



Annual Report

March 2021- February 2022

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WORDS FROM OUR EXECUTIVE DIRECTOR

After a very difficult year that saw Covid 19 ravage the lives and livelihoods of people across the world, the communities we work with, and Natural Justice staff, have bounced back with resilience and fortitude - continuing their fight for human rights and environmental justice.

From land-mark litigation victories, community-led safeguarding of traditional knowledge and natural resources, and rapid response efforts to protect land and environmental defenders, in 2021-2022, we forged ahead with our mission and vision for climate and social justice.

I have been especially proud to see the organisation grow in terms of its staff component and across countries – particularly in the West African office. While there have been growing pains, the staff have shown the strength of team effort. They have continued incredible work, with their international and regional advocacy, especially with regard to demonstrating the work of African environment defenders and calling for their protection.

This ever important and urgent work would not have been possible without the unwavering financial support of our funders, collaboration with partner organisations; trust and support from local communities we work with and for; and Natural Justice's passionate and committed team.

Thank you all! Aluta Continua!

Pooven Moodley, Executive Director



Participants share strategies during the legal empowerment training for environmental defenders in Turkana, Kenya.

CROSS-CUTTING PROGRAMMES

African Environmental Defenders Initiative (AED)

The African Environmental Defenders Fund, launched by Natural Justice and the [International Land Coalition](#) in 2019, provides support to defenders facing threatening situations because of their work to defend their land, rights and communities. African land and environmental defenders conduct their activism at the frontlines of extractivism, climate change and biodiversity loss, often facing reprisals, repression and in some cases, death.

Their collective struggles for climate justice, biodiversity protection and human rights have highlighted the urgency of inclusive, transparent, and sustainable approaches to economic development. Natural resource governance must serve Indigenous Peoples and Local Communities rights to free prior, informed and continuous consent; a clean and healthy environment; and their right to self-determination.

During the 2021-22 financial year, we responded to 27 calls for support from defenders, with most of the applications coming from Uganda (38%), then Kenya (18%) and DRC (18%). Through funding received from VOICE and Milkywire, we expanded the scope of the AED Initiative, not only responding to applications, but also providing proactive assistance through policy reform and provision of legal empowerment to African environmental defenders across the continent.

- The AED Initiative actively contributes to legal and policy advocacy at national and international levels to provide for legal recognition and protection of environmental defenders. We advocated for “pro-defender” amendments to the Environmental Management, Coordination Act in Kenya; the Human Rights Defenders Bill in Madagascar; and the EU Legislation on Mandatory Human Rights and Environmental Due Diligence.



Participants with their certificates following our training workshop for environmental defenders in Madagascar.

- With a keynote address from the United Nations Special Rapporteur on Human Rights Defenders, Mary Lawlor, the AED and Natural Justice convened an International Youth Day Defenders Webinar, inviting young defenders from across the continent to share their experiences, strategies for resistance and to build pan-African solidarity.
- In Madagascar, we organized a training workshop in collaboration with the Ministry of Environment and Sustainable Development (MEDD) to build the capacity of 15 environmental defenders from eight different regions of the country.
- In 2021, two requests for emergency assistance from the African Environmental Defenders Fund came from Madagascar. These cases were accompanied and followed up by the Madagascar team. The first case concerns an accusation against five land defenders who required the presence of a lawyer in Sainte Marie in August. The second case involved an assault on two defenders in Ambanja District that required medical attention in December. These requests were approved by the AED Fund and the defenders expressed their gratitude and relief.

African Environmental Lawyers Collective

The African Environmental Lawyers Collective was initiated in 2021 with the aim of identifying and building a network of lawyers on the African continent who are working on climate and environmental justice issues. Through its continuous engagement, the collective provides a platform for strategising, learning and solidarity. Together, the collective aims to strengthen environmental law, climate justice and community rights across Africa.

- In partnership with the Climate Litigation Accelerator at the New York School of Law, Natural Justice convened a two-day virtual workshop in March 2021 with climate scientists, economists and litigators to examine successful climate litigation cases from the Global South. The meeting resulted in important litigation, advocacy, and movement building strategies being shared to support the East African Crude Oil Pipeline Challenge at the East Africa Court of Justice.
- In December 2021, Natural Justice, together with the Climate Change Lawyers Café and the Climate Technology Centre and Network hosted a training session and mock trial with 25 young lawyers in Kenya to build their understanding on the trends of African climate litigation and how using the law can spur climate action and prompt positive policy change.



