



Center For Justice Governance And Environmental Action



Annual General Report 2022-2023.

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ACRONYMS

CAJ – Commission of Administrative Justice

CBO - Community Based Organization

CDA – Community Development Agreement

CJGEA – center for Justice Governance and Environmental Action

DD Coalition – Defend Defenders Coalition Kenya.

EIA – Environmental Impact Assessment

EMCA – Environmental Management and Coordination Act

EROG – Environmental Rights Organization

HRC – Human Rights Council

HURIA – Human Rights Agenda

KWACODEP- Kwale Community Development Project

LED - Land and Environment Defender

LEDs - Environmental Human Rights Defenders

NAP – National Action Plan

NEMA - National Environment Management Authority

NGO - Non-Governmental Organization

OHCHR - UN Office of High Commissioner on Human Rights

UN – United Nations

UNEA – United Nations Environment Assembly.

UNEP – United Nations Environment Programme

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FOREWORD

MESSAGE FROM EXECUTIVE DIRECTOR



Since founding, CJGEA has established itself as an organization committed to promoting the protection of flora and fauna to ensure that every Kenyan enjoys their rights to the highest attainable standards of health, right to life and right to a clean and healthy environment.

The year 2022-2023 has been quite a challenging one especially now in the wake of climate change and effects and the world grappling with the triple planetary crisis and very little commitments from the world leaders to correct the status quo.

The milestone Human Rights Council Resolution “40/11 recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development” and other policy developments including HRC Resolution 48/13” will inform discussions on how to deliver on states’ commitments to protect and support environmental human rights defenders in

line with the Secretary-General’s Call to Action for Human Rights.

CJGEA managed to achieve significant milestones in the ending year despite the many challenges that were associated with it. The expansion of the network of LEDs in Kenya dubbed EROG to encompass defenders from Kenya, Uganda and Tanzania and the election of the officials was a major step towards having the network exist as an independent entity. LEDs in Kenya continue to face a myriad of unprecedented challenges in their work with escalation in attacks against them for standing up for land and environmental rights. The network of LEDs has provided a safe platform for their advocacy work. Furthermore, the recent milestone by the UNGA affirming the right to a clean healthy and sustainable environment as a fundamental human right has legitimized the critical role LEDs play to ensure these rights are upheld by state and non-state actors.

CJGEA has also managed to mobilize the LEDs within the network around policy frameworks they can leverage to ensure the protection of socio-economic rights and access to environmental justice in Kenya. One such example is the Mining Community Development Agreement Regulations of 2017 (CDAs) that are legally binding contracts between holder industries and their host communities likely to be impacted by their operations. CDA has been used to better define relationships between mining companies and impacted communities with a great example of Base Titanium and the 3 host

communities in Kwale County. CDAs recognize communities as part of the investment into corporate activities and is therefore critical in ensuring

accountability in the exploitation and utilization of the environment by mining companies.

Despite all the achievements accomplished, we acknowledge that there is need for more to be done especially to bridge the gaps in peoples understanding of the linkages between the environment and human rights. Moving forward, CJGEA will continue to work closely with all stakeholders to ensure that the end goal of a clean, healthy and sustainable environment is realized for all.

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, EROG, our communities, CJGEA personnel and all our well-wishers both locally and internationally. We are 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

