

J. ACTION

Center For Justice Governance And Environmental Action



REPORT OF THE 4TH ANNUAL LAND AND ENVIRONMENTAL DEFENDERS WORKSHOP HELD AT FLAMINGO BEACH RESORT HOTEL FROM 25TH -27TH NOVEMBER 2020.

(Enriching Kenya County Environment Committees through public participation of Land and Environment Defenders)



ACRONYMS

CAJ – Commission of Administrative Justice
CBO - Community Based Organization
CECs - County Environmental Committees
CJGEA - Center for Justice Governance and Environmental Action
CJGEA – center for Justice Governance and Environmental Action
CoG - Council of Governors
COVID-19 – Corona Virus Disease
CRD – Civil Rights Defenders
CS – Cabinet Secretary
DD Coalition – Defend Defenders Coalition Kenya.
EIA – Environmental Impact Assessment
EMCA – Environmental Management and Coordination A
FLD – Front Line Defenders
HRDs - Human Rights Defenders
HRDs – Human Rights Defenders
HURIA – Human Rights Agenda
ILC - International Land Commission
JKUAT – Jomo Kenyatta University of Agriculture and Technology
KFS – Kenya Forest Services
KWS – Kenya wildlife Service
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
PI - Protection International
UK – United Kingdom
UN – United Nations
UNEP – United Nations Environment Programme

ABSTRACT

The Annual Land and Environmental Defenders workshops hosted by [Center for Justice Governance and Environmental Action \(CJGEA\)](#) 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 water down the numerous violations they face ranging from attacks, murders, harassments, criminalization and infringement of their fundamental rights. This year's workshop brought together upto 50 LEDs from all over Kenya working in different contexts and geographical spaces to learn and share experiences. It also included upto 8 indigenous LEDs who some were attending the workshop for the first time. The workshops are thus critical in advancing the work of 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. This year's 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 discussions, and brainstorming. The workshop encouraged teamwork and learning from each other's experience. The following report therefore outlines the events that took place at the workshop and entails information on all the sessions that were conducted during the LED summit.

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OBJECTIVES

The following were the objectives for the 2020 workshop. The objectives were classified as workshop and post-workshop objectives.

Workshop objectives

1. **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](#)¹, [Ikal Angelei](#)², [Phyllis Omido](#)³, [James Wakibia](#)⁴ and [Anastacia Nambo](#)⁵ 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.

¹ Young environmentalist and the recipient of the Society for Ecological Restoration Regional Awards - Award for excellence in Restoration (Africa)

² The 2012 Goldman Award recipient for Africa

³ The 2015 Goldman Award recipient for Africa and the 2020 Blue Planet Award winner

⁴ 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

⁵ The 2018 Human Rights Defender of the year award recipient.

- 2. To enhance sharing and learning, building solidarity and support for defenders and strengthening networks and advocacy towards governments and businesses on human rights.** This aimed to provide a secure platform where the LEDs will be able to interact and share freely their personal experiences in the course of defending land and environmental rights hence promoting learning from each other's experience through sharing. This also aimed to further strengthen the LEDs network and contribute towards the realization of safe spaces for the LEDs to exist and operate in as well as multiply supporters in solidarity for a safer environment free of land and environmental human rights violations. It was also geared towards highlight the issue of human rights as a crucial element to good corporate citizenship and link the power of economic growth to the principle of human dignity.

Post workshop Objective

- 3. 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 aims at leveraging on our network members to visit the counties with partnership of Council of Governors and National Environmental Management Authority (NEMA) to document the progress and working of the existing county environmental committees. We aim to have 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.

CJGEA planned on conducting a refresher study on CECs in all the 47 counties in close partnership with the COG, NEMA and CAJ. This study was to be conducted through the LED network members in the separate counties under the guidance of CJGEA. We will therefore use the opportunity presented by the 2020 annual workshop to train the LEDs in our network during this upcoming workshop to build their capacity on CEC data collection, analysis and documentation. This will be conducted in readiness for the actual study which will happen post-workshop. After the training, the LEDs will be ready to move into the field to conduct the study on the CECs and to monitor the progress of their implementation so far and document the same. This exercise will see us work closely with the relevant stakeholders including COG, NEMA and CAJ to ensure its success by reducing the challenges faced while conducting the baseline study on the CECs in 2018 by CJGEA staff.

CJGEA will facilitate the network members to visit their respective county headquarters to collect data on the dates of gazettement of the CECs, the current constitution of the CECs, the state of funds allocation to the CEC's, the number of projects handled so far, successes and impediments and capacity in the current sitting membership in line with the EMCA Act recommendations among other relevant information.

1.1 Introduction

Since 2017, CJGEA has conducted annual workshops for LEDs countrywide to discuss on issues that affect them as LEDs. This year's event was the fourth annual conference for LEDs which was organized by The Centre for Justice Governance and Environmental Action (CJGEA) in partnership with United Nations Human Rights Office of the High Commissioner (OHCHR), UN Environment (UNEP), Land and Environmental Defenders Coalition (LED) and Global Green Grants (GGF). The consultative forum was held in Mombasa and attended by LEDs drawn from different counties across the country from 25th to 27th November 2020.

The forum was interactive and the participants had the chance to discuss on the following key topics.

