

# THE NATURAL JUSTICE ANNUAL REPORT

Standing with communities for social  
and environmental justice



2023 - 2024



Front cover: Protests in Kenya calling for climate reparations

Contributions by: Natural Justice staff

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# LETTER FROM THE CHAIRPERSON OF THE BOARD

*Loretta Feris*



In 2023, we said goodbye to a long-standing member of Natural Justice, Gino Cocchiaro. We want to thank him for the more than decade-long commitment to the organisation, watching it grow from a handful of people to a fully-fledged organisation with three Hubs

Gino lead the Kenyan office, which soon became the East African Hub, with a firm vision and a principled and methodical management style. He was a well-liked and respected Director and continues to commit himself to the work of Natural Justice through his strategic support.

We had to say a further farewell to Pooven Moodley, an outstanding Executive Director that committed himself to five years at the helm of Natural Justice – during which time he assisted to secure significant funding which has helped to grow the organisation. He also lead the team with great empathy and there was a real sense of sadness that he resigned. Pooven is a unique leader, one who leads quietly and by example, and who believes the best of everyone. The staff really benefited from his great vision and his continued plea to focus on the bigger picture. He has continued to focus his energy on supporting the principles and

values of Indigenous people across the world, seeking ways to advance traditional knowledge and alternative solutions. We wish him all the best.

I want to thank them both personally for the roles they played, apart and together. Specifically, they have been instrumental in bringing out the next five-year strategy for the organisation and contributing strategic direction to the initiatives.

We have also welcomed to Natural Justice a new Executive Director, Farida Aliwa. Farida is a strong feminist leader with international and Kenyan human rights experience. We know she will be a strong asset for the organisation and look forward to supporting her in her achievements going forward.

Thank you to the staff and the Board for their ongoing commitment to Natural Justice.





# LETTER FROM THE EXECUTIVE DIRECTOR

*Farida Aliwa*



Over the past few months, I have had the privilege of visiting our Hubs and meeting the passionate individuals who drive our mission forward. Their warmth and insights have been invaluable as we address the challenges of growth while reinforcing our shared vision.

**Farida Aliwa**

The climate crisis is no longer a distant threat; it is here, and its impacts are being felt acutely across Africa. Communities are grappling with unprecedented droughts, floods, and other devastating consequences of a warming planet.

This crisis demands urgent action—to halt further climate emissions and to respond decisively to calls for climate financing. We remain steadfast in our mission to provide legal empowerment and litigation support to Indigenous peoples and local communities, advancing their rights and amplifying their voices in the face of immense challenges.

In October 2023, I had the honour of stepping into the role of Executive Director of Natural Justice, I succeeded Pooven Moodley, whose leadership over the past five years has left an enduring legacy on our team and partners. Taking the reins from him has been inspiring. While the journey so far has presented its share of challenges, it has also been filled with remarkable moments of triumph in our work, collaboration and a stronger sense of purpose.

Today, Natural Justice operates in eleven countries, employing innovative legal empowerment tools and methodologies to address critical environmental and human rights issues. Our progress would not be possible without the unwavering support of our donors and contribution of long-term partners. We thank them for this continued support and look forward to even more as we look to launch our new strategy 2024-2028 and its bigger and bolder vision for Natural Justice.

Through initiatives like the African Activists for Climate Justice project, we have expanded our international advocacy, reshaping narratives about Africa's role in the climate crisis. While the continent remains highly vulnerable to climate change, we are determined to amplify Africa's resilience and leadership in forging a sustainable future. Across our regions, we have witnessed inspiring progress: in Kenya, a robust litigation approach tackling major developments impacting communities while in Southern Africa, the development of Biocultural Community Protocols that uphold Indigenous rights to their land, heritage and ancient wisdom.

Our recent work in Nigeria shows promise from a growing team addressing the environmental and social toll of oil spills and pollution, Namibia and Mozambique, scaling up efforts to combat increasing threats from oil, gas, and other extractive industries. These achievements reflect the dedication and ingenuity of our teams on the ground, working tirelessly to protect communities and ecosystems.

I am deeply grateful to our Board of Directors for their steadfast commitment and guidance. Their leadership has been instrumental in ensuring the organization's sustainability during a period of rapid growth. I also want to thank our human resources, finance, and operations teams for their invaluable support in navigating these changes, responding to required changes and working with others across the organization to bring them along with these changes.

Over the past few months, I have had the privilege of visiting our Hubs and meeting the passionate individuals who drive our mission forward. Their warmth and insights have been invaluable as we address the challenges of growth while reinforcing our shared vision.

I joined Natural Justice not only because of the urgency of its work but also because of its people. This organization is powered by individuals who inspire me every day through their dedication, resilience, and unwavering belief in justice.

As we reflect on this year's achievements and prepare for the road ahead, I am reminded that the path to climate and environmental justice is long, but together, we are making a difference—one community, one case, and one step at a time.

With gratitude,

**Farida Aliwa**  
Executive Director, Natural Justice



# 01 THE INITIATIVES



The Environmental Defenders Fund has helped to fund the legal support for activists who have been imprisoned for speaking out against EACOP



## THE AFRICAN ENVIRONMENTAL DEFENDERS INITIATIVE

### Protecting the rights of the activists against EACOP

Between March 2023 and February 2024, the African Environmental Defenders Initiative, in partnership with [Global Climate Legal Defense \(CliDef\)](#) has supported a total of 15 climate and environmental activists arrested for condemning and protesting against the East African

Crude Oil Pipeline (EACOP) project in Uganda. [StopEACOP](#) is the global campaign against the pipeline. The partnership between the AED Initiative and CliDef was a response to the arrest of nine student activists that were initially arrested for protesting against EACOP in Kampala, Uganda in October 2022. These arrests generated public interest and support from various organisations working within the environmental rights space.

In collaboration with CliDef, the Initiative has set up a fund to support frontline lawyers and the imprisoned youth climate activists in their short- to medium-term activities challenging the construction of the pipeline. The funding has been used to facilitate bail/bond payments, support legal representation, and contribute towards public interest litigation related to mitigating and challenging reprisals against climate activists.

### Launching Legal Handbooks on the Rights of Environmental and Land Defenders

In April 2023, the Defenders Initiative published three legal handbooks for Environmental and Land Defenders across Africa. The three handbooks developed for [Kenya](#), the [Democratic Republic of Congo](#) and the [broader Regional and International contexts](#), provide practical guidelines on utilizing existing legal frameworks, regional and international mandate holders and protection mechanisms to advance the recognition and protection of environmental and land defenders.

The legal handbooks serve as a legal empowerment toolkit for organisations and professionals working with Indigenous Peoples and local communities, to guide their responses to threats by government entities, private companies or other key actors.



## Launch of the “Protecting Tomorrow” Documentary on African Defenders

In May 2023 in Kenya and Madagascar, the African Environmental Defenders Initiative launched the documentary film “Protecting Tomorrow”. The documentary focuses on the stories of the community leaders and activists from the Sengwer community in Kenya, the Maasai of Ngorongoro and Loliondo in Tanzania, those opposing the East African Crude Oil pipeline (EACOP) in Uganda and Tanzania, and the people involved in the protection of the Ankazondandy Forest that culminated in the brutal killing of Henri Rakotoarisoa in Madagascar.

The two screenings were able to build solidarity with frontline defenders featured in the documentary and inspired a call to action to support environmental defenders across Africa who are facing heightened risks and threats for defending the environment and their land. The documentary has since been screened at the Savonlinna International Nature Film Festival in Finland in August 2023, and the Warming Up Festival in Amsterdam in November 2023.



## Presenting at the Defenders Coalition Annual Human Rights Academy

In December 2023, the African Environmental Defenders Initiative supported and co-hosted the [Defenders Coalition Annual Human Rights Defenders Academy](#) in Nairobi, Kenya. The Academy brought together 100 human rights defenders from across Kenya working on different thematic issues within the human rights space.

The theme of the event was premised on the intersectionality between environmental justice and human rights.

“The need to have all these human rights champions together is aimed at emphasizing the fact that we cannot separate the issue of environmental protection from human rights,” noted Nyaguthii Chege, East Africa Hub Director, Natural Justice.

“Climate and environmental justice are a collective responsibility. For it is important for the survival of each one of us, to all of us”, emphasized Carolyn Vicini, Swedish Ambassador to Kenya, in her opening remarks.