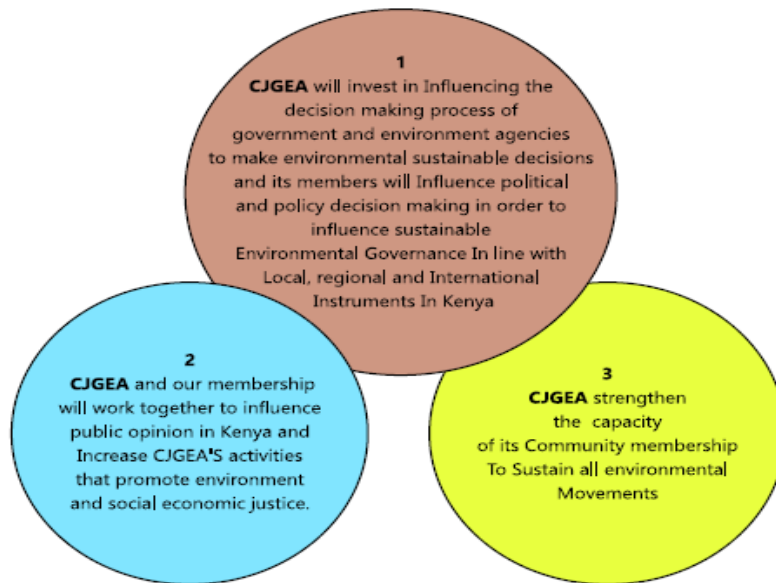
- ✓ Supporting and creating space for its communities in their course of action to challenge the responsibility of the state and non- state actors towards environment protection and access to socio-economic rights to eradicate poverty, injustice and inequality that affect communities around extractive 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.

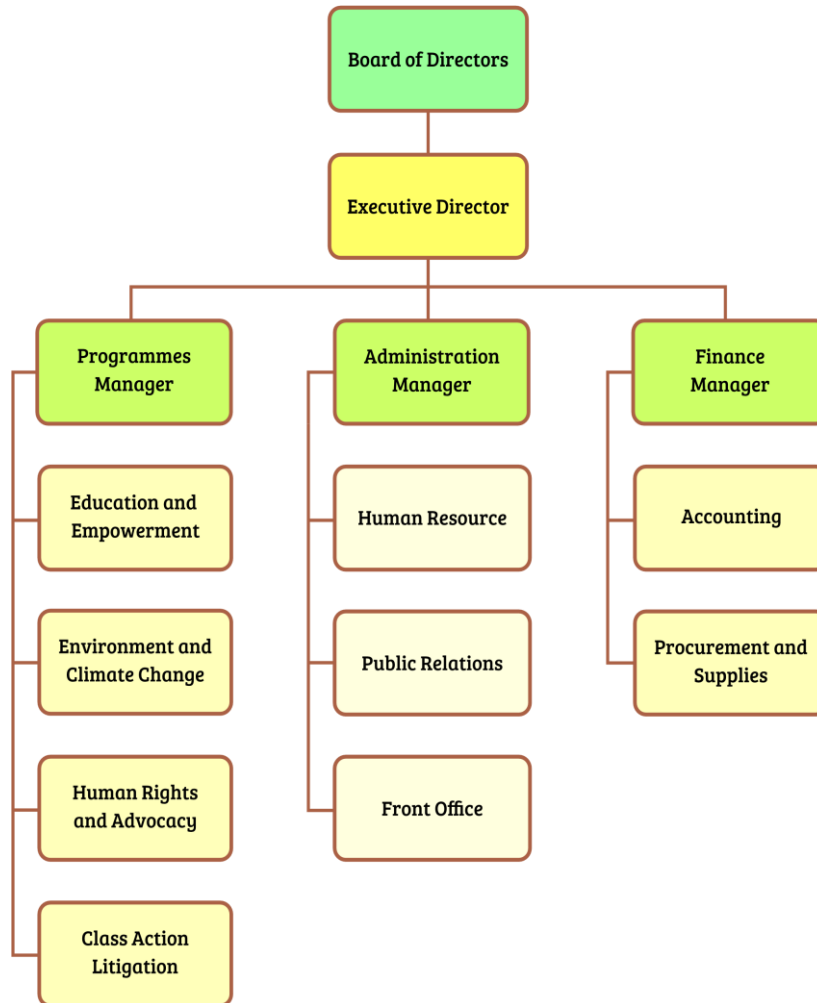
Strategic Objectives



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 environmental rights, we believe, is an integral tool of empowering communities, to defend and protect their right to a clean and healthy environment therefore increasing accountability in environmental governance.