African environmental lawyers discuss climate litigation trends in Africa.

African Activists for Climate Justice

The African Activists for Climate Justice (AACJ) project is led by a consortium of five African Civil Society Organisations (CSOs): Natural Justice, the Pan-African Climate Justice Alliance (PACJA), Oxfam Novib, the African Youth Commission and the African Women's Development and Communication Network (FEMNET).

This project aims to organize and mobilise women, youth and indigenous communities to amplify and advance their solutions to the climate crisis, in order to achieve climate justice, and enjoy their rights to a healthy and sustainable environment. The AACJ project is implemented in eight African countries: Burkina Faso, Nigeria, Senegal, Ethiopia, Kenya, Somalia, Mozambique, and South Africa, providing opportunities for climate and environmental justice advocacy and campaigning at the regional and international levels.



Ahead of the COP26, many communities gathered to show their support for climate justice in Africa.

- With resounding calls for Climate Justice NOW!, Natural Justice joined AACJ partners, African civil society allies, the Ministry of Foreign Affairs of the Netherlands and Kenya's Ministry of Environment to officially launch the five-year consortium AACJ project.
- Natural Justice, in collaboration with the Indigenous Information Network, joined the first-ever African People's Counter Conference of the Parties (COP) to host a virtual session called Defending and advancing indigenous feminist ecological alternatives. The session brought together women activists and environmental defenders from different regions of the global south, artists, and the former United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz. Recommendations from the session formed part of the APCC manifesto, which was shared with African ministers ahead of UNFCCC (United Nations Framework Convention on Climate Change) COP26.



Group photo of the African Activists for Climate Justice inception meeting in Kenya.

#APCC2021

African People's Counter COP

Activism, Ancient wisdom and Alternatives:
Defending and Advancing Indigenous and
Feminist Ecological Alternatives

25

October
2021
Monday

16h00 Nairobi
15h00 Johannesburg
13h00 Dakar

Vicky Tauli-Corpuz

Nonhle Buthuma

Ina-Maria Shikongo

Rosalie Oba

Bhumika Muchhala

Tara Houska

Interpretation available in French English

Register here: <https://bit.ly/3DTSPkI>

The flyer for the first-ever African People's Counter Conference of the Parties virtual session, Defending and advancing indigenous feminist ecological alternatives.

- At UNFCCC COP26, Natural Justice's small delegation supported the Human Rights and Climate Change Working Group (HRCC WG), a cross-constituency coalition advancing human rights under the UNFCCC, advocate for a full package of human rights in the COP26 agreements. This resulted in formal partnership between Natural Justice and the HRCC WG to build capacity and collectively mobilise civil society and communities around human rights and climate justice in Africa ahead of COP27.



Natural Justice and Oxfam meet at the UNFCCC COP26 in Glasgow.

- In collaboration with, the World Commission on Environmental Law, Natural Justice hosted an official side event at COP26 in Glasgow titled [Looking at the law: A window of opportunity](#). The conversation brought together litigators and activists from across the globe to share insights on the power of the law and community-led litigation to drive climate justice and sustainable change.



"People have to come together; People are the power!" - Raya Famau from Kenya speaking at the Cop26 side event in Glasgow.

- Natural Justice hosted an AACJ Workshop on 9-10 December 2021 in Cape Town, bringing climate activists from all over South Africa into one room for community dialogues and learning exchanges, as well as for an opportunity to share, strengthen and co-create strategies for climate justice. The Natural Justice team provided training on legal empowerment; participation in policy processes; security for human rights defenders; and information on a Just Transition. Participants also visited the Philippi Horticulture Area, to learn about the PHA Food and Farming Campaign to build solidarity, increase knowledge and strengthen relationships with our partners.



A number of activists from South Africa came together for a training under the AACJ grant. Here they are pictured at the Philippi Horticultural Area in Cape Town. They were hosted by local activist, Nazeer Sunday, who founded the PHA Food and Farming Campaign to call for ecological farming and the protection of the cape flats aquifer.

Fellowship Programme

Natural Justice's East African Hub in Nairobi has, for many years, instituted a fellowship programme to support the career development of Kenyan lawyers. The fellowship has supported two to three fellows every year in providing them with direct experience of legal empowerment, litigation, research and policy engagement in Kenya and regionally. One of the main objectives of the fellowship is to absorb these fellows into the permanent staff component and to grow the work of Natural Justice.

