



Center For Justice Governance And Environmental Action



**Annual General Report
2020-2021.**

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ACRONYMS

CAJ – Commission of Administrative Justice

CBO - Community Based Organization

CECs - County Environmental Committees

CJGEA – center for Justice Governance and Environmental Action

CoG - Council of Governors

COVID-19 – Corona Virus Disease

CS – Cabinet Secretary

DD Coalition – Defend Defenders Coalition Kenya.

EIA – Environmental Impact Assessment

EMCA – Environmental Management and Coordination Act

HRDs - Human Rights Defenders

HURIA – Human Rights Agenda

LED - Land and Environment Defender

LEDs - Environmental Human Rights Defenders

M&E – Monitoring and Evaluation

MoH – Ministry of Health

NEMA - National Environment Management Authority

NGO - Non-Governmental Organization

OHCHR - UN Office of High Commissioner on Human Rights

UN – United Nations

UNEP – United Nations Environment

FOREWORD

MESSAGE FROM EXECUTIVE DIRECTOR



Over the last decade, CJGEA has established itself as an organization committed to ensuring environmental protection, environmental justice for marginalized and neglected communities and proper environmental governance in Kenya. CJGEA has created a name for herself both internationally and locally by working closely with the grassroots communities in advocating for their environmental human rights. The organization has worked with multiple stakeholders: governmental bodies, media, private sector, international and national NGOs and multilateral organizations to create a platform and an understanding towards the numerous environmental human rights violations suffered by these marginalized and voiceless societies.

In this ending financial year, CJGEA managed to expand her work to cover the whole country and currently boasts of representation and membership in the 47 counties of Kenya. This has mainly been achieved through the formation of a National Network of Environmental Human Rights Defenders (EHRDs) that aimed at bringing together EHRDS from all over the country to exist/operate under one umbrella in order to effectively advocate for land and environmental rights as a united front. EHRDs play a vital role in protecting earth's environment but more often than not, the work they do is often associated with violation of their human rights including lack of access to information, citizen participation and lack of access to effective remedy. By bringing EHRDs from all over the country together, CJGEA is aiming at protecting this group of defenders who have faced open hostility such as criminalization, unlawful arrests, red-tagging, imprisonment, fabrication of charges, death threats, murder etc. There is strength in numbers and working together as a group assures a sense of security than working in isolation.

The onset of the COVID-19 pandemic greatly affected the work of many civil society organizations globally and CJGEA was not invulnerable to this virus. We had to close down our offices due to the pandemic so as not to expose the staff to the virus which really affected the organization's projects. As the world continues to adjust to this pandemic, CJGEA urges everyone to remain strong and sympathizes with those who have been affected in one way or the other.

Where there is despair, we must keep hope. Despite the pandemic derailing our operations, we still had a chance to celebrate. CJGEA recorded landmark win on behalf of the Owino Uhuru Community in the Environmental Class Action Suit that was filed in 2016 with the delivery of the judgement 4years later in 2020. CJGEA litigation suit is a critical component of the environmental

justice framework for Kenya as a country and it has set a precedent globally for similar cases to be remedied through the judiciary.

Despite all the achievements CJGEA has accomplished, we still acknowledges that there still exists huge gaps between the environment and human rights. Without sustainable environmental protection and management, there can never be full enjoyment of human rights as the two are inseparably linked. Moving forward, CJGEA will continue to work closely with all stakeholders especially the EHRDs, grassroots communities and environmental rights movements to ensure that a sustainable environment is realized for the current and future generations.

Ms. Phyllis Omido
Executive Director,
Center for Justice Governance and Environmental Action.

ACKNOWLEDGEMENT

I would like to extend my sincere gratitude to CJGEA staff and the board who played a very critical role in the development of this annual report.

Special thanks goes to our partners, donors, Network of Environmental Human Rights Defenders, our communities, CJGEA staff and Board and all our supporters both locally and internationally. I am forever grateful to you for all your immense contribution towards the organization's success.

To all of you we say thank you!

Phyllis Omido
Founder CJGEA.

1.0 INTRODUCTION

Center for Justice Governance and Environmental Action-Kenya is the 2015 Africa Recipient of the Goldman Environmental prize dubbed “The Green Nobel” under Miss Phyllis Omido. Our focus is to apply a human rights based approach to environmental protection of marginalized communities affected by the extractive industries and toxic sites in Kenya, drawing synergies of awareness on climate change mitigation and carbon Emissions.

Founded in 2009, the organization was established to address environmental issues facing settlements near toxic sites and extractive industries along the coastal belt of Kenya. CJGEA is an environmental and human rights civil society organization registered in Kilifi County, Kenya that works towards the realization of human and environmental rights of the economically marginalized and ignored communities in the coastal region of Kenya.

CJGEA has been able to penetrate and scrutinize the environmental governance systems necessitating the urgent need to develop advocacy strategies towards addressing the growing linkages between the environment and human rights. CJGEA, therefore, incorporates policy change and environmental governance advocacy into its core work.

Our Vision

In the next decade to have molded a generation that understands, respects and integrates human rights with the environment.

Our mission

Mainstreaming human rights-based approach towards environmental protection of the marginalized and ignored communities found around extractive industries.

Actions for realization of mission statement

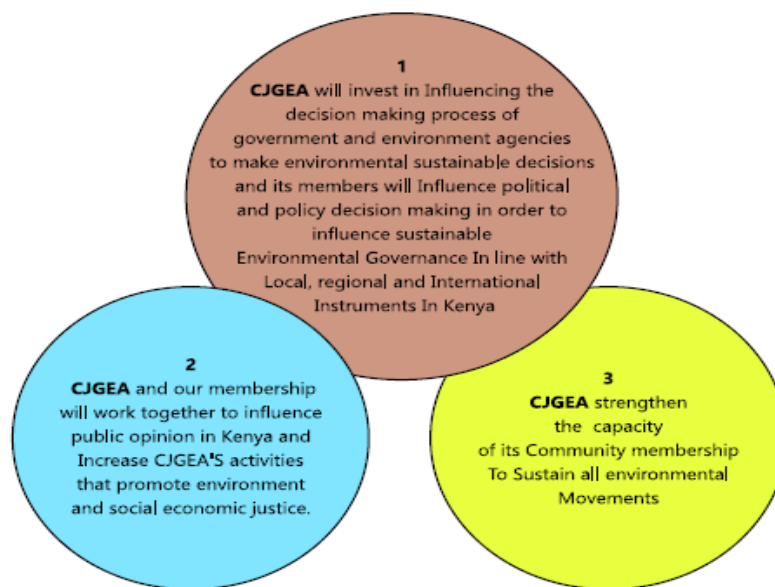
- ✓ Supporting and creating space for its communities in their course of action to challenge the responsibility of the state and non- state actors towards environment protection and access to socio-economic rights to eradicate poverty, injustice and inequality that affect communities around extractive Industries.
- ✓ Building capacities and awareness of community issues by organizing public picketing and media campaigns; and educating communities on local and international instruments available for advocacy e.g. through the dissemination of information, publications, media work, campaigns and organizing events, etc.

- ✓ Participation in International networks by supporting communities to do so thus influencing political decision-making that affects the creation of better policies and decision -making on environmental issues.

Core Values

- Respect for the Environment
- Respect for Human rights
- Activism and service through volunteerism
- Commitment to justice, equality and rule of law for all
- Solidarity with the poor and the pro-poor individuals and the agencies.