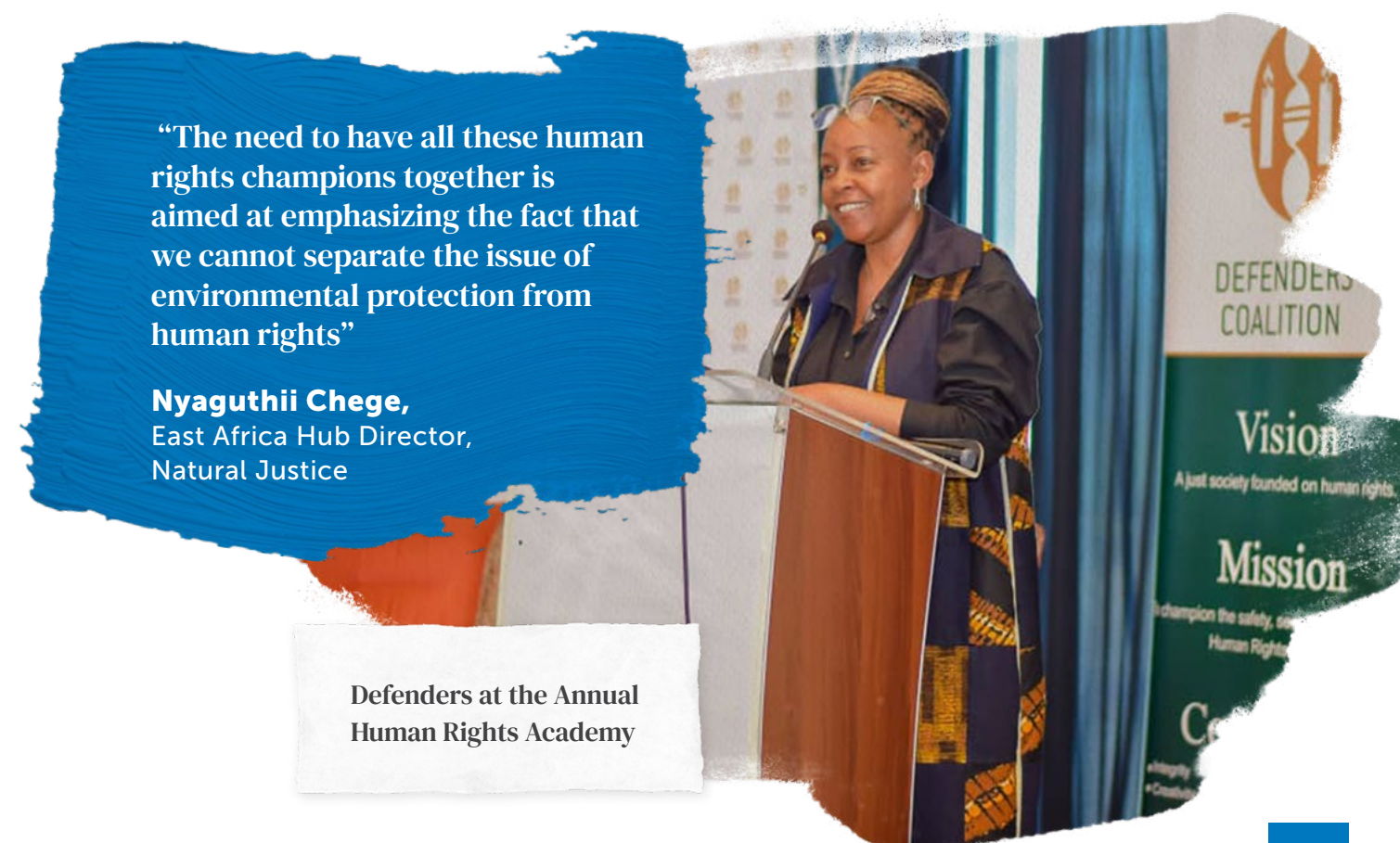
Defenders gained practical skills and knowledge to carry out comprehensive risk assessments for their communities and organizations and efficiently respond to digital and physical security threats within their spheres of work. Following the creation of data toolkits, the defenders currently assist in documenting attacks against human rights defenders.

The academy ended with an awards ceremony honouring human rights defenders that stood out in 2023 as agents of change, and who had challenged the status quo to expose injustices and demand accountability.

“The need to have all these human rights champions together is aimed at emphasizing the fact that we cannot separate the issue of environmental protection from human rights”

**Nyaguthii Chege,**  
East Africa Hub Director,  
Natural Justice

Defenders at the Annual  
Human Rights Academy





## Sharing data on the status of threats against African defenders

The African Environmental Defenders Initiative has been part of the ALLIED data working group for a few years. The group meets to collate and aggregate the data on threats and assassinations of human rights defenders across the world. In [2022](#) and in [2023](#), Natural Justice contributed to the *Uncovering the Hidden Iceberg* report.

These reports represent an integrated global dataset of widespread attacks against Indigenous and local environmental defenders. The data report was used to inform key advocacy opportunities in 2023 and served as an accountability tool to engage government and private companies,

The AED Initiative contributed by sharing collected data on non-lethal attacks in Africa, reported through the African Environmental Defenders Fund. This also informed the initiative's strategic objective to close the data gap in Africa.



## THE ENVIRONMENTAL LAWYERS COLLECTIVE AFRICA

The Environmental Lawyers Collective Africa (ELCA) was created to develop and strengthen a network of environmental lawyers across African countries working to protect land and environmental rights, and fight against projects with climate change implications.

### Capacity-building webinars for African lawyers

ELCA has hosted a number of webinars as part of the collective's capacity-building objectives for the year. The webinars covered a range of issues from scrutinising and challenging inadequate environmental impact assessments, to analysing non-legal approaches to environmental impact assessments.

During these webinars, ELCA has reached over 250 people in the environmental justice and civil society space and fostered collaboration with likeminded organisations such as the Katiba Institute, Powershift Africa and groundWork. The webinars have become the digital calendar staple of ELCA's various stakeholders and membership base, with some attendees suggesting ideas for future webinars, as well as using the platform to network with other environmental lawyers.

Paul Lado, a South African based lawyer from the Centre for Environmental Rights and ELCA member, when highlighting the impact of the webinars, remarked that, "[they have been informative.... and I'm more informed making me a better lawyer.](#)"

A number of other lawyers in the region echoed these sentiments, highlighting the large potential that webinars hold as a vehicle for information sharing and skills transfer. Hazel Chimbiro, a Zimbabwean based lawyer from the Zimbabwean Environmental Lawyers Association, said, "[The webinars have been very insightful, motivating me to broaden my knowledge and research more on critical issues.](#)"



Two of the coordinators of the initiatives: Lauren Nel (JETA) and Nomasango Masiye-Moyo (ELCA)



## Talking lawyering at the Climate Litigation Lab

In February 2024, ELCA had the opportunity of attending and presenting at the Climate Litigation Lab, hosted in Addis Abba, Ethiopia, by Oil Change International and SurgeX. The Lab brought a number of lawyers together from different African jurisdictions, as well as campaigners, to discuss areas of collaboration.

Our attendance resulted in ELCA gaining new members from key environmental organisations such as the Global Gas and Oil Network, Movement of Movements, Climate Action Network International, Greenpeace Africa and many others, ensuring ELCA is abreast with other civil society campaigns, projects and planned protest actions.



## THE JUST ENERGY TRANSITION AFRICA INITIATIVE

The Just Energy Transition Africa Initiative is housed within Natural Justice and undertakes to build capacity of various stakeholders, draft legal submissions and build a culture that promotes clean and sustainable energy and stops fossil fuel exploration, usage and consumption. Just energy transitions that respect and promote Indigenous Peoples and local communities' rights are central to our advocacy, policy and legal empowerment work.

### The first Just Energy Transition convening

On 29 and 30 March 2023, the [JETA Initiative held its first convening](#) in Nairobi, Kenya. The meeting brought together over 40 lawyers and civil society members from 13 countries (including Burkina Faso, Egypt, Guinea, Kenya, Namibia, Nigeria, Senegal, South Africa, Tanzania, and Zimbabwe), with international lawyers and energy transition experts from South Africa, Kenya, Senegal, China, the U.S.A, and Germany. The convening successfully built attendees capacity and knowledge on the following: what a just energy transition is, the regulatory and finance needs to accelerate the clean energy transition, overcoming barriers to clean energy deployment, and identification of priority clean energy work.





## Counter-COP focus on Just Energy Transitions

During the Africa Climate Week, held on 4-8 September 2023, the JETA Initiative convened a dialogue at the counter-COP event, the Africa People's Climate Assembly.

The dialogue entitled, *"An African Community and Indigenous People Centred Just Energy Transition,"* co-facilitated by Climate Action Network and Oxfam, raised awareness about the false solutions pushed by the private sector at the official Africa Climate Week, and the urgency for people to demand an energy transition that centres justice and human rights.

JETA shared case studies on the negative potential and actual impacts of geothermal, nuclear and off-grid solar access projects in Kenya; green hydrogen in South Africa; and on the just energy transition partnerships (JETPs) in Senegal and South Africa.



## Influencing policy change through JET submissions

The JETA Initiative assisted and supported the Affirming Rights teams in Kenya and South Africa to develop submissions on energy policies.

In South Africa, a submission was coordinated with groundWork, Earthlife Africa, Centre for Environmental Rights and endorsed by Southern African Faith Communities Environment Institute, on the Draft South African Renewable Energy Masterplan (31 July 2023). This submission was presented in the virtual consultation with the Department of Mineral Resources and Energy during August 2023. The submission allowed for an opportunity to voice respect for communities in the building of the renewable energy industry in South Africa.

Natural Justice commented on the South African National Nuclear Regulator Amendment Bill (13 October 2023) <https://naturaljustice.org/publication/submission-nuclear-regulator-amendment-bill-south-africa/>. This submission has been distributed among lawyers via ELCA, civil society and communities in Africa to give a technical background to nuclear energy and the grounds on which to oppose it.

In Kenya, submissions focused on the Climate Change (Amendment) Bill 2023 (26 May 2023). Comments were submitted to provide insights and assistance in developing a final Climate Change Bill that reflects the values of Kenyans and provides opportunities for vulnerable groups of society to be included in the sustainable development of Kenya. The Bill contributes to the protection of the biodiversity and natural resources that sustain the economy, livelihoods and cultures of the country.





# INTERNATIONAL CLIMATE AND BIODIVERSITY PROCESSES

Natural Justice supported various communities from across Africa to participate in and mobilize around key advocacy moments like Africa Climate Week, UN Climate Change COP28, and UN Convention on Biodiversity intersessional meetings. The objective was to build solidarity, share strategies for campaigning and amplifying their demands for biodiversity protection and climate action.

We supported [Africa Climate Week](#) and the [African People's Climate Assembly](#) - an alternative space for movements, activists and civil society to organise, mobilise, collaborate, and build solidarity to advance community-led, pan-African climate justice. Through dialogue, art and [activism](#), this assembly addressed a number of key themes at the intersections of climate, biodiversity, gender, economic and social justice.

Natural Justice also supported and participated in the [Global Biodiversity Framework and Convention on Biological Diversity \(CBD\) intersessional meetings](#) to advocate for biodiversity protection and adaptation within climate action, and to ensure safeguarding of Indigenous Peoples' rights, and gender-responsive access and benefit sharing.

Natural Justice participated at the 25th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (STSTTA) in Nairobi Kenya in March 2024. The team hosted a side event, sharing successes, challenges and lessons learned from the legal support given to the Khoi and San community related to the Rooibos benefit sharing agreement. In 2019, the South African Rooibos Council (SARC) signed the first ever industry-wide benefit sharing agreement with indigenous communities who hold traditional knowledge on the rooibos plant.



For Natural Justice, this work started in 2007, where the Natural Justice team supported the community by writing their biocultural protocol, which then led to negotiations with the SARC. The participation was a success.