- Presentation and launching of the Owino Uhuru Litigation expert study by CJGEA
- Role of NEMA and council of Governors (COG) in coordination of CECs
- Understanding the value of strategic planning and management of resources.
- Capacity building on engagement and interaction with the UN Human Rights Mechanism.
- Role of the Attorney General in access to Environmental Justice.
- How to develop security protocol, General physical and digital security measures.
- Financial and General organizational management procedures.
- UNEP's Land and Environmental Defenders Policy
- Business and Human Rights
- Response mechanisms to threats/risks and attacks on LEDs by Protection International
- Spread awareness on support resources available for LEDs in Kenya.

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

1.1.1 Participation

The workshop attracted participation from LEDs countrywide, NEMA representative, LED support organizations, government and other partner organizations. More than forty five participants were booked into the hotel for the entire period. All the sessions were conducted in close adherence to the COVID-19 health protocols.

1.1.2 Opening Remarks

The meeting was opened with welcoming remarks from CJGEA and OHCHR.

Tom Bicko, the programs officer at CJGEA opened the meeting with the national anthem and then invited Li Fung of OHCHR. Ms. Li thanked the participants for attending the convening despite the COVID-19 pandemic which had paralyzed running of so many activities. She also thanked CJGEA for organizing the workshop which brings up all defenders from all parts of the country. LI stated that this was an opportunity for interaction between OHCHR and Land and Environment Defenders (LEDs). She further stated that their offices are open to offer support to LEDs.

1.1.3 Speech by CJGEA

This speech was given by Mr. Tom Bicko, of CJGEA. He briefed on what CJGEA does and their vision, mission and goals. He pointed out on what the workshop would focus on. He briefly commented on County Environmental Committees (CECs) functions and policy formulation. Thereafter Ms. Phyllis Omido the Executive Director of CJGEA welcomed the participants to the meeting officially and thanked them for attending the meeting. The overview of the workshop's agenda was conducted by CJGEA's Tom Bicko and thereafter he invited Mrs. Hannah Wamuyu who is a senior lecturer of Law at JKUAT and a board member of CJGEA to present the Owino Uhuru Litigation Expert Study report and launch it officially.

1.2 Presentation of the Owino Uhuru Litigation expert study

The session was facilitated by Hannah Wamuyu, who took us through the process of conducting the study. She began by explaining the pollution problem of Owino Uhuru village in 2006 due to lead extraction operations. The pollution heavily impacted the environment and health of the residents and through the guidance of CJGEA they sought help from relevant state agencies to:

- Have pollution stopped
- Restore the contaminated environment
- Have affected residents treated.

Unfortunately they met resistance from the proponents of the lead smelting industry.

She also stated that before the case they had mobilized the state and non-state actors to shut down the industry by either through physical visits to their offices and also through letters. Media was also used to amplify the plight the residents which resulted to inquiry of the matter by the department of public health. CJGEA requested for the ban of exports of used lead acid battery products.

The petition was filed at the Environmental and lands Court Mombasa in 2016 where the class action sought to challenge the responsibility of the state and non-state actors towards the protection of the right to clean and healthy environment as per article 42 of the Kenyan constitution 2010. The petitioners sued the respondents in the case for compensation for injuries caused by the lead pollution. The judgment was delivered on 16th July, 2020 four years after the case was filed in court.

Ms. Wamuyu then took us through the court process and the steps that were undertaken. The following briefly highlights the steps that were undertaken and some that are yet to be undertaken:

- i. Identifying a representation of the residents of Owino Uhuru community
- ii. Identifying witness
- iii. Identifying proper parties to sue
- iv. Pleadings
- v. Collection of evidence of pollution in the environment

- vi. Collection of evidence showing causation of harm to the residents. E.g. blood tests were undertaken
- vii. Pre-trial preparation
- viii. Trial process
- ix. Submissions
- x. Judgment
- xi. Execution of decree
- xii. Appeal

She noted that after judgment was issued the following declaratory orders were given:

- Right to a clean and healthy environment; right to the highest attainable standard of health and right to clean and safe water; right to life.
- Award of compensation to the petitioners and persons claiming through them in the amount of 1.3 billion Kenya shilling payable by the respondents.
- The state actors to clean up the soil and water and remove any wastes deposited within the Owino Uhuru settlement.
- In default the sum of Kshs 700 million comes due and payable to CJGEA to coordinate the soil/environment clean up exercise.
- The attorney general, the CS ministry of environment and the NEMA ordered to develop and implement regulations with regard to lead alloys manufacturing plants.

Hannah touched on the key area focused on during the whole case process. They included:

- Access to justice. This role was played by CJGEA since they articulated the concerns of Owino Uhuru. Collection of evidence of harm from the residents and environment by involvement of various experts hence utilization of a lot of resources. Mobilization of fund which were utilized for collection of evidence.
- Identification of responsible parties where state actors in the case were to blame for allowing the operator to operate without an EIA license; failing to provide treatment for the affected residents leading to violation of number of rights.
- Jurisdiction - the 1st and 3rd respondents contested jurisdiction of the court in determining the case before it. The court affirmed that the petition revolved around the violations of the rights.
- Proof of violation of rights. The petitioners bore the responsibility of proving causation and proof of injury to the environment.
- Collection of evidence. Medical test for victims, post mortem for those who had died, soil, water, dust lead levels signifying pollution to the environment were conducted. Ministry of Health, Donors, CJGEA, NEMA, Senate, Scientific experts were part of the team involved in collecting evidence.