Strategic Objectives

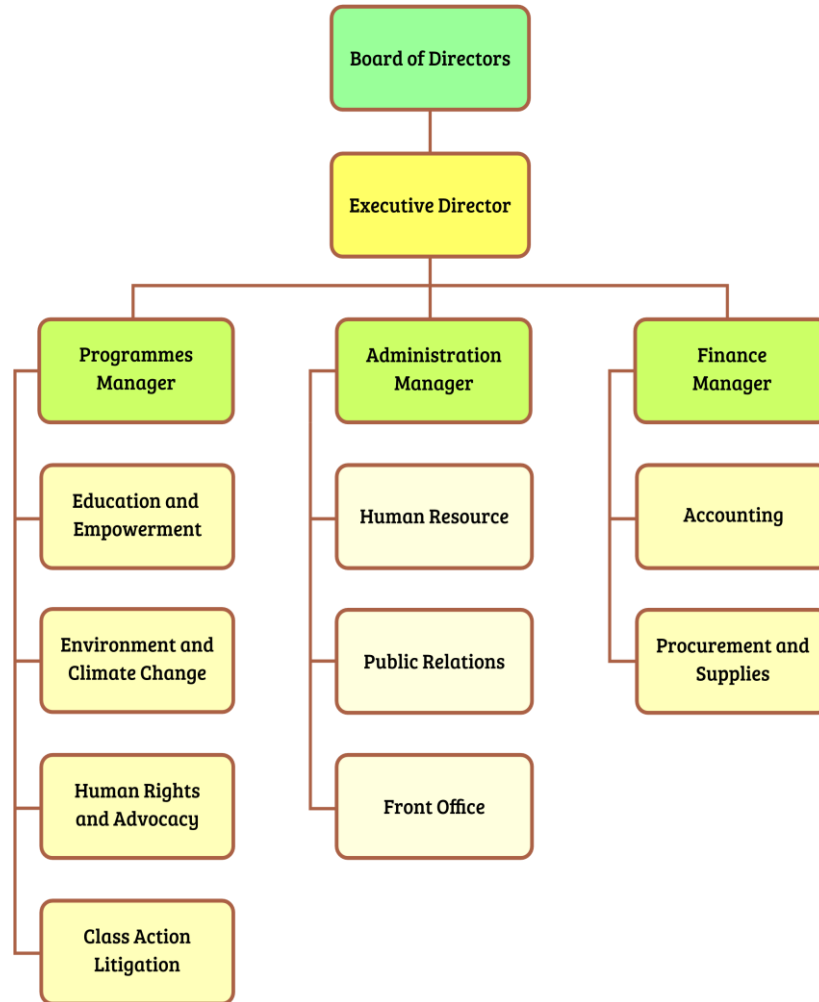


Activities for the achievement of strategic objectives

- Organize coastal communities to form a strong and sustainable environmental movement
- Empower local communities to protect their community and the environment from pollution and risky extractive activities
- Advocate for effective implementation of environmental laws and policies
- Challenge the responsibility of environmental agencies and government towards the protection of communities from individuals or businesses that pose risk to their health and the environment.
- Raise and provide judicial precedents

- Advocate for safer spaces for environmental human rights defenders poor and rural areas
- Leverage on the media as a tool to influence public opinion.

Organization structure



CJGEA believes that Sustainable Environmental governance is fundamentally related to the respect, protection and fulfillment of human rights, particularly with regards to the links between environmental management and the realization of specific human rights. Further, it is directly related to issues of equality, for instance, concerning procedural rights in Environmental management (gender concerns) or the relations between states in International law (differential treatment). “Procedural rights”, we believe, are an integral part of achieving the post-2015 climate regime that the world aims at today.

The organization comprises of ten Board Members, Management Committee and a full-time programmatic and administrative paid staffs. In addition, it utilizes a network of Associates

and Consulting Experts and works in concert with other local, regional, and international organizations. It also offers internship and fellowships. The Board members are responsible for the strategic policy direction of the organization. The management committee guarantees a sound internal management structure and policies that contribute to the optimal functioning of the organization. The Executive Director is the head of the secretariat, responsible for its management and implementation of policy directions, coordination of programmes and ensuring accountability in utilization of its resources.

The organization's running programs:

- Public interest Litigation Cases
- Advocacy and Human rights protection
- Documentation of socio-economic and environmental impacts of extractive industries
- EHRD protection and documenting the situation of Environmental Rights defenders in the communities residing around extractive industries in the coast of Kenya
- Collecting data and cataloguing Support organizations that provide emergency and non-emergency support to LEDs in Kenya.
- Media fellowship and capacity building projects
- Environmental conservation and climate change projects
- Assessment of the emergency and non-emergency support needs for LEDs.
- Documentation of threats, attacks and killings levelled against LEDs in Kenya.
- Capacity building projects for the Environmental Human Rights Defenders.
- Physical and Digital security trainings for the EHRDs in the network.
- Annual Land and Environmental Defenders Workshop meetings.
- Plastic beach sampling project to determine hazardous chemical components of the micro plastic pellets disposed in the oceans.

2.0 OVERVIEW OF KEY RESULT AREAS AND ACHIEVEMENTS

- Successfully challenged the responsibility of the state and non-state actors in protecting the citizens' right to a clean and healthy environment through the judicial process where they filed a class action suit in 2016 at the Environment and Lands Court and got a landmark ruling in 2020 where the community was awarded 12Billion shillings in compensation and 700Million shillings awarded to CJGEA to co-ordinate the soil/environmental clean-up exercise.
- Successfully continued with the strengthening and building of the National Network of Environmental Human Rights Defenders that has brought together EHRDs from all the 47 counties of Kenya to advocate for the Land and Environmental Rights of their communities as a united front under one umbrella. The National Network of EHRDs

enjoys representation from all the 47 counties of Kenya and a membership of upto 100 EHRDs countrywide.

- Vibrantly engaged and increased awareness on environmental governance and protection issues through research, training and creating knowledge and information on the organization's online platform. CJGEA as well used the media to increase awareness on environmental governance and justice matters through press releases, press statements and interviews.
- CJGEA Continued forming creating new partnerships by bringing in new stakeholders on board while maintaining the ones that were there previously. CJGEA enjoyed new working relations with new partners and donors on projects in Kenya. We managed to get different government agencies to partner with us in supporting some of the work we did. The agencies included the office of the ombudsman, Council of Governors, National Environment Management Authority etc. CJGEA also got to continue her work by collaborating in other networks such as the access initiative network and working closely with partners locally, regionally and internationally.
- CJGEA Positively influenced policy makers and other stakeholders through sharing of information, knowledge and best practices on institutional reforms targeting the institutions in charge of the environmental governance system.
- Successfully continued the documentation of attacks and violations against the Land and Environmental Defenders in Kenya. This documentation was very instrumental in advocacy towards ensuring the protection of the EHRDs. The data was collected first hand in the field and the sources of information verified before declaring the data as authentic.
- CJGEA successfully continued with the expansion plan to increase the geographical scope of her work. Currently CJGEA works in the whole country and this was introduced by the follow-up study on baseline survey on the progress of County Environmental Committees that was conducted from 2019 that covered all the 47 counties of Kenya. This expansion plan was in line with the organization's strategic plan 2019-2024.
- CJGEA added in its database more Environmental Human Rights Defenders from across the country as opposed to previously where our EHRD county cluster heads were individuals. CJGEA has now applied a new strategy where our county EHRD cluster heads are environmental organizations working on the similar interests as we do to protect the environment. This has ensured that we have a wider representation in each county and has further closely connected us to more grassroots EHRDs and environmental Movements. It has also ensured that CJGEA's work at the county levels is continuous and consistent as the monopolization of roles to specific individuals has been done away with through involvement of more EHRDs.
- CJGEA successfully connected its EHRDs to new environmental governance systems like the County Environmental Committees (CECs) which are bestowed with the mandate of overseeing environmental matters at the county level. CJGEA boasts of representation in the CECs through members of the EHRD network who sit in the committees in their

various counties. Through this new governance systems like CECs, our EHRDs have been able to influence decision making on environmental matters at the county level and present their communities' grievances in the committee.

- CJGEA has been able to closely monitor the progress of work of its EHRDs through continuous follow up. The EHRDs have been constantly capacity built through regular trainings where they are equipped with unique skills to assist with their work and through annual conferences/conventions where they get to come together and get the opportunity to learn on numerous important topics and share experience and best practices with one another with regards to their work.
- CJGEA has ensured that all its EHRDs are protected and safe at all times. Through regular security trainings on both physical and digital security, we have enhanced the knowledge of our EHRDs to ensure that they remain safeguarded even as they go about their duties. Some of our EHRDs who are under imminent danger of attacks have been incorporated in the Natalia project security protocol and have been issued with security devices for raising panic alarm in case of an attack or any security issues on the ground. CJGEA also has a rapid response team who are always swift to respond to security alarms raised by our EHRDs.

3.0 MAJOR ACTIVITIES, ACHIEVEMENTS AND KEY ENGAGEMENTS

The following section of the report documents CJGEA programs and engagements for the ending financial year 2020-2021 and the achievements that the organization made with the programs.

