

THE NATURAL JUSTICE ANNUAL REPORT

Standing with communities for social
and environmental justice



2022 - 2023

Front cover: The Natural Justice team at the 2022 Retreat,
Cape Town, South Africa

Contributions by: Natural Justice staff

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LETTER FROM THE CHAIRPERSON OF THE BOARD

Loretta Feris

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Through the support of the many donors, Natural Justice continues to grow in its capacity and reach. We have seen the growth of the Nigerian, Mozambican and Namibian work which is of significance in all these countries, as the growth of the oil and gas industry continues to pose a threat to the wellbeing of the communities living near these mineral resources.

Loretta Feris



In 2022, the world emerged from the Covid-19 crisis and much had changed – and Natural Justice changed with it. Staff members of Natural Justice, as well as the partners and donors, showed their willingness to compromise and adapt in the face of these changes.

Tough decisions and sacrifices were made. These were not insignificant, and thankfully Natural Justice's heart continues to beat.

Natural Justice has embraced a hybrid model of working, using the possibilities of the online space to its full potential. However, the team continues to travel to the communities where they have built relationships – empowering them and supporting them through the two ongoing crises that require our full attention – biodiversity loss and climate change.

Through the support of the many donors, Natural Justice continues to grow in its capacity and reach. We have seen the growth of the Nigerian, Mozambican and Namibian work which is of significance in all these countries, as the growth of the oil and gas industry continues to pose a threat to the wellbeing of the communities living near these mineral resources. Africa is a significant frontier for fossil fuel development, which is why Natural Justice's work is important, but so too is the job of shifting the narratives that drive development in the region. We need to continue to put the voices of communities first.

We are watching the civic spaces of the countries Natural Justice works within closely. As its reputation and reach grows, so too will push-back from

governments. The climate movement is growing, and activists and defenders are targeted. We are doing our best to assess and respond to all these risks. We remain buoyed by the deep principles of justice that are embedded in the way that Natural Justice undertakes its work and the way that protection of communities is taken to heart.

Natural Justice has encountered some growing pains, but I am happy to say that the organisation is strengthening itself both internally, and externally. Internally, key positions have been established to provide more staff support and to widen the reach of the work. Ongoing human resources and organisational development processes are focusing on the well-being and happiness of staff. Externally, donors have continued to advance their objectives through our work and our relationships with them are ones of respect and dedication.

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

Loretta Feris,
Chairperson of the Board

LETTER FROM THE EXECUTIVE DIRECTOR

Pooven Moodley



I will continue to dedicate the rest of my life to the ultimate struggle – the one for our present and for the future. I encourage each one of you to start with yourself. The most important transformation is the one that takes place within us. Once we fully understand individually and collectively who we are, where we come from and why we are here, the next era begins.

Pooven Moodley

In 2022-2023, I was approaching five years at the helm of Natural Justice. When I first joined the organisation, this has been my promise – to give my all to the organisation in the hope of seeing it grow in influence and success.

I knew that in five years I could achieve many things, but was also conscious of what else I have longed for in my life and where the next steps of my journey will be. This has become clear to me as I leave Natural Justice with both a heavy and light heart.

As my five-year tenure comes to an end, I can reflect on where we are. The most important message I hoped to get across to all the people and communities I worked with, was that we have a closing window of opportunity for us to change how we are in the world. This is what Indigenous people tell us and now, this is what the science is also showing. We need to end our dependency on fossil fuels and destructive industries – and the only way to do this is to radically shift the systems we have created – systems that are capitalistic, patriarchal, sexist and racist, and destructive to mother earth.

I am glad to leave the organisation knowing that Natural Justice continues to be recognised for its impact in Africa. The strength of the organisation lies in its staff, and the new and old partnerships we have. Thank you to everyone I have worked with over the years, including the donors who have believed in us, as well as the partners like the ICCA consortium, International Land Coalition and African Activists for Climate Justice. Of course, my greatest inspiration has always come from the communities we stand with.

The farmers in Lamu, Kenya, the women in Limpopo protecting their sacred sites, the Khoikhoi and San of the west coast, the communities rising up against oil and gas exploration, the fishers of the wild coast and my fellow activists and friends - I cannot begin to tell you how much your presence and our collective fight has impacted my life.