- Applying the polluter pays principle which helps in defining the liability of responsible parties for the cost of pollution. The state actors were found liable for failures to conduct their duties in protecting the citizens and the environment.
- Compensation - The 10 petitioners were selected to present the case of Owino Uhuru community residents. Evidence showed the nature of personal injuries suffered and environmental harm. Kshs 1.3 billion compensation payable to the area residents for the harm suffered. Compensation would be advertised for other claimants to present themselves. The state actors were ordered to clean up the contaminated area and if they failed Kshs 700 million would be paid to CJGEA to coordinate the environmental clean-up exercise of the contaminated area.
- Quantification of damages. The court assessed the damages caused where similar environmental pollution cases were presented.

After presentation on key areas Hannah mentioned on the challenges they faced. Which included; delay in service, delay in hearing. The case took 4 years for the judgment to be made. The changing nature of harm was another challenge they faced. Witness intimidation was also experienced and even some refused to give their testimonies. Cost of litigation was high since there was need for scientific evidence and legal fees which was expensive. And finally the novel cases/harm.

Finally Hannah concluded by stating that there was need to have law guiding the novel cases. By having such laws would make it easier for such cases like the Owino Uhuru to get justice faster.

1.2 Council of Governors presentation on CECs

This session was led by Ken Oluoch a representative from the Council of Governors. Mr. Oluoch started his presentation with an introduction of the COG, its mandate and relevance in the environmental rights sector. He explained that the CoG was established under section 19 of Intergovernmental Relations Act 2012 and that it was the main avenue that could be used to pursue for consultations and cooperation among 47 county governments on matters related to the county.

He mentioned the following on the roles of the CoG:

- Sharing information on performance of counties to learn and promote best practice
- Considering matters of common interest to county governments
- Dispute resolution between counties.
- Facilitate capacity building of governors
- Consideration of reports from other intergovernmental forums

He processed to explain that the committee is voluntary and that it consists of H.E Samuel Ole Tunai governor for Narok County as the chairperson with 8 more governors in the committee. The committee also consists of the county officials in charge of environment water natural resources and climate change. He further explained that the secretariat consisted of the CEO, managers, program officers, program assistants, legal officers and communication officers.

He also introduced the participants to the Tourism and Natural Resources Management Committee, which was established to tackle matters related to climate change, forestry, sustainable water management and environmental management and conservation. He stated that their role was:

- Advise county governments on matters of policy and legislation
- Act as nexus between the water, forestry and mining and other national government agencies, partners and counties.
- Facilitate and coordinate committee meetings.
- Facilitate capacity building initiatives
- Document best policies, emerging trends and technologies.
- Monitor implementation and adherence of international standards and national policy and legislation at the county level and make appropriate recommendations.
- Disseminate information to counties and partners.

Mr. Ken continued to explain that the constitution provides for the right to clean and healthy environment where he stated that it distributed the functions between national and county government on environmental issues. On the county governments, he explained that it is their role to implement specific national government policies on natural resources and environment conservation.

Mr. Oluoch mentioned that Constitution of Kenya provides for establishment of the County Environment Committees (CECs) by the governor and their roles is to ensure:

- Proper management of the environment within the county
- Development of a county environmental action plan every 5 years
- Perform extra duties prescribed by EMCA Cap 387 or assigned by governor through a notice in the gazette

He also discussed the roles of the governor in CEC as following:

- Constitute the county environment committee by notice in the gazette.
- Appoint 2 reps of farmers or pastoralists within the county.
- Appoint 2 reps of business operating within the county.
- Appoint 2 reps of public benefit organizations engaged in environmental management with the county.
- Ensure that appointment was in accordance with the two-third gender rule and inclusion of marginalized groups and people with disabilities.

Ken noted that 45 counties out of 47 have already gazetted their county environment committee. He also discussed the challenges the CECs faced, financing being one of the major problems. Secondly lack of legal frameworks to support the resolution of the CECs since not all counties have established the policies and regulations. Lack of proper coordination between NEMA and

some county governments has affected the operations of the CECs. Finally capacity gaps toward operationalization of the committee was noted as a big challenge too.

Lastly ken closed the session with recommendations on how to secure sustainability of the CECs. They included, Partnerships towards building capacity of the CECs and supporting enactment of legislations to enforce the resolutions of the committees in counties. Adoption of modern disposal methods to solve the menace of waste in counties. These modern disposal methods are expensive but it was agreed that they are efficient and worth at long run.

1.3 NEMA presentation on their role in coordination of CECs

This session was done by Mr. Bakari Mangale a representative from the NEMA office in Kilifi. He began by mentioning that CECs is not something new since we had district environment committee under the old constitution whose roles were almost similar to those of the present CECs.