3.1 “Tuna Sauti” Public Interest Litigation (PIL)

The [Environmental Class Action Suit](#) which is supported by the partnership of the Office of the United Nations High Commissioner for Human Rights (OHCHR) seeks to challenge the responsibility of the state and non-state actors towards the protection of the right to a clean, healthy and sustainable environment as stated in Article 42, 69 and 70 of the Kenyan constitution 2010. Owino Uhuru Community was exposed to massive lead poisoning and through CJGEA they were able to put up a class action suit and the court case is still ongoing.

There are a total of eight respondents sued in the case i.e. two non-state agencies and six state agencies. The case was filed in 2016 at the Environment and Lands Court of Mombasa. In July 2020, the [judgement](#) to the case was issued at the High Court level and we managed to record a landmark win on behalf of the community. The case has since been appealed by one of the respondent that is the National Environment Management Authority and is at the court of appeal awaiting hearing. Below are brief facts of the case and the major highlights of the 101 page judgement.

Brief facts of the case

The petition was filed at the Environment and Lands Court in Mombasa on 20th February, 2016 by 10 petitioners on their own behalf and on behalf of fellow residents of Owino-Uhuru Village within Changamwe Division, Mikindani area of Mombasa. The petition alleged violation of the petitioners’ rights under the Constitution of Kenya, international law and other statutory provisions by the respondents including the right to a clean and healthy environment, the right to the highest attainable standard of health and to clean and safe water, the right to life and the right of access to information⁴.

The petitioners attributed the alleged violations to the operations of a lead acid battery recycling factory, owned by the 7th Respondent (Metal Refinery (EPZ) Limited) and situated on land adjacent to Owino-Uhuru village, without an EIA license. It was the petitioners’ claim that the toxic wastes produced by the factory seeped into the village causing lead poisoning to the petitioners and area residents. In addition to various illnesses and ailments, more than 20 deaths attributed to the lead poisoning. It was the Petitioners’ case that the activities of the 7th Respondent were licensed and sanctioned by State actors, contrary to their mandate to observe, respect and promote the Bill of Rights as stipulated by Article 21(1) of the Constitution.

The Petitioners sought court declarations of the violation of the fundamental rights and freedoms (highlighted above) and orders compelling all the relevant duty bearers to compensate affected persons and restore the damaged environment.

The respondents, in their defence, raised both technical and legal issues. Key among these was the petitioners' failure to demonstrate how their constitutional rights had been violated. The Ministry of Health and Sanitation further alleged that adequate measures were taken to remedy the situation. The 4th Respondent, the National Environmental Management Authority (NEMA), alleged contributory negligence, asserting that the petitioners were to blame for any harm they suffered by voluntarily continuing to live in an industrial zone and failing to leave despite the pollution.

Issues for determination, rule of law and application

1. The Court considered and addressed the following issues, which are discussed below:
2. Whether or not the court lacked jurisdiction to entertain the petition.
3. Whether there was proof of violation of the petitioners' right to clean and healthy environment.
4. Who among the Respondents is guilty of the violations?
5. Whether the petitioners should be held responsible for contributing to the violation of their rights.
6. Whether or not the petitioners are entitled to the reliefs sought in the petition.

Jurisdiction

The Attorney General and Cabinet Secretaries of the Ministry of Environment, Water and Natural Resources and Ministry of Health (the 1st – 3rd Respondents) challenged the court's jurisdiction to hear the petition. The Court dismissed this claim noting that no detailed reasons had been given to back it. It relied on Article 70 of the Constitution and Section 3(3) of the Environmental Management and Coordination Act No. 8 of 1999 (EMCA) which allows any person who alleges that his/her right to a clean and healthy environment has been violated or is likely to be violated to apply for redress at the Environment and Land Court.

Proof of violation of the Petitioners' Rights

All the Respondents, except the Metal Refinery (EPZ) Limited and Penguin Paper and Book Company (the 7th and 8th Respondents) argued that the petitioners failed to prove violations of their rights to the required standard. The Court rejected this claim. Under Articles 42 and 70 of

the Constitution, any person who alleges that this right is being or *is likely* to be denied or violated, infringed or threatened may apply to court for redress.

The Court noted that the Petitioners had presented evidence to prove actual violation of rights as well as a likelihood or threat of violation. This evidence included 10 witnesses who had suffered injuries or lost loved ones; a report from an expert witness (a former government chemist) which contained a summary of persons with elevated blood lead levels and lead levels in dust, water and soil; a report by the Parliamentary Standing Committee on Health on the Owino-Uhuru Petition which noted that there was suggestive evidence of air pollution due to corrosion of corrugated iron sheets on the homes of Owino-Uhuru residents, discharge of effluent from the factory into the municipality water system and lead dust from the factory which negatively impacted the health of

the factory workers. The petitioners also presented the evidence of a medical practitioner, who testified on the negative impacts of lead absorption on the petitioners.

Whether the Respondents are culpable for the violations suffered by the Petitioners

The Court apportioned liability to the 2nd Respondent (CS, Ministry of Environment, Water and Natural Resources) at 10% for their failure to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources as required under Article 69(g) of the Constitution, Section 89 of EMCA and the Mining Act Cap 306 (now repealed). The 3rd Respondent (CS, Ministry of Health) was also apportioned 10% liability for its failure to invoke its powers under Sections 115-120 of the Public Health Act Cap 242 by failing to serve a notice on the 7th Respondent requiring it to remove any waste effluent and nuisance which was injurious or posed a danger to health. The 4th Respondent's (NEMA's) liability was estimated at 40% for aiding the 7th Respondent to violate the petitioners' rights. According to the Court, the 4th Respondent failed to fulfil its mandate on issuance of EIA licenses under Section 58 of EMCA. The 6th Respondent (Export Processing Zones Authority) was apportioned 10% liability for violating the law when it issued the 7th Respondent a license without prior submission of an EIA license contrary to the Export Processing Zone Act. The 7th Respondent (Metal Refinery EPZ Limited) and 8th Respondent (Penguin Paper and Book Company) bore 25% and 15% of the liability respectively because of the environmental pollution directly resulting from the lead smelting activities of the factory. Additionally, the court stated that the 7th Respondent failed to adequately consult the petitioners despite evidence of them having stayed in the adjacent land for decades before the factory was set up.

The 1st Respondent (the Honourable Attorney General) and 5th Respondent (the County Government of Mombasa) were not found capable. The Court did not apportion any liability to the 5th Respondent (the County Government of Mombasa) as it did not find any evidence of a direct role of the 5th Respondent in failing to comply with the environmental laws. The Court further held that the Physical Planning Act cited by the petitioners ceased to apply to the EPZ zone once the area was gazetted as such under the EPZ Act. Secondly the issuance of single business permit is not attached to fulfilment of any conditions prior to its being issued.

Compensation and judgement

The petitioners sought 10 prayers, including a payer for monetary compensation of Kshs, 2,000,000,000 as general damages for injuries suffered due to the violation of the right to a clean and healthy environment, and loss of life, and Kshs. 1,000,000,000 general damages for soil clean up. In determining the issue of monetary compensation, the Court noted that there was sufficient evidence of personal injury caused by inhaling pollutants, evidence of soil pollution and water pollution. The Court referred to the principle of compensation for environmental damage as contained in Principle 13 of the Rio Declaration, and Article 70 (c) of the Constitution of Kenya. The Court made further reference to Section 108 of the EMCA, which requires NEMA to issue and serve on any person in respect of any matter relating to the management of the environment an order in this Part referred to as an environmental restoration order. The Court further invoked

the polluter pays principle, as contained under international law, national law, and as applied in case law. Principle 16 of the Rio Declaration provides for the internalization of environmental costs and use of economic instruments to facilitate the polluter pays principle.

In light of the provisions of Article 70 (c) of the Constitution, Section 108 of the EMCA, the Court held that the petitioners were entitled to compensation both in monetary and non-monetary remedies requested in their petition.