From the local to the global, I have been fortunate to attend meetings and negotiations in the international arena. In 2022, the biggest discussions were on climate finance, while we called for reparations instead. Again, it must be stated, that the countries of Africa will be

experiencing some of the harshest impacts of climate change and require significant climate finance in the form of grants. I hope to see this come to being in the near future.

I also want to emphasise the importance of protecting the rights of Indigenous people, who are the great protectors of the earth. Keeping our biodiversity intact, and protecting it from future exploitation, should be one of the most explicit and least contentious ideas for the coming years. We also must protect the environmental defenders from the threats that they face. Let us continue to recognise their extraordinary work.

As I say goodbye, I remember some of the best moments of the past five years – especially where I have stood with others, using the same voice, expressing the same message. Key milestones included standing behind communities to win major court battles and pushing for the new Human Right to a clean, healthy and sustainable environment which the UN General Assembly adopted in 2022. The initiative to bring together environmental justice lawyers to work together across Africa, the Ancient wisdom, activism and alternative initiative; the Just Energy Transition initiative and the Environmental defenders fund and initiative is serving to connect the dots in Africa, decolonise and to stand firmly behind communities and the protection of the ecosystems.

As these initiatives help with the transition in Africa, it contributes to the broader transformation on the planet. The solidarity is critical at this time on the planet.

Pooven Moodley,
Executive Director, Natural Justice

01 THE INITIATIVES



In response to ongoing threats to activists in Uganda due to the construction of the EACOP, Natural Justice conducted legal empowerment trainings with defenders.



AFRICAN ENVIRONMENTAL DEFENDERS INITIATIVE

Supporting Environmental Defenders in Turkana, Kenya

On 18 May 2022, in Turkana County in Kenya, the African Environmental Defenders Initiative conducted a legal empowerment session for environmental defenders on the legal protections and institutional frameworks available to them as community members.

Communities living in Turkana County have experienced compulsory land acquisition, which allows the government to give their land over to companies for road and pipeline construction as part of the Lamu Port-South Sudan-Ethiopia Project (LAPSSET). Numerous human rights abuses and large-scale environmental damage has occurred.

During this session, the unique challenges that defenders from Turkana County face were discussed. This has allowed the AED Initiative to respond to the unique threats of the defenders in Kenya, many of whom are impacted by LAPSSET. The learnings from this workshop have contributed towards Natural Justice's legal and policy advocacy at national and international levels. At these levels, the organisation is calling for better legal recognition and protection of environmental defenders, using case studies by way of example.

Unifying support to Environmental Rights Defenders in Uganda

The African Environmental Defenders Initiative conducted a scoping exercise and legal empowerment training for environmental defenders affected by the EACOP (East African Crude Oil Pipeline) project from three districts in Uganda. The pipeline has resulted in forceful evictions and environmental destruction.

The scoping exercise has provided Natural Justice with a better understanding of the key challenges faced by defenders in Uganda, the existing actors and interventions in place to protect defenders and the barriers that exist within the interventions in place to provide support to defenders. Interventions can be legal, financial or programmatic.

At the conclusion of the training, it became apparent that it is extremely dangerous for environmental defenders in Uganda. Many face arrests, threats and assaults. These are executed by companies and police, as well as other community members, making any activism in Uganda difficult.

Natural Justice has also been able to better understand the national legal framework for protecting environmental defenders in Uganda, and has interrogated the laws which restrict civic spaces for CSOs and defenders in the country. Natural Justice has now implemented a partnership with the International Land Coalition, stopEACOP and others to provide ongoing support to Ugandan defenders.

Continuing advocacy for Environmental Defenders from the Global South

Natural Justice co-hosted an online side event on 14 June 2022, in partnership with the International Land Coalition and the Stockholm Environment Institute, as part of the Stockholm +50 event, which is a meeting by the United Nations General Assembly to discuss the issues of environmental action to accelerate the implementation of the 2030 Agenda and the Sustainable Development Goals.

The webinar was part of collective advocacy efforts at the international level focused on the challenging the worrying trends of threats, harassment and murders of environmental defenders in the Global South. It highlighted the plight of defenders who are facing increasing threats as companies look to extract mineral wealth from Global South countries, which often lack the necessary protections for defenders. As Natural Justice director, Pooven Moodley, stated: in the face of these dire conditions, it is important for a collective effort to support defenders.

