



African Environmental Defenders Fund

Narrative Report:
December 2019 - December 2021



Acknowledgments: Thank you to the Fund Committee for their prolonged support and commitment to making decisions on the applications, providing guidance and contributing thought leadership.

Thank you to the partners to the fund: which include the International Land Coalition, ICCA Consortium, VOICE, the Pan-African Climate Justice Activists (PACJA) consortium: Oxfam Novib, FEMNET and African Youth Commission.

Thank you to the funding partners: ILC, VOICE Global and Dutch Ministry.

Special thanks for Maureen Vermoortel who has been supporting the fund over the last six months and contributed a huge amount of administrative support, strategic thinking and data management.

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For more on the African Environmental Defenders Initiative:

<https://naturaljustice.org/human-rights-defenders-fund/>

And the Fund: <https://envirodefenders.africa/>



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Background to the African Environmental Defenders Fund

African Environmental Defenders play an important role in protecting their lands and ecosystems from unsustainable industrial development, logging and extractive projects.

Having worked with African communities for over eleven years, in 2019 on International Human Rights Day, Natural Justice, together with the International Land Coalition, launched the African Environmental Defenders Fund (AED Fund). Initially, this fund targeted African members of the International Land Coalition (ILC) who faced threats and harassment due to their work as environmental defenders.

In 2021, Natural Justice and its partners expanded the initial fund, with the result that it can now provide emergency funding to a wider array of environmental defenders. This includes any land and environmental defenders across Africa who are facing an emergency due to their activism.

Partners to the fund include the International Land Coalition, ICCA Consortium, the African Activists for Climate Justice (AACJ) Partners including Pan-African Climate Justice Activists (PACJA); Oxfam Novib, the African Women's Development and Communication Network (FEMNET) and African Youth Commission. The key funding partners are ILC, VOICE Global and the Dutch Ministry.



The Fund Committee

Every application received by the African Environmental Defenders Fund is assessed for eligibility and, following a reference check, sent to the Fund Committee for assessment. We are pleased to have the following committee representatives.

Audace Kubwimana: *African Regional Coordinator, International Land Coalition*

Audace holds a master's in development studies and a bachelor's in agriculture. He joined ILC as the Africa Programme Manager after 8 years working to reduce poverty and hunger in Rwanda, where he held different important positions at Welthungerhilfe, for which he served as the Country Representative and Programmes lead. Audace has been on the Fund Committee for two years, representing the ILC. He has helped to shape the eligibility criteria as well as rules of procedure.

Daniel Kobei: *Executive Director, Ogiek Peoples' Development Program*

Daniel Kobei is the Founder and Executive Director of Ogiek Peoples' Development Program (OPDP), a Kenyan-based NGO working to secure human and land rights of the indigenous Ogiek community and other Indigenous Peoples across Kenya and Africa. He acts as an environmental defender in his capacity as an indigenous community member and through the organisation he established.

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

Milka is a member of the Sengwer Indigenous Peoples of Cherang'any Hills, Kenya. For the last six years, she has been working for the recognition of her community's land rights. Currently, Milka coordinates Community Land Action Now (CLAN), a network of Kenyan rural communities striving to register their community lands. In 2020, she was an Environmental Justice Fellow at Natural Justice, Kenya.

Barbara Lassen: *Francophone Hub Director, Natural Justice*

Barbara Lassen is a Hub director at Natural Justice. She joined Natural Justice in 2014 and is based in Dakar, Senegal. Her thematic work focuses on Access and Benefit-sharing, Biocultural Community Protocols, and governance of protected areas, including indigenous and community conserved areas (ICCAs).

Arnold Tsunga: *Country Director, National Democratic Institute*

Arnold Tsunga is the country director for National Democratic Institute in Zimbabwe. Before joining NDI, he served for 12 years as the Africa Director of the International Commission of Jurists (ICJ), based in South Africa. Mr Tsunga also was founding executive director of Zimbabwe Lawyers for Human Rights. He has much experience with human rights defenders and has been a valuable member of the committee.

Gino Cocchiaro: *Head of Projects and Programmes, Natural Justice*

Gino Cocchiaro has been with Natural Justice for many years, most recently as the Director of the Kenya Hub as well as the Director of the Extractives and Infrastructure Programme at Natural Justice. He is legally trained and has supported communities to participate in environmental decision-making processes in Southern Africa and Kenya. Gino has been integral to the team since the inception of the fund.



The Application Process

A grant can be accessed by lodging an application in the prescribed form with the Committee of the Fund. Applications can be made by either:



Sending an email to help@enviroidefenders.africa;



Applying online; or



Dialing the helpline numbers provided on the website.