The Court granted the following remedies the petitioners had asked for:

1. Declaration of the violation of the petitioners' their right a clean and heathy environment.
2. Declaration of the violation of the petitioners' right to the highest attainable standards of health and the right to clean and safe water as provided for under section 43 of the constitution.
3. Declaration of the violation of the right to life as provided for under Article 26 of the Constitution.
4. Compensation for general damages of Kshs. 2,000,000,000, and Kshs. 1,000,000,000 for soil clean up. After finding the Respondents liable for compensation, the Court awarded Kshs. 1,300,000,000 billion to the 1st-9th Petitioners and the persons claiming through them. The Court ordered the 2nd, 3rd, 4th, 6th and 8th Respondents to pay the damages in accordance with the apportionment of liability under paragraph 158 of the judgement, within 90 days from the date of the Judgement. The Court further ordered the liable Respondents to within 120 days (4 months) of the judgements, clean up the soil, water, and remove any wastes deposited within the settlement by the 7th Respondent. In default, the liable Respondents pay Kshs. 700,000,000 to the 10th Petitioner to coordinate the soil and environmental cleanup exercise.
5. The Court issued a mandamus order against the 1st, 2nd and 4th Respondents directing them to develop and implement regulations adopted from best practices with regard to lease and lead alloys manufacturing plants.
6. On costs, the Court appreciated that courts usually do not award costs in constitutional petitions. However, it also noted that the history of the petition revealed non-action by the Respondents despite several complaints from the Petitioners, which necessitated filing of the petition by the Petitioners. The petitioners were awarded costs of the petition.

The following requests were denied:

1. Declaration on the violation of the right of access to information because this prayer had been overtaken by events.
2. An order of mandamus be against the 1st, 2nd and 4th Respondents to take steps towards ensuring that regulations dealing with licensing, setting up, operation, supervision of the activities as well as independent scientific monitoring of all entities dealing in hazardous materials are designed, enacted and implemented to provide effective deterrence against the threats to protected rights under the Constitution. The Court was of the opinion that the

provisions of the Constitution and EMCA together with other sectoral laws on the environment are sufficient if adhered to.

3. An order compelling the respondents to conduct a comprehensive participatory scientific study to ascertain the levels of lead in water, soil, animals and human bodies. The prayer was denied since this exercise had already been done going by the reports filed in the petition.
4. The Court held that the prayer to issue an order compelling the respondents to implement the recommendations of the Lead Poisoning Investigation Team would lie only if the compensation order was not honored.

The Owino Uhuru class action litigation suit at the high court created a precedent that can be used for similar situations globally and motivated communities internationally to stand up for their environmental rights. The case has also been adapted by several learning institutions globally as a case study and been used to come up with recommendations on environment and human rights and also on business and human rights by the United Nations.

CJGEA litigation suit is a critical component of the environmental justice framework for Kenya as a country as it will enhance accountability in environmental governance and will ensure that those who pollute the environment get to bear the responsibility of restoring it to its former state. The case is at the appeal level and we hope to continue with the process smoothly until conclusion.



Figure 1 Owino Uhuru community members attending a court session at Mombasa Law courts.

3.2 Addressing attacks and threats on CJGEA members and EHRDs working closely with the network.

Kenya has a history of conflicts directly linked to natural resources access, predominantly land and water. Proposals for large-scale development projects from foreign companies and states around extraction, industrial, agriculture etc. have further exacerbated tensions. This had led to disputes between EHRDs and investors. EHRDs work at great personal risk and most of the time

they are subjected to surveillance of their communications, forced evictions, murder and criminalization over their opposition to developments.

CJGEA works closely with EHRDs who are affiliated to the organization and others who are members of the network of EHRDs. Grassroots environmental movements in Kenya face open hostility especially when they work to hold state and non-state actors accountable for their actions. CJGEA EHRDs have most at times come under fire for demanding environmental justice and defending land rights in their communities. In this concluding financial year, most of the defenders who have worked to ensure that the people of Owino Uhuru community in Mombasa get justice came under open hostility and faced imminent security threats where they were targeted for their stand by the proponents of the lead smelting industry that poisoned the community. Other incidents of insecurity were recorded for the network members more particularly those from the indigenous community working to protect their land rights.

The most recent incidents of insecurity involving CJGEA EHRDs began happening just after the Environment and Lands court of Mombasa gave the judgement to the Owino Uhuru Case. Two of the defenders who have been at the fore front in advocating for the environmental rights of the Owino Uhuru residents came under attack as a result of their activism and defence of their community's environmental rights. This has forced them to seek security protection from time to time to shield them from the security risks they face.

After issuance of the court judgement, the two EHRDs who reside within Owino Uhuru community began to receive numerous death threats from a section of the people allied to some of the respondent in the case. Among the respondents is a very powerful politician at the coastal region who has declared interest to run for the Mombasa Gubernatorial seat in 2022. He is the landlord of the premises that hosted the Lead Smelting factory.

The threats escalated and the two defenders expressed concerns that they feared for their lives and that of their families. These threats were viewed as retaliatory tactics to scatter the efforts of those at the fore front in seeking justice for the community.

On 9/12/2020, the two defenders were prompted to report the threats on their lives at the Mikindani police station and was issued with Occurrence Book Number [39/9/12/2020](#) to follow-up on the case. Even though these threats were reported to the police, their response was very slow. In January 2021, unknown assailants went into the community and set more than 15 houses on fire with the aim of burning down the community and harming some of our EHRDs. This forced CJGEA to immediately come in and protect the EHRDs. Through our efficient rapid response protocol in place, we managed to mobilize for quick assistance and the fire was put off before it could spread further. Unfortunately, we had lost houses and some families were left homeless.



Figure 2: A section of the houses that were razed down in Owino Uhuru

Interventions taken

- Most of the EHRDs who have been facing imminent security threats have been included in CJGEA's security monitoring programme.
- The two EHRDs who were targeted at first have been equipped with security alarm gadget which has greatly helped with raising of alarms in case of security threatening situations like the fire incident.
- Our EHRDs have been trained on security management to help boost their protection.
- CJGEA Defenders alongside CJGEA board and staff attended a 3-day security training on both physical and digital security conducted by Encrypt Uganda and organized by CJGEA.
- The EHRDs at risk were included to attend the physical security training in 2020 during the 4th Annual Land and Environmental Defenders Workshop.
- The EHRDs at risk attended the security training to develop security protocol for the EHRDs in 2020 which was organized by CJGEA through the partnership of KIOS. The security training was conducted by a physical security expert from Human Rights Agenda.
- The two defenders from Owino Uhuru were relocated from the community after CJGEA got help through the emergency fund for defenders at risk to temporarily relocate them.
- CJGEA mobilized both the local and international media stations to amplify the plight of the EHRDs in Owino Uhuru and thereafter several articles and stories were done on the issue.

CJGEA has taken a lead in advocacy for change of attitudes towards environmental activists and their legitimate work. There is an urgent need to challenge systemic failure to protect environmental activists. Many have been killed yet non-action and silence from relevant state

agencies signal silent consent for the vilification of these group of individuals working to preserve the nature and sustainability of their communities.

3.3 Fourth Annual Land and Environmental Defenders Workshop.

The Annual Land and Environmental Defenders workshops hosted by Center for Justice Governance and Environmental Action (CJGEA)¹ yearly since 2017 in collaboration with her partners aims to bring together Land and Environmental Defenders (LEDs) from all over the 47 counties of Kenya under the umbrella of the National Land and Environmental Defenders Network to build their capacity on different issues and topics that directly affect and relate to their work respectively. Kenya has become an extremely volatile state for the LEDs to exist in as they are constantly harassed, criminalized and even executed for the role they play in defending the land and the environment. The workshops and the National Network for the LEDs are therefore very critical in bringing the LEDs together to share experiences, learn from each other and advocate for their rights and community's land rights as a united front. Through these workshops, we are able to enhance the visibility and legitimacy of the work of LEDs. This in turn helps to neutralize the numerous violations they face ranging from attacks, murders, harassments, criminalization and infringement of their fundamental rights.

The 4th annual land and environmental defenders workshop brought together upto 50 LEDs from all over Kenya working in different contexts and geographical spaces to learn and share experiences from each other. It also included upto 8 indigenous LEDs who some were attending the workshop for the first time. The workshop was organized by CJGEA in partnership with the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Environment (UNEP). The theme of the workshop was *'Enriching Kenya County Environment Committees through public participation of Land and Environment Defenders.'* The workshop was very instrumental in advancing the work of the LEDs and building their capacities on knowing their rights as defenders. We also hosted duty bearers from different state agencies like NEMA, CoG and the office of the attorney general to come and share with the LEDs and assure commitments from the government.