While the focus has been to introduce young lawyers to public interest and human rights law, ensuring a growing contingent of lawyers using the law for good, the fellowship has more recently also recruited young graduates of the communications and social sciences to take up research and communications fellowships. This has provided exposure and training for young people when it comes to the rights, struggles and circumstances facing indigenous peoples and local communities in Africa.

Testimonials



I joined Natural Justice in 2021 as a legal fellow at the East African Hub in Nairobi Hub working across all programme streams. The work I did ranged from community legal empowerment, data collection and analysis, public interest litigation and drafting submissions on national laws and policies. My work and interactions with indigenous peoples and local communities was a crucial component of my fellowship, helping me understand their social and environmental struggles, and why litigation and law is so important for protecting human rights and achieving environmental justice. As an aspiring lawyer, my fellowship at Natural Justice gave me the opportunity to learn, grow and develop my legal advocacy skills. As I transition to another position, I'm grateful to say that my fellowship was a one-of-a-kind experience which I hold dear and hope to share with the next contingent of Natural Justice fellows.

- Dale Onyango



Having joined Natural Justice as a research fellow in January 2022, I have carried out different tasks to support our work to protect communities' land rights, access to information, and protection of natural resources. The fellowship position has not only helped me enhance my research skills in the environmental justice field, but also helped demystify environmental law and legal processes. Having the opportunity to work closely with communities has given me a deeper understanding of their way of life and the injustices they face. I've also been given the opportunity to work with external partners and organizations, and to steer activities, which have strengthened my leadership, organizational and public speaking skills. The learning and collaborative culture at Natural justice has ensured growth beyond my remit, supported close connections with staff and created an environment fuelled by team effort.

- Hilda Joy

BCPs Benefitting Communities: From South Africa to Madagascar

Natural Justice has long supported the development of a Biocultural Community Protocol (BCP) for the Guriqua Indigenous people of South Africa, Indigenous fisherfolk on the West Coast face many violations due to extractive and fossil fuel projects threatening their land, ocean and livelihoods. BCP's help to strengthen communities and provide them with the empowerment needed protect and enforce the rights of Indigenous people in relation to their land, livelihoods and traditional knowledge.

The Guriqua BCP is the commitment to the healing and restoration of indigenous knowledge and culture of the Guriqua people; the preservation of their natural resources; and protection of the biodiversity of land and sea. In this case, the Guriqua BCP serves as an important legal instrument that affirms their indigenous rights to the land and sea.

In a first of its kind, in 2021, the BCP formed part of an interdict sought in the Western Cape High Court against the company, *Searcher*, preventing them from conducting seismic surveys along the West Coast. The BCP was included in an applicant's affidavit articulating the importance of the sea to their culture, livelihoods and identity and how seismic surveys would threaten this. This interdict was won in early 2022, although the company still aims to conduct seismic surveys in search of oil and gas – which means that the case against them is ongoing.

The Guriqua BCP has been under development through many community consultations, meetings and workshops held between 2017 and 2022 in the towns of Vredenburg, Saldanha, Laaiplek, Clanwilliam, Citrusdal, Elandsbay and Lambertsbay. Led by Jonathan van der Westhuizen, Natural Justice Community Environmental Legal Officer, along with BCP writers from the community, during 2021, the Guriqua people continued their journey to finalise their BCP by reviewing the current version. The review process will be finalised next year.



Natural Justice staff with the leadership of the Guriqua Council of South Africa's West Coast.



Chief Andrews and other members of the Guriqua leadership formed part of the Guriqua BCP writing team.

The community of Mariarano in Madagascar continue to use their BCP to manage access to the natural resources they govern; to ensure equitable sharing of the benefits produced from these resources; and to assist communities in negotiating with bio-prospectors.

Since 2017, Natural Justice has been supporting the Mariarano communities in the development of a Biocultural Community Protocol (BCP), specifically to regulate access to a medicinal plant called *Cinnamosma Fragrans*, known locally as "Motrobe". Prior to the existence of the BCP, local communities in Mariarano felt pressured by local authorities and Motrobe operators, who regularly harvested the plant either without meaningful and fair consultation with communities, or without applying for the requisite permits.

Communities are now directly involved in the Motrobe licensing process and irregularities, and can better distinguish between legal and illegal operators, which has helped to resolve and quell conflicts about access and use of Motrobe. Not only do the communities have more autonomy and negotiation power, but the regulation has led to a three-fold increase in the purchase price of Motrobe from the Mariarano community. Inspired by the benefits of their neighbours, the Betsako community has begun the development of their own BCP.