Examples of the nature of documents we may request for when an application is submitted include:



Evidence of citizenship, residence or work permit.



Copies of arrest warrants or summons (where the defendant is being arrested or facing a threat of arrest).



News articles or reports of the incidents (where available).



Medical reports for instances where a defender has sustained physical injuries due to violence or attacks.



A copy of the budget breakdown and the expense items (mandatory).



Legal opinions and invoice of legal costs (where one is seeking legal representation).



Copies of court orders or judgments.



Any other document that can support the facts of the case.

The eligibility criteria

Any person is eligible to apply for an emergency grant if they meet all of the following criteria:

1. Is a citizen of any African country or a person legally residing or working in any African country;
2. Is an active frontline land and environmental rights defender working on issues related to land rights, environmental and climate justice, including but not limited to rights over natural resources, land or environmental conflicts, land grabbing and land reform;
3. Is facing an imminent threat or harm due to the nature of his/her work as a land and environmental defender; **AND**
4. Has not secured any other kind of support from another entity, organization or person to support him/her through the emergency situation.



Reflection on the African Environmental Defenders Initiative

- Eva Maria Okoth

The African Environmental Defenders Initiative started out as an Emergency Fund following its launch on 10 December 2019 during the celebration of the International Human Rights Day.

The Fund laid down a strong foundation for the establishment of Natural Justice's broader African Environmental Defenders Initiative which has since evolved into a holistic approach to protecting grassroots community defenders using a combination of both proactive and preventive measures to respond to

incidents of violations and threats to defenders based on their needs.

The successful expansion of the initiative was a result of collaborative efforts with different organizations working with communities and identifying as defenders of defenders.

Expansion of the Fund

In 2021, Natural Justice, together with additional partners, secured financial resources to allow for the expansion of the scope of the initial fund established together with the ILC in 2019.

The result of this is that the fund could now provide emergency assistance to a wider scope of environmental defenders. From 1 March 2020 until 14 October 2021, the Fund received 45 applications and was able to support 27 of them. The Fund has provided various types of urgent assistance including short-term legal representation, temporary relocation costs, medical and psychological support and in some cases the purchase of security infrastructure as well as the provision of humanitarian assistance in the form of basic needs.

Generally, this support has given defenders the courage to continue engaging in activism, drawing confidence from the solidarity the fund has shown in the face of challenges and threats. The Fund has therefore filled a very crucial gap in the African continent.

Proactive Response Strategies

Beyond the emergency response, Natural Justice now provides legal empowerment and capacity building trainings; communications and campaigns support as well as evidence-based research and advocacy to push for law and policy reforms.

The legal empowerment and capacity-building training are intended to help increase the agency and resilience of community defenders to conduct their work safely. The campaigns and advocacy efforts have also presented opportunities for Natural Justice to stand in solidarity with community defenders facing threats because of their work and amplify their voices in spaces where they are hardly acknowledged for the significant role they play.

The defender's initiative remains a work-in-progress as we look forward to supporting African grassroots defenders in the most effective and meaningful way and linking them so they can share their experiences in the coming years.



2020-2021 in Numbers

Over the past two years, the Fund has received many applications from various countries. Through the fund, we have been able to assist environmental defenders facing threats across the continent. Each application has been documented in a secure database. In October 2021, the data that was gathered in the database was duly analysed.