Mr. Mangale proceeded to explain the role of NEMA to CECs as following:

- Capacity building. When the CECs are gazetted NEMA trains them on policies and regulation and the general knowledge of what is expected of them.
- Supervise agencies e.g. KFS, KWS through CECs.
- Offer technical advice including developing action plan for the county.
- Offer secretariat role where they sit with the committee after gazette notice

He moved on to discuss the challenges they face in performing their roles. Financing was termed as a major challenge since it is not clear on who is to fund the meetings and other expenses which brings about confusion on whether it is NEMA or county governments. Secondly it was stated that the frequency of the meeting is not clear as it depends on the chair. It was noted that some counties can even take a year without meeting. Thirdly, there are no rules to guide who is selected as member hence decision making is hard. Finally he mentioned that gazettelement is always delayed.

A question was raised by one of the participants on the governance of the CECs where Mr. Bakari responded by explaining the leadership structure where the chairperson is from the CECs, director is chosen from the county and NEMA as the secretary.

He concluded the session by appreciating CJGEA being in Kilifi and congratulated them on the work they are doing and promised to work to together for better results.

1.4 Training on general organizational management procedures

This session was conducted virtually by Ms. AnaMaria Wills. This is because she could not make it to kenya due to the COVID-19 pandemic. Ana is a specialist expertise in management and strategic business planning for organizations. She began the session by mentioning that for a great social sector organization it has to:

- Deliver superior performance
- Make a distinct impact

- Achieve lasting endurance

Ms. Maria proceeded to describe a business model as the rationale of how an organization creates, delivers and captures value. She extended the topic on what a good business model entails. It should have the key partners, these are the key suppliers and partners we need. It should also have key activities and the key resources that one requires to perform the activities. The model must also have value proposition/offer this was further explained as what product or services the business is offering. She also insisted that customer relationships and how we communicate with our customer is vital. Finally she stated that we needed to know who are our customers and in our case the donors, participants are the customers.

Ms. Ana went ahead to emphasize the importance of a vision, mission and values. She advised to come up with a good organization mission one has to identify and articulate the organizations core purpose and should be updated regularly to reflect new and improved ways in which the organization can achieve its purpose. She explained vision as a compelling description of what overall success looks like. Values reflect the core ideology of the organization and also tests the appropriateness of the vision. An exercise was given to the participants to draft a version of their mission statements in their organizations.

The next discussion was on strategic planning where it was agreed that for an organization to have a super plan they needed to understand how their organization works. One also needs to:

- Involve other people
- Be clear of what is expected and what is involved.

She then advised participants to analyze their organizations using the SWOT analysis which identifies internal and external factors that are favorable and unfavorable to achieve organization's goal. SWOT stands for Strengths, Weaknesses, Opportunities and Threats. A STRATEGIC PLAN SHOULD INCLUDE:

- SWOT Analysis
- Vision statement
- Value proposition
- Major goals
- Implementation
- Resourcing

Ms. Ana stated that one should balance their vision for the organization against the practical realities of their current position and take into account the implications of any changes such as new funding and other resources. She extended the discussion by adding that a strategy plan needs to be:

- Simple and understandable
- Reflect on the complexity of the orgs relationships and activities

She finally explained objectives as statements of outcome and not actions. She concluded by mentioning that the last part of the process is an implementation plan which lays out the order of actions to be taken or tasks to be done.

1.5 Capacity building on engagement and interaction with the UN Human Rights Mechanism.

This afternoon session was led by Ms. Claris Ogangah of OHCHR who started by defining protection system as legal frameworks, institutions, procedures and actors to ensure that international human rights norms and standards are promoted, respected and fulfilled. She stated that states ratify international treaties to commit and comply with the international standards. This offers citizens a double layer of protection especially where you find the laws at home are not aligned to the international standards. Ms. Claris encouraged the LEDs that they can progress advocacy by reaching out to the UN thematic procedures to address any environmental issues they are facing.

Ms. Claris spoke about the Universal Periodic Review which happens every four years and is very crucial for civil society organizations to create awareness and conduct advocacy on human rights issues they would like to bring to the attention of the UN and other human rights bodies. She explained how CSOs can prepare reports, take part in the sessions, strategies on how to raise sensitive issues if there is fear of reprisals, strategic partnerships in submissions and lastly what to expect after submission of reports.

She concluded the session by highlighting the role of Human rights council for charter based bodies as:

- Promotes universal protection
- Addresses and prevents violations
- Develops international law
- Reviews compliances of member states
- Respond to emergency
- International forum for dialogue

1.6 Role of the Attorney General in access to Environmental Justice

The session was facilitated by Mr. Nguyo Wachira a representative from the attorney general's office. He spoke on provisions in the constitution that protected environmental justice.

Mr. Wachira spoke of the Civil Litigation Services where there exists a department responsible for Settlement of Judgments and Decrees. He further mentioned that in observance of the rule of law and public interest, the department facilitates the settlement of court judgments and decrees by requesting for settlement funds from ministries and agencies held liable by the courts.

For settlement of court judgments and decrees, the department undertakes this exercise in accordance with the government proceedings Act, Laws of Kenya and accounting procedures as

per the Public Finance Management Act. In this regard and so as to request for the settlement funds, the Department requires to be supplied with a copy of the signed and certified court judgment, the decree, certificate of costs and certificate of order against the Government.

Mr. Wachira noted that this department is very instrumental in recovering from the government in cases where the courts find them liable/culpable for environmental/human rights violations and compensation is required. He concluded his session by engaging the LEDs and answering some of the questions they had raised.