STANDING WITH COMMUNITIES (SWC)

Through organising, movement building and legal empowerment with and for Indigenous peoples and local communities, the SWC programmatic stream supports active participation of communities in public participation and policy development processes, empowering communities to claim and defend their rights, and to hold governments and corporations accountable for human rights and environmental violations.

As part of these objectives, since 2020, Natural Justice has recruited a team of Community Environment Legal Officers (CELOs) to support communities who are excluded from environmental governance and decisions impacting their lands and resources. They act as “paralegals” and bring community concerns to government and decision-making authorities. Through the CELOs programme, we engage directly with Indigenous Peoples and Local Communities’ by investing in training and providing ongoing support to people who are part of these communities. We work with CELOs to strengthen their legal knowledge and build their capacity to use the law to affirm and defend their communities’ rights, and to advance environmental and social justice.

Kenya

- Natural Justice supported local communities to meaningfully participate in the Environmental Impact Assessment hearings held by the National Environmental Management Authority in Lamu, Garissa and Turkana concerning the Lamu Lokichar Crude Oil Pipeline project. Our team worked closely with the community to develop list of concerns and questions including land acquisition, climate and environmental impacts, as well as public consultations. Their participation and perspectives helped inform the National Environmental Management Authority’s decision to grant an environmental license.



NJ’s Director of Programmes, Gino Cocchiario, presenting at the World Forum for Democracy.

- As part of the World Forum for Democracy (WFD) hosted by the Council of Europe, our team participated in a film project and campaign which sought to interrogate how democracy can help save the environment. Under the theme [Democratizing law for environmental justice](#), Natural Justice [shared strategies](#) for how our legal empowerment work in Kenya and Africa can help advance environmental and climate justice.
- Using Natural Justice’s Climate Change Legal Handbook, the SWC team conducted three climate and legal empowerment training workshops with communities in Kilifi and Lamu, targeting young people, women, and marginalized people to build capacity on participation in and influencing of climate change discourse and policies at the national level.



Natural Justice staff conduct a legal empowerment training in Lamu, Kenya.

South Africa

- With support from Natural Justice, the San and Khoi peoples of South Africa signed a historic benefit-sharing agreement with the rooibos industry in November 2019, recognising their traditional knowledge of the uses of rooibos, an indigenous plant used to make tea and other goods. The agreement guarantees benefits from the farming of rooibos to be transferred to indigenous groups. In 2021, a payment of just over R12,2 million was paid over to the Khoi peoples’ Trust; the Khoi-Khoi Peoples’ Biodiversity and Rooibos Trust; the San peoples’ Trust; and the Andries Steenkamp ABS Trust. Natural Justice provided legal assistance and support to the Khoi Khoi Peoples’ Biodiversity and Rooibos Trust, including finalising the governance and operational processes on how the money will be equitably and fairly distributed across Khoi communities.
- In December 2021, Natural Justice’s community partner, the Philippi Horticultural Area (PHA) Food and Farming Campaign, hosted an Aquifer Festival to raise awareness about the need to protect the Cape Flats Aquifer. The Aquifer lies beneath the PHA farmlands and has the ability to provide annual drought-proof water supplies for Cape Town’s residents. Currently, it is a source of water for the farmlands, which provide fresh produce to the city. Sadly, the Aquifer is under threat from developers who want to build large-scale infrastructure within the PHA area. The Aquifer Festival used song, dance, art and food to curate a fun, inclusive and educational day for communities and activists protecting the aquifer.

- During the reporting period, the Southern African team appointed two more CELOs to support community partners. Jonathan van der Westhuizen was appointed to support the Guriqua Indigenous Peoples – a farming and traditional fishing community belonging to the historical Guriqua tribe which is of Khoi and San descent. Dean Palmer was appointed to support the Philippi Horticultural Area (PHA) Food and Farming Campaign to work with them and the community as they continue to ward off proposed developments, which threaten the integrity of the PHA and underlying aquifer, an ecologically sensitive area.
- Natural Justice hosted a CELO induction in early 2022 in Cape Town in a process of legal empowerment. The CELOs were introduced to the unique methodology of Natural Justice and the different legal approaches within the environmental justice framework, focusing on key international environmental mechanisms. The induction also provided training and support on ethical research, public participation, finance, and building understanding of Natural Justice and its partners.