Percentage of applications per country

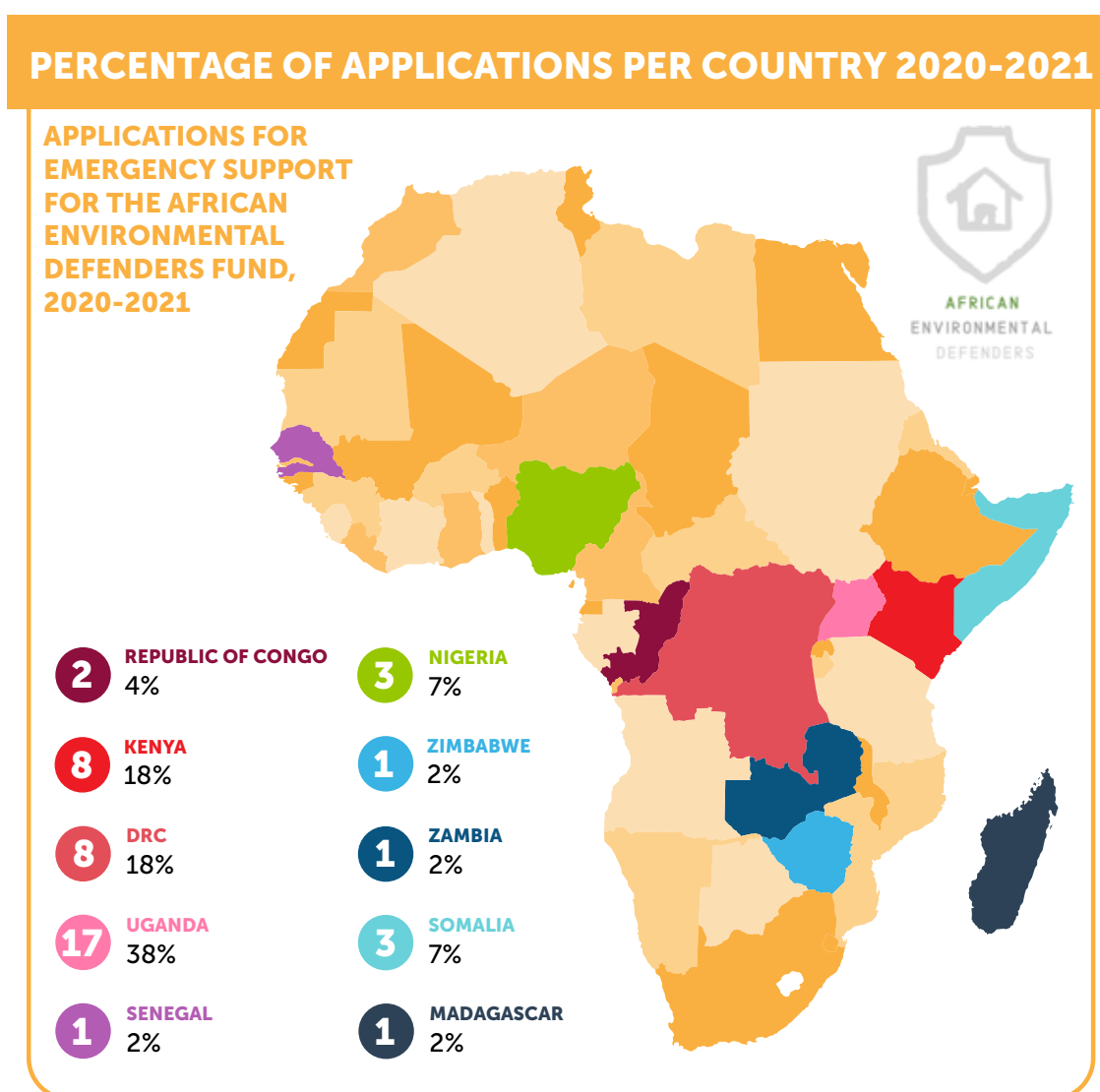


Figure 2 Percentage of Applications per Country 2020-2021

As the map above indicates, most of the applications came from Uganda (38%), then Kenya (18%) and DRC (18%), followed by Somalia (7%) and Nigeria (7%).