Natural Justice also participated in various advocacy activities that were led by several caucus groups advocating for the strengthening of the implementation framework for the Global Biodiversity Framework 23 targets adopted in Kunming Canada in 2022.

For the UNFCCC COP28, Natural Justice provided accreditation and/or financial support to ensure the participation of community members and activists we work with from Botswana, Zimbabwe, Senegal, Kenya and the Democratic Republic of Congo. We also provided financial support to the Senegalese delegation to ensure their active participation in key agenda items.

This support ensured Natural Justice's daily coordination of and participation in the Human Rights and Climate Change Working Group, caucus meetings and tracking of negotiations. As part of this work, we also facilitated a conversation with a number of UN Independent Experts and Special Rapporteurs to discuss the intersection of their mandates, with the Human Rights Council and the UNFCCC processes. Our delegation also participated in a number of [peaceful protests and actions](#) calling for human rights, an end to fossil fuels, and climate finance.

Finally, as part of our advocacy for the recognition, protection and participation of land and environmental defenders, Natural Justice co-hosted an official side event with Global Witness, EarthRights International and CambiaMO. You can read full coverage of the event [here](#) and [here](#), or watch the recording on [YouTube](#). (Full COP28 report [here](#)).





# 02 THE PROGRAMMES

*Standing with Communities*



Many farmers have been affected and had to abandon their farms, due to the LAPSSET project in Kenya



## EAST AFRICA

### Supporting communities in Lamu affected by the LAPSSET project

In the lead-up to the commencement of the Lamu Port-Southern Sudan-Ethiopia Transport (LAPSSET) corridor project in Kenya, the County Government of Lamu began developing a new headquarters, as well as new roads and infrastructure, displacing community members and causing significant loss of land, crops, and livelihoods. Natural Justice provided assistance to the affected communities, notably the Roka Baghdad community affected by the Lamu-Garissa Road project. The Kenya Highway Authority did not consult the community, leading to farm destruction without proper compensation.

Natural Justice petitioned the County Government and supported affected communities in submitting complaints to the Commission on Administrative Justice (CAJ). They also empowered the project-affected communities to understand land acquisition processes in preparation for the hearing by the National Land Commission.

#### Key issues raised by the communities included:

- Loss of critical biodiversity: The project's construction destroyed natural areas such as mangroves, coral reefs, seagrass and forests through dredging of the seabed.
- Environmental concerns: The project created dust and noise pollution, unattended borrow pits. Communities requested restricted construction hours to minimize disturbances.
- Inadequate information sharing between the project-affected communities and the project proponents; particularly on the compensation of families displaced by the construction of the Lamu Port.

Despite challenges, such as unfavourable responses regarding compensation owing to complexities of the land tenure system in Lamu, Natural Justice successfully registered the community as a Community-Based Organization (CBO) and continued to advocate for their environmental rights and just and fair compensation.



## Traditional fisherfolk embark on a case to receive compensation for the impacts of the Lamu Port on their livelihoods

In May 2018, the Malindi court granted 4734 fisherfolk from Lamu compensation to the tune of 1.76 billion in local currency to compensate for the loss of fishing grounds caused by the dredging of Lamu Port. The process of finalising the compensation was stopped by the Ethics and Anti-Corruption Commission.

Natural Justice supported the community in settling this matter out of court and in negotiations with the government. After a protracted process, the government finally paid this compensation in June 2024. The significance of this case is that it highlights the different considerations that government ought to make before commissioning a project, and the role of alternative justice systems in achieving environmental justice.



Lamu fishers who use traditional or small boats have been negatively impacted by the development of the Lamu Port in Kenya. Natural Justice has been assisting them to claim compensation for the losses.

## Ongoing support for community members affected by the salt mining in Malindi

The communities living in Malindi, Kilifi County, Kenya, have endured the negative impacts of poorly regulated salt industries, with salt mining operations encroaching onto their lands and severely disrupting their livelihoods. Natural Justice has supported these communities for many years, helping them seek legal remedies, compensation, and enforcement of industry regulations.

The Garithe Co-operative Society, a small group of small-scale salt miners, was significantly impacted when the Malindi Salt Company decided to build a road through a 50-metre-wide corridor that passes through community salt pans and land. This construction threatened to drastically reduce the Co-operative's ability to mine salt. Natural Justice assisted the Co-operative in gathering detailed information and evidence to build a strong case to present to the relevant authorities. Unfortunately, the case was not litigated due to a lack of funds. Despite this setback, Natural Justice remains committed to supporting the community in their fight for fair treatment and compensation.

## Building a model climate law for use by County Governments in Kenya

Across Kenya, the impacts of climate change, ranging from destructive floods to prolonged droughts, are leaving homes damaged, crops destroyed, and countless people more vulnerable and without livelihoods.

During the reporting period, Natural Justice conducted a review of the climate policy and legislative frameworks in the country and built a model legislative framework that can assist county governments to enhance the legal methodology of tackling climate-induced loss and damage.

**Now published, the model law serves as a guiding tool for legal empowerment and has already begun to support counties in creating and implementing tailored climate policies.** By addressing the specific needs of local communities, this will enable county governments to better protect vulnerable populations from the worsening impacts of climate change while fostering sustainable development.

This initiative showcases Natural Justice's commitment to bridging policy gaps and empowering local governments with practical, actionable tools. The model law not only provides a legal foundation for addressing climate-induced loss and damage but also paves the way for stronger governance, resilience, and climate justice across Kenya's counties.

**Now published, the model law serves as a guiding tool for legal empowerment and has already begun to support counties in creating and implementing tailored climate policies.**



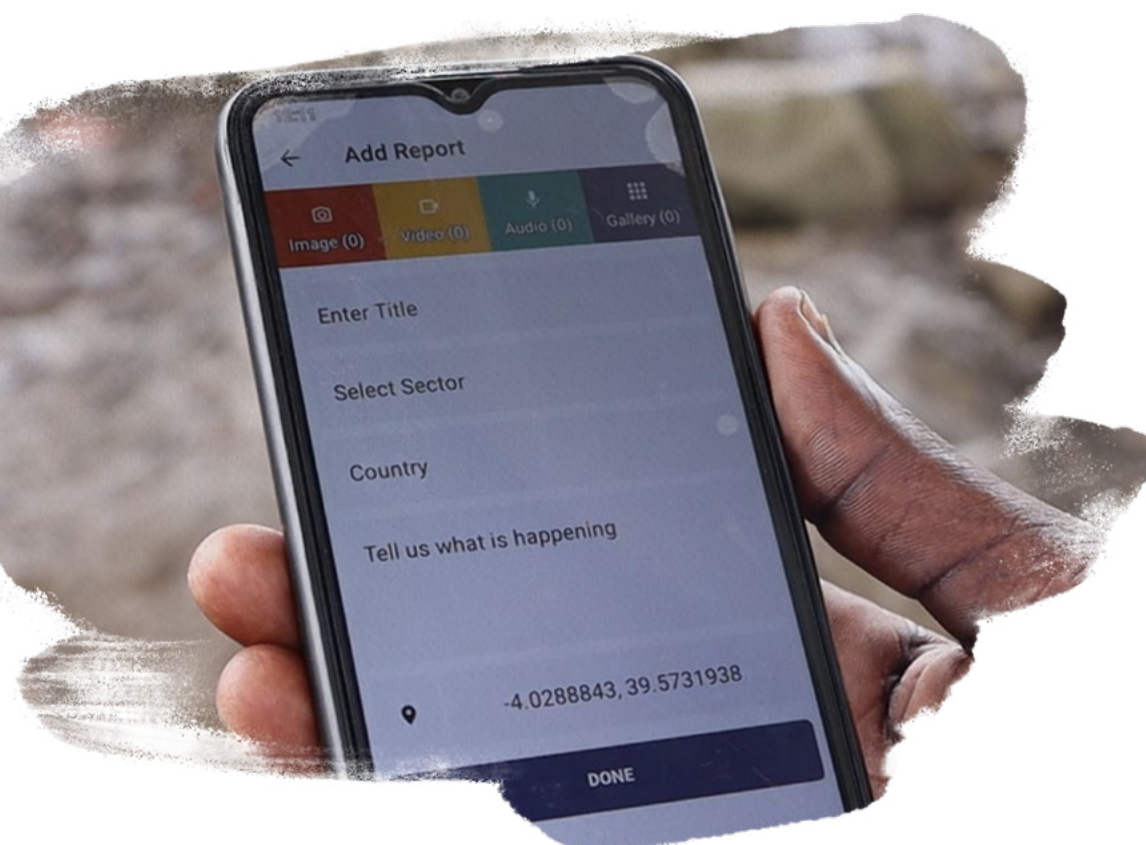
# Using technology to monitor climate and environmental injustices

In 2023, Natural Justice worked with mapping and monitoring [digital apps](#) to support the efforts of communities to defend their rights. Natural Justice assisted Kenyan communities in testing the use of the [TIMBY app](#). Communities included the Lamu fisherfolk and the Roka Baghdad community affected by the LAPSET project in Lamu County; the Malindi Rights Forums; the Mkupe-Tsunza Beach Management Unit affected by the Dongo-Kundu Bypass Project spanning Mombasa and Kwale counties; and the local partners under the Turkana Extractive Consortium involved in oil-related activities in Turkana County.

Community members in Kenya and a sample of Natural Justice staff were trained in using and understanding the TIMBY app and collected evidence and data on rights violations and threats they face in their specific contexts (loss of livelihoods, pollution of land and water, violence and physical threats, intimidation, etc.).

Natural Justice has also partnered with Digital Democracy to leverage their powerful mapping and monitoring app, MAPEO. In early 2024, four Natural Justice staff members received specialised training. This collaboration enabled Natural Justice to bolster Digital Democracy's efforts in supporting vulnerable communities in Tanzania who are facing severe threats and violations. Together, they enhanced the communities' capacity to track, document, and respond to critical human rights challenges.

These tools hold immense potential, empowering communities to gather crucial evidence that can be leveraged in legal actions, advocacy efforts, and a range of other objectives.