“Private companies and some governments are still using force, and more activists are under attack and threats. This is especially tough on women activists who run much more risk being on the frontlines, than men.”

Pooven Moodley

At the event, the report, [Uncovering the hidden iceberg](#) 2022, was launched by the ALLIED Data Working Group, who conduct research and provide support on the data gathering related to attacks on Defenders. They are a key and ongoing partner for the African Environmental Defenders Initiative, which also provided data on attacks in Kenya and continues to work with ALLIED to uncover the real penetrators of threats and to hold them accountable for their actions through global advocacy.



Natural Justice with the Special Rapporteur on Climate Change and Human Rights, Dr Ian Fry, at the UNFCCC COP27

African Environmental Defenders draft calls for action

On 28 September 2022, the African Environmental Defenders Initiative held its first African Environmental Defenders Regional Meeting in Kilifi, Kenya. Defenders from various countries in Africa, as well as key experts on Human Rights Defenders, were invited to the event.

The meeting provided an opportunity and platform for land and environmental defenders across Africa to reflect, share and learn from each other. During the event, defenders were able to speak about the gross human rights violations fuelled by development projects. Many of these projects are subjects of litigation, such as East African Crude Oil Pipeline project (EACOP), exploration in the Okavango Delta by Recon Africa and land evictions of Indigenous peoples in Loliondo, Tanzania.

The Regional Meeting proved to be an important opportunity for those present, not just in terms of building their knowledge and capacity, but also for reflection and rest, as many defenders have faced threats and persecution.

The first African Defenders Regional Meeting took place in Kenya in 2022



A major outcome of the event was a list of demands that were drafted by the defenders in attendance. This is a unified document which has been used time-and-again in international engagements to highlight the needs of defenders. The list of demands calls on governments to respect their climate change commitments, call for the recognition of traditional knowledge, and demand respect for the work and rights of environmental defenders.

A supplementary list of demands was also presented at the UNFCCC Conference of Parties 27 (COP 27). The African Environmental Defenders Initiative also hosted a side-event entitled "[Environmental Defenders advancing Climate Justice Rights, Resilience and Resistance](#)". The side event was able to enhance the respect and recognition of environmental defenders and again bring attention to the threats they face. Maria Silva, former Minister of Environment in Brazil, delivered the keynote address and the plenary discussion included representatives from Global Witness, EarthRights, and Asia Pacific Network of Environmental Defenders.





JUST ENERGY TRANSITION AFRICA INITIATIVE

The Just Energy Transition Africa (JETA) Initiative appointed its first legal officer and coordinator in September 2022. The Initiative's purpose is to grow the culture of just energy transitions across countries in Africa and share information to support the current work of organisations and stakeholders involved in promoting renewable energy and just transitions.

In the first year of its work, the JETA initiative was involved in networking and advocacy at the Southern African level – which culminated in advocacy for JET at the regional level.

In South Africa, at the Youth Climate Change Conference hosted by Natural Justice and Centre for Human Rights on 17 and 18 November 2022 at the University of Pretoria, the JETA Initiative presented a session on the Just Energy Transition in South Africa and what it will mean for jobs. With youth making up the majority of people in Africa, but also facing under-employment, bringing them into the conversations about the future is important.

The participants were asked about their understanding of what a just energy transition means. They were introduced to definitions by the Climate Change Alliance, the Just Transition Framework and the Climate Change Bill. The youth came to understand the current legal framework of just transitions in South Africa, particularly when it comes to the prospects of “green energy” jobs.

Youth contributed to discussions about what needs to be done. This will assist them in their future demands to their government. They called for better policies for just energy transitions, public participation, looking at public and traditional knowledge for guidance, stopping any new fossil fuel projects and demanding action.

A statement was drafted and presented to leaders at the African Union. The statement included a demand for immediate suspension of fossil fuels investments and a move towards renewable energy.



Lauren Nel of JETA speaking to the media about why we need a Just Energy Transition in Africa

Supporting Africa's transition to clean energy policies

Housed by Natural Justice, the JETA Initiative has played an important role in assisting the team with submissions in support of the just energy transition in South Africa and Kenya. JETA has increased the understanding and capacity of the teams to respond to JET within the legal frameworks of their countries, and advocate for governments to develop policies that align with the needs of communities – and human rights in general. In particular, a focus on public participation, information sharing and transparency in policy development has taken centre stage.

