



LAWYERS FOR COMMUNITIES AND THE ENVIRONMENT



TEN YEARS OF NATURAL JUSTICE

/ A Decade of Lawyering for Communities and the Environment

Natural Justice was founded in 2007 in Cape Town by two lawyers who witnessed firsthand the 'gap' between international law and the low levels of local recognition and enforcement of those rights. They founded Natural Justice on a shoestring budget to support Indigenous peoples and local communities to protect their land, culture and resources against invasive and extractive forms of development.

Natural Justice today challenges injustices in a growing number of African countries, including South Africa, Namibia, Zimbabwe, Kenya, Benin, Guinea, and Madagascar. We support communities through direct legal empowerment and representation. Furthermore, we address the root causes of social and environmental injustices through technical assistance and advocacy at the national, regional and international levels. To carry out this work, our lawyers - who are based in Cape Town (Southern Africa Hub), Nairobi (East Africa Hub) and Cotonou (Francophone Hub) - work on a broad spectrum of rights infringements, relating to issues such as land, climate change, extractives and infrastructure projects, conservation and traditional knowledge.



We are very grateful for the trust placed in us by the people with whom we work. The extraordinary tenacity and local resistance shown by individuals and their communities inspires our whole team to redouble our efforts every day. We're honoured to walk together, and thank our supporters for making the journey possible.

It's been a hard-fought but productive ten years. On this occasion, we set out snapshots of our work to secure social and environmental justice.

1. CHALLENGING INFRINGEMENTS OF HUMAN AND ENVIRONMENTAL RIGHTS

Indigenous peoples and local communities continue to face significant challenges from mainstream, acquisitive, extractive, and exclusionary forms of 'development'. In this context, Natural Justice is supporting a range of Indigenous peoples and local communities at the local level.

In Kenya, we are:

- Supporting communities to defend their rights against a major deep-water port project in Lamu.
- Training community members to monitor and file legal complaints with governments with respect to violations in mining and infrastructure projects.
- Enabling strategic litigation by local community members relating to a proposed coal fired power plant at the Environmental Tribunal.

In Southern Africa, we are:

- Supporting Khwe communities in the Caprivi Strip (Namibia) and traditional healers in Mpumalanga (South Africa) to uphold their rights to be included in - and not excluded from - the governance of protected areas.
- Assisting Indigenous Nama and Griqua communities to develop contracts that specify under what terms academic research may take place, and how Indigenous knowledge can be accessed and shared.
- Supporting Indigenous communities in South Africa to affirm and defend their rights to customary institutions, land, fishing, associated traditional knowledge and climate change.

2. ADVISING COMMUNITIES IN COMMERCIAL TRANSACTIONS

Indigenous peoples and local communities are the original custodians of their lands and natural resources. Their traditional knowledge and practices play an important role in the conservation and sustainable use of biodiversity and is often used in the development of cosmetics, nutraceuticals and pharmaceuticals. Yet communities usually are neither recognised for their contribution nor receive fair benefits from the commercial use of their knowledge and resources. Natural Justice supports communities to engage with outside parties regarding the use of their traditional knowledge and genetic resources to ensure any transactions are based on their terms and conditions.



Supporting the Khwe to effectively protect their rights within Bwabwata National Park in Namibia

In South Africa, we:

- Ensured the global food company, Nestlé, agreed to recognise Rooibos - a plant local Khoi and San communities used long before colonisation - as a genetic resource that belongs to South Africa. They also recognised that the related cultural heritage belongs to the Khoi and San. This resulted in a landmark benefit sharing agreement.
- Continue to support more than 30 Khoi and San communities to negotiate an industry-wide agreement with the South African Rooibos industry to generate benefits for the original custodians of the knowledge. The agreement will set a precedent for similar industries surrounding plants such as Honeybush and Buchu, where benefit sharing agreements will also be negotiated.

In Kenya, we are:

- Supporting the Endorois people to negotiate access to genetic resources on their traditional lands in Lake Bogoria National Reserve.

In Madagascar, we are:

- Working with communities in the Boeny region who provide raw materials for essential oils, to negotiate with private operators for fairer benefits and more respect for laws and local rules.



Member of the Griqua Community discussing impacts of climate change and relevance of indigenous knowledge, South Africa

3. INNOVATING LEGAL EMPOWERMENT: COMMUNITY PROTOCOLS

Building on concepts, such as 'planes de vida', Natural Justice has further advanced a methodology through which Indigenous peoples and local communities can articulate and defend their rights. A 'community protocol' helps communities to describe who they are, how they govern their territories and areas, what their rights are, and how they should be engaged by outsiders. To support the wider use of this methodology, Natural Justice developed a toolbox and other resources. Indigenous peoples and local communities are now developing these types of community protocols across the African continent and in Asia and Latin America. Community protocols are being shown to function as catalysts for constructive and proactive responses to threats and opportunities posed by land and resource development, conservation initiatives, research institutions, and other outside developments.



Development of a community protocol on the Motrobe Plant in Madagascar

Furthermore, Natural Justice worked with several Indigenous and NGO caucuses to successfully advocate 'community protocols' to be formally recognised in international law (the Nagoya Protocol), providing an additional layer of protection to communities who develop them.

4. MAKING THE LAW ACCESSIBLE

Despite the large body of international and national law, norms and standards relevant to Indigenous peoples and local communities, the substance of those rights continues to be abstract for many. Natural Justice has coordinated and produced comprehensive and accessible resources on international and national law, such as:

- 34 national level legal reviews that help communities to navigate a plethora of often conflicting laws in relation to their rights to land, resources and self determination,
- The Living Convention, a compendium of all provisions in international law relevant to Indigenous peoples and local communities, and
- The Conservation Standards, a guide for practitioners about the rights of Indigenous peoples in the context of conservation initiatives.

Additionally we have produced community-focused e-modules on a wide variety of legal subjects such as 'access and benefit sharing' and 'reducing emissions from deforestation and forest degradation' (REDD+) with the overall aim of making the law more accessible to communities.

5. ADVOCACY AT THE REGIONAL AND INTERNATIONAL LEVELS

A Natural Justice staff member serves as an Indigenous expert advisor to the African Commission on Human and Peoples' Rights, Africa's largest Human Rights Forum. This membership ensures her high level access to international policy making processes, such as those relating to the World Bank or other international financial institutions. It also provides additional leverage when addressing African governments on key matters, such as resource extraction and the protection of sacred sites.

At the international level, we are deeply engaged in a number of processes to further support the recognition and protection of Indigenous peoples and local communities. These include relevant fora on conservation (IUCN), biodiversity (CBD) and climate change (UNFCCC).



Publications and research

To support our legal empowerment and advocacy, Natural Justice has a research arm that informs our strategies across programmes and regions. It has led to the development and coordination of a wide range of publications, which are all available on our website. Our published work is always comprehensive and freely available with the aim of making the law accessible to as broad a range of stakeholders as possible.

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