# SOUTHERN AFRICA

## Protecting, promoting and maintaining the Indigenous rights of the OvaHerero through a Biocultural Community Protocol

OvaHerero are Indigenous peoples living in Namibia and Angola who, for centuries, have maintained a semi-nomadic pastoralist lifestyle well adapted to the harsh and arid conditions of the Kaokoland. Their way of life, rooted in their indigenous knowledge system, has allowed them to thrive in their challenging environment. However, their traditional livelihoods now face growing threats from harmful development, the pressures of modernisation, and the accelerating impacts of climate change.

In response to these threats, Natural Justice, in partnership with International Rivers, has been working closely with the OvaHerero community to document a Biocultural Community Protocol (BCP). This Protocol is a powerful tool for legal empowerment, enabling communities to safeguard their rights, lands, and traditions in the face of external pressures.

“This is the only research that has been conducted, by the community and for the community, that has seen any tangible results - in the form of a document, that we will be able to use in various ways, to address our challenges and to protect, promote and preserve our indigenous knowledge.”

**Alphons Kahuhu,**  
Koruhama, OvaHerero researcher



Meeting with the OvaHerero researchers who worked on the BCP

Throughout 2022 and 2023, the two organisations introduced BCPs as a legal empowerment tool to 40 community representatives. The community agreed to embark on the process, and a Custodian Committee was formed to guide the development of the BCP. Over the course of three months, two community researchers travelled to 30 villages, gathering vital input from community members.

In 2023, a series of community meetings were held in Opuwo, Namibia, bringing together over 65 OvaHerero community members, including youth, women, elders and traditional leaders, from both Namibia and Angola. These meetings provided a platform to validate the information collected during the research phase and ensure that the BCP reflected the community's true needs and aspirations. At the start of the BCP process, there were 30 community members. What began with 30 participants in 2022 has now expanded by 50%, demonstrating the increasing engagement and sense of ownership within the community.

For the OvaHerero, the BCP is not just a document; it is a symbol of their agency and resilience in the face of external threats. It is a concrete, legally-backed tool to protect their ancestral lands, preserve their knowledge systems, and secure their cultural heritage for future generations.



## Supporting the communities of Kwa-Zulu Natal seeking environmental justice

We increased our support to the South Durban Community Environmental Alliance (SDCEA), an environmental justice organisation dedicated to addressing critical environmental challenges in South Durban and Richards Bay, through the placement of a community environmental legal officer (CELO), who worked closely with local communities to help them navigate complex environmental issues.

Through workshops and community engagements, more than 600 community members across over 20 communities in KwaZulu-Natal were empowered to understand how Environmental Impact Assessment (EIA) processes affect their environmental rights, how they can actively participate in these processes and important issues such as the Just Energy Transition and climate change.

A significant achievement was the mobilisation of 100 community members to engage in the public participation process for the proposed Jindal Iron Ore Mining development in Eshowe. These collective efforts were instrumental in influencing the Department of Mineral Resources and Energy to reject the Environmental Impact Assessment for the Jindal project, and therefore halting the project, preventing potential harm to local communities and the environment.

Workshops with South African communities to introduce the concept of the Just Energy Transition



## Documenting the intangible cultural heritage of the Vhavenda

The Vhavenda is an Indigenous community living in the Vhembe district in the Limpopo province of South Africa. They adopt an eco-centric approach to living and maintaining livelihoods. Their cultural identities and expression of their traditional ways of life are inextricably tied to their natural environment – particularly through their sacred sites. The area is known for its rich biodiversity and the Vhembe Biosphere Reserve, part of a network of UNESCO registered Biosphere Reserves, is the largest in South Africa.

The Musina-Makhado Special Economic Zone (MMSEZ) is a large-scale mega-project proposed for the Vhembe District in Limpopo Province which would cause severe and irreversible environmental degradation; extensive water use in a water-stressed area; and negative impacts on the sacred natural sites of the Vhavenda, as well as their tangible and intangible heritage.



The Limpopo region in South Africa is known for its baobabs



## Investigation report on allegations of non-compliance with UNDP social and environmental commitments

Earthlife Africa and Living Limpopo, supported by Natural Justice, submitted a complaint against a Memorandum of Understanding signed between the United Nations Development Programme (UNDP) Country Office with the Musina-Makhado Special Economic Zone State Owned Company (SOC) in March 2022. The complaint contends that the MMSEZ will have significant adverse Impacts on the environment and people living in the area.

After an investigation the UNDP Country Office withdrew the MOU and published guidelines that need to be followed before any such MOU can be entered into. The outcome of this complaint is a victory for the community and civil society organisations that submitted the complaint.

## Biocultural Community Protocol of the Zwifho of the Vhavenda

In response to external threats to the environment, culture, heritage and way of life of the Vhavenda, such as the MMSEZ development, Natural Justice, together with Earthlife Africa, is supporting a local community-based organisation, Dzomo La Mupo, to develop a Biocultural Community Protocol (BCP). In 2023 and early 2024, our efforts focused on documenting the intangible cultural heritage of the Vhavenda, following a community training on developing an intangible cultural heritage inventory.

This enabled Dzomo la Mupo to facilitate community writing meetings with the villages connected to the twelve Zwifhos in late 2023 and early 2024. Some of the villages have already produced a draft BCP, encouraging others to do the same. The draft BCP for the villages will be incorporated into a unified BCP for the area.

The biodiversity and landscapes of Limpopo, where sacred sites are under threat from development



## WEST AND FRANCOPHONE AFRICA

### Community Environmental Legal Officers exchange successes and challenges

In late May 2023, the West African Hub hosted the first edition of the Natural Justice Community Environmental Legal Officer (CELO) workshop. Through the workshop, the CELOs and other staff learned more about a wide range of issues faced by communities, including barriers to environmental justice and corporate accountability.

Important exchanges also took place on improving the methodology of the CELO approach, and the challenges officers face daily. Participants also paid a site visit to Bargny, a fishing community facing impacts of coal mining, coastal erosion and climate change. The visit built solidarity among the CELOs and highlighted the cause that unites all of them: the fight for justice and respect for human rights



Community environmental legal officers and Natural Justice staff at the first CELO workshop



## Visit from the Representative of the Dutch Ministry of Foreign Affairs

As recipients of the African Activists for Climate Justice (AACJ) project funding, the Dutch Ministry of Foreign Affairs and the AACJ Project Management Unit visited Natural Justice in September 2023. The Natural Justice West African staff took the visitors to four sites in Senegal where the project is being implemented and legal empowerment actions had taken place (Mbao, Bargny, Bambey, Joal Fadiouth). The delegation then held several meetings at the Embassy of the Netherlands in Senegal, the Department of the Environment and Classified Establishments, and the Ministry of Youth, Entrepreneurship and Employment, to present the project and its achievements. The visit enabled the delegation to positively assess the project's achievements after three years of implementation.



During the Dutch Ministry of Foreign Affairs' visit to Senegal

## Bargny fisher folk learn more about climate change

During 2023, Natural Justice carried out a series of awareness-raising activities in Bargny, including a competition with students and school pupils; a soccer tournament to raise awareness among athletes; and a theatrical show called "Les larmes du pêcheur" (tears of the fisherman) with artist-comedians.

These activities raised awareness of environmental and climate change issues among more than 400 people, particularly young people, which helped to strengthen local youth movements' understanding of the planetary crises, and how to preserve their environment.

## Awareness of climate change increased amongst the youth in Mboro, Senegal

From June to December 2023, Natural Justice partnered with the *Mboro SOS* platform to carry out a series of awareness raising activities targeted at the community of Mboro in Senegal.

Three workshops were held with 150 fisherfolk from different villages. *Génies en herbe* (Budding Geniuses) sport matches were organized between the high schools and colleges of Mboro and Darou Khoudoss, involving eight high schools and attended by 223 people. Through sport, the sessions promoted environmental protection, food garden cultivation and demonstrated the passion pupils had for climate justice related activities.



Natural Justice was involved in various activities with youth movements in Bargny to highlight the issue of climate change



# 03 AFFIRMING RIGHTS



Mangroves which are found along coastlines, are an important asset for communities – providing breeding grounds for fish and bees.



## EAST AFRICA

In Kenya, securing compensation for dispossession due to government and private sector land acquisition for various projects has been a significant challenge for communities. Natural Justice has supported these claims across various counties and conducted advocacy activities to enhance community involvement in public participation sessions - a cornerstone of environmental justice.

The Lamu Port-South Sudan-Ethiopia (LAPSSET) Corridor project has disrupted and dispossessed the land of numerous communities across Kenya, leading to evictions and the destruction of agricultural lands. Natural Justice has led various legal empowerment activities with impacted communities in Turkana and Garissa.

The team also assisted in preparing community members for compensation negotiations and gathering their feedback on proposed approaches to data collection.

Natural Justice has prepared “Recommendations for Improving Public Participation”. These are guidelines for enhancing public participation, particularly in the context of compulsory land acquisition, taking into account the unique needs and concerns of Turkana communities.

In Garissa, Natural Justice held a stakeholder engagement event in collaboration with Haki na Sheria and community representatives from Kamudhe, Sarira, Modika, and Korkora communities. The engagement focused on understanding how the communities were engaged in the LAPSSET project. It was found that the government did not put in effort to educate the communities about the LAPSSET project and their rights, revealing an existing information gap. Furthermore, concerns were raised about the forceful acquisition of land, which left communities with limited or no recourse.

It also came to light that deeply ingrained cultural practices in Garissa meant that women were unable to actively participate. Consequently, Natural Justice devised a plan to include women in discussions and trainings.

### Advocacy on the Blue Economy plans take Natural Justice across Kenya’s coastline

In 2023, Natural Justice and various partners began a roadshow in Kenya to highlight policy dialogues on the blue economy, and potential threats to local fishers and the ocean ecosystem. The idea of the “blue economy” is that the ocean environment can promote jobs and lead to development – but these strategies can lead to the loss of livelihoods for Indigenous peoples and local communities who rely on the ocean for their income, as well as their cultural and recreational practices.

Natural Justice organised planning meetings in Mombasa, Kwale, and Lamu counties before the October 2023 policy dialogues took place. These meetings aimed to ensure that the voices of small-scale fishers were included in policy-making discussions.





