results in harm or damage. **Threat** as a declaration or indication of an intention to inflict damage or harm (external factors). **Vulnerabilities** as factors that increase the likelihood of harm occurring, and or increase the impact of harm (internal factors). **Capacities** as resources/abilities that improve security.

In order to engage the participants in her presentation, she demonstrated in real life the risk assessment components where she gave an example using a story of a man who had received threats and he worked near a bus station and used to leave work at the same time every day. He could pass by a friend's shop on a daily basis then go home at night. There were frequent blackouts in the place despite the fact that the house was fenced. Mercy painted a picture where the man was at risk and how he could mitigate some of the risks he was facing. She mentioned increased political fronts and support networks as one's capacities to counter such risks.

She explained the vulnerability risk matrix using a figure in which the green, yellow and red zones were used to indicate from the least to the highest risk levels in that order.



Mercy went ahead to inform the participants on how to develop a security plan while focusing on personal security management. She still used the illustrated story to help the participants discern and be able to understand what the risks to mitigate are, the related vulnerabilities, personal security measures that one can take and within what time frame.

She concluded by explaining context analysis where she said that in order to achieve analysis of actors, there was needed to focus on:

- The aims and interests of the different actors
- Actors strategies in relation to protection or aggression of a LED
- Capacity to attack or protect LEDs
- Actors willingness to attack or protect HRDs

She reminded the LEDs that PI was a safe haven for LEDs and that they are always ready to offer security and security tips to threaten LEDs.

3.3 Experience sharing by HRDS and their interactions with the criminal justice system.

This session had two criminalized defenders who shared their experiences on interacting with the criminal justice system. For purposes of security we have anonymized the defenders and only highlighted briefly what they dealt with.

The first one indicated that her troubles were as a result of an industry that was recycling oil in her community and seriously polluting their environment with a population of 1500 individuals. She stated that the industry has been in operations since 2020 and has been licensed to operate without following due process in line with the Environmental Management and Coordination Act (EMCA) 2019. The industry is as well operating against the will of the people as the industrial development was not subjected to public participation. Toxic gases and a pungent smell produced from the operation continue to endanger human life as well as livestock health and agriculture. Some of the

chemicals used in the industry include sulphuric acid which is a highly corrosive chemical, potentially explosive in concentrated form and causes severe skin burns among other bodily harms. Spilled oil tend to accumulate in the environment causing soil pollution, bearing in mind that this spilled oil is passing through people's farms. She mentioned that the EIA report was not shared with the community and this was in contravention of the law.

When she and other 15 of the community formed a movement to champion for their environmental rights through engagement of relevant government agencies and institution of a public petition, they were met with serious retaliation. She mentioned that the management of the industry in conspiracy with the officers of the law embarked on a series of harassments and intimidations that resulted in arrests and trumped-up charges targeting a section of the residents and in particular families who were seen to be championing for the community rights. The defender said that until now she lives in fear and has continued receiving threats to her life and that of her family which has seen her relocate from the area from time to time. She hopes to find a long lasting solution to their issue and that the threats towards her and the other members of the movement shall end.

The second defender is a champion for the rights of nature and wildlife. She shared an experience of how her fight for marine life in her area has seen her rub shoulders with very powerful individuals in the fish industry and state officers. From the trawling activities in the ocean, fish were being exposed to near extinction by the tycoon trawlers who practiced wanton fishing without following the fishing laws. The locals in turn suffered the consequences since they ended up lacking even their daily food. She shared how she had been harassed and warned by the authorities against voicing for the rights of the marine life and environment since she was viewed as a nuisance getting in the way of profits and money making for the trawlers who had great influence within government cycles. She mentioned that she has not fallen short of challenges as she has had some of her honorary accolades withdrawn and her memorandum of understanding with one of the state agencies terminated due to her activism. She is also facing multiple criminal cases for her activism and says it has become extremely expensive. She mentioned that she has been on the verge of giving up but always comes back energized for the course. Hers has been a story of hope, bravery and resilience. She wound up by saying that the fight was real and encouraged all the LEDs to never give up.