1.7 Session on security protection for LEDs

Betty Sidi of HURIA led the session where she explained security management as process which involves analyzing HRDs context, evaluating and reacting to security threats, assessing risk and preparing a security plan. She continued to explain what risk has the possibility of an event resulting in harm. Ms. Betty took the participants through steps to create their own security plans. They include:

- Context analysis - One applies the SWOT analysis to check the degree of insecurity, who supports you and who is against you and other environment e.g. political, social cultural etc.
- Assessing risk. This is done by checking indicators of potential risk to determine the probability of the threat and what factors contribute to the increased occurrence of harm.

Ms. Betty also spoke about the common mistakes HRDs make when it comes to risk management as:

- Use of copy and paste approach
- Focus on reactive strategies
- Heroism. Extreme bravery sometimes places HRDs at unnecessary risk.
- Misrepresentation of HRDs work
- Tendency to ignore ones security. Some HRDs tend to give more priority to their work than their security.

She finally closed the session with a discussion on how to solve security issue when faced by one. She advised members to always:

- Focus on the risk identified
- Assess how likely they are to happen
- Assess the impact they will have on you if they do occur
- Check on what your vulnerabilities and capacities are.
- Finally draw up an action plan

During the plenary session headed by Grace Oloo it was noted and agreed that HRDs security matter and that everyone needed to be more vigilant since security starts with one self. Participants

also agreed that it is important to have strategic plans in their organizations for them to achieve their goals.

And finally CJGEA closed the day's convening by asking members participants how the day was and what they had learnt. The participants agreed that the day's activities were impactful to them.

2.0 Recap of day one

Day two of the conference began by a recap of the previous day a short session led by EHRD from Mombasa. It was evident that members were okay with the previous day topics and were ready for the second day with so much energy.

2.1 Financial Management Training

The session was facilitated by Dan Odira who began by defining financial management as how the organization uses its resources and not just money. He added that everyone in the organization is responsible for financial management. Through financial management the organization is able to raise and allocate resources in order to achieve their goals. Mr. Dan explained that financial managers are accountable to donors, government in case of an audit, executive committees and members.

Mr. Odira advised the participants on the qualities of good financial management where he emphasized that the financial system must ensure accountability, transparency and clarity, the accounting must be accurate and up to date. The budgets must be prepared on time to secure needed funds and reflect the need to carry out activities. The reporting should be done on time and accurately and finally the resources should be procured on time to carry out planned activities, they should be used appropriately and for the intended purposes.

Benefits of good financial management were discussed as:

- Donors are satisfied and gain confidence with the organization hence continued support.
- Funds are available to carry out the planned activities on time.
- Resources too are available for planned activities.
- Budgets are spent according to agreement
- Members understand the manager's track of organizations funds and assets.

He spoke on how lack or poor financial management can bring down the organization.

- No enough funds to carry out activities since the budgets and reports are not presented on time
- Resources are not procured in time to carry out activities as planned.
- Line items in budgets are overspent without permission undermining confidence leading to reduction in donor funding.
- Unnecessary resources are bought without budgeting
- Theft and misuse of organizations resources is common.

He continued to explain that financial management is related to programming since it:

- Ensures that funds are available when they are needed
- Ensures that organizations have resources to implement their programs.
- Ensures that funds are used efficiently in accordance with the organizations plans.

Mr. Dan emphasized that financial responsibility and accountability are the key principles.

He talked about planning and budgeting where he defined planning as a process the organization uses to evaluate what resources it has, what is needed and where extra resources can be found. Budget usually involves shorter term planning. He highlighted on ways to increase income and reduce expenditure. One can increase income by sourcing for funds from donor or generating income internally either by charging a fee for the work it does.

He explained that expenditure can be reduced by:

- Full utilization of staff time
- Cheaper suppliers
- Cheaper rent
- Monitor expense

He advised organizations to adopt the following basic steps involved in financial planning:

- Set medium to long term goals and objectives for the organization.
- Develop medium to long range implementation plans.
- Determine the financial, human and physical requirements necessary to achieve your plan.
- Revise your plan over and over

He emphasized that budgets help in planning and controlling functions of management. Three types of budgets namely strategic plan, capital budget and master budgets were discussed. The procedures and advantages of preparing budget was among the things Mr. Dan covered. He summed up the session with a discussion on qualities of a good budget which included:

- Clear and realistic goals
- Flexibility
- Effective communication
- Adapting to the accounting system
- Full participation

2.2 Training on general organizational management procedures.

This session was continuation of the previous day facilitated virtually by AnaMaria Wills. She begun the session by advising the participants on the importance of having a unique selling proposition where communications are key. She proceeded to state that one needs to know who

and where their customers are and what kind of relationship they want and how they can reach the organization.

She explained that HRD organization have several customers e.g. users, funders, partners and volunteers. She further explained that communication helps in fundraising, advocacy activities and running of programs. Ms. Ana added that the main objective of communications is to be clear on what you want to say as an organization and how you want to say it.

A 5 minutes exercise was given to participants to work in groups and discuss 3 key messages they would like people to know about them, how they are communicating the message and how they could do it differently to be more effective. A representative from every group was picked to present their work.