## SOUTHERN AFRICA

### Promoting community rights in Mozambique's Land Law Reform

Between 2022-2023, Natural Justice supported local community and local organisation participation in the Forest Law reform through submissions. The process resulted in the approval, on 31 December 2023, of a new Forest Law. **For the first time, the law recognises and introduces into Mozambique's legal system, the concept of the right to free, prior and informed consent over forest-related decisions.**

The recognition of FPIC represents a milestone for local communities as it strengthens their agency over forest resources, especially in the context of climate change. There is also a growing demand for forest-based solutions to climate changes, such as REDD+ and carbon credits, which can put these communities at risk of having their land grabbed.

The approval of the Law was followed by the publication of the Forest regulation which details the law. Natural Justice was invited to submit comments.

In July 2024, Natural Justice hosted a roundtable discussion on community land rights and climate change in Mozambique, bringing together civil society organizations (CSOs), local communities, women youth representatives, members of the Land Policy Reform Commission, and academics. The dialogue focused on the Zero Draft of the future Land Law, looking specifically at climate-induced displacement, customary land rights, expropriation regimes, and the role of communities as custodians of nature.

Through Natural Justice's commitment to inclusive and participatory governance, we provided a platform for marginalized voices to share their perspectives on Draft 1 of the Land Policy and to push policy makers to ensure the law is responsive to the needs and rights of these groups.

**Following the roundtable, Natural Justice was invited by the government of Mozambique to form part of the Reflection Group of the Land Consultation Forum, which holds significant potential for further positive change by influencing policy at the highest levels.** Natural Justice will advocate for more robust and inclusive land laws that protect community rights and promote sustainable development.

**For the first time, the law recognises and introduces into Mozambique's legal system, the concept of the right to free, prior and informed consent over forest-related decisions.**

### South Africa's Upstream Petroleum Resources Development Bill and the Climate Change Bill and other laws

After the South African government introduced the Upstream Petroleum Resources Development Bill (UPRDB), Natural Justice summarised the bill and translated the summaries into Afrikaans and isiXhosa, so that knowledge of the Bill can reach a larger audience. Furthermore, Natural Justice conducted three workshops in the Eastern Cape, Bloemfontein and online with the West Coast communities in order help them understand the Bill and its implications.

The Bill's objective to expedite petroleum resource production has profound implications for climate change and human rights, raising concerns about its alignment with the National Environmental Management Framework Act and the country's obligations under the Paris accords.

The workshops in Port St Johns for the Sicambeni community, the Heidedaal community in the Free State and the Vredenburg community on the West Coast, demystified the legislative process and provided crucial knowledge on climate change, the impact of the Bill on the country's just transition trajectory, and South Africa's international commitments.

Community members gained a deeper understanding of their environmental rights and how to advocate for them effectively, with a particular focus on youth mobilization. This legal empowerment initiative was crucial in equipping the community with the knowledge needed to effectively engage in public hearings convened by the Department of Mineral Resources and Energy.

The training on the bill was followed by the communities' active participation in the public hearings which were hosted by the Parliamentary Portfolio Committee on Mineral Resources and Energy. Community members made oral submissions before the Portfolio Committee, highlighting South Africa's commitments under the Paris Agreement and the necessity to uphold Section 24 of the Constitution, which guarantees the right to an environment that is not harmful to health or well-being. Small-scale fishers, in particular, stressed the need for thorough consultation to safeguard their livelihoods.

Following the public hearings a debrief session facilitated further reflection and action. The community drafted a letter to the Portfolio Committee, addressing procedural issues observed during the hearings and calling for more comprehensive information-sharing to enable informed public participation. Both Bills have now both been passed into law.

Natural Justice also submitted comments on the Integrated Resource Plan, the MIR for Hydraulic Fracturing in the mining of gas in South Africa, the Gas Master Plan, the Biodiversity Economy Strategy and the Biodiversity Bill. The team continues to monitor and track these draft laws and policies.



## Wupperthal Community Land Rights

The community of Wupperthal (formerly also known as 'Rietmond') are descendants of the KhoiKhoi rooibos farmers, who originally inhabited land in the area before settlers arrived in the Western Cape. With the arrival of the settlers, they were forcefully driven away from the land. In 1830, the Rhenish Mission Society took over the land, and later transferred it to the Moravian Church. The land is now held in title by the Moravian Church.

In August 2023, the Moravian Church made an application for subdivision of a portion of land in Wupperthal. Natural Justice supported the local community to file a communal land rights and heritage objection to the proposed subdivision. The Moravian Church withdrew the application. Although the reasons as to why the subdivision application was withdrawn have not been made public, Natural Justice considers the withdrawal a victory for the small community, who have utilised the land in a communal way for many generations.

The application was formerly withdrawn on 15 February 2023. The Cederberg municipality accepted the notice of withdrawal on the same day and closed the matter.

## High-Level Dialogue on Universal Enabling Energy and Electricity Access at Wits University

In July 2024, Natural Justice, with the support of Professor Tracy Lyn Fields from Wits University, hosted a high-level dialogue attended by energy experts, academia, CSO representatives and private sector representatives.

The purpose of the high-level dialogue was to share insights on how South Africa's evolving energy landscape impacts its most socially vulnerable populations and to identify strategic actions that elevate the concerns of marginalized communities in discussions around sustainable energy security.

The dialogue underscored the urgent need for inclusive energy policies that prioritize vulnerable communities. Key recommendations include enhancing public participation, advocating for transparent tariff structures, and ensuring that JET strategies benefit local populations. The next steps involve continued advocacy, drafting independent policy proposals, and maintaining pressure on governmental bodies to uphold equitable energy practices.



## WEST AND FRANCOPHONE AFRICA

### International Day for Biological Diversity media training

On 22 May 2023, Natural Justice in Senegal and its local partner, celebrated International Biodiversity Day in the Kawawana ICCA. ICCAs refer to territories and areas conserved by Indigenous Peoples and/or custodian communities.

Natural Justice invited seven journalists and a few members of the custodian communities to a guided tour and discussion followed by a press briefing. We were able to build the capacity of journalists to understand and report on biodiversity protection and issues related to territories of life governed by locals, and to ensure reporting is responsive to the realities and needs of people stewarding and protecting their natural environment.



Guided tour of KAWAWANA APAC with journalists and discussion followed by a press briefing



## Parliamentarians learn more about Senegal's draft environmental code

In May 2023, Natural Justice, the Laboratory of Studies and Research in Environmental and Health Policies and Law, the Commission on Sustainable Development and Ecological Transition, and the Network of Parliamentarians for the Environment in Senegal, organized a workshop on the draft environmental code for Senegal. We had 37 participants, including 25 members of parliament, 10 government representatives and two university professors specialising in environmental law.

Recommendations were collected and shared with the government and parliamentarians to inform the new text.

## Discussions on securing land tenure in Senegal

In January 2024, Natural Justice in collaboration with the Laboratory of Studies and Research in Politics, Health and Environmental Law organised a forum on the issue of community land tenure in Senegal. The forum brought together at least 100 participants and provided a better analysis and understanding of the issues involved in securing land tenure; and encouraged reflection on the economic and social dynamics of community land management in Senegal.



Workshop on the draft environmental code with parliamentarians for Senegal

## Community audit helps to defend the rights of communities in Guinea

As part of a project with 11Eleventh Hour, Natural Justice carried out a series of activities in February 2023 to support the community impacted by mining in Boké, Guinea. After publishing a [community audit](#) report detailing human rights violations in the Société Minière de Boké (SMB) mining zone, Natural Justice conducted capacity-building workshops with community leaders in communication and mediation to better defend their environmental rights.

Two podcasts were produced (Pulaar and Soussou) for broadcast on Radio Rurale de Boké, and a press lunch ensured the audit findings were widely reported on. Through this process, Natural Justice supported the communities of 24 villages in Boké to mobilize and demand respect for their environmental and social rights. Since then, Bank Track has also used the report to build a "Dodgy Deal" [campaign](#) with our partners.



Women in Boké collecting water from wells. Their water sources are threatened by mining activities in the town.



## Marching for climate action in Nigeria

On 13 September 2023, Natural Justice mobilised over 200 climate activists, community members, people living with disabilities and civil society organisations to march to the office of the governor of Rivers state - one of the largest oil and gas areas in Nigeria - to present a petition demanding that the Nigerian government take immediate, decisive and inclusive action to address the multiple crises arising from climate change impacts across the state and Nigeria. The petition also urged the Governor to think beyond oil and support the protection of the environment for future generations an environment. An inter-ministerial task [team was thereafter set up](#) to advise the governor on climate change.



## Development of model energy legislation for Nigeria

In April 2023, Natural Justice embarked on a project to utilise legal and regulatory reforms to expand access to electricity for residents in three states in Nigeria - Akwa Ibom, Cross River and Rivers states. Natural Justice is leveraging on constitutional changes in Nigeria that now permit these states to make laws on all aspects of the electricity value chain.

Working in collaboration with Earth Justice, the former chair of Nigeria's National Electricity Regulatory Commission, government and community representatives, Natural Justice supported these three states to develop policy, legal and model regulatory frameworks that prioritise renewable energy - to bridge Nigeria's energy gap. These important documents will provide guidance for subnational jurisdictions as they navigate the process of setting up structures for their electricity markets.

## Inauguration of the Nigerian Environmental Lawyers Collective (NELC)

In January 2024, Natural Justice hosted the inaugural meeting of the Nigerian Environmental Lawyers Collective in the city of Uyo, in the Akwa Ibom State. Over 45 participants attended this inaugural meeting. In attendance was the Commissioner for Energy in Akwa Ibom state; the representative of the Commissioner of Energy from Cross River state; members of Parliament; the chairperson of the Nigerian Bar Association; Akwa Ibom state branch, members of the academia including the Deputy Vice Chancellor of one of Nigeria's premier private universities, practicing lawyers from across Nigeria, law students and community representatives.

[NELC has opened up new opportunities for academics, lawyers and students in Nigeria to focus on climate litigation and build local expertise and jurisprudence in the climate litigation space.](#) It has also resulted in people working as a collective, which has increased our reach and support for local communities impacted by climate change and who are holding companies exacerbating climate impacts accountable.