Gender of applicants per country

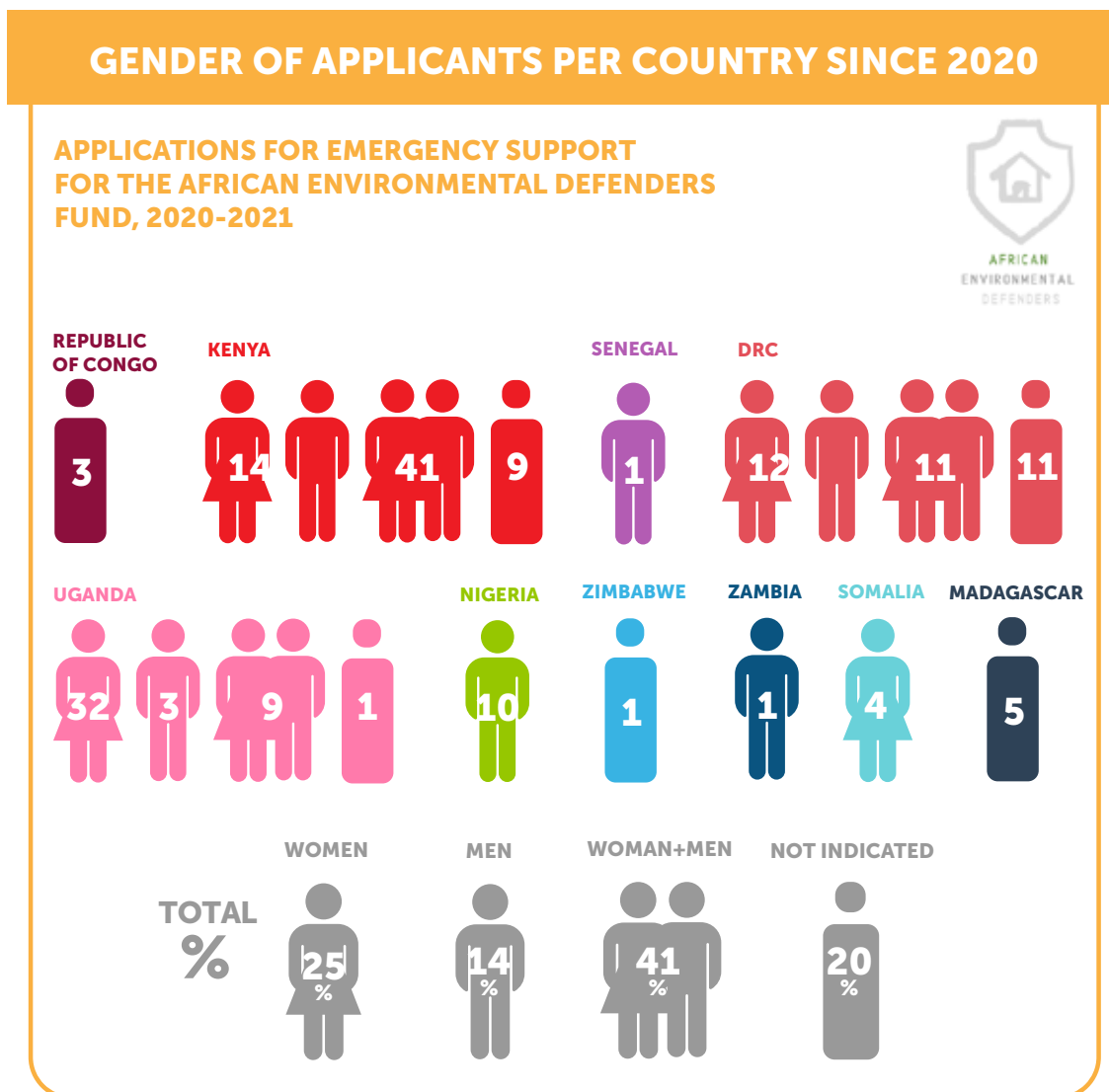


Figure 3 Gender of Applicants per Country 2020-2021

An application submitted to the AED Fund can concern one or several individuals, or even a whole community. There is no limit on the number of beneficiaries.

The gender of applicants was not always communicated, especially in the initial application. This explains why 20% of the applicants did not indicate their gender. Some applications were submitted on behalf of groups of individuals, including women and men. It was not always possible to determine the exact proportions of women and men in these groups. Therefore, they have been regrouped under women+men which accounts for 41% of our applicants. 14% of the applicants were men and 25% of them were women.

The fact that we had more female applicants than male applicants can be explained by a recent surge of applications submitted by women's rights-focused organisations in Uganda on behalf of female environmental defenders. Moreover, the applications submitted by these organisations tended to concern several people.

It should be noted that most female applicants come from Uganda, amounting to 32 in total. Most male applicants come from Nigeria, as 10 applicants come from or work there. Kenya has the most applicants who are either men or women - 41 people who actually belong to the same community -, and DRC has the most applicants (11) who did not indicate their gender.

Male and female environmental defenders face similar threats in relation to their activism. However, they are affected differently. First, women are more likely to face gender-based violence (GBV) as the report of the IUCN (2020) indicates and our own data (see below). GBV is violence rooted in harmful acts based on someone's gender. It includes sexual harassment, sexual assault, rape and the like.

The threats and acts of violence reported through the fund that were exclusively experienced by female defenders are attempted rape, sexual harassment, sexual violations, but also displacement, and direct actions which violate the right to privacy.

Moreover, when women face the same threats as men, they might be affected differently. For instance, some women applicants reported that the threats that they were facing were extended to their children.