The organization comprises of ten Board Members, Management Committee and a full-time programmatic and administrative paid staff. 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
- Education and empowerment
- Environment and Climate change
- Advocacy and Human rights

2.0 OVERVIEW OF KEY RESULT AREAS AND ACHIEVEMENTS

- Successfully continued the process of challenging the responsibility of the state and non-state actors in protecting the citizens' right to a clean and healthy environment through the judicial process that began in 2016 through the filing of the Owino Uhuru Environmental class action suit at the Environment and Lands Court. In 2020 a landmark ruling was issued where the community was awarded 1.2Billion shillings in compensation and 700Million shillings awarded to CJGEA to co-ordinate the soil/environmental clean-up exercise. The appeal process seeks to uphold the high court judgement at the court of appeal.
- Successfully enhanced the protection of the right to access effective remedy and justice through the regular court attendance that has enabled the smooth continuation of the appeal process which allowed us accomplish several steps towards the main appeal hearing. Continued strengthening and building the Network of Land and Environmental Defenders by initializing the process towards its legal registration. The network that will now be referred to as Environmental Rights Organization (EROG) now has officially elected officials who will work to see that it is legally registered and that it exists independently. The network brings together LEDs from Kenya, Uganda and Tanzania to advocate for the land and environmental rights as a united front under one umbrella.
- CJGEA has leveraged the media to increase awareness on environmental governance and justice matters through press releases, press statements and interviews.
- CJGEA managed to introduce the EROG network members to the Mining Community Development Regulations of 2017 (CDA) that is an important entry point for advocacy for Land and Environmental Defenders to work on effective remedies for their communities and push for environmental justice through CDAs around extractive industries and mining areas.
- CJGEA has also successfully enhanced the promotion of the right to participate in environmental decision-making within communities through building the capacity of locals on the importance of taking part in making decisions on environmental issues that directly affect them through the CDA committee.

- CJGEA Continued forming creating new partnerships by bringing in new stakeholders on board while maintaining the ones that already existed. CJGEA enjoyed new working relations with new partners and donors. 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 ALLIED and IPEN network and working closely with partners locally, regionally and internationally.
- 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 LEDs. 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 with cluster heads leading the operations of the organization in the different counties around the country. This ensures that we are able to reach even the most grassroots persons in remote areas through our clusters. CJGEA has also managed to bring more Ugandan and Tanzanian LEDs as well as CSOs supporting them into the Network. This expansion plan was in line with the organization's strategic plan 2019-2024.
- CJGEA has been able to closely monitor the progress of work of its LEDs through continuous follow ups. The capacity of the LEDs have been constantly raised through regular trainings where they are equipped with unique skills to assist in their work.
- CJGEA has continued the implementation of the Natalia Project that has ensured all at risk LEDs that CJGEA work with remain protected and safe at all times. We have also conducted regular security trainings on both physical and digital security for the Defenders that has helped enhance their capacity on how to handle and respond to security threatening situations. Security protocols have been developed for all the defenders and key CJGEA personnel to help increase their general security.

3.0 MAJOR ACTIVITIES, ACHIEVEMENTS AND KEY ENGAGEMENTS

This section details the programs that were undertaken by CJGEA in the ending fiscal year and the milestones achieved.

3.1 “Tuna Sauti” Public Interest Litigation (PIL)

The [Environmental Class Action Suit](#) 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's right to a clean and healthy environment was infringed when they were exposed to lead poisoning by a state licensed Lead smelter and through CJGEA they were able to go to court to seek remedy. .

The case was filed in 2016 at the Environment and Lands Court of Mombasa. In July 2020, the [judgement](#) to the case was issued and the community managed to record a landmark win. The Honourable Justice Anne Omollo delivered Judgement on petition no. 1 of 2016 that sought to challenge the responsibility of the state and non-state actors towards the protection of the right to a clean and healthy environment, right to life and other socio-economic rights. In her final ruling, she granted prayers recognizing through declarations that: - the community's right to a clean and healthy environment was violated thereby granting them compensation to a tune of \$12 Million for their losses and redress in form of cleaning-up and rehabilitation of their environment to a tune of \$7million.