NELC has opened up new opportunities for academics, lawyers and students in Nigeria to focus on climate litigation and build local expertise and jurisprudence in the climate litigation space.



# 04 DEFENDING RIGHTS



## EAST AFRICA

### Natural Justice appeals East Africa Crude Oil Pipeline judgment

Natural Justice, together with Centre for Strategic Litigation and the African Institute for Energy Governance (AFIEGO) both based in Uganda, partnered to file the East African Crude Oil Pipeline (EACOP) case before the East African Court of Justice in 2020.

The landmark case is challenging the construction of what is to be the world's longest heated pipeline. The governments of Uganda and Tanzania contested the court's jurisdiction, temporarily halting the progress of the case.

The arguments for this objection took place in April 2023, and a ruling, delivered in November 2023, dismissed the case in favour of the government respondents. Undeterred by this outcome and confident of a favourable outcome at the appellate court, Natural Justice has filed an Appeal. The case continues.

### Environmental and Climate Justice Competition for students

Building on the success of the inaugural moot court of 2022, in November 2023, Natural Justice hosted the second [Environmental and Climate Justice Competition](#) in Kenya, in partnership with Centre for Moots and Research. The moot competition took place at Riara University in Nairobi, bringing together 86 students from 15 universities across the country. Thirty lawyers judged the preliminary rounds, with five distinguished judges presiding over the finals.

The competition focused on a critical theme: the state's obligation to protect the environment vis a vis the right of Indigenous and local communities to safeguard their environment. This event underscored the urgent need to address environmental challenges while amplifying the voices of Indigenous Peoples in the fight for climate justice and reinforcing the state's responsibility in ensuring environmental protection amid climate action.



## Victory in protecting Kenya's forests

In 2023, the Law Society of Kenya supported by Natural Justice as an interested party, [challenged the government's decision](#) to lift a logging moratorium which had been imposed in 2018. The moratorium was initially put in place to protect Kenya's forests from overexploitation and ensure sustainable use of forest resources.

In October [2023](#), the Environment and Land court issued an interim judgment stopping the lifting of the moratorium. In the judgment, the court compelled Kenya Forest Service to put in place measures for the protection of forests as had been directed by a taskforce formed in 2018. The measures were supposed to enhance public participation and ensure opacity in timber harvesting. In the judgment, the court gave the government thirty days to comply after which it was to issue a final judgment.

This victory underscored the importance of legal frameworks and the judiciary's pivotal role in upholding environmental laws and promoting collaboration for conservation efforts. It marks a pivotal moment in Kenya's environmental governance reinforcing the importance of preserving natural resources for future generations while supporting the livelihoods of local communities. [This case is a significant step towards a more sustainable and just future for Kenya's environment and communities.](#)

## Challenging geothermal exploration in Kenya which threatens community land rights

In December 2023, the National Environmental Tribunal in Kenya delivered its judgment on the Sosian case, which Natural Justice and the Katiba Institute, supported by the Menengai West Stakeholders Forum, brought to challenge the decision of National Environmental Management Authority (NEMA) to grant a license for geothermal energy exploration in Menengai Caldera.

The judgment was received with mixed emotions as the appeal failed overall, but the judgment was positive since the court found that a climate impact assessment was necessary. Subsequently, Natural Justice moved to file an appeal which is awaiting judgment.

EACOP legal team for the Applicants in Arusha for prehearing meeting.



## SOUTHERN AFRICA

### Challenging South Africa's decision to use Karpowerships for energy

Natural Justice, together with The Green Connection, groundWork, South Durban Community Environmental Alliance (SDCEA), and the Centre for Environmental Rights, [opposed Karpowership SA's proposed gas-to-power powership](#) projects in Richards Bay, KwaZulu-Natal and Saldanha Bay, in the Western Cape of South Africa.

If authorised, the powerships will have had a negative impact on the environment, contribute to climate change, and cost the country an estimated 200 billion Rand within a 20-year period. They will also impact small-scale and subsistence fishers who rely on the ocean near the proposed sites for their livelihoods. Amongst other permissions, before commencing operations, Karpowership SA would have needed environmental authorisations for all three of its powership sites.

Natural Justice and allies submitted appeals and objections to procedural irregularities along the way, which led to delays in the process. However, Environmental Authorisation was granted by the Department of Forestry, Fisheries and Environment (DFFE) for the Richards Bay and Saldanha Bay sites in October 2023 and November 2023 respectively. Natural Justice and its allies lodged appeals against these decisions.

Consequently, Karpowership SA failed to meet the 31 December 2023 deadline for financial closure and although a decision on the appeals is yet to be taken, it appears that the projects no longer form part of the country's electricity generation plans.

### Mozambique Lawyers meet to tackle environmental injustice

With communities facing increasing threats to their environmental and social rights in Mozambique, Natural Justice brought together twelve lawyers from Mozambique, as well as Justiça Ambiental, in December 2023 in Maputo. The meeting presented an opportunity for participants to share their own experiences with environmental litigation, learn about successful climate cases from across the globe, and discuss opportunities and challenges in Mozambique for lawyers and communities working in the environmental justice space.

The meeting also introduced the participants to the Environmental Lawyers Collective Africa Initiative (ELCA) and provided an opportunity for them to engage further with ELCA.



## Leave to appeal granted in Eskom case

In February 2023, Natural Justice's allies, the South Durban Community Environmental Alliance and groundWork, petitioned the Supreme Court of Appeal of South Africa (SCA) for leave to appeal the Pretoria High Court decision in *South Durban Community Environmental Alliance and Another v Minister of Forestry, Fisheries and The Environment (DFFE) and Others* 92022).

The High Court had dismissed the review application launched by SDCEA and groundWork seeking to review and set aside the decision taken by DFFE Minister, to grant environmental authorisation to Eskom for the construction of a gas power plant.

Surprisingly, the High Court dismissed the application despite correctly finding that the public participation process preceding the granting of environmental authorisation to Eskom did not meet the requirements of the National Environmental Management Act (NEMA) and the standard set in South Africa's case law on public participation.

To make matters worse, the High Court also denied SDCEA and groundWork leave to appeal against its decision. However, after approaching the higher court, the SCA has now granted SDCEA and groundWork leave to appeal against the decision of the Pretoria High Court.

This litigation may set powerful precedents for gas-fired power in South Africa, and how upstream impacts outside of the country's borders should be considered in South African Environmental Impact Assessment processes.



<https://risingsunnewspapers.co.za/288320/watch-sdcea-protests-eskoms-tariff-hikes/>

## Shell court case on seismic testing goes on appeal

In 2023, Natural Justice opposed an appeal launched by the Minister of Mineral Resources and Energy, Shell Exploration and Production South Africa B.V. (Shell) and others at the Supreme Court of Appeal of South Africa (SCA). Shell and others are appealing the earlier judgment handed down by the Makhandla High Court in the Eastern Cape Province of South Africa.

The Makhandla High Court reviewed and set aside the decision taken by the Minister on 29 April 2014 granting an exploration right to Shell and Impact Africa and subsequently renewing the exploration right twice in December 2017 and July 2021 respectively. This right allows Shell to explore for oil and gas off the southern coastline of South Africa.

The High Court held that the Minister's decision to grant the exploration right to Shell was procedurally unfair and that the Minister failed to take into account the considerations referred to in the Integrated Coastal Management Act 24 of 2008, which requires the decision maker to consider all coastal life.

The High Court also found that there was no meaningful consultation with the affected communities before the exploration right was granted. Shell and others are asking the SCA to set aside the high court decision.





## Challenging the EIAs of oil and gas exploration on the Southern Cape Coast

In November 2024, Natural Justice, along with the Green Connection, submitted comments in response to the Draft Environmental and Social Impact Assessment (Draft ESIA) published for comment by WSP Group Africa. According to the Draft ESIA, TotalEnergies EP South Africa B.V. seeks a production right and environmental authorisation to carry out exploration and production activities for gas and gas condensate in Block 11B/12B off the Southern Cape coast of South Africa.

Some of the concerns raised by Natural Justice and the Green Connection centred around the inadequate assessment of the project's potential impact on marine life, coastal communities' livelihoods, vulnerable groups such as children, and the fact that the project is neither needed nor desirable. These comments were noteworthy because, unlike other environmental impact assessments that are undertaken for exploration or surveying purposes, this one is for a production right.

It is the only production right EIA in South Africa that Natural Justice and the Green Connection are aware of, and a decision on this application will send a powerful message to oil and gas investors and about South Africa's international climate change commitments.



## WEST AND FRANCOPHONE AFRICA

### Training West African Judges on Environmental Laws

In April 2023, Natural Justice, the Konrad Adenauer Foundation's Program for the Promotion of the Rule of Law in Sub-Saharan Africa and the French Embassy in Senegal, organized a training session to build the capacity of judicial players in the application of environmental law.

This four-day training brought together 40 participants including magistrates, lawyers, members of the AACJ consortium and environmental experts from Burkina Faso, Guinea and Senegal. The training built the capacity of judicial players in the field of environmental litigation and lead to a debate on the topic: "The right to a healthy environment: Myth or Reality?"

Training for the judiciary on 'the application of environmental law'





## Calls to withdraw the operating licence for the Bargny coal fired power station

In Bargny in October 2023, Natural Justice supported the community-based organisation, RAPEN (Réseau des Associations de Protection de l'Environnement et de la Nature) to draft and submit an appeal to Senegal's Minister for the Environment and Sustainable Development demanding the withdrawal of the operating licence for the Sendou coal-fired power station. Although the appeal is currently being examined, the momentum gave environmental activists renewed courage to further mobilise the population against the construction of a new cement plant in Bargny.

## Communities compensated for gas leaks in Mboro

On the nights of 11 and 12 September 2023, the community of Mboro in Senegal were impacted by gas leaks from Industries Chimiques du Sénégal (ICS).

Natural Justice provided funding for a bailiff's report on the damage caused by the gas leaks, which served as a basis for negotiations between the victims and the company. leading to better compensation for impacted communities. The communities also sent a letter to the Minister of Mines and Geology demanding they hold ICS accountable and ensure compliance to prevent gas leaks.