Ms. AnaMaria explained that good communication plan includes:

- Target audiences
- Goals and objectives
- Strategies
- Roles and responsibilities
- Work plan
- Budget
- Evaluation
- Tactics to involve target audience

Ms. Maria pointed out that creativity and innovation have become mantra for any growing organization to achieve its goals. Creativity makes it easier to achieve goals. She continued by saying that for one to turn ideas into reality they need:

- Insight into what customers really want
- Ability to make innovation connected and explicit in vision and strategy of the organization
- Engagement of the whole organization to pursue innovation
- Commitment to the process from the top

She concluded the session by urging the participants to adopt the CO*STAR formula where C stands for customer. One needs to know who their customers are and what they need and to how one can improve their customers lives. She said that there will always be competition from other organization so one needs to have better ideas, know about other organizations offering same services and have a plan that would make customers choose them over other providers. S is for solution in meeting the customers' unmet need. One needs to specify the services or products, how you will develop the concept in practical terms etc. A is for advantage. One should know what their unfair competitive advantage. The advantage your solution has over the alternatives. And lastly R is for results. This checks on the results that will be achieved from the solutions applied.

One can check on what social impact the organization will cause or how many people will benefit from the idea.

2.3 Presentation on the UNEP's Land and Environmental Defenders Policy

The session was facilitated virtually by Angela from UNEP. She commenced by sharing that UNEP met with different leaders responsible for upholding rule of law to draft the policy on land and environmental defenders. The draft was shared with other partners e.g. OHCHR and other stakeholders including civil society organizations. UNEP worked on the feedbacks they got and handed it over to senior leaders where it got approved by former secretary director.

Angela pointed that the process was faced by the following challenges.

- Lack of understanding on how the policy is to be implemented
- Lack of broad partnerships with CSOs and grassroots organization.
- Challenges in recognizing UNEP responses.

Major gaps like issues of child rights and limited mandate of UNEP affects the speed of response to violence and also struggle with the kind of support to offer.

Angela further stated that the policies would create space for indigenous people to table their issues. On response mechanism she stated that diverse channels will be provided to report violence as well as response to cases will be treated with the urgency they require. This will lead to introduction of time framework to response, monitor follow-up and verification of cases. The policies would enable collaboration between government agencies and LEDs and support to CSOs and LEDs when it comes to litigations.

She was grateful to work with several networks of defenders including the LED network to help improve their approach on this issue of policies and mechanisms to apply in resolving their issues.

2.4 Training on Business and Human Rights

This session was facilitated by Yusuf Lule, the executive director of HURIA. He began by defining human rights as basic standards aimed at securing dignity and equality for all. He proceeded to differentiate between rights violations and abuses, where he explained violation happens when a state fails to meet her human rights obligations while abuse of rights is committed when an actor who is not part of state commits an act that harms another person's enjoyments of his or her human rights.

He stated that businesses being initiatives set up to make profit can in one way or another abuse human rights. He continued to explain that where a business has committed a human right abuse, it automatically means that a state has also committed a human right violation since the state failed to take appropriate steps to prevent, investigate or punish the human rights abuser.

Mr. Lule dwelled on corporate complicity where he explained that a company is complicit on human rights abuse if its authorities, tolerates on or knowingly ignores human rights abuses

committed by an entity associated with it. He continued by stating that the following four situations help illustrate how notion of complicity might rise:

- When the company actively assists directly or indirectly in human rights violations committed by others.
- When the company benefits from human rights violations even if it does not possibly assist or cause them.
- When the company is silent in the face of continuous human rights violation.
- When the company is in partnership with a government and knows that the government is likely to commit the violations.

He further stated that reputation, access to finance, legal and social license and fines are some of the pressures that motivates businesses to respect human rights.

He concluded the session by sharing a touching video “Timbo Za Mauti” a documentary from Kwale residents who had lost their loved ones due to accidents in mining grounds which were left open by mining companies in the area. The residents despaired that the companies cared less about their safety and left the quarries open after completing mining. The video also had the story of a young boy from Kilifi who had his jaw torn by a mining explosive picked from one of the mining sites near their home. The stories were very emotional and prompted the participants to contribute some small amount to be channeled towards the boy’s family since they were very poor and the boy is still in need of urgent medical attention.

2.5 Evaluation of Day 2

CJGEA closed the day’s sessions by summarizing what had been discussed. Members were allowed to ask questions. A participant raised an inquiry to the NEMA official on what they were doing in relation to the affected boy’s case. It was unfortunate though that NEMA had not put any effort to see the boy get justice from the known violator. However Mr. Bakari promised to see that their office give help in any way possible.

3.1 Recap of the previous day’s discussions.

Day 3 sessions begun by a brief reminder of what was covered on the second day. Members agreed that there was much that needs to be done for those whose rights are violated to gain justice.

3.2 Continuation of Financial Management Training

The session was continuation from the previous day where Mr. Dan explained the importance of financial controls as:

- Cash flow maintenance
- Ensure resource management in an organization
- Ensures overall operational efficiency
- Increased productivity hence more profit
- Prevents frauds

He explained to the participants that accounting systems depends on the internal control procedures in place. The internal control consists of control environment, accounting system and the control procedures. He advised that in order to achieve strong internal control one needs to:

- Establish clear line of responsibility
- Have routine procedures for each type transactions
- Segregation of duties
- Accounting functions should be separated from custody of assets.