The workshop took place at a time when the world was battling the COVID-19 pandemic and hence there were a lot of restrictions on the number of participants who could attend. There were also very strict health protocols in place which enabled us to conduct the event successfully without recording any health related issues. The workshop consisted of both virtual and physical sessions. We sourced international experts/trainers from as far as Europe to facilitate sessions and build capacities of the participants' on a myriad of issues directly affecting them and their work.

A typical session comprised of a presentation, discussion, and one or more practical exercises, either in plenary, working groups, pairs or alone including role-plays, drafting exercises, case

¹ [Center for Justice Governance and Environmental Action \(CJGEA\)](#)

discussions, and brainstorming. The workshop encouraged teamwork and learning from each other's experience.

Objectives

The workshop objectives were divided into two.

1. Workshop objective

To build the financial and organizational management capacity of our network members. During our Monitoring and Evaluation (M&E) of the LEDs work progress in the 2019 annual workshop, the LEDs expressed that most of them come from very humble backgrounds even though some have achieved international recognition for their work. These include [Lily Tanui](#)², [Ikal Angelei](#)³, [Phyllis Omido](#)⁴, [James Wakibia](#)⁵ and [Anastacia Nambo](#)⁶ who won the 2018 Human Rights Defender of the year award. It was motivational for the LEDs to share their experiences of how they have achieved global recognition. Most of the LEDs however were yet to achieve such profiles and therefore one of the main sessions in this year's training will focus on assisting the LED's to build their profiles. This increases their legitimacy and visibility, thus enhancing their security and legitimacy.

LEDs are a unique group of Human Rights Defenders. Most LEDs include indigenous peoples defending their indigenous way of life, farmers defending their land ownership rights, children and youth taking action against climate change and fishermen defending the encroachment or pollution of water bodies etc. They often find themselves vulnerable to attacks because of, amongst other reasons, low profiles. In our M&E of 2019, many expressed a desire to build their profiles. They voiced a need for financial and organizational management training in order to build their capacity to enhance their security but also to help mobilize resources and expertise on running their organizations for legitimacy and sustainability. These needs are aligned with the LED Coalition's Organizational Strategy and work plan 2019-2021 that addresses capacity building, building solidarity and support for defenders, and enhancing sharing and learning. We therefore sought for an organizational and financial trainer to come to the workshop and train the people.

² Young environmentalist and the recipient of the Society for Ecological Restoration Regional Awards - Award for excellence in Restoration (Africa)

³ The 2012 Goldman Award recipient for Africa

⁴ The 2015 Goldman Award recipient for Africa and the 2020 Blue Planet Award winner

⁵ Environmental activist who managed to get Kenya to ban single use plastics through a movement known as Ban Plastic Kenya which he started and mainly spearheaded through social media campaigns

⁶ The 2018 Human Rights Defender of the year award recipient.



Figure 3: EHRDs and invited international organizations attending the fourth annual workshop

2. Post-workshop objective

To leverage presence in the 47 counties to penetrate and scrutinize the existing CECs with a view to have better representation after the three year term expires. This objective aimed at having the environmental fraternity engage with the county governments with a view to monitor the CECs as well as on advocacy for inclusion in the CECs in order to enrich them to perform their environmental governance functions.

We therefore used the opportunity presented by the 2020 annual workshop to train the LEDs in our network during the workshop to build their capacity on CEC and enhance their leadership skills to have the competence to seat in the CECs and play active roles in decision-making on environmental matters affecting their communities at the county level. So far so good CJGEA boasts of representation in close to 10 counties where members of the EHRD network sit in the CECs as members appointed to the committee. We hope to further increase these numbers higher when the new terms of the CEC members begin. CJGEA has managed to work extensively on the CECs through the support of her partners like KIOS and GEF and have produced two reports on the progress of the CECs.

Through these workshops, The EHRDs secure commitments from the attending relevant duty bearers and the international and regional organizations like the UN systems to help with addressing some of the issues that affect their work. The workshops are also an important platform for the EHRDs to come up with resolutions that are geared towards protecting their rights and enhancing their security even as they go about their day to day duties. They have thus continued

to play a critical role in enhancing capacities of the network members and connecting them to different support resources.

3.4 Geographical expansion of the “Tuna Sauti” Movement

“Tuna Sauti” is translated to mean amplifying voices. This is a continuous campaign meant to amplify the voices of the voiceless. The project has offered CJGEA with an opportunity to scale up CJGEA work and have a nationwide impact by involving EHRDs from other counties to take part actively in environmental governance in the country.

Currently CJGEA has representation in all the 47 counties of Kenya and coordinates a National Network of EHRDs that is hosted under her. In 2019 through to 2021, CJGEA conducted a follow-up study on the County Environment Committees which has played a very significant role in expanding her work to cover the whole country. We have managed to leverage on the CEC legislation by getting some of the EHRDs in our network to take part in environmental governance actively at the county level by becoming members of the CECs. The CECs are vested with the role developing the five year County Environmental Action plan and also are in charge of the proper management of the environment at the county level for which it is appointed.

The expansion project has produced more empowered EHRDs for leadership as they have gained more skills and knowledge on environmental governance and have been equipped with tools for advocacy, representation and sound decision-making on behalf of the communities they represent.

CJGEA through this project has as well made significant strides on grassroots environmental movements becoming more informed and actively involved in decision making. This has in turn helped guarantee gender balance in environmental governance thereby reducing gender bias, social and cultural barriers to participation as well as ensuring gender balance in the grassroots EHRD representation.

3.5 Enhancing Security around the Members of the EHRD Network and the Owino Uhuru Class action suit.

Human Rights are guaranteed under international law but working to ensure that they are realised and taking up the cases of those who have had their rights violated can be a dangerous activity in countries all around the world. Human Rights Defenders are often the only force standing between ordinary people and the unbridled power of the state. They are vital to the development of democratic processes and institutions, ending impunity and the promotion and protection of human rights.

In Kenya, most of the LEDs represent a group of people who do not wield state power or have strong connections to the state to shield themselves from falling victims of acts of revenge from those they pursue for accountability in upholding environmental and land rights. They are usually ordinary citizens ranging from peasant farmers who protect their community farmlands from being grabbed, fishermen protecting their fishing grounds from being destroyed, environmental activists protesting against the destruction of forests and pollution from industries and manufacturing

plants, community members fighting to protect their community land rights from powerful state and non-state agents among etc. As a result of constant threats and attacks directed towards the EHRDs because of their work, they have become vulnerable group of people in society who live and operate at the mercy of their adversaries who are mostly powerful state and non-state actors.

Their protection and security is not guaranteed as a result, they are criminalized, arrested, detained on fabricated charges and even get murdered. As a way of countering the criminalization of EHRDs, CJGEA has implemented projects in the past that aimed at mobilizing support for the EHRDs, building their capacity, empowering them to know their rights and educating them on the available protection mechanisms for them to explore to ensure that they remain safeguarded even as they advocate for land and environmental rights of their communities. On this note, the organization under the KIOS project 2019-2021 conducted security training for 30 EHRDs who are members of the EHRD network to develop security protocol for them.

Development of comprehensive security protocols for EHRDs plays a critical role in ensuring their safety especially in times of imminent security threats by providing assistance. It ensures secure flow of information on the whereabouts of the EHRD who might be at risk. This enhances rapid response to emergency situations for EHRD thereby increasing their protection. The 2-day training provided an opportunity for the EHRDs to assess risks and increase their capacity to mitigate threats, as well as react to security threats and risks as they unfold.

During the training, their capacities were enhanced on the importance of using litigation as a tool for seeking environmental justice and effective remedies as well as sharing of first-hand experience on the Owino Uhuru Class Action Litigation suit.

Since its filing in 2016, the Owino Uhuru class action suit has had several security issues around it ranging from intimidation of witnesses, issuance of death threats, surveillance of CJGEA staff and board, tapping of calls, raiding of physical premises etc. In order to prepare CJGEA personnel on the court case ruling of the Owino Uhuru class action litigation suit at that time, CJGEA through the partnership of KIOS as well conducted a digital and physical security training for the staff, Board and a few EHRDs from CJGEA. This was to put into context and get them to be ready to tackle the anticipated security risks that the organization would have been likely to face borrowing from the past incidents that had happened as a result of the case.