Number of cases approved, declined or pending

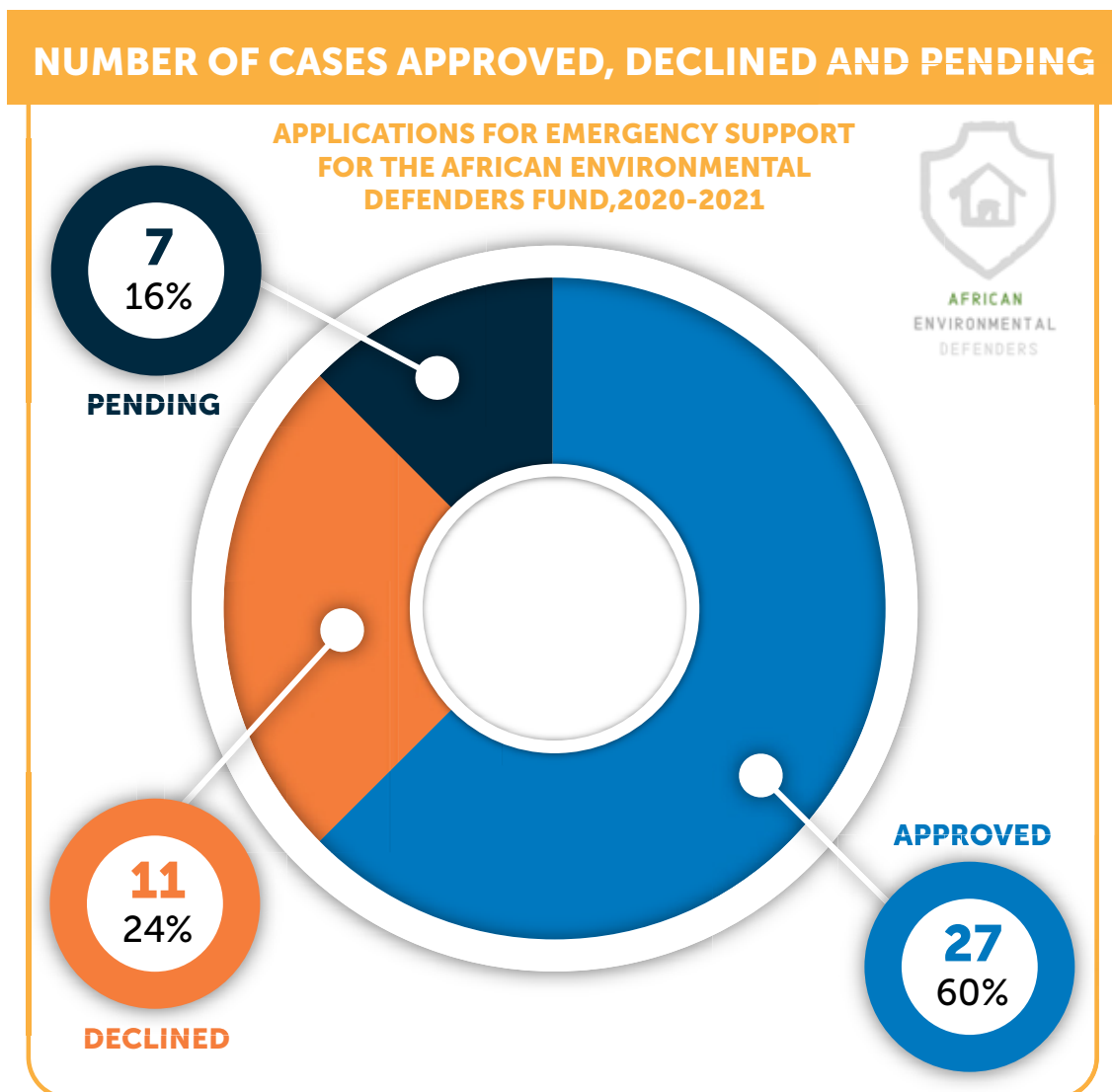


Figure 1 Number of Cases Approved, Declined and Pending 2020-2021

From 1 March 2020 until 14 October 2021, the African Environmental Defenders Fund received a total of 45 applications, out of which 27 were approved and 11 were declined based on the eligibility criteria.

Only if an application meets all the eligibility criteria, can the defender(s) be supported by the AED Fund.

By the time that the data analysis was conducted, seven (7) applications were still pending. It means that either the applications were still in the process of being reviewed to check if they met all the eligibility criteria, or that no decision had been taken yet regarding the support that would be – or not be – provided to the applicants.

Number of threats faced by applicants since 2020

In general, most applicants have allegedly received multiple threats under the form of a death threat, threat of being arrested and/or a threat of being attacked, amounting to 109 incidents. The second most prominent threat faced by applicants is eviction. However, one application was submitted on behalf of a community of 41 people who all faced the threat of being evicted. In total, 62 people were threatened with eviction. The third most prominent threat faced by the applicants is arrest, as 60 of them reported having been arrested and charged (sometimes with trumped up charges).