The case was then appealed by two state agencies i.e. the National Environment Management Authority (NEMA) and the Export Processing Zones Authority (EPZA) and this saw us move back to court of appeal for fresh hearing and determination of the case. Since the final hearing of the appeal case in July 2022, the Court of Appeal has deferred the judgement dates 6times in a row with no concrete explanation to the petitioners. This has frustrated the lead poisoning victims of Owino Uhuru whom have been awaiting justice/effective remedy that had been granted to them by the High Court. Consequently, the community members staged demonstrations outside Court of Appeal- Mombasa in effort to get substantial response on the continuous deferment of the judgement dates as well as to draw attention of the courts and the public on the plight of the victims of Lead poisoning.

The Owino Uhuru class action litigation suit at the high court created an international precedent that can be used by similar communities globally to seek effective remedy for environmental rights violations. 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 has helped 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 court had ruled that the residents should be compensated for those who died due to the poisoning, medical treatment of other victims and a clean-up of their settlement, which has not yet taken place.

BBC NEWS | AFRICA

Figure 1 Owino Uhuru community members during demonstrations outside Court of Appeal Mombasa in March 2023

3.2 East Africa Criminalization project

Land and Environment Defenders (LEDs) are people who take peaceful action, either voluntarily or professionally, to protect the environment, human land rights. They play a crucial role in protecting land and natural resources, challenging relevant state agencies and business actors to establish and adopt best practices for sustainable development especially now in the wake of the triple planetary crisis. LEDs have and continue holding into account these key stakeholders in the event of violations of fundamental human, land and environmental rights. Inevitably, LEDs have found themselves in vulnerable situations that threaten their security due to the numerous reprisals they face whilst executing their mandate in environmental governance/justice. These range from physical attacks, kidnapping, enforced disappearance, judicial harassment through arbitrary arrests, SLAPP suits, fabricated charges levelled against them and criminal records in their names that government is reluctant to erase, surveillance among other violations of their fundamental human rights and freedoms. It is therefore imperative that they are accorded the much needed support and resources that they can leverage whenever they are in need.

To help support LEDs against criminalization, CJGEA in partnership with the Alliance for Land, Indigenous and Environmental Defenders (ALLIED) are implementing a project that focuses on addressing criminalization of LEDs in the East Africa region. The aim is ensuring there is fairer reporting on, coordination of support organizations, and rapid response to criminalization of defenders in Kenya, Uganda and Tanzania.

CJGEA has conducted a series of virtual workshops as well as a physical workshop in effort to build and strengthen the capacities of grass roots LEDs as well as local organizations working to support LEDs through training on support mechanisms and resources they can leverage when they are in emergency/ non-emergency situations.

With partnership from Civil Rights Defenders (CRD) CJGEA has developed security protocols for up to 8 LEDs in the network who have been under attack and have faced threats to their lives as a result of their work. They have been issued with security devices for raising panic alarm in case they are in risky situations that compromises their safety. Following the recent expansion into Tanzania and Uganda, CJGEA seeks to incorporate LEDs from the two countries into the program as well. Grassroots environmental movements in Kenya face open hostility especially when they work to hold state and non-state actors accountable for their actions. CJGEA LEDs have at times come under attack for demanding environmental justice and defending land rights in their communities. 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 threats involved 2 LEDs that forced them to seek security protection from time to time to shield them from the threats and security risks they are facing in line of their work. Constant surveillance of the individual and their family members by unknown assailants have prompted the LEDs to go into emergency relocation for their safety.

The LEDs who have been facing imminent security threats have been included in CJGEA's security monitoring programme. The LED Network members have continuously been taken through digital and physical security management to help them monitor and manage their security situation.

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 Media as a tool for the realization of environmental justice and socio-economic rights in Kenya.