CJGEA also has to beef up security around the office by installing more CCTV cameras and conducting a refresher training for the security dogs that were securing the office premises at night. CJGEA also employed a security guard who would operate during the day to keep the staff safe and most of the staff also had to alternate their daily routine to make surveillance on their movement a bit hard.

After the judgement of the case, we witnessed an escalation in security threats towards our EHRDs but luckily none of them was hurt as we were able to intervene in time to place them under protection. The security trainings have had a huge impact on our EHRDs and how they react to

security threats. They have managed to send distress calls/alarms when in danger which has enabled us to promptly respond to their security situations and get them to safety. The threats have since abridged but with the appeal case hearing upcoming, we expect the security situation to escalate again. We therefore keep on encouraging our EHRDs and CJGEA personnel to apply whatever knowledge they have gained from the numerous trainings to keep them safeguarded always.

3.6 Promoting an all-inclusive approach principle to protection and empowerment of grassroots' environmental rights movements.

This project aimed at mobilizing Environmental Human Rights Defenders (EHRDs) around the new Environmental Management and Coordination Act (EMCA) seeking to leverage the legal requirement for Public Benefits Organizations (PBO) to seat on the County Environmental Committees which are ideal platforms for participatory rights to actively involve EHRDs in environmental governance and decision-making at the county level. The project also aimed at creating a National Network of Environmental Human Rights Defenders that would bring EHRDs together under one umbrella by forming a coalition that would exist under CJGEA until it is formerly registered thus giving grassroots EHRDs a legal platform that qualifies them to seat on the CEC's to promote access to information and participation as well as socio-economic rights of their communities.

3.6.1 Formation of a National EHRD network.

This project sought to create and leverage a united front advocating for environmental justice through the formation of a coalition for grassroots environmental rights movements. This was to be done through the registration of a National Coalition for EHRDs that would bring together this group of unique defenders under one umbrella to advocate for the Land and Environmental rights of their communities. There is strength in working together and this is a strategy that prompted CJGEA to organize the Kenyan EHRD fraternity into a united team to also increase their protection.

The registration of the coalition faced serious challenges before as there was a lot of bureaucracy from the NGO Board that are mandated to register the coalition. They rejected the registration of a coalition of EHRDs under grounds that the name we were suggesting for the coalition did not meet their standards. It thus became a back and forth between us the NGO Board and we decided to instead from a network which would exist under CJGEA until the coalition would be formerly registered and able to operate on its own.

The national network of EHRDs in Kenya has helped address the shrinking civil space of EHRDs around Kenya and globally. The network has included grassroots land and environmental rights organizations as stakeholders as well as individual EHRDs. The network has helped increase the legitimacy, safety and effectiveness of individual activists and has fostered the working of partner organizations under this umbrella body. This is because through the network, the EHRDs have

been able to access platforms that have helped enhance their relationship with relevant authorities' through networking and which has helped the relevant authorities to have positive perception and understanding of the good work that EHRDs are involved with.

Through this project, CJGEA has been able to scale up her membership to 47 counties and vastly increased the number of EHRDs and their affiliate organizations joining the network. This has helped enhance safety in the work of EHRDs for example, it has promoted solidarity in responding to EHRD situations by having many organizations giving statements and lending their voices to help highlight and amplify serious situations to ensure that a swift solution is sought for the issue at hand.

Essentially the National Network of EHRDs to some extent helped in neutralizing the threats that are directed to individual activists, environmental movement leaders and organizations that are affiliated to it. This had been mainly through building capacities of the members which has also helped raise their profiles. The network is still young and we anticipate that as we continue building and strengthening it, we will achieve even greater results with the main goal of protecting all that work to defend land and environmental rights.

3.6.2 County Environment Committees in Kenya

Through the County Environment Committees (CECs) CJGEA was seeking to address the shrinking civil space for Environmental Human Rights Defenders (EHRDs), lack of capacity for leadership roles in the EHRD community, so as to facilitate success in the actions of the Environmental Rights Defenders.

Environmental Management and Coordination Act (EMCA), is the framework law on environmental management and conservation. This Act establishes institutions such as NEMA, County Environmental Committees, National Environmental Tribunal, National Environmental Complaints Committee and the council of environmental health. The Act was amended in 2015 to align to the 2010 Kenyan constitution. In the amended Act is where the County Environmental Committees replaced the District and Provincial Environment committees.

The obligations of the committee are:

- Be responsible for the proper management of the environment within the county for which it is appointed;
- Develop a county strategic environmental action plan every five years;
- Perform such additional functions as are prescribed by this Act or as may from time to time, be assigned by the Governor by notice in the Gazette.

CECs provide effective platforms for partnerships between the top decision makers on environmental issues at the county level and the grassroots environmental movements by giving them a chance to be part of the decision making processes on environmental issues affecting them at the county level.

Through this project, CJGEA also aimed to mobilize EHRDs around the new EMCA act seeking to take advantage of the provision that allows members of Public Benefit Organizations (PBOs) to seat on the County Environmental Committees. It aimed at creating platforms for participatory rights to include EHRDs in environmental governance and decision-making by encouraging appointment of the EHRDs the CEC to influence decision-making on environmental matters at the county level.

CJGEA conducted a follow-up study in 2020 to the baseline survey that was conducted on the in 2019 through to 2020. The study faced challenges with the onset of the COVID-19 Pandemic and took longer than expected especially with the imposing of restrictions on travel. Nonetheless, we are happy to report that the study was a success and that we were able to get the information we needed for the follow-up study on CECs.

In total, 47 counties were covered in the follow-up study. Their cooperation in divulging information on the progress of the CECs was excellent as most of the officers we interacted with were very delighted to receive us in their offices as opposed to when we conducted the baseline survey in 2018. Working closely with the Council of Governors (COG), Commission on Administrative Justice (CAJ), and the National Environment Management Authority (NEMA) also enabled us to be able to access information more easily than previously.

Overall Objective

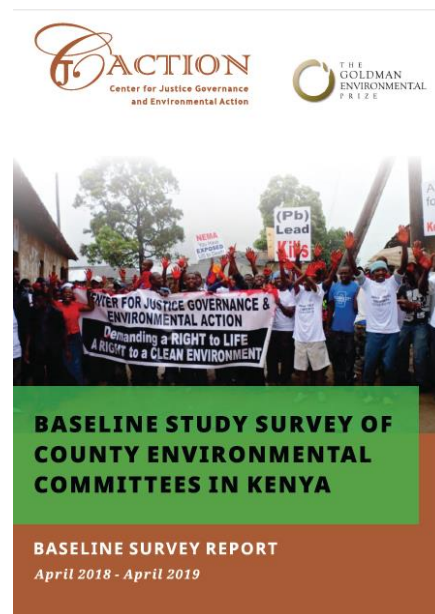
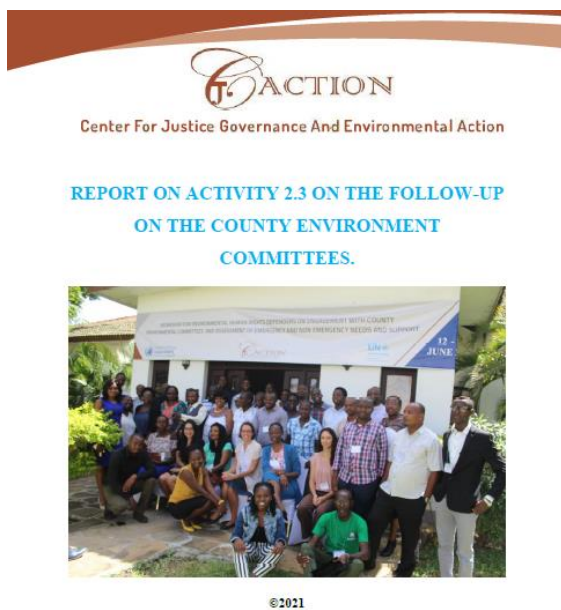
The overall objective of the follow-up study on the CECs was to monitor the progress in the implementation of the EMCA legislation that established the CECs by the counties. In the baseline survey conducted by CJGEA staff on the CECs in 2018, the results showed that more than half of the counties had performed poorly in implementing the CECs almost 5 years down the line since the law was enacted. There was also a rush in gazettelement of the CECs immediately the immediately the World Bank announced a conditional grant that required the counties to have actualized the environmental legislation. We therefore decided to conduct a follow-up survey on the CECs to monitor whether the County bosses were implementing the CECs as required by law and appointing members as stipulated by law.