The negotiating team of the National Khoi and San Council who helped develop the rooibos agreement on behalf of their communities.



Members of the National Khoi and San Council at the signing ceremony for the rooibos agreement.

Madagascar

- Natural Justice and the Tafo Mihaavo Network signed a partnership agreement with the Ministry of the Environment to accelerate responsiveness to and resolution of community grievances. The joint initiative carried out several consultations which built the capacity of local communities to effectively raise environmental complaints; provided information on environmental law, community rights and procedures; and led to the development of a technical framework for the establishment of environmental legal advice structures for local communities.

Senegal

- The zircon mining project in Niafrang has been met with strong resistance from local communities, due to the negative impact on their livelihoods and lands. Since 2018, Natural Justice has been working with community members to build their legal capacity to register formal complaints with the company Astron and the local government. In collaboration with Advocates for Community Alternatives (ACA), NJ filed several appeals both in national courts and with national authorities, which eventually compelled the Minister of Mines and Geology to organize a consultation between the company and local community members. This led to a major victory for communities when the Minister decided to withdraw the renewal of the zircon mining license in Niafrang.

Guinea

- In January 2022, as part of a community audit process, Natural Justice convened a meeting with communities from 24 villages impacted by the Société Minière de Boké (SMB) Mining Company's operations. The community and legal representatives validated an audit report which detailed and consolidated their grievances, which they continue to use to advocate for remedial and restorative action in response to the damages suffered by the communities, and to resist the construction of SMB's proposed coal-fired plant to power the company's future aluminium refinery.
- Between August and December 2021, Natural Justice provided legal support to a community of artisanal fisher people, occupants of Teminètaye, in the district of Conakry, following a 2019 eviction operation ordered by Noom Hotel, owned by the hotel group, Mangalis. Through legal research, Natural Justice established that the eviction did not comply with compensation and resettlement standards, and Natural Justice consulted communities' on their rights and options for possible litigation were provided.



Natural Justice held a meeting with communities from 24 local villages in Guinea impacted by the Société Minière de Boké (SMB) Mining Company's operations.

DEFENDING RIGHTS AND LITIGATION (DR)

East Africa

- The East African Crude Oil Pipeline (EACOP) case before the East African Court of Justice is the first regional strategic litigation for Natural Justice. The case is significant given the thousands of communities the pipeline will displace – in Tanzania and Uganda; its potential climate impacts; and the threats to inland water systems and sensitive biodiversity ecosystems. Despite delays in the litigation, between 2021 and 2022, Natural Justice has provided legal support and built evidence around the potential emissions. We have also researched impacts and risks to inland water systems, including the transboundary impacts to Lake Victoria, a shared water resource in the region. In addition to being a named party in the case, Natural Justice lawyers also appear as co-counsel. Beyond the litigation, Natural Justice has also been part of the StopEACOP alliance campaign, which has successfully dissuaded investors and insurers from backing the project.



Natural Justice's Katherine Robinson at the COP26 protest against EACOP.

- With the support of the Katiba Institute, Wangari Maathai Foundation and Dandora Social Justice Centre, Natural Justice challenged the environmental impact assessment for the Nairobi Expressway construction in Kenya. Aside from substantial negative biodiversity and social impacts, the project was undertaken without effective public consultation; preparation of baseline studies; evaluation of alternatives; and without a climate impact assessment. The case highlighted the weak enforcement of the National Environmental Tribunal, which failed to issue a stop order against the National Highways Authority while the appeal was in court. While the Tribunal eventually dismissed the appeal in February 2022, it also agreed that a climate impact assessment should have been conducted and directed the developers to prepare one within 18 months.

- Following the request of the local civil society organisation, during 2021 and 2022, Natural Justice challenged the granting of a license to Sosian Energy for the development of a geothermal plant. In addition to a grossly flawed public consultation process, the impact assessment failed to adequately consider potential noise pollution, vibration and air quality impacts which may necessitate the relocation of residents living in the vicinity. While Natural Justice has championed geothermal energy as a preferred energy option for Kenya, this case underscores the importance of human rights and environmental justice considerations even in renewable energy projects, and may contribute to the emerging jurisprudence emphasising the importance of an energy transition that does not violate the rights of communities.



Lawyers from Natural Justice and Katiba Institute brainstorm the Sosian energy case
brainstorm key human rights concerns related to the Sosian Energy Geothermal plant.