One of the tools that CJGEA has used during the course of its work is the media. Throughout the Owino Uhuru litigation, the media has been one of the most efficient and trusted sources for disseminating information and therefore became vital in swaying public opinion for the cause. The

media aroused the awareness of environmental impunity in Owino Uhuru at all levels in a concerted effort to restore dignity to the residents and affected people of Owino Uhuru through supporting demands for the protection of their rights. Media also played a role in protecting defenders from backlash they faced during campaigns for a clean and healthy environment. At times when the local media themselves feared backlash, then the international media played a role in pacesetting the conversations that could then be easily picked up by the Kenyan media. Against this backdrop, CJGEA has continued to leverage the media to pursue its courses.

The media has been very critical in advancing the plight of the Owino Uhuru residents and other grassroots communities that we work closely with like the Mdune Village and Kadzonzo communities at the coast. The media has continued to support advocacy efforts by CJGEA on the need to uphold and protect the right to a clean and healthy environment and the fight for environmental justice. Our strategy has been to ensure that we get the media to cover and circulate widely activities implemented by CJGEA that speak to the needs of LEDs and their communities as well as land, environmental and human rights. We have managed to produce several documentaries and programs that have run on prime time news as well as several newspaper articles in both local, regional and international media. The latest one was the demonstrations held by Owino Uhuru community members in protest of delayed justice by the court of Appeal in March. The protest was broadcasted locally on NTV, TV47, VOA Swahili and internationally by BBC.

We have also managed to connect the network members to several media personnel that now help to cover their stories and the plights of their communities. This has also helped boost the profiles of the LEDs we work with thereby decreasing the security risks they face.



Figure 2 Owino Uhuru community members demonstrating against delayed justice at the Court of Appeal Mombasa in March 2023

3.4 procedural environmental rights as a tool for environmental justice and socio-economic rights

These rights are; Access to information, Public participation and Access to justice/effective remedy. CJGEA has done extensive work on procedural environmental rights in partnership with the KIOS Finnish foundation on Human Rights. CJGEA has facilitated consultations with (Pb) Lead Experts globally and locally in effort towards setting up a team that will implement the court order that tasked CJGEA with remediating the Owino Uhuru community. The taskforce comprises of An advisory committee consisting of vetted local (CSOs and state agencies) and international experts with extensive experience in chemical analysis, legal frameworks and handling of Lead projects. The remediation experts (Organizations/ individuals) with a good track record of conducting Lead clean ups were identified and they submitted their resumes to CJGEA which will be reviewed by Board of Directors and select the most suitable candidate. The remediation implementation remains subject to implementation of the court judgement by the state agencies/respondents. We have built the capacity of understanding of Owino Uhuru residents regarding the anticipated activity through community engagements and trainings of what remediation entails and what they should be expecting to happen that is soil clean up, replacement of iron sheets, replastering of walls and window sills et. Cetera. CJGEA embarked on a verification exercise through door to door visits of Owino Uhuru households to determine the genuine residents who suffered from Lead poisoning between 2009-2014 when the Metal Refinery EPZ began operations and when it was decommissioned. The final Lists of the right holders in Owino-uhuru was also reviewed in preparation for the implementation of access to justice and effective remedies as stated in the court decree.

CJGEA has began scaling up procedural environmental rights platforms for socio economic rights empowerment and leadership development in five coastal communities through conducting baseline surveys in Kwale, Mombasa, Kilifi, Taita Taveta and Lamu counties and documenting contentious development projects in the communities. Most community members are aware of these rights but albeit they find it difficult to challenge the relevant actors when their rights are violated. This is because of inadequate knowledge and capacity to engage the these actors. CJGEA has bridged the gap by enabling the consultations with state agencies like National Environmental Management Authority that is mandated to protect the environment of the citizenry. CJGEA will continue to create the necessary connections in effort to address concerns that arise between community members and proponents of particular development projects.

3.5 leveraging on the global compact membership, to mobilize mining companies and host communities compliance by scaling up the implementation of mining community development agreement regulations (2017)

We have mobilized the LED community on new national policy frameworks and international processes including the mechanisms and instruments of the UN system that have a bearing on the national context and can be critical in pursuing justice by the LEDs. One of the most recent

legislations that was enacted in Kenya is the Mining Act of 2016.¹ Under this Act, there was the introduction of the Mining community Development Agreements Regulations (CDAs) that came to force in 2017.