## Demand for EIA information from Nigerian government

In January 2024, Natural Justice filed a Freedom of Information lawsuit against the Federal Ministry of Environment at the Federal High Court in Abuja, Nigeria, demanding the release of the Environmental Impact Assessment (EIA) study for the Ajaokuta - Abuja – Kaduna - Kano (AKK) gas pipeline. The AKK pipeline is a 615 km gas pipeline and the first phase of an ambitious gas pipeline project that will deliver 3,500 million cubic feet of gas daily. Natural Justice has partnered with the Ofunene community in Ajaokuta local government area of Kogi state, whose sole source of potable water has been impacted by the pipeline.

This case was postponed twice since the Federal Ministry of Environment failed to make an appearance in court and filed a response. [This case was an important first step in our objective to halt new fossil fuel projects in Nigeria.](#)

## Standing up to Shell in Akpajo after over oil spill

On 11 June 2023, an abandoned oil well owned by Shell sprang a huge leak that contaminated the rivers, farmlands and local livelihoods of Akpajo community in Eleme local government area of Rivers state, in the Niger Delta region of Nigeria.

Natural Justice hired an expert to conduct an environmental and health impact assessment of the spill on the Akpajo community and recommend environmental remediation measures. During the assessment process, twenty community members who were directly impacted by the spill were identified. Natural Justice prepared a legal opinion to advise on the viability of supporting the communities impacted to take legal action against Shell and to ensure that we can present a strong case on behalf of the Akpajo community.





# 05 COMMUNICATIONS AND CAMPAIGNS HIGHLIGHTS

**In 2023, Natural Justice co-produced a successful theatre production, inspired by the community of Hangberg in Hout Bay, Cape Town.**

Written by Ricardo Arendse and directed by Jason Jacobs, "Getye – Shifting Tides", provided a platform in which drama was used to creatively express and explore some of the challenges facing one of the many communities who are experiencing various crises brought on by climate, environmental and racial injustices.

The story was set in a coastal community ravaged by climate change, where a disillusioned fisher and his recently released son reluctantly teamed up to restore an old fishing boat. As they confronted their past grievances and honoured a lost loved one, they find redemption and a renewed bond amidst the turbulent shifting of tides.

A group of residents from Hangberg were consulted during the research phase and crafting of the main characters and the script, and about 40 community members were invited to attend the production which took place on Sunday 10 December, which is Human Rights Day.

This play, along with Natural Justice, provided a way to show people how to be accountable for their own actions in their own lives and in the world, and our

deepest wish for the people who came to watch the play, was that they would be inspired to take action and to start the process of self-worth and restoration so lacking in our communities.





# 06 FINANCIALS

## \*Natural Justice Detailed Income Statement

	Notes	2024	2023
<b>Revenue</b>	<b>1</b>		
Donations		1,094	110,044
Grant Funding		70,438,300	49,301,166
Consultancy Fees		-	249,742
		<b>70,439,394</b>	<b>49,660,952</b>
<b>Other Income</b>			
Other Income		38,517	8,898
Earthrise Mountain Lodge Income		-	300,000
Interest Received		960,334	535,552
Gains on exchange rate differences		2,975,968	6,142,057
		<b>3,974,819</b>	<b>6,986,507</b>
<b>Operating Expenses</b>			
Audit fees		478,896	392,887
Bad Debts			72,270
Bank Charges		265,422	250,552
Cleaning		160,748	68,596
Conference and workshops		184,100	-
Computer Expenses		9,881	1,915
Consulting Fees		21,777,295	14,254,799
Courier & Postage		17,873	1,725
Depreciation		406,908	312,376
General expenses		274,403	352,924
Employee Costs		12,417,464	10,264,629
Insurance		79,611	80,927
Interest Paid		449	5,299
Leasing rentals on Operating Lease		709,484	719,456
Legal Fees		336,114	500,000
Loss on sale of assets and liabilities		7,425	-
Magazines, books and periodicals		-	73,557
Municipal Expenses		33,283	47,476
Printing & Stationery		69,202	47,244

Project Contribution	24,163,802	12,598,224
Repairs & Maintenance	13,335	2,000
Staff Training	13,769	12,600
Subscriptions	205,052	11,868
Telephone & Fax	435,116	360,584
Travel & Accommodation	12,442,553	8,874,607
	<b>74,502,185</b>	<b>49,306,515</b>

<b>Surplus / (Deficit) for the Year</b>	<b>5</b>	<b>(87,972)</b>	<b>7,340,944</b>
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\*All figures are extracted from the Audited Annual Financial statements for the year ended 28 February 2023

## \*Natural Justice Statement of Financial Position

	Notes	2024	2023
<b>Assets</b>	<b>1</b>		
<b>Non-current Assets</b>			
Property, plant and equipment		<b>821,729</b>	<b>858,155</b>
<b>Current Assets</b>			
Loan to related party	<b>2</b>	-	526,159
Trade and other receivables	<b>3</b>	3,395,076	8,863,145
Cash and cash equivalents	<b>4</b>	55,279,617	31,690,516
		<b>58,674,693</b>	<b>41,079,820</b>
<b>Total Assets</b>		<b>59,496,422</b>	<b>41,937,975</b>
<b>Equity and Liabilities</b>			
<b>Member's interest and reserves</b>			
Accumulated surplus	<b>5</b>	<b>10,766,423</b>	<b>10,854,395</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Trade and other payables		3,754,232	2,834,119
Deferred revenue	<b>6</b>	44,475,767	27,749,461
Provisions		500,000	500,000
		<b>48,729,999</b>	<b>31,083,580</b>
<b>Total Equity and Liabilities</b>		<b>59,496,422</b>	<b>41,937,975</b>

\*All figures are extracted from the Audited Annual Financial statements for the year ended 29 February 2024



\*Natural Justice Statement of Cashflows

Notes	2023	2022
<b>Cash flows from operating activities</b>		
Cash generated from operations	22,480,963	10,592,197
Interest income	960,334	535,552
Finance costs	(449)	(5,299)
<b>Net cash from operating activities</b>	<b>23,440,848</b>	<b>11,122,450</b>
<b>Cash flows from investing activities</b>		
Purchase of property, plant and equipment	(377,906)	(572,913)
Repayment of loan to related party	526,159	631,545
<b>Net cash from investing activities</b>	<b>148,253</b>	<b>58,632</b>
<b>Total cash movement for the year</b>		
	<b>23,589,101</b>	<b>11,181,082</b>
Cash at the beginning of the year	31,690,516	20,509,434
<b>Total cash at the end of the year</b>	<b>55,279,617</b>	<b>31,690,516</b>

\*All figures are extracted from the Audited Annual Financial statements for the year ended 29 February 2024

Natural Justice Notes

1. FUNDS RECEIVED

Revenue is earned from entering into funder contract agreements with various funders globally. Revenue is measured at the fair value of the contract value received or receivable and represents the amounts receivable for services provided in the normal course of business. Funder contracts have no value added tax implications for the organisation. When the outcome of a contract involving the rendering of services can be estimated reliably, funds associated with the transaction is recognised by reference to the stage of completion of the contract at the end of the reporting period, as measured in relation to the specific contract expenses incurred to date. Revenue is classified between donation income, grant funding and consultancy income. Interest is recognised, in profit or loss, using the effective interest method. Other income includes profit or losses on foreign exchange differences realised or unrealised for foreign funders.

2. LOAN TO RELATED PARTY

This loan is in relation to funds paid on behalf of the Natural Justice Kenya organisation. The loan is unsecured, bears no interest and is repayable on demand.

3. TRADE AND OTHER RECEIVABLES

Consists of funding still receivable from donor’s for activities still ongoing.

4. CASH AND CASH EQUIVALENTS

Included in bank balances is a foreign denominated bank account. The bank account is denominated in EURO and was translated at the spot rate at year end.

5. ACCUMULATED SURPLUS

Included in the accumulated surplus is foreign currency gains from translation of the organisations EURO bank account and trade receivables denominated in foreign currencies.

6. DEFERRED REVENUE

“Deferred revenue comprises of unspent funds received which is to be utilised in the future based on the funders stipulations in the contracts with the organisations funders. Where the outcome of a contract can be estimated reliably, contract revenue is recognised by reference to the stage of completion of the contract activity at the end of the reporting period, as measured by the proportion that contract costs incurred for work performed to date bear to the estimated total contract value. Variations in contract work and claims are included to the extent that they have been agreed with the funder. When the outcome of a funding contract cannot be estimated reliably, contract revenue is recognised to the extent that contract costs incurred are recoverable. Contract costs are recognised as an expense in the period in which they are incurred.”

7. CHANGE IN ACCOUNTING POLICY

“During the year, the organisation changed its accounting policy with respect to the treatment of revenue recognition for funding received. Previously funding was provided as a debtor at the stage that the contract was entered into, which created debtor balances for funding that has not been spent yet. According to the terms of the contracts the funding only accrue to the organisation once certain milestones are reached. The accounting policy has therefore been adjusted so that donations and grants that are project specific are recognised as income over the duration of the project as and when the expenditure is incurred. Any donations and grants received that are project specific and are not utilised are deferred until the related expenditure is incurred, under the terms of the relevant contract or appeal. The change in policy also had a significant effect on the foreign exchange gains and losses that was provided in the prior year, due to the fact that some of the grants and funding came from foreign sources. The aggregate effect of the changes in accounting policy on the annual financial statements for the year ended 28 February 2023 is as follows:”

Statement of Financial Position

<b>Trade and other receivables</b>	
Previously stated	42,164,687
Adjustment	(33,301,542)
	<b>8,863,145</b>
<b>Cash and cash equivalents</b>	
Previously stated	31,711,931
Adjustment - foreign exchange	(20,321)
	<b>31,691,610</b>
<b>Accumulated surplus</b>	
Previously stated -	(14,250,829)
Adjustment - 2022 -	(65,235)
Adjustment - 2023 -	3,460,574
	<b>(10,855,490)</b>
<b>Deferred income</b>	
Previously stated	(57,675,984)
Adjustment	29,926,523
	<b>(27,749,461)</b>
<b>Statement of Comprehensive Income</b>	
<b>Revenue - Grant funding income</b>	
Previously stated	49,857,973
Adjustment	(197,021)
	<b>49,660,952</b>
<b>Other income - Foreign exchange gains</b>	
Previously stated	9,649,868
Adjustment	(3,198,913)
	<b>6,450,955</b>
<b>Operating expenses</b>	
Previously stated	49,300,716
Adjustment	501
	<b>49,301,217</b>



# 07 HUMAN RESOURCES



Following a year of significant growth, there were capacity issues that reared its head and challenged the team. It was clear that we needed to understand these challenges as it would continue to hinder our team from delivering their best work.