Southern Africa

- In September 2021, Natural Justice visited Limpopo Province in South Africa to attend a public meeting and to hear the concerns of local communities who will be impacted by the proposed construction of the Musina-Makhado Special Economic Zone (MMSEZ). The community members are opposing the development due to its likely impacts on water security in the area, as well as the destruction of heritage and valuable natural resources, including baobabs, marula and mopane trees. Natural Justice registered as an interested and affected party, and in October 2021 submitted comments on the major flaws of the environmental impact assessment for the MMSEZ, and highlighting the climate change consequences of the project, as well as the devastating impacts on water security in a water-stressed region. Unfortunately, despite widespread opposition during the EIA process, in early February 2022, the MMSEZ project received environmental authorisation from the Provincial government in Limpopo. Natural Justice submitted an appeal. We continue to engage with the affected communities and their partners, including Earthlife Africa, Living Limpopo and Centre for Environmental Rights, to challenge the authorization.



Women from the Vavhenda play traditional drums at ceremonies.



Traditional baskets used by the Vavhenda during ceremonies. These form part of their heritage.

- In April 2021, Natural Justice supported the South Durban Community Environmental Alliance and groundWork to the launch South Africa's first court case challenging a gas-to-power plant to be constructed in Richards Bay in Kwa-Zulu Natal in South Africa. The grounds for the challenge include a flawed public participation process; failure to consider renewable energy alternatives to gas; and flaws in the Environmental Impact Assessment process. In our case, we also argued that a gas-to-power plant is not needed or desirable in South Africa due to dire climate and economic impacts. The potential of the case to set precedents on climate litigation and for stopping gas development in South Africa, is very significant.
- In June 2021, Natural Justice launched a court case with the South Durban Community Environmental Alliance and GreenConnection, challenging the decision to explore for oil and gas off the coast of Kwa-Zulu Natal in South Africa. This was the first case in South Africa asking the court to implement the eco-centric approach to decision-making concerning the oceans, as found in the Integrated Coastal Management Act. The grounds for the challenge rest on the fact that oil and gas exploration will take place in areas close to fragile biodiverse and protected areas, such as Marine Protected Areas; and the need for the government and corporations to consider the interests and needs of the entire community, as well as the natural ecosystem, when making decisions, as well as the potential climate change impacts of oil and gas.



With staff of South Durban Community Environmental Alliance and other activists on a tour of the site where the gas-to-power plant is proposed for Richards Bay in South Africa.

- Reconnaissance Energy Africa (ReconAfrica), a Canadian oil and gas company, obtained licenses in March 2021 to conduct seismic surveys in the Okavango Basin in Northern Namibia. The Okavango Basin, a UNESCO World Heritage Site, is home to indigenous peoples and local communities, and many endangered animal species such as elephants, wild dogs, martial eagles, and other wildlife. Natural Justice, in collaboration with EarthJustice, the Legal Assistance Centre and other partners, is working to challenge the environmental clearance certificate for the proposed 2D Seismic Survey, and supporting communities in Namibia to resist ReconAfrica's plans to conduct exploration in the Basin.
- In November 2021, Natural Justice launched litigation against Shell, to interdict its plans to conduct seismic blasting in the waters of the Wild Coast (Eastern Cape) of South Africa. While the first request - for an emergency court order to stop the testing - was denied, Natural Justice supported Wild Coast communities to bring a second case for an interim interdict, pending a further court challenge to the lawfulness of Shell's exploration right and its activities. The second challenge, launched with the Legal Resources Centre and Cullinan and Associates, was successful, and Shell was forced to cease its seismic blasting, protecting the environment and the communities from further harm whilst the case was pending. While the court matters were ongoing, the opposition movement to Shell's proposed seismic testing resulted in protests throughout South Africa and the resistance gained significant international attention.



Members of the fisher communities and indigenous groups living on the Wild Coast attend the court case against Shell.