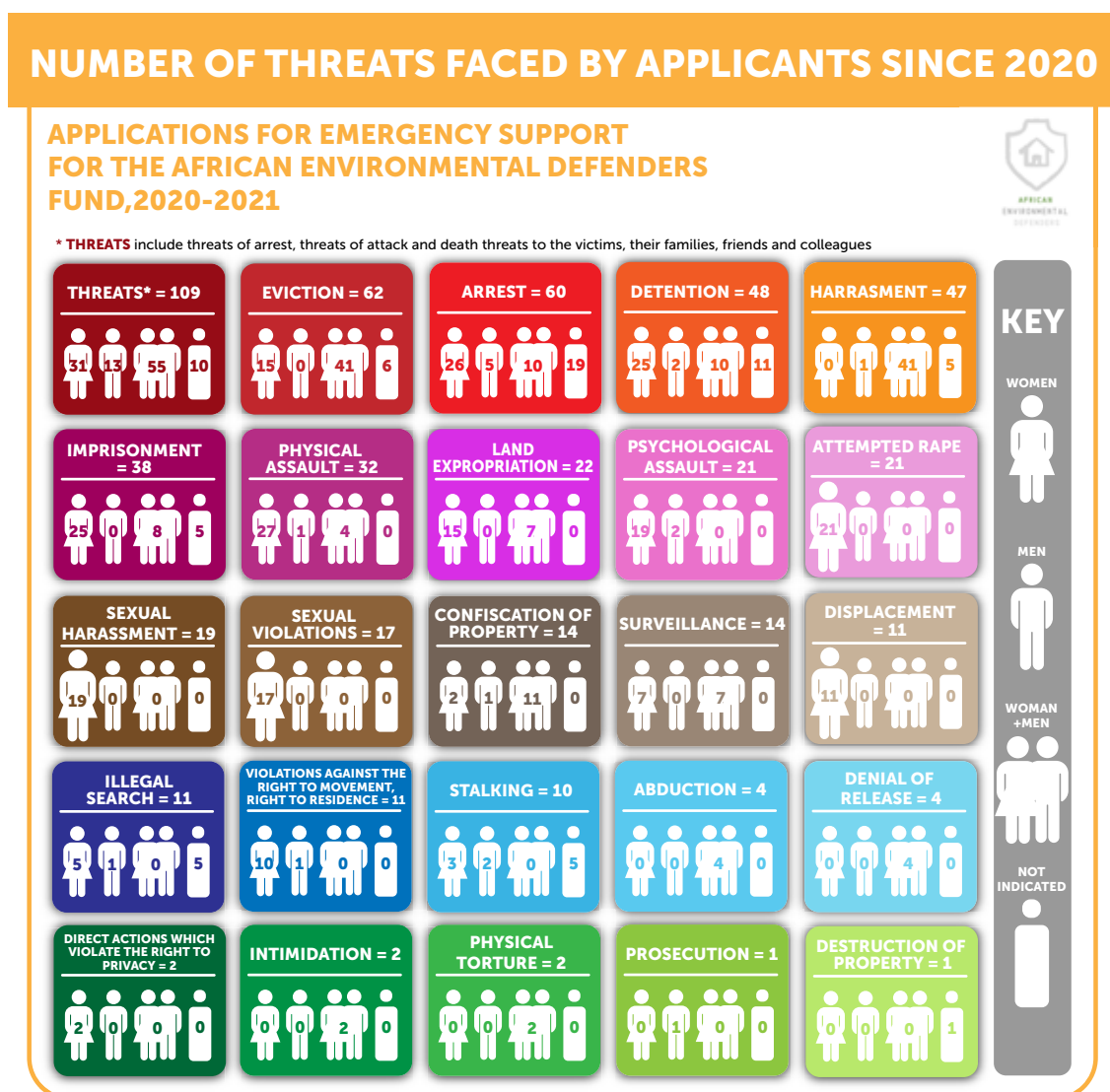


Figure 4 Number of Threats Faced by Applicants 2020-2021

Perpetrators of threats

Threats often occurred after the defenders attempted to inform and organise a local community that was threatened by development projects, or after communicating with the media about the negative impact of such projects on nearby residents.

The alleged perpetrators of threats from which the applicants suffered were private and/or public actors. They ranged from extractive companies to militias, including the police and public authorities. The applicants did not always disclose information that would allow us to identify the alleged perpetrators for security reasons. In some instances, the perpetrators were simply unknown by the applicants as they could not link the threats and/or attacks that they faced to a specific actor.