He also pointed that an organization can achieve effective internal control by:

- Internal auditing
- Financial forecast
- Relation of employees
- Serial numbered documents

He proceeded to have a discussion on how to manage the assets and human capital of the organization. He advised that one should adopt modern technology like use of imprest system for petty cash, payroll systems, and biometric machines.

Finally Mr. Odira closed the session with and brief explanation on corporate governance, where he stated that it is summarized into five basic tenets namely accountability, efficiency and effectiveness, integrity and fairness, responsibility and transparency.

3.3 Training on general organizational management procedures.

This was the third day for the three hour session on organizational management training that was still facilitated by Anamaria Wills from the UK. The session was conducted virtually. It covered fundraising, reaching out to donors and how to draft winning proposals. She began by acknowledging that fundraising is one of the most in demand skills yet one of the hardest to find. She stated that one needs to really convince the donors that they can be trusted with the funding. She advised participants to tell a story or use case studies, research on the questions asked, use their unique selling point, be specific with facts and figures and finally to take their time with the whole process. She added that fundraising is not only from the donors but also family, friends, social investors, consumer and purchasers who also play key roles in funding organizations. She also stated that relying on one funder is risky. She noted that it is crucial to follow the following steps in your fundraising strategy:

- Create a case for support
- Analyze and plan
- Structure
- Research
- Create a proposition
- Ask for money

- Build relationship for the long term

She stressed that in order to achieve effective successful grant fundraising, the following tips are very key in your fundraising strategy:

Making a good impression whereby you need to;

- ✓ Be excellent! Your bid may be the first time the funder meets you
- ✓ Ensure you demonstrate high levels of competence and that your organization is very well-managed
- ✓ Present an excellent track record of strong impact
- ✓ Match funders with your work, NOT your work to them
- ✓ Research, research, research!
- ✓ Allocate plenty of time to reviewing prospective grant funders in detail
- ✓ Read the funding guidance and read the questions!
- ✓ Avoid the temptation to cut and paste – it never works!
- ✓ Be efficient with your time
- ✓ Check eligibility criteria and restrictions BEFORE writing
- ✓ Try bullet pointing your proposal first – it will show up where your gaps are
- ✓ Be sure the amount you are bidding for is worth the time you are investing
- ✓ Include a short summary at the start of your bid
- ✓ Always aim to start with something that grabs the reader’s attention – The Hook!
- ✓ Write like a human being, not a robot. Use simple, clear language, not jargon
- ✓ Provide evidence of need and of impact - it’s not enough simply to state the problem
- ✓ Demonstrate that you have researched your solution with your proposed beneficiaries – be clear about their involvement and engagement with what you propose to do
- ✓ Always build in monitoring and evaluation into your proposal – draw on previous project’s evaluation where appropriate
- ✓ Spell out what you will actually do
- ✓ Tell them in the bid about:
 - *Where and when activities will take place;*
 - *How long they will last;*
 - *Who will deliver them and how;*
 - *Who will take part?*
- ✓ Split out your activities and use examples for each if you are applying for core funding,
- ✓ Include clear outputs and outcomes, i.e. Outputs are ‘what you will do’ and outcomes are ‘what this will achieve’.
- ✓ Keep outputs short, simple and use numbers where possible
- ✓ Keep outcomes concise and SMART (Specific, Measurable, Achievable, Realistic and Time bound)
- ✓ Make a compelling case for support
- ✓ Use passion, emotion and logic

- Institutional grant givers typically use logic – but they are still human beings
 - Individual typically use emotion – but they still want to know you can deliver
- ✓ Develop a clear budget
- ✓ Be clear and precise – avoid round estimates;
- ✓ Show unit costs and cost basis for all items;
- ✓ Show other confirmed or expected income and the sources;
- ✓ include a reasonable contribution towards overheads where you can
- ✓ Be aware if your project costs twice your annual turnover, you probably won't be successful!
- ✓ Demonstrate sustainability - Grant-makers rarely want to continue funding the same work long into the future
- ✓ Show how the effect of a grant will be long-lasting and that you are becoming more sustainable
- ✓ Consider developing earned income streams
- ✓ Leverage funding from other sources
- ✓ Link everything in your proposal together - Grant fundraising proposals are made up of lots of separate elements - you must have a narrative that runs throughout
- ✓ Try to ensure that when funder has read it, s/he understands how it all joins up
- ✓ Ask for feedback
- ✓ If they don't offer, ask!
- ✓ There is no failure – only learning!

She ended the session at this point and wished every participant success in their future fundraising endeavors.

3.4 Session on the protection needs for LEDs

This session was facilitated by Mercy Chepng'eno from Protection International who talked on different response mechanisms that LEDs can apply when faced with threats and attacks. She advised on one to always check on the feasibility of the threat, secondly check on what capacities and vulnerabilities they have in relation to the threat and finally asses on the probability and impact of the risk. She continued to state that LEDs can apply the following in response to threats and attacks:

- reducing exposure
- seek effective protection
- seek help from civil society organizations
- be part of the network to spread risk
- persuade a potential aggressor that aggression will involve unacceptable risk

She concluded the session by advising the participants to build their resilience through:

- Strengthening their knowledge in security management

- Strengthen their support networks and building new alliances.
- Have a threshold of acceptable risk
- Increasing their political cost
- Make an aggression less feasible

3.5 How HRDs can be competent to serve in CECs

This session was facilitated by Mr. Bosco Juma, HRD from Mombasa and the Executive Director of the Big Ship organization. He began by asking question on the likeliness of an HRD being appointed to serve in the CECs. Majority of the participants agreed that there were minimal chances since there are very few active HRD appointed into the CECs. He proceeded to state that HRDs can influence change in environmental issues by applying the SWOT technic where they identify their strengths and weaknesses. He also said that HRDs can contribute to capacity building for CECs.