Heeding the call from the team, the organisation made the decision to find the services of specialists to help us improve the overall efficiency within the organisation and the HR & Operations team would be responsible to source reputable companies or consultants to undertake these processes.

The priority areas for HR & Operations in 2023/24 was as follows:

## 1. Recruitment

During the last quarter of 2022/23 and the first quarter of 2023/24 the Executive Director and Director of Programmes handed in their resignations. These positions were critical to the operational success of Natural Justice, so it became a priority for us to make the appointments swiftly.

In addition, the Core team were also recruiting for a Project Lead, Communications and Campaigns Coordinator to support the Head of Comms & Campaigns, a Legal Coordinator to support our AEJLC Initiative and a Finance Manager to lead and take responsibility for the day-to-day operations and activities in the finance & ops team.

The main recruitment priority was to appoint an Executive Director which we successfully did during the third quarter of 2023/24. The Director of Programmes and Project Lead positions rolled over to 2024/25 as we wanted the new ED to be part of that process. Our last appointment for the year was the Finance Manager who joined the team in January 2024.

## 2. Capacity Needs Assessment

It became the responsibility of HR & Operations to find the right service providers to undertake key processes which would help the organisation understand its challenges and make recommendations to improve its efficiency, build a happier, healthier, motivated and productive workforce and achieve its goal of equity in the workplace.

With the recruitment process well underway, we began the process of sourcing the most suitable specialists to lead the respective processes. We were responsible for the screening of the proposals we received and the initial interviews to ensure they met the criteria as outlined in the terms of reference. We then worked with the management team through the shortlisting and selection process. Upon completion of that process, we had to be available to work with the consultants in gathering all the information they required on the systems and processes, strategy and structure. We were also responsible for planning and organising the leadership sessions and workshops across departments and hubs to unpack the current state of the organisation and to clarify and define the future state.

By September 2023 the process was wrapped up and the OD specialists submitted a report to the management team with an analysis of the current organisational capacity, how it is operationalised versus the current operating model and where the opportunity for significant change exists. The organisational development plan would be implemented under the guidance and direction of the new ED.



3. Staff Wellness

We also partnered with one of the leading Employee Assistance specialists in South Africa, Health First, who undertook extensive one on one consultation sessions with our team including the management team. The purpose of this exercise was to get to grips with all the challenges experienced by our team and to give them a space to share without fear or favour. Our team’s happiness, motivation, wellbeing and productivity became a priority, and we wanted to receive their honest feedback on where Natural Justice was not meeting their expectations. These valuable insights would help us develop an action plan with initiatives to build a healthier culture.

The last of the key processes Natural Justice undertook was salary benchmarking. We worked closely with the team at Deloitte to ensure they had all the relevant

information including the positions we wanted evaluated, the job content for each position and salary information which allowed Deloitte to do the grading of each position and do the comparative analysis.

By December 2023 the Remuneration report which included the assessment of relative job complexity and the evaluation process and internal remuneration equity analysis and external remuneration market competitive analysis.

With all these key processes concluded, NATURAL JUSTICE was well placed to build back better and develop implementation plans under new leadership for all staff to support and drive the newly developed strategy forward.

Employee	Position	Country
Farida Aliwa	Executive Director	Nairobi, Kenya
Laureen Manual	Chief Financial & Operations Officer	Cape Town, South Africa
Katherine Robinson	Head of Campaigns & Communications	Johannesburg, South Africa
Linda Sansico	Head Advisor on Research MEL	Lyon, France
Lucien Limacher	Head of Litigation	Johannesburg, South Africa
Mhlawumbe Ncube	Grants Officer	Bulawayo, Zimbabwe
Nadia Youlou-Youlou	Finance Manager	Cape Town, South Africa
Joachim Musariri	Financial Accountant	Cape Town, South Africa
Ilse Fredericks	Senior Bookkeeper	Cape Town, South Africa
Nokubonga Tyiwa	Bookkeeper	Cape Town, South Africa
Laetitia St Clair	Grants Bookkeeper	Cape Town, South Africa
Lauren Nel	Legal Coordinator	Johannesburg, South Africa
Nomasango Masiye-Moyo	Coordinator	Johannesburg, South Africa
Claire Martens	Comms & Media Coordinator	Qheberha, South Africa
Tawonga Chihane	Coordinator	Nairobi, Kenya
Nomyezo Mqhele	Fellow	Pretoria, South Africa
Allison van der Sandt	Senior HR & Ops Officer	Cape Town, South Africa

EAST AFRICA HUB

Brief HR highlights from the reporting period

To continuously develop its institutional and human resource capacity, the East Africa Hub within the period under review, undertook the following human resource development interventions:

Enhanced institutional strengthening: We implemented effective internal systems, policies & procedures, and continued the assessment and response to the operating environment. This was geared towards ensuring that institutional operations are conducted in accordance with the procedures, policies, laws and regulations, thereby guaranteeing the achievement of hub objectives while maintaining institutional relevance and competitiveness. The Hub also instituted a remote working and subsequent Hybrid Work Model to support sustainable and safe working approaches for all staff and stakeholders.

Human Resources & Institutional Development: The Annual Strategic Plan review was held in November 2023, to reflect on institutional achievements within the reporting period and plan ahead. The annual end of year party and team building event were also successfully held during the period. Monthly staff meetings were also held for enhanced inter-program and overall staff synergy.

Enhanced Talent Development: We ensured continuous enhancement and integration of HR processes that are designed to attract, develop, motivate, and retain a high-performing and productive work force. The Hub’s training calendar was developed and circulated for implementation, based on the staff training needs assessment. Staff capacity development initiatives incorporated include mentorship and coaching, e-learning, self-learning, on-the-job learning, peer learning sessions, external trainings, subject to funding availability. Staff sensitization sessions held include Financial Management, outcome harvesting, performance management, the EHRD cycle, introduction to Biodiversity Advocacy in multilateral forums, Climate Change Advocacy, Pension Scheme, Basics of Security Management, and the concept of climate finance and its significance in addressing global climate change.

Enhanced Employee Relations: The hub enhanced appropriate staff welfare and Employee Assistance Programmes (EAPs) including team building, end of year party and award ceremony, sharing opportunities for wellness talks, joint lunches, open communication lines for mental health issues, provision of airtime/ bundles to support teleworking; leave provisions in line with NATURAL JUSTICE’s policies; appropriate insurance packages for general and Medical Insurance covers. We plan to utilize surveys to measure staff motivation and satisfaction levels.

EAST AFRICA HUB STAFF

Employee	Position	Country
Dale Pascal Onyango	Senior Program Officer-Defending Rights	Kenya
Grace Wacera Wamburu	Administration and Finance Officer	Kenya
Hilda Joy Natural Justiceoki	Research, Monitoring, Evaluation, Accountability and Learning Officer	Kenya
John Ekai Erika	Community Environmental Legal Officer	Kenya
Justus Kithi Tsofa	Coordinator-Community Environmental Legal Officer	Kenya
Mercy Chepkemoi	Program Officer-Standing with Communities	Kenya
Mohamed Ali Garane	Legal Officer, Somalia	Somalia
Rose Birgen	Program Manager, Standing With Communities	Kenya
Said Salim Saidi	Community Environmental Legal Officer	Kenya
Salome Muiruri	Communication and Campaign Officer	Kenya
Sophie Elizabeth Adhiambo	Program Manager, Affirming Rights of Communities	Kenya
Virginia Catherine Nyauma	Research and MEAL Coordinator	Kenya
Winnie W. Njoroge	Human Resource Officer	Kenya



# WEST AFRICA HUB

To cope with the growing workload in the Dakar Hub, a series of recruitments has been carried out and key positions have been filled. They were the Program Manager Affirming Rights, a research assistant and a human resources manager.

Also, the contracts of the Dakar team have been modified into employment contracts with all the related benefits, including health insurance, social contributions, etc.

Over the same period, the Nigerian team was recruited and the Madagascar team expanded with the recruitment of a follower.

Also, in the interest of reorganization, the contracts of the Guinean team were stopped with the end of the 11Hours project

Regarding the departure, the hub recorded two (02) resignations, including the human resources manager and the Senior Program Officer.

The Dakar hub currently has 6 vacancies, including

- Program Manager Defending Rights.
- Program Manager SWC.
- A resource manager

## WEST AFRICA HUB STAFF

Employee	Position	Country
Sokhna Dié KA	Hub director	Senegal
Mouhamadou Lamine SECK	Program Manager Affirming Rights	Senegal
Ibrahima CISSE	Research, Monitoring, Evaluation, Accountability and Learning Officer	Senegal
Maimouna MBAYE	Senior Finance & Operations Officer	Senegal
Eliane NYOBE	Communications and campaign officer	Senegal
Gloria Thérèse GBENYEDJI	Program Officer	Senegal
Mamadou Lamine DIAGNE	Program officer	Senegal
Rougyatou KA	Research Assistant	Senegal
Gorgui KA	Community Environmental Legal Officer	Senegal
Ramatoulaye SENE	Community Environmental Legal Officer	Senegal
Mouhamadou Moustapha GUEYE	Community Environmental Legal Officer	Senegal
Papa Thierno NDOYE	Community Environmental Legal Officer	Senegal
Sadou BA	Community Environmental Legal Officer	Senegal
Aby NDIAYE	Administrative and Financial Assistant	Senegal
Michael Keania Karikpo	Program Manager	Nigeria
Lawrence DUBE	Community Environmental Legal Officer	Nigeria
Jazzy Rasolojaona	Program Manager Affirming Rights	Madagascar
Stefana A. Raharijaona	Programme Officer	Madagascar
Harenasoa Ranaivoson	Program Officer	Madagascar