CDAs represent a great milestones in domesticating the UN Guidelines on Business and Human rights. The framework is critical in defining relationships between mining companies and impacted communities. They are legally binding contracts between holder industries and their host communities likely to be impacted by their operations. The introduction of CDAs created a platform for communities hosting extractive industries to hold industries establishments accountable to the community's environmental and socio-economic rights.

One advantage of the CDAs is that it recognizes communities as part of the investment into corporate activities and therefore obligates the mining companies to relinquish at least 1% of their gross profits back to the community to stimulate socio-economic development through the CDA Committees (CDACs). CJGEA in partnership with Kwale Community Development Program (KWACODEP)² has a success story with regards to the CDA implementation. Base Titanium, an Australian multinational mining company entered into CDAs with up to three host communities forming three CDACs i.e. Msambweni CDAC³, Lungalunga CDAC and Likoni CDAC. This made the Kwale community and Base Titanium pioneers in implementation of this framework and the socio-economic impacts are positively far-reaching. CJGEA invited Base Titanium and the CSO representative (KWACODEP) which is in the LED network for the annual LEDs workshop to share the success stories of community projects as a result of CDA implementation.

The success of the CDAs in these three communities is something that is worth replicating and scaling up in other parts of the country within the mining sector. Against this backdrop and applying the precedent set by Base Titanium in Kwale, CJGEA in partnership with the A Thousand Currents seeks to explore the possibility of mobilizing other mining companies to learn from Base Titanium's experience around the CDA framework with the view of assisting the companies to adopt and implement the same with their host communities.

CJGEA seeks to Build the capacity of Bamburi Cement- a cement manufacturing company that is a member of the Global Compact and its host communities by sharing experiences and innovative avenues used by other business entities and transnationals to meet business obligations on Business and Human Rights (BHR) through the CDA.

¹ [Mining Act no. 12 Of 2016](#)

² [Kwale Community Development Programme](#)

³ [Msambweni CDAC](#)



Figure 3 Sharing of impacts of the CDA during the 6th Annual LEDs workshop in June 2022

3.6 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 region wide impact by involving LEDs from Kenya, Uganda and Tanzania to take part actively in environmental governance in the region.

Currently CJGEA has representation in all the 47 counties of Kenya and coordinates a network of LEDs known as Environmental Rights Organization (EROG) that is hosted under her. The network was formed in 2017 and has existed under CJGEA since then. It currently enjoys a membership of 40 CSOs working on land and the environment and up to 80 individual LEDs. CJGEA conducted the first EROG elections during the 6th Annual LED workshop in 2022 where 44 members democratically elected the the Chairperson, Vice Chairperson, Secretary, the Vice Secretary and 11 board members. EROG brings together LEDs from all over Kenya as well as Tanzania and Uganda to safely advocate for land and environmental rights as a united front. The elections of the officials signified the journey towards realizing the dream of having the network exist independently therefore establishing an administrative structure was a step forward. The Board had good representation with the elected chairperson hailing from a minority tribe in Kenya. Others included but not limited to a lawyer, a community member, indigenous persons, persons from marginalized counties. Gender parity was considered to ensure equal representation for both men and women in positions of leadership in the network.

The East Africa Criminalization project provided the opportunity for further expansion of network members through implementation of its activities. During the Virtual workshop on n 30th and 31st May 2023 CJGEA welcomed a total of [a total of 26](#) grassroots LEDs as well as CSOs from Uganda and Tanzania into the network. CJGEA remains the secretariat for the Network for the time being until the network can stand on its own.



Figure 4: Newly elected members of the EROG network.

he network has included grassroots land and environmental rights organizations as stakeholders as well as individual LEDs. 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 LEDs 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 LEDs are involved with.

Through this project, CJGEA has been able to scale up her membership to 47 counties and vastly increased the number of LEDs and their affiliate organizations joining the network. This has helped enhance safety in the work of LEDs for example, it has promoted solidarity in responding to LEDs 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. The project has also made significant strides on ensuring that grassroots environmental movements become 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 LED representation.