Conclusion

Analysing the data has been helpful in identifying emerging trends and potential avenues for more proactive activities to improve the situation of African environmental defenders.

For instance, the number of women environmental defenders in Uganda seeking assistance from the Fund indicated that the civic space in which civil society movements and NGOs can operate is not only shrinking, as some grassroots organizations have reported, but also women who defend their lands and the environment are particularly affected as it implies a rise in the use of GBV against them.

This finding has resulted in a complaint being filed with the United Nations Special Procedures to urge Ugandan officials to hold the perpetrators accountable.

We also aim at extending our partnerships with grassroots organisations within the countries from which we receive most applications in order to understand the context in which attacks against environmental defenders are taking place, and to share knowledge, as a regional data gathering organisation.

Case Study: The Case of Five Batwa Men Illegally Detained in DRC

On 8 June 2020, Forest Peoples Programme submitted an application to the Fund to request short-term legal assistance for five Batwa men who had been detained in prison in Bukavu, in the DRC, since August 2019. The five victims were arrested for conducting activities such as traditional hunting and gathering, which are considered to be illegal in the Kahuzi-Biega National Park. They were then accused of the illegal possession of weapons and the participation in a militia, and were sentenced to 5 years in prison on 20 March 2020 without being given a fair trial.

The African Environmental Defenders Fund provided financial assistance to Forest Peoples Programme to enable the latter to work with the Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables and a legal team, in order to secure the release of the five victims. On 15 September 2020, the five Batwa men were finally released and all the charges against them were discharged.

Key Campaigns and Events

As part of its African Environmental Defenders Initiative, Natural Justice organised and was also part of several campaigns and events during 2020 and 2021 to raise awareness about the situation of environmental defenders in Africa, and share knowledge and best practices.

Regional Focused Launch of the Earth Defenders Toolkit

On 21 July 2021, Natural Justice, Oxfam and Digital Democracy co-convened the “Africa Forum for Earth Defenders”, a two-hour virtual event to bring together frontline defenders from across the continent to share stories of work they are doing on the frontlines and highlight new tools and strategies that help put power in the hands of local communities. The event involved sharing case studies from three areas, an introduction to the newly released Earth Defenders Toolkit, and breakout groups where participants can connect directly and share resources and best practices with one another.

The Earth Defenders Toolkit can be found on the following website: <https://www.earthdefenderstoolkit.com/>

African Environmental Defenders: Youth Day Webinar

In 2021, Natural Justice and its partners expanded the initial fund to allow any land and environmental defenders across Africa who are facing an emergency due to their activism, to apply for assistance. To mark the occasion, Natural Justice hosted a webinar on International Youth Day (12 August 2021) to showcase the opportunities and challenges of Youth Climate and Environmental Activism in Africa, in partnership with several prominent organisations in Africa and globally.

The purpose of this webinar was to discuss African environmental defenders’ current situation, with an emphasis on young activists. During the event, a series of inspiring speakers of all ages and backgrounds were invited to share their experiences. Among them were: the United Nations Special Rapporteur on Human Rights Defenders, Ms. Mary Lawlor, the protection coordinator for Southern and Eastern Africa of Front Line Defenders, Fidelis Mudimu, and four inspiring youth defenders, namely Raeesah Noor-Mahomed from South Africa (19-years-old), Thandeka Ndlovu from Zimbabwe (23-years-old), Elizabeth Wathuti from Kenya (26-years-old) and Isaac Ssentumbwe from Uganda (29-years-old).

For more information regarding this event, click on the following link: <https://naturaljustice.org/the-challenges-and-opportunities-of-being-youth-environmental-defenders/>

Campaign and Advocacy Efforts: Key Environmental Activists in Africa

Natural Justice joined communities and other organizations in advocacy efforts around the targeting of key environmental activists in Kenya, Uganda and Zimbabwe. These include the arrest and violation of the rights of defenders working on the East African Crude Oil Pipeline project, the unfortunate murder of Joannah Stutchbury and the arrest of a community defender opposing a coal project in Zimbabwe. We continue joining community voices in condemning these and other acts and call on the relevant institutions to hold perpetrators accountable.

Defend the Defenders Coalition

Natural Justice, due to our involvement in the Fund, joined the Data Working Group of the Defend the Defenders Coalition. The main activity throughout the year-year period was to conceptualise and iron out issues related to creating a global database on attacks on defenders. Issues of concern include ensuring that attacks on African defenders are counted in the global information being circulated. However, ensuring that the privacy of the Fund applicants, as well as getting their consent, are two major concerns for Natural Justice. In November 2021, we signed a data-sharing agreement with the Working Group and look forward to continued collaboration.