The specific objectives for carrying out the follow-up study on CECs included:

- To scrutinize the process of appointing members to the CECs.
- To document the progress of implementation of the CECs legislation in the 47 counties.
- To build the capacity of the EHRDs on the CECs and train those on leadership roles to enable them have the capacity to sit on the CECs.

Already CJGEA's efforts in creating awareness among the EHRDs and grassroots environmental rights movements on the existence of CECs has achieved great strides. We have managed to have close to 10 of our EHRDs sitting in different CECs countrywide. This is a great boost in environmental governance at the grassroots level as local communities' interests in environmental

matters are well represented in the Committees through the EHRDs thereby reducing conflicts that arise from the use of the environment and exploitation of natural resources.



3.7 Assessment of emergency and non-emergency support needs for Land and Environmental Defenders.

This is a project that was launched in 2019 and has been implemented since then to date. The project is supported by the Defending Land and Environmental Defenders Coalition (DD Coalition). The main objective is to identify concrete steps that will enable the Coalition to contribute to the promotion, protection, and respect of the rights of Land and Environmental Defenders (LEDs) who play a vital role in defending land and environment.

In order to achieve the above objective and further the promotion, protection, and respect of defenders rights including by preventing attacks to their lives and integrity, the LED Coalition needed a better characterization of the threats, attacks, criminalization and other violations against the LEDs in Kenya. It also needed a better understanding of existing support, protection mechanisms, and resources, and how these are accessed in the Kenyan context and elsewhere.

There was a need to develop a clearer understanding of the violations against LEDs to better define advocacy strategies and recommendations to protect defenders. In addition to strengthening data collection, there was also a need to gather evidence-based information on existing support and protection mechanisms.

Through this project, CJGEA has continued collection of data on incidents against LEDs which has enhanced the geographical expansion of CJGEA. We have managed to broaden our presence in new counties like Nakuru where we had not worked extensively before. The data collected here is very vital in advocacy strategies to ensure that the Kenyan government take action on

perpetrators of violations against the LEDs and ensure their protection.

We have also continued to conduct desktop research on emergency and non-emergency support resources available for LEDs in Kenya. These resources were shared with the LEDs in our physical meeting through a capacity building session on accessing and using support resources available in Kenya for LEDs. We also spread awareness on the land and environmental conflicts that majorly contribute to threats and attacks being levelled against LEDs and educated them on how to respond to the different security situations as they unfold.

The [list shows](#) some of the available support resources in Kenya that we have been able to collect so far. CJGEA has been able to connect some of the LEDs in the network to some of these resources available for them and some have actually been able to access support to improve their security situation by temporarily relocating from their area.

Through the project, The Universal Rights Group in Colombia have managed to come up with a [web resource](#) that contains information on support resources for LEDs. The Kenyan information is yet to be uploaded and it is work in progress. This website makes it easier for LEDs to access the information that they require on support resources more easily as all the information is consolidated in one location.

By the time of compiling this annual report, as part of this project, CJGEA was already in the process of profiling four defenders with the aim of better understanding the work environment of the LEDs in different contexts, the threats faced, their different support needs in their specific work environment and the disparities that exist in accessing support by these LEDs. This was with the view of better improving support mobilization strategies for the LEDs and connecting them to the available support resources for them to aid in their work.

The 4 case studies are being conducted in Kenya by interviewing 4 different Land and Environmental Defenders working on defending their communities land and environmental rights under different contexts. The different contexts include:

1. LEDs that face threats and have no access to support.
2. LEDs that face threats and are currently under/are able to access support.
3. LEDs that have already received support in the past and have since continued with their work.

The case study adopted the Ford Foundation study framework for this specific study on the 4 LEDs in Kenya and is still a work in progress.

4.0 CHALLENGES EXPERIENCED IN THE FINANCIAL YEAR.

- The onset of the COVID-19 pandemic disrupted the organizations programs by delaying

their implementation.

- Our fundraising strategies were greatly shrunk by the onset of the pandemic as most of our donors diverted their funding to combating the COVID-19 pandemic.
- With the restrictions imposed on movement when COVID-19 began, we had to close down the office for around three months which was a huge setback for our programs and engagements.
- Immediately the judgement to the Owino Uhuru case was given, we witnessed an escalation of attacks towards our EHRDs.
- The appeal in our case has hindered delivery of justice for the people of Owino Uhuru community as was ruled by the High Court.
- The court process is very cumbersome and expensive which really eats up into the organizations coffers.
- The organization had insufficient funds to carry out more activities to respond to the rising demand for interventions on access to environmental justice, governance and rule of law issues by victims of environmental injustices all around the country.
- Shortage of staff due to the hard economic times also delayed achievement of results in the organization.
- There is a huge information gap on linkages between the environment and human rights among the grassroots communities we work with, the state actors and non-state actors. CJGEA has made great strides to try and bridge this gap, however more work still need to be done.
- Unhealthy competition and rivalry amongst NGOs have led to non-cooperation between the like-minded organizations to achieve a common goal.

6.0 STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS ANALYSIS OF THE ORGANIZATION.

The following are the strengths, weaknesses, opportunities, and threats that exist in CJGEAs working environment. The SWOT analyses and examines the environment within which the organization operates. We have examined constraints, both legal and institutional that promote or impede the effective implementation of CJGEA projects.

| STRENGTH | WEAKNESSES |
|--|--|
| <ul style="list-style-type: none"> • CJGEA has enjoyed a very strong grassroots presence and support in communities it works with e.g. Owino Uhuru which we represent in the litigation suit. • CJGEA coordinates a national network of EHRDs which has greatly contributed her geographical expansion as she currently has presence in the whole country. • CJGEA recorded a landmark ruling at the Environment and Lands High Court of Mombasa on behalf of the Owino Uhuru community thereby making a great stride towards the realization of justice for the community. • CJGEA is a recognized and accredited organization by the UNEP, therefore the scope of our work has expanded locally and globally this means that the organization can access more partnerships and donations. • CJGEA was recognized for her work through the ED in 2020 when she won the global Ethecon Blue Planet Award. • As the 2015 Goldman Environmental prize winner, CJGEA has earned respect both locally and internationally making our engagements much easier than previously. • CJGEA also enjoys a strong international presence having worked with international organizations such as the UN organs, Human rights, Universal Rights Group, World Resource Institute, World Economic Forum, KIOS Foundation etc. on environmental, land and human rights advocacy Issues • CJGEA has the resilient ability to stay focused on its mandate as has been seen with the Owino Uhuru case where the Tuna Sauti project has been run from 2009 to 2021 where different phases were implemented with a view to explore access to effective remedy or justice. • CJGEA enjoys very cordial relations with the Media both locally and internationally, therefore this makes all the projects receive wide media attention and makes the dissemination of information easier. • CJGEA has greatly improved in her reporting on projects which has increased donor confidence in the organizations capability to handle even larger projects. | <ul style="list-style-type: none"> • There is a need to keep on improving on its internal and external financial structures that will give donors the confidence to continue funding us. • CJGEA is currently under staffed and there is need to bring in more employees to ease the work load. • Again there is need for better remuneration for employees to enable the organization maintain them and avoid scenarios where they are poached by other well-paying organizations. • The organization lacks a well-structure plan to react to unforeseen scenarios e.g. The COVID-19 pandemic greatly disrupted our work flow. • Increased recurrent costs and support for legal fees have weighed so much on the budget of CJGEA as the Owino Uhuru Class Action litigation suit keeps on prolonging with the cumbersome judicial process. • The organization lacks a vehicle to use as a means of transportation in facilitation of its programs and projects. • Some NGOs feel threatened by the existence of CJGEA as an organization and for this reason; they refuse to cooperate with us in certain projects that require involvement of other organizations to implement thereby hindering our work. |

- CJGEA has the ability to work amiably with new donors and partners to move the organizations agenda forward for the benefit of our grassroots communities.

