

AFRICAN LAND FORUM 2021

PROTECTING AFRICAN LAND AND ENVIRONMENTAL DEFENDERS

**October 28, 2021
14:10 – 15:10 (EAT)**



NATURAL JUSTICE



AIDE ET ACTION POUR LA PAIX (AAP)



INTERNATIONAL LAND COALITION (ILC)



INTRODUCTION

As part of the Africa Land Forum 2021, a virtual event organised by the International Land Coalition, Africa Land Policy Centre, Africa Union and Inter-Governmental Authority on Development (IGAD), a session on the “Protection of African Land and Environmental Defenders” was hosted by Natural Justice and Aide et Action pour la Paix (AAP). Natural Justice and AAP are both dedicated to working with African Environmental Defenders.

Three prominent panelists were invited to share their experiences and knowledge during this session:

Milka Chepkorir - *Coordinator of Defending Territories of Life, ICCA Consortium.* A frontline Environmental Defender who works with local communities and grassroots organisations in Kenya and elsewhere;

Pigeon Kambale - *Professor of Public International Law and Dean of the Faculty of Law at the University of Goma, DRC;* and

Ed O'Donovan - *Special Advisor to Mary Lawlor, United Nations Special Rapporteur on the situation of human rights defenders.*

EMERGING THEMES ON AFRICAN DEFENDERS

The panellists spoke about African Environmental Defenders from different perspectives. From the collective discussions of the panellists, three key themes emerged:

- 1. The current definition of a Defender needs to be expanded.** Many individuals who engage in this type of work do not identify themselves as Environmental Defenders, either because they do not realise that they qualify under the definition, or due to the stigmatisation many Defenders face. Expanding the definition of Defender to be more inclusive of different people and greater identification of Defenders is needed on the ground, and at the broader African level.
- 2. Defending the land and environmental rights defenders occurs on all levels.** – local, regional and international. For many Defenders working at the grassroots level, the circumstances can be extremely dangerous. There needs to be **more engagement, awareness and protection mechanisms in place for Environmental Defenders.**
- 3. In the pursuit of protecting the human rights of Defenders, there are many strategies available to Defenders, although taking legal action is the most often used. Other strategies need to be engaged** and may include campaigns through networks of support, applying for urgent funding, reporting violations to the UN Special Rapporteur on Human Rights Defenders, and advocating for legislative changes at the domestic, as well as at the African Union level.

LOCAL



Milka Chepkorir - *Coordinator, Defending Territories of Life: ICCA Consortium*

African Environmental Defenders are: "...individuals who have had to give their lives and strength to [a] community [cause]. Whether they are from the community or outsiders, they have interest in defending the

There needs to be a greater expansion of who falls within the definition of an Environmental Defender. Environmental Defenders are not just young people who are, for example, campaigning for environmental action. Community elders have always been Defenders - their "normal way of life [is] defending their communities."

Many think that Environmental Defenders block progress, or do not want investment in infrastructure or development in their areas or communities. However, Environmental Defenders only seek consent before the development begins, or are advocating for the respect of their community rights.

It is not only legal strategies that should be employed to assert their rights and protect their lives and dignity, since these take significant time, money and energy. Moving forward, African Defenders and their allies should consider alternatives methods of proceeding and drawing awareness to their cause.

REGIONAL



Pigeon Kambale - *Professor of Public International Law and Dean of the Faculty of Law at the University of Goma, DRC*

"We do not have binding instruments that [specifically] protect land rights and environmental rights defenders." The African Charter on Human and People's Rights outlines rights for all individuals, and individuals, and Environmental Defenders can also benefit from these general rights. However, "Rights are won - not given. We need to fight for them."

Professor Kambale recommended that the AU should move from the 2009 Declaration on Land Issues and Challenges in Africa to a convention, because it is more binding. African States should adopt domestic legislation that protects Defenders, like the Democratic Republic of the Congo (DRC) has done (in the DRC, the General Assembly adopted a provincial law which enshrines the protection of human rights defenders in North Kivu). Changes at the AU should occur through grassroots movements, originating from efforts within countries.

INTERNATIONAL



Ed O'Donovan - *Special Advisor to Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders*

There are many individuals who do not identify themselves as Environmental Human Rights Defenders (EHRD), or many who think they do not fall under the definition.

Most of the data on violations against Environmental Human Rights Defenders has been from Asia and the Americas. This does not mean that violations against Defenders are not occurring in Africa, but many on the continent do not see themselves as Defenders and their challenges are underreported. Non-identification may lead Defenders in Africa to overlook protection mechanisms that could assist them, such as UN mechanisms.

CALLS TO ACTION

For Defenders: Understand your rights and report attacks.

For Organisations: Make resources and information available to Defenders and support their advocacy efforts.

For States: Develop laws to protect environmental defenders.

For the African Union: Move from a declaration to a convention because it is more binding.

For the International Community: Report attacks on African Defenders and bring awareness.

RESOURCES

African Environmental Defenders Emergency Fund: This resource provides African Environmental Defenders with funding in urgent situations. Since its launch, Natural Justice and the International Land Coalition have provided a fund for: urgent and short-term legal assistance, cost of bail or bonds, urgent medical help, the costs for temporary relocation, and expenses related to security.

<https://envirodefenders.africa/emergency-fund/>

Front Line Defenders: This international organisation operates a 24/7 emergency helpline for human rights defenders which can be reached at +353 (0)12100 489. Their website contains tools for assisting human rights defenders including handbooks, protection grants, risk analysis and protection training, as well as advocacy resources.

<https://www.frontlinedefenders.org/en>

UN Special Rapporteur on Human Rights Defenders: The Rapporteur can take action on behalf of at-risk human rights defenders by writing a communication to their government or other actors that are involved. Their website describes how information can be submitted about an at-risk EHRD, and details about the UN human rights framework.

<https://srdefenders.org/submit-information/submit-information-on-a-human-rights-violation/>