Advocacy Around the Proposed EU Legislation on Mandatory Human Rights and Environmental Due Diligence

In October 2021, Natural Justice joined other organizations including the Business & Human Rights Resource Centre, Frontline Defenders, Proyecto sobre Derechos Economicos, Sociales y Culturales (ProDESC) and Indigenous Peoples Rights International (IPRI) to discuss what effective engagement looks like from rights holders' perspective and how national or regional mandatory human rights and environmental due diligence legislation should mandate to ensure meaningful corporate due diligence implementation, and prevent attacks against defenders.

As part of this partnership, Natural Justice was invited to present to EU policy-makers and some private EU companies about the impact of reprisals against human rights defenders opposing business-related human rights violations of communities in Africa. This initiative has seen several EU companies and policy makers publicly support the recommendation to include provisions on meaningful engagement in the upcoming EU legislation.

Natural Justice also participated in the Fundamental Rights Forum on 12 October 2021 in a session called “Respecting rights holders & defenders in business”. During the discussion, Natural Justice shared some insights on why safe and effective engagement with rights holders and human rights defenders is a vital part of genuine corporate due diligence, and how human rights and environmental due diligence can improve the safety of and protections for human rights defenders against retaliation.

To watch the full session “Respecting rights holders & defenders in business”, click on the following link:

<https://hybrid.fundamentalrightsforum.eu/Programme?day=2021-10-12T00%3A00%3A00%2B02%3A00&session=c2Vzc2lvbjo5Nzc3NQ%3D%3D>

As part of this initiative, Natural Justice also contributed to the preparation of a policy brief compiled by the Resource Centre, capturing key learnings from the consultations conducted with rightsholders on ensuring meaningful engagement with environmental defenders in due diligence legislation. We mostly shared the experiences of communities opposing the proposed coal fired power plant in Lamu and the challenges they faced trying to assert their rights to meaningful participation in the Environmental Impact Assessment process.

For more information find the report here: (https://media.business-humanrights.org/media/documents/2021_Hearing_the_Human_Briefing_v6.pdf)

African Land Forum: The Protection of Land and Environmental Defenders in Africa

On 28 October 2021, Natural justice hosted a panel discussion with Action et Aide pour la Paix for the Africa Land Forum 2021, organised by International Land Coalition. The session was titled “The Protection of Land and Environmental Defenders in Africa” and aimed at starting a conversation about the situation of environmental defenders in Africa as well as available protection mechanisms at the regional and international level.

For that purpose, three panelists were invited to share their perspectives: Milka Chepkorir, the Coordinator Defending Territories of Life at ICCA Consortium; Ed O’Donovan, the Special Advisor to Mary Lawlor, UN Special Rapporteur on the situation human rights defenders; and Pigeon Kambale Mahuka, Professor of Public International Law and Dean of the University of Goma, DRC.

A short summary of the key points that were raised by each speaker is available here: <https://naturaljustice.org/the-protection-of-land-and-environmental-defenders-in-africa-session-summary/>

Launch and celebration of our 2019-21 Triennial Report, 16 November 2021

The African Environmental Defenders' Fund was spotlighted in the ILC Triennial Report as one of the initiatives that has boosted support for land and environmental defenders across the region for the past two years impacting their lives in positive ways. Natural Justice had the opportunity to share emerging trends and lessons from the fund.

More information on the report can be found here: <https://www.landcoalition.org/en/triennial-report/triennial-report-themes/human-rights/?guide=2425>

Seminar on Mandatory Human Rights and Environmental Due Diligence Legislation

On 24 November 2021, Natural Justice participated in the Seminar on Mandatory Human Rights and Environmental Due Diligence Legislation, organised by the Swedish Society for Nature Conservation. We shared a few case studies in Africa to illustrate how inadequate meaningful engagement impacts EHRDs and how the proposed mandatory human rights and environmental due diligence legislation in the EU can ensure the safety of EHRDs.

Communication to the United Nations Special Procedures

Through the African Environmental Defenders Fund, Natural Justice has been made aware that at least 46 women from various districts in Uganda have been facing threats and experiencing violent reprisals for defending their land and environment, from October until November. By filing a complaint to the Special Procedures of the United Nations Human Rights Council, Natural Justice and the African Environmental Defenders Initiative hope to initiate an investigation into the situation of women environmental defenders in Uganda and hold the perpetrators of these human rights violations accountable for their actions.