AFFIRMING RIGHTS (AR)

Kenya

- Our Kenyan team submitted comments on the Climate Change Regulations under the Climate Change Act: 1) The Duty and Incentive Regulations; 2) Monitoring, Reporting and Verification Regulations; and 3) the Public Participation Consultations and Access to Climate Change Information Regulations. In December 2021, Natural Justice also led a group of civil society organisations to submit joint commentary and recommendations on the Environmental Management and Coordination Act, including the recognition and protection of environmental and human rights defenders; proactive disclosure of environmental licenses; public participation in environmental monitoring and auditing; and operationalization of environmental bonds.
- Natural Justice is helping indigenous peoples and local communities from Marsabit and Tana River in Kenya to safeguard their traditional and Indigenous knowledge by developing Biocultural Community Protocols (BCPs). This comes at an important time. The governor for Elgeyo Marakwet and a researcher from the Kenyan Medical Research Institute (KEMRI) had recently advocated for national- and county-level funding to be made available for the research and development of medicines based on traditional and indigenous knowledge. In Marsabit, the community is now setting up a botanical library of medicines and medicinal herbs used to treat people and livestock.
- In September 2021, Natural Justice worked with Community Land Action Now! (CLAN) and local communities to develop and submit historical land injustice claims to address injustices that were committed prior to independence and before the codification of the 2010 Constitution. Communities in Isiolo and Nakuru counties have since submitted their claims. As part of this work, we have trained indigenous community organisations on the community land registration process. In 2021, five community-based organisations used the Trainer of Trainers model to help build capacity in their communities.



NJ's Maryama Farah speaking at the Community Land Registration meeting in Kenya.



Civil society partners discussing land registration in Kenya.

- With regards to land injustices, we have been collecting data over the 2021-2022 period. We have convened meetings with communities affected by compulsory land acquisition in Lamu, Kilifi and Turkana counties, and gathered data for a report on compulsory land acquisition, its drivers and impacts. Based on this information, we plan to develop policy recommendations and help our community partners understand the process and how they can intervene in policy development most effectively.



Natural Justice staff on a field assignment in Turkana, Kenya.

Southern Africa

- The western coastline of South Africa is subject to many prospecting applications for various minerals, oil and gas. This will negatively impact the local environment as well as the livelihoods of fishing communities. During this review period, Natural Justice submitted comments through multiple public participation processes associated with the proposed prospecting. Alongside other local communities living on the west coast, the Guriqua community stands to be adversely impacted by these proposed mining projects. Natural Justice has been providing direct support to this indigenous group and also worked with them to bring court action against oil and gas exploration off the coastline through our defending rights programme.
- Throughout 2021, we provided ongoing support to the community of Wupperthal in the Western Cape. The community is made up of indigenous Khoi Khoi farmers who grow rooibos based on the traditional knowledge passed down through generations. The community requested our assistance to advise and train them on land and cultural heritage rights. Natural Justice also assisted them to negotiate a lease agreement on their land.
- In 2021-2022, Natural Justice contributed to law reform in South Africa and Mozambique, making legal submissions on several policy documents to ensure progressive human rights-based laws that centre climate and social justice, and a just and equitable energy transition. These included submissions on 1) South Africa's Land Tenure Upgrading Amendment Bill; 2) South Africa's Climate Change Bill; 3) Mozambique's Biodiversity Counterbalance Directive; 4) South Africa's Amendments to the National Environmental Management Act; 5) South Africa's Gas Master Plan; 6) South Africa's Oceans Economy Master Plan to 2035; and 7) South Africa's Land Court Bill.

Madagascar

- Natural Justice co-facilitated a civil society seminar with TAFO MIHAAVO (a national network of over 600 associations of local communities managing natural resources in 23 regions of Madagascar) on the protection of human rights and environmental defenders, and also gathered data on the situation of defenders in 19 regions of Madagascar to assess the risks they face. This joint initiative continues to provide technical advice to local community members in their advocacy for legal frameworks on securing community land tenure, recognizing the Fokonolona (traditional local communities) and strengthening community governance of natural resources.



Atelier de partage organisé par l'ONG Ravintsara sur les APAC, 23 mars 2021
© Stefana Raharijaona

- In October 2021, the Madagascar team participated in the Administrative Justice and Environment Symposium hosted by the National Association of Administrative Judges (ANJA). Natural Justice presented on legal empowerment and environmental justice issues in Madagascar.
- Natural Justice and the BioInnovation Africa (BIA) project jointly supported the establishment of a *Cinnamosma fragrans* value chain strategy in Mariarano and Betsako for the benefit of communities and to ensure the protection of the resource. *Cinnamosma fragrans* is used in many industries, including to make perfumes.
- As part of a the GIZ Capacity Building Initiative on Access and Benefit-sharing, Natural Justice facilitated the adoption of a “Charter of Stakeholder Responsibility” to ensure the implementation of tools developed with Analavory farmers to organize for the conservation, exchange, production, and marketing of local agricultural and food resources. As a result, the local authorities will work with the farmers to monitor the conservation of resources in a community bank of plant-based genetic resources for agriculture and food, the first in Madagascar.
- Natural Justice, together with the Ministry of Environment, established a *Working Group on Traditional Knowledge Associated with Biodiversity*, which aims to use collective knowledge to develop measures for harmonized protection and valorization of traditional knowledge in the research and development sector, as well as in initiatives related to biodiversity conservation and climate change adaptation. We have since initiated an inventory of legal-political frameworks and practices related to the documentation, valorization and protection of traditional knowledge in Madagascar.