3.4 Sharing support resources, website and app from Kenya and Network of LEDs and what it has accomplished in Kenya.

Tom Bicko from CJGEA facilitated this session. He handled topic on the emergency and non-emergency support resources available for LEDs in Kenya, Environmental Rights.org website, the Kenyan Support Resource Phonebook and APP; also the details on Kenyan Network of LEDs. He began by posing a few questions to two the defenders where he asked if they had ever been faced with a situation where they required support. One of the participants gave a scenario where he was really in need of support when he was taken to police custody. Fortunately he had already shared the matter online through his social media and he was able to get support from organisations and friends and was later released. Another mentioned that had gotten threats and even had to be taken

to witness protection and had to relocate for some time until it was safe for her to get back to normalcy. Tom then proceeded to interrogate the two participants where the support came from and they noted that it came from the partners/people they work with closely.

Tom gave the examples of the categories of emergency and non-emergency supports which were: Temporary relocation, legal support/assistance, urgent appeals, family financial assistance (upkeep), monitoring missions, medical assistance e.g. psychosocial counseling etc., capacity building and technical assistance, financial support for immediate protection, emergency grants for at risk defenders, advocacy - emergency and non-emergency, fellowships, physical and digital security, grants and financial aid, humanitarian aid, information gathering and reporting, investigation and networking.

He shared a website known as <https://environment-rights.org/> which was defined as a collaborative resource portal for environmental human rights defenders. It's designed as a 'living' platform and, as such, it's constantly updated and expanded. He also talked about the Phonebook that was developed by Alliance for Land, Indigenous and Environmental Defenders (ALLIED) as a tool for consultation. The Phonebook is available to anyone who wishes to consult it, regardless of their location. He mentioned that the phonebook contained different categories of emergency and non-emergency support resources that are available for LEDs. He further stated that under each category, there were support organizations that offered the listed support and that the resource made it easier for LEDs to find support as the information was all consolidated in one place. He gave a practical illustration of how to use the phonebook under the environment-rights.org website. He mentioned that there was an app developed for the phonebook that could be accessed offline and that even defenders in remote areas where there is no proper internet connectivity would use it. He further guided the defenders on how to download and install the app and encouraged them to disseminate information widely on the existence of the web resource for LEDs and the phonebook so that more defenders could benefit from it.

He ended his presentation by sharing briefly on the Kenyan Network of LEDs that was formed in 2017 and was hosted by CJGEA. He mentioned that the network had significantly grown over the years and enjoyed representation and membership from all the 47 counties of Kenya. He informed the Ugandan and Tanzanian defenders attending the meeting that the network had started the process of having the entity exist independently and that the first step was the election of the officials that happened on the second day of the workshop. All the LEDs in attendance had the opportunity to participate in electing the leaders of the network that would now be called Environment Rights Organization (EROG) in a free, competitive, credible and fair process. The elected officials painted a picture of equal representation both in the gender perspective and the marginalized community's perspective. He encouraged defenders from the neighboring countries to also organize themselves into groups as it was much easier to advocate for environmental and land issues as a team than in isolation. The registration of the network also he mentioned will offer legitimacy to the work of LEDs and hence reduce the risks that they face as well as help increase the visibility of their work and build their profiles.

3.5 Leveraging and securing commitments from the political class on environmental protection and access to environmental justice.

The next speaker was Mary Eunice Njau from the office of the state counsel who tackled a topic that focused on environment and politics. She commenced her presentation by pointing out the need to focus on environmental protection and her reasons were simple and they were that we only had one earth to live in, one motherland - Kenya, Africa and that if we failed to take serious measures, then air pollution, land injustice, poor solid waste management, marine litter, deforestation etc. might erode and corrode our mother land.

She revealed that Air pollution kills an estimated seven million people worldwide every year. Air pollution levels remain dangerously high in many parts of the world. New data from WHO shows that 9 out of 10 people breathe air containing high levels of pollutants. Updated estimations reveal an alarming death toll of 7 million people every year caused by ambient (outdoor) and household air pollution. In Kenya alone, she mentioned nearly 22 million people lack access to improved sanitation while 15 million lack access to safe water. She continued to state that it was very critical that we secure commitments toward environmental protection as we had existing legal frameworks to rely on as well as the institutions in place. The Constitution of Kenya 2010, Environmental Policy 2013/2014, Environmental Management and Coordination Act provided for the protection of the environment, environmental audits, restoration orders and environmental tribunal. The Environment and Land Court on the other hand provided for the enforcement of environmental rights and was a wonderful avenue to access environmental justice

She moved on and expressed that we have donate power to certain individuals to represent our interests and therefore we have an obligation to hold the duty bearers accountable. She gave an overview of understanding the powers of the constitutional rights to clean and healthy environment under the constitution of Kenya. She also gave an overview of the principles of land policy in Kenya. She proceeded to give an insightful view of the mandates of the political class under the constitution both the county and national government. She stressed especially on the responsibility by the state to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits.