He concluded by advising on how to leverage CECs to support the work of HRDs. He stated that HRDs need to:

- Influences resources to get to them,
- Have access to information
- Have more of public participations
- Know the policies in place.

We ended the session by a suggestion from Grace Oloo that the CECs need awareness as most of them do not have knowledge on what is expected.

3.6 Spread awareness on support resources available for LEDs in Kenya.

This session was facilitated by Mr. Tom Bicko of CJGEA. He stressed that LEDs require support as they go about their duties in defending land and the environmental rights of their communities. He stated that the type of support ranged with the need at hand. Some support could be in form of emergency needs such as temporary relocation, security reinforcement and urgent medical attention etc. while others could be non-emergency such as capacity building of the LEDs, legal support depending on the urgency, advocacy and empowerment of the LEDs etc.

Mr. Tom further stated that there were several organizations available both locally, nationally, regionally and internationally who were offering the emergency and non-emergency support for the LEDs. He gave examples like Front Line Defenders and Civil Rights Defenders who were offering emergency support in terms of security grants for defenders at risk. He gave example of one defender in among the participants who was able to access the support from Front Line Defenders and Civil Rights Defenders to enhance his security and temporary relocate with the family to an undisclosed safe location. According to him, this demonstrated the solidarity that the organizations showed to the defenders in times of urgent need.

He further stated that other support resources included local grassroots support, government support and media which highlights the challenges faced by LEDs. Mr. Bicko showed the participants a support web resource that was being developed by universal rights group in Colombia for defenders to refer to in order to identify the organizations that offered the emergency and non-emergency support to them. He explained the procedure of accessing the website and informed the LED participants' that this resource was very critical in their work and that it was very important they familiarize themselves with it and share the feedback to CJGEA so that we are able to relay the same to the URG in Colombia. The following is the link to the web resource Environment-rights.org.

3.7 Sharing of best practices and insights from LEDs.

This was an interactive session where participants shared their activism stories, the impact they had on their communities and the challenges they faced in their work.

Mr. Peter Komora from Magharini in Kilifi County was the first to share. He advocates for environment and human rights in his community where there are more than 5 salt mining companies. Through community mobilization he is able to face the companies when violate human rights. He recommended other HRDs to invest in networking and partnerships.

Fakii Omar, LED from Kwale County shared his story where he also advocates for the rights of those affected by mining companies. He said that every community should benefit from the mining activities conducted near them. They should also be protected from any harm caused by the mining processes. He mediates on community problems and challenges. He advised other LEDs to take space and push for prevention of human rights violation.

The next to share was Mr. Rashid from Mandera County and works with the pastoralists' communities to try and address the climate change and other environmental degradation practices like forests destruction which has greatly affected the lives of wildlife in the county. He concluded by saying that their biggest challenge they faced in their activism is working near the borders as it is always insecure.

Ms. Nuria, from Marsabit works for her community which is patriarchal dominated. She said that women had no say on environment and land matters but through her campaigns much has changed since women are empowered through activities like garbage collection and small businesses. This has brought a great change in men's attitude towards their wives involvement in advocacy work and they have begun having a change of heart and giving them support.

James Wakibia, a journalist from Laikipia County shared on his plastic campaign where he uses social media for his advocacy which so far is doing better though much is needed in dealing with the menace. He acknowledged getting support from friends and family. He noted that he has been targeted by bigwigs in the country for exposing the rot involved in the plastic industry and documenting police brutality through his twitter and Facebook accounts. At one point he was

arrested and criminalized for documents county police harassing a female hawkker. They trumped up charges against him and was later acquitted due to lack of evidence.

Leonard from Molo, shared on the evictions that were taking place in his community and how some government officials who were behind the unlawful act threatened him and even sent people to attack his family. He stated that being an LED in the region is very risky and so insecure something which has seen most of them flee from their homes. He noted that his 15 year old cousin was killed in his place as he was not home during the attack by the police who were evicting people from the community. He concluded by thanking OHCHR and CJGEA for the support they offered during the tough times of the eviction and for supporting him with his security issues too. The session ended at that juncture.

3.8 Closing keynote speech and presentation of certificates

Vote of thanks was given by Mr. Sigo a defender from Mombasa County who thanked everyone for the cooperation they showed throughout. He gave special thanks to CJGEA and OHCHR for making it possible for the convening to happen. He also urged members to make use of what they had learnt in this workshop.

The closing remarks was given by Claris of OHCHR and finally the participants were presented with certificates of participation by madam Claris of OHCHR and Phyllis Omido of CJGEA who also encouraged the participants to implement what they had learnt.

The meeting ended with the National anthem which was sang by Tom Bicko of CJGEA backed up by all the participants. Thereafter, we had a group photo session and everybody was free to interact and leave at will.

ORIGINAL

PICTORIALS