Community participants who took part in NJ’s strategy workshop to support the management of the community seed bank of Analavory. © F. Harenasoa F. Ranaivoson.

- In collaboration with the Ministry of Environment, Natural Justice launched the Access and Benefit Sharing-Madagascar Project (ABS-MADA). As a primary partner, Natural Justice leads on the integration of local communities in the genetic resources monitoring system. We are also supporting the local communities of Ampangalantsary in the Alaotra Mangoro Region, and Sahandrazana in the Vatovavy Region, to develop community protocols and biodiversity registers.

- Natural Justice is part of the reflection group for the improvement of the framework document for the management of Protected Areas led by the *Ecole Supérieure des Sciences Agronomiques* (ESSA) at the University of Antananarivo. During 2021, we provided inputs on the importance of Community Management Agreements and tools for establishing the participation of local communities in the management of Protected Areas and Social Safeguards.



Communities involved in the protection of the Mangabe Protected Area managed by the Madagascar Voakajy Association.

Senegal

- Natural Justice is actively involved in the drafting biodiversity laws in Senegal. Following demands from custodian communities for adequate legislative recognition, during the period under review, we contributed to the integration of *Indigenous and Community Conserved Areas* (ICCAs) into the draft law.
- We completed the mapping of geographic locations to identify 26 ICCAs in Senegal and supported the enforcement process of three ICCAs: 1) Kapac Olal de Mlomp Oussouye, 2) Bourongh Olal du Bliss Kassa and 3) Moundé et Bettenty. To support this process, we provided both institutional and logistical support to the local communities, including providing office equipment and renovating the premises of KAWAWANA to ensure favourable and productive working conditions for the governance of the ICCAs.
- Following participation and monitoring of negotiations at COP26, we became a member of the Senegal National Climate Change Committee, supporting the State in both the Legal- and the Loss and Damages Commissions. Natural Justice will also form part of the government delegation to the upcoming COP27.

Guinea

Working with communities and local partners, Natural Justice supported the development and implementation of Biocultural Community Protocols (BCPs) in 17 villages impacted by the *Société des Bauxite de Guinée* mining activities. The data and information will be used to support communities in claiming their rights; seeking recourse from local authorities; and for mediation between the company and impacted communities.



Community representatives who joined the data collection and validation processes led by NJ across 17 villages impacted by bauxite mining in Guinea.

FINANCE REPORT

Natural Justice Detailed Income Statement

	2022	2021
Revenue		
Donations	75 925	118 637
Grant Funding	27 876 611	14 941 078
Consultancy fees	2 417 451	3 607 021
	30 369 987	18 666 736
Other Income		
Other Income	95 205	3 313
Earthrise mountain lodge income	169 060	32 820
Interest received	397 755	301 659
	662 020	337 792
Operating expenses		
Accounting fees	-	45 989
Auditors remuneration	272 416	110 241
Bad debts	-	12 709
Bank charges	160 367	122 411
Cleaning	70 408	28 219
Computer expenses	(3 163)	1 449
Conference and workshops	818 881	2 950
Consulting fees	10 685 721	5 836 055
Depreciation	126 186	92 084
Donations	7 248	502
Employee costs	7 885 730	5 597 791
Insurance	71 629	66 187
Lease rentals on operating lease	399 732	370 640
Loss on exchange differences	1 670 700	313 811
Municipal expenses	69 501	69 324
Postage	26 300	-
Printing and stationery	60 816	330 810
Project contribution	5 942 455	2 932 041
Repairs and maintenance	69 616	30 964
Staff expenses	-	1 798
Subscriptions	17 008	50 970
Telephone and fax	297 806	353 009
Travel and accommodation	2 448 471	2 135 110
	31 097 828	18 505 064
(Deficit) surplus for the year	(65 821)	499 464