On securing commitments from the political class on the environment, Mercy stated that political class may comprise of individuals, Members of Parliament, senators or governors etc. She mentioned that:

- A pool of LED organizations needed to revolutionize political issues by being vocal towards conducting an aggressive environmental protection awareness among the voters.
- The LED movement needs to aggressively mobilize and advertise for election of an environmentally conscious politician and if possible partner with the media on this campaign.
- The LEDs should as well organize debates to profile environmental conscious of political aspirants.

- The LED community should create a fund strategic investments in the campaign process of environmental conscious candidates with a bond.
- The LEDs should document the milestones and track record of politicians on the environment agenda and be releasing the reports during auspicious events like county environmental functions etc.
- The LEDs should have networks at the grassroots that work to demand for pollution-free communities, sound solid waste management, end of marine litter etc.
- LEDs can also secure commitment through demonstrating financial benefits/opportunities for the political class on investing in environmental conservation projects.
- LEDs should negotiate and agree on terms of private public partnership for the establishment of recycling plants within the county.
- There is also the need to increase education to bridge the knowledge gap on existing legal provision and formulation of laws at the county level to ensure proper implementation and enforcement.

She ended by mentioning that it is extremely important to continue reminding the political class that they are constitutionally bound to protect the environment at all times and that the Republic of Kenya has already committed to environmental protection and conservation. The state is therefore bound to ensure environmental conservation and access to Justice under Article 48, through the state officers who hold public trust; and there exists an avenue for redress of environmental related disputes under Article 70 of Constitution and other Enabling Acts. Every individual has a Constitutional duty to protect the environment, the political class similarly have an individual duty and representative duty to commit to contributing to the nationally determined objectives of environmental conservation.

3.6 Non-emergency support to the work of LEDs

The session was done by Jane Nzomo of Thomson Reuters Foundation/Trustlaw and she tackled the topic on non-emergency support to the work of LEDs. In introducing her organization, she said that they are registered as an independent charity organisation both in England and the United States. The organization leverages on the expertise, reach and reputation to run free programs that inform, connect and empower people to drive socio-economic progress around the world. Their main focus is the media, inclusive economy and human rights, the organizations core services entail of news coverage, media development, pro bono legal assistance and convening authority.

They focus on helping NGOs and social enterprises identify and articulate their needs and receive excellent legal support to strengthen their operations, sustainability and improve business decisions. They also help in undertaking powerful advocacy such as human rights, women rights, modern slavery, climate change, refugee rights. She went ahead to state the legal issues that they cannot support which are:

- Advocacy on behalf of organizations or individuals.
- Requests for pro bono assistance on behalf of a third party.
- Litigation, disputes and disagreements.

- Visa applications or advice related to work permits/visas for employees.
- Administrative or tax issues that are unrelated to a legal issue/question.
- Urgent assistance. There is a minimum one week waiting period before we can connect you to a lawyer.
- Translations of documents.

She also gave an overview on how organisations can seek legal help through their organisation's online portal. She urged the LEDs to seek to work together with them so that they could offer the legal support services that they had pro bono.

3.7 Women and climate change.

Grace Oloo from Ujamaa Center led the session on women and climate change. She talked about nexus between women and climate change and role of women in combating climate change. She kicked off by noting that climate change, demographic of water, food, energy, global health, and women empowerment were intertwined in one way or another. The objectives of her presentation were women relations to climate change; day to day manifestations of climate change effects on women; opportunities for mitigation and adaptation; and call to Action.

She continued by illustrating how climate change can affect everyone. She said that the World Bank estimated that more than 143 million people could be displaced by 2050 due to the impacts of climate change and most of them will be women and children. Further, an estimated 22 million Kenyans lack access to clean and safe water where 5 million people currently are in need of food assistance due to prolonged drought. She explained that 60% of Kenyan farmers are women practicing subsistence farming. She further stated that even though we had made progress in land ownership, there were still teething problems that required our attention to improve access, use and ownership of land as an incentive in climate entrepreneurship.