3.7 Nuclear Energy and Policy in Kenya

Kenya is developing plans to set-up nuclear power plants in the Coastal region of Kenya with minimal knowledge, skills/expertise and resources for such operations. Nuclear Power Energy Agency (Nupea) the state agency mandated to implement the project released a report of the Strategic Environmental and Social Assessment (SESA) accompanying this anticipated development project. Public participation especially among the host communities was done inexhaustively hence, CJGEA is building advocacy around this seeing the potential threats/risks such a project poses to the health of the citizenry, environment and how the project will impact ongoing climate change mitigation efforts in the country. We have engaged Oeko-Institut whom we've been working with for a number of years and already partnered with on the issue of lead-acid recycling. Currently there are no nuclear energy experts locally. Oeko Institut has a team of nuclear engineers with the technical capacity to review, dissect and submit recommendations through a published report on the SESA report that was released by Nupea. This will come in handy for advocacy as a competent body will have conducted the review and the recommendations given will be credible. CJGEA will facilitate consultations between experts from Oeko Institut and the local nuclear scientists and scholars who will work with the nuclear engineering experts in reviewing the report and assist with final dissemination of the published report to the public through media and also take part in media. They will also take part in media engagements and give critic from an expert point of view.

4.0 CHALLENGES EXPERIENCED IN THE FINANCIAL YEAR.

- The constant postponement of the scheduled judgement dates by the Court of Appeal in the Owino Uhuru Class Action suit has delayed access to justice for the residents of Owino Uhuru community.
- The court process is very costly and hence utilizes up a lot of the organization's resources.
- The organization could not raise sufficient resources to respond to the rising demand for interventions on access to land, environmental justice, governance and rule of law issues by victims of environmental injustices that reported to us from all around the country.
- 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 needs to be done.
- Surveillance by the state on our work which makes us be cautious at all times.

5.0 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 LEDs which has greatly contributed her geographical expansion as she currently has presence in the whole country. • CJGEA continued with defending the landmark ruling at the Environment and Lands High Court of Mombasa on behalf of the Owino Uhuru community at the court of appeal thereby making great strides 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. • Increased recurrent costs and support for legal fees have weighed so much on the budget of CJGEA as the Owino Uhuru Appeal case 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 LEDs workshop each year since 2017 which brings together EHRDs from different parts of the country. These workshops are a good platform for the LEDs 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 LEDs nationally to operate under one umbrella in the ERORG network and plans on registering it formally to enable it be recognized legally.
- CJGEA works with several grassroots environmental organizations and LEDs 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 made 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 LEDs 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 goodwill 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.

6.0 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. In 2020 she was recognised by BBC as 100 most influential women globally and in 2021 Time magazine named her as 100 most influential people globally.

Tracy Anyango
Programs Officer



Tracy Anyango is the organization’s head of the programs department. She is a graduate from Kenyatta University. She has previously worked as a social science researcher with Bio-cult in Kaya-Kambe. She has worked as a community Liaison officer at CJGEA before becoming the project officer and now the programs manager. She has contributes immensely to the organization serving in her current capacity and supports in other office duties as well.

EARNEST TUNJE
Finance and Administration Officer,



Mr. Tunje is the finance officer and administration officer of the organization. He is a graduate with Bachelors of Arts (Economics with IT) from Maseno University and also a CPA Graduate. He has experience in finance and management working in the private sector. He is a great team player and his skills have proven beneficial to the organization

Maxwel Okola

Community Liaison Officer,



Mr. Maxwel Okola is the community liaison officer of the organization. He holds a Degree of Bachelor of Science in Management of Agroecosystems and Environment from Nairobi University. He has worked previously at Kenya Forest Service where he did various community projects and interacted with the community in Mombasa County. He maintains the good rapport between CJGEA and the community at large with his public relation skills

7.0 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
Hannah Wamuyu	Member (Legal Representative)

8.0 PICTORIALS





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