OPPORTUNITIES

- CJGEA convenes Annual EHRDs workshop each year since 2017 which brings together EHRDs from different parts of the country. These workshops are a good platform for the EHRDs to learn, share experiences and network amongst themselves and the attending international organizations and relevant authorities.
- CJGEA is the pioneer organization in the concept of Human rights and the environment in the coastal region and hence it has more Knowledge and wider experience in the area having worked very closely with Dr. John Knox from the office of the UN Rapporteur on Environment and Human rights linkages.
- CJGEA has managed to organize the EHRDs nationally to operate under one umbrella in the network of EHRDs and plans on registering it formally to enable it be recognized legally.
- CJGEA works with several grassroots environmental organizations and Environmental Human Rights Defenders countrywide and this has made us have a strong presence locally at the grassroots level which is also maintained by well-coordinated structures.
- CJGEA also was at the 1st ever United Nations Environment Assembly (UNEA) and has attended the subsequent one's ever since.
- CJGEA managed to pass a resolution on Used Lead Acid Batteries in UNEA 3.
- CJGEA has had the very rare and coveted opportunity at the international level to mingle with the policy makers and therefore has a wider influence.
- CJGEA has managed to expand her work in all the 47 counties of Kenya and this has will give us work with more communities in addressing their environmental issues.
- CJGEA enjoys a wide range of networks locally regionally and internationally having represented Kenyan grassroots Human rights and environmental movements in many forums like The meeting convened in GENEVA by the Universal Rights Group (URG) on the issue of environmental human rights defenders (EHRDs) in collaborations with various partner organizations and individuals.

THREATS

- The constant insecurity around the Owino Uhuru Class Action Litigation Suit.
- Criminalization and targeting of EHRDs and grassroots environmental movements that work with CJGEA.
- Corruption on the part of both state and non-state actors greatly threatens our work.
- Existence of a knowledge gap by both the local communities and relevant government agencies
- Ignorance of the local communities, state and non-state actors on environmental rights and their protection.
- Unforeseen situations like the pandemic which greatly disrupt our operations.
- Inadequate and ineffective government policies and standards to protect the environment and regulate exploitation of the natural resources.
- Legal constraints
- Financial capacity constraints
- Lack of political will towards environmental protection and conservation.
- There's overlapping responsibility within government agencies, therefore there is no clear format for implementing the existing policies leading to neglect of duty.

7.0 HINDRANCES TO EHRDS ADVOCACY WORK IN KENYA.

EHRDs that we work with and others in the country face a myriad of challenges that impede their work. The following section outlines some of the factors that deter the successful management and protection of the environment due to constant interference with the environmental defenders as a result of their environmental activism work.

Lack of political goodwill

There is lack of political goodwill towards the work of EHRDs and their protection. Most EHRDs fall victims of rights violations due to the negative perception that the political class have towards them. They are criminalized and viewed as anti-development which has led to overshadowing of the great work they do.

Violation of the constitutional rights of arrested persons

KNCHR established that HRDs are subjected to inhumane treatment and mishandled during arrests. In other cases, police present fabricated charges against HRDs leading to malicious prosecutions. This is similar to what was witnessed in Owino Uhuru community where EHRDs together with CJGEA staff including Ms. Phyllis Omido were forcefully arrested for protesting against lead poisoning in Owino Uhuru community. This was against the law as the right to peaceful assembly, picketing and demonstration has been enshrined in the 2010 Kenyan constitution in article 37.

Introduction of unconstitutional laws.

The government has introduced unconstitutional laws to muzzle the EHRDs and curtail their work. [The public order amendment bill of 2019](#) is a good example of the bad laws that the government has introduced to deal with organizers of public processions and meetings. The right to assembly, demonstrate and picket are enshrined in article 37 of the Kenya Constitution and it is one of the rights that EHRDs use to bring out environmental rights violation issues in their communities. By introducing such a law that allows for arrest and imprisonment of organizers of protests, the government is already curtailing the work of EHRDs and other HRDs. The law in itself is unconstitutional and goes against article 37 of the Kenya (2010) constitution.

Effects of unlawful arrests on EHRDs

EHRDs in conflict with the law suffer adverse and long term effects as a result of the arrests. These include fear, psychological harm and stigma. In situations where the EHRD is the sole breadwinner, their incarceration leaves a vacuum at the family level. The manner of arrest is sometimes crude and brutal further stigmatizing family members and acquaintances.

Profiling of EHRDs & fabrication of charges

EHRDs working in the coastal and northern Kenya regions have been accused of belonging to outlawed groups such as Mombasa Republican Council and Al-Shabaab Militia. This reduces their

self – esteem, affects their overall performance in the delivery of their duties, increases their vulnerability and lessens public support for their work. Because law enforcement agencies are unable to prefer charges that would withstand the prosecution in a court of law they resort to charges such as assault, treason, incitement, creating disturbance, terrorism, drugs trafficking and illegal possession of firearms among others. This has an overall effect of intimidating EHRDs from undertaking their work. It hinders the access and delivery of justice as well.

Discouragement and fear to other EHRDS

While EHRDs exhibit immense courage in undertaking their work, continued and persistent attacks through the arrests discourages those willing to engage in the same work and weakens public support for EHRDs who are perceived as trouble makers and anti-development. Many people who would wish to join in advocating for environmental rights and justice in their communities tend to refrain from doing so due to the experiences they have witnessed other EHRDs go through. This makes upcoming EHRDs rethink their decisions in joining the struggle to advocate for the land and environmental human rights.

Political interference

Political interference is a common thing in the field of activism on human and environmental rights as most of the people targeted in the process are senior politicians, powerful businessmen and women and senior government officials. These powerful entities are the ones who are always likely to infringe on the rights of the marginalized communities in society.

8.0 KEY CJGEA STAFF

MS. PHYLLIS OMIDO

Executive Director,



She has more than 10 years with CJGEA as a human rights defender with a background in Business Management from the University of Nairobi and a work experience of over 11 years in the Industries in Kenya. She is in charge of campaigns coordination i.e. lobbying, advocacy, environmental and human rights activism.

Phyllis Omido is a Kenyan grassroots environmental activist and co-founder of the CJGEA an organization that advocates for the environment and socio-economic rights of marginalized and ignored communities around extractive industries in the coastal belt of Kenya.

She was Africa's recipient of the Goldman Environmental Prize in 2015 and is known for organizing protests and shutting down a lead-smelting plant located in the middle of Owino Uhuru, a slum near Mombasa. The plant was causing lead poisoning by raising the lead content in the environment, killing residents, in particular children, and harming others, including her child. Phyllis is also the 2020 Ethecon Blue Planet Award recipient and was also recognized by the county government of Mombasa for her efforts in protecting the environment in 2018 and received the Mombasa County Woman of Courage award.

TOM BICKO OOKO

Programs Officer



Tom works as a programs officer is the organization's head of the programs department. He is a graduate with a BSc. Degree in Environmental Planning and Management from Pwani University. Bicko has formerly worked with the County government of Kilifi in the capacity of an intern under the department of Energy, Lands, Housing and Physical Planning. He has also worked as a project community Liaison officer at CJGEA before becoming the project officer and now the programs officer. Since Tom joined CJGEA, he has contributed immensely to the organization as he has wide knowledge on environmental issues and his input is always of great importance to the programs department. He is a great team player and always supports in other office duties as well. Tom has represented the organization in different capacities and still continues to do so diligently.

MRS. TANIA OKUMU

Finance and Administration Officer,



Mrs. Tania Okumu is the finance officer and the acting administration officer of the organization. She is an elected national youth council leader in the former Kisauni District. She has work experience of more than 5 years. With her leadership skills, her work experience and her passion, she is a good asset to the team.

9.0 BOARD MEMBERS

| NAME | Position |
|-----------------|-----------------------------------|
| Nixon Paloma | Chairman |
| Phyllis Omido | Executive Director |
| Gladys Oguga | Treasurer |
| Sandra Liani | Secretary |
| Jimmy Shabaya | Member |
| Anastacia Nambo | Member (Community Representative) |
| Hamisi Diyo | Member |
| Silas Enane | Member |
| Hannah Wamuyu | Member (Legal Representative) |
| Dorcas Amakobe | Member |

10.0 PICTORIALS





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