She proceeded to highlight some of the impacts of climate change on women. They included that:

- Climate disasters have been shown to increase gender-based violence (GBV), including sexual harassment and violence, domestic violence, child marriage, sexual exploitation of children, and human trafficking.
- Climate change and environmental disasters increase poverty and erode gains made towards sustainable development.
- Women experience energy poverty from use of wood and charcoal for cooking which have adverse health problems.
- According to study done by Red Cross in 2021, there were more people displaced as a result of the climate change than from conflict; terming it as a national concern. This means that more women require humanitarian aid every day.

Grace also highlighted on some of the replicable solutions that are nature based which comprised of:

- Up skilling in agro-forestry and climate smart agriculture. Training women on such skills can lead to climatic changes since most women are the ones found in the homestead.

- Embracing climate resilient seeds and creating community seed banks, educating women who mostly rely on farming on the knowhow of the best seeds that are climatic resilient.
- Women in tree nursery micro enterprises and tree planting
- Women fish mongers embracing sea weeds business and cage farms
- Mangroves honey collected and packed by women groups
- *Jiko Okoa*, solar energy for household needs, this will help in reduction of charcoal use and increase in environmental friendly means;
- Grassroots Women building agencies through women groups, for example Sacco's.

On further discussion she made an overview of the cross-cutting issues in promoting climate resilience such as through addressing universal health care with focus on population, health and environment; prioritizing girl child education support system as a way of cushioning her from the effects of climate related disasters; ensuring that there's decent work for all in the sectors of agriculture, fishing, mining and extractives, energy sector and even climate entrepreneurship; and incentivizing greener economy to attract investors.

On her call to action she went through the commission status of women (CSW66) that called for the use of strong language on the impacts of climate change, environmental degradation and disasters on women and girls, including indigenous women and women with disabilities. It also called for the integration of a gender perspective in design, funding, implementation, M&E of all policies and programs on climate change mitigation, adaptation and resilience as well as Disaster Risk Reduction (DRR). CSW99 also called for commitment for increased gender-responsive investment in climate change, environmental and DRR policies and programs by scaling up technology transfer, capacity-building and the mobilization of financial resources from all sources.

She recommended there should be an increase in women representation and participation in climate governance decision-making tables. There should also be improved coordination of reporting mechanism from grassroots initiatives to government positions in international platforms that will bring about change. Also by having an increase in the funding for women economic empowerment especially alternative livelihood for women affected by climate disasters. Climate communication should also be taken into account as well as local languages and realities. Lastly she mentioned that there should be enhancement of women's economic and social power to make energy choices alongside investing in more research to support evidence based planning with gender disaggregated data.

3.8 Workshop Resolutions:

The following resolutions were come up with during the 6Th Annual LED Workshop.

1. Register the network of LEDs EROG by the next annual workshop.
2. All LEDs to engage robustly with the UN systems in their work At least each LED should have participated in a UN form by next annual Workshop.
3. To work vibrantly with the ELC on matters concerning environmental protection with emphasis given on the effectiveness of the judiciary to address environmental matters.

4. The network elected committee members to produce materials e.g. brochures on the work of the network, how it has grown, its achievements and remaining needs.
5. The LEDs to actively take part in the INC process to contribute towards a global treaty on ending plastic pollution.

3.9 Closing keynote speech and presentation of certificates.

After evaluation of the day's events and the members acknowledging that day three of the workshop was a success and full of new learning experiences, the 6th Annual LED workshop came to a close. The closing remark was given by Madam Claris of OHCHR and Angela of UNEP both thanked everyone for their cooperation, commitment and solidarity they put in defending land and environmental rights. They gave special thanks to CJGEA, UNEP and OHCHR for making it possible for the convening to happen. They also appreciated all participants who attended the workshop and ensured a successful event they for honoring the invitation to attend the workshop despite having other commitments to attend to. Claris urged all the participants to keep on the fight while applying all that they had learnt and never forgetting that their safety becomes first even as they defend land and the environment.

Finally the certificates were presented to the participants with the help of Md. Claris of OHCHR, Angela of UNEP and Ms. Phyllis of CJGEA. The meeting ended at 5:02p.m with the singing national anthem which was led by Alfred Sigo.



PICTORIALS