In Kenya, comments were made on the Draft Energy (Net Metering) Regulations. This Regulation was welcomed as it encourages private players in the energy sector of the country. This includes private renewable energy producers.

In South Africa, JETA assisted with commenting on the [Electricity Regulations of South Africa](#), focusing on the lack of public participation and inadequate facilitation of accelerated deployment of renewable energy.

Submissions on the [exclusion of environmental authorisation for solar photovoltaic installations](#) showed the government of South Africa how this would negatively impact administrative justice, public participation, participatory democracy, communities' rights, public health and protection of the environment.

Lastly, as Green Hydrogen becomes the new focus for energy transitions, comments were made on the [Green Hydrogen Commercialization Strategy of South Africa](#), requiring it to be more transparent. The comments advocated for full environmental reviews for these types of projects, that there needs to be strong regulations, and new rules are needed for green hydrogen projects. Of course, the public must be meaningfully consulted in all projects.

Together with our partners, Natural Justice is seeing a shift in energy policy, law and planning, which is transparent and has meaningful public participation, and results in energy transitions that promote equity, fairness and respect for Indigenous Peoples and communities' rights.

Calls for feminist representation in climate talks

In October 2023 in Windhoek, Namibia, the JETA Initiative attended the Feminist Conference of the Parties. The Feminist COP was able to provide an “alternative space” to COP27 (the 27th UNFCCC Conference of the Parties), led by the feminists from the global south at the frontline of the climate crisis. NGOs and activists were able to build solidarity and support for COP27, while also developing their key positions.

This was followed by the Conference on Climate Change and Development in Africa with the theme of “Just Transitions in Africa: Transforming Dialogue into Action”. The JETA Initiative presented at the pre-event, African Women’s Voice on the Just Transition. The topic was “Extractives future and how African states can keep away from ecological disasters with the scramble towards ‘low carbon economies’”. A blog was written on this experience advocating for more female participation in the climate talks (UNFCCC COPs) and the processes of negotiations <https://naturaljustice.org/lets-make-2023-the-year-of-feminist-leadership-in-climate-action/>.

Natural Justice is taking a proactive approach to including women participants in all our activities, including as participants at our workshops, on panel discussions and within leadership positions in Natural Justice itself.

“It was very motivating to sit in a room full of women from Africa, discussing solutions while living on the front lines of the climate crisis and loss and damage...There is much to learn from their innovation, but it is also important to tell their stories.”

Lauren Nel



Post-COP webinar brings the climate talks to a wider audience

On 14 December 2022, the JETA Initiative hosted an online webinar entitled, “Post COP27 analysis – cleaner energy”. This followed the participation of various civil society representatives at COP27, advocating for a cleaner energy future for Africa. They were able to speak about their experience at COP27, specifically whether through the negotiation process, steps had been taken by government, or commitments made, towards a better energy future for Africa and how to ensure just energy transitions take place across Africa.

The webinar allowed for a continuation of the conversation about COP27 and provided a review of COP27 for other audiences. It broke down the complex outcomes of COP27, which can be difficult for mass audiences to digest.

Climate talks influence how countries approach climate change, a crucial space to ensure new futures for the world, but can be complicated for people who have never attended. Natural Justice is using opportunities like the post-COP27 webinar to build the knowledge and capacity of partners to understand and try to influence their own country positions at the COPs.



The small town of Wupperthal
at sunset

02 THE PROGRAMMES

*Standing with
Communities*





SOUTHERN AFRICA

Support to West Coast communities through legal empowerment

Since 2022, Natural Justice has employed a Community Environmental Legal Officer (CELO), Johnathan van der Westhuizen, based in the West Coast, to support the Indigenous communities and small-scale fishers in the area. The West Coast has become a hotspot for offshore oil and gas drilling and mining developments, which will negatively impact the entire coastline and jeopardise the livelihoods of small-scale fisherfolk.

Through its CELO programme, Natural Justice actively engaged in the Environmental Impact Assessment (EIA) processes for various developments on the West Coast. We mobilised community members to attend public participation meetings and aided them in providing feedback on the EIAs.

In total, Natural Justice participated in nine EIA processes and successfully encouraged over 100 individuals to join the public participation meetings. Natural Justice was also able to produce helpful information pamphlets which informed the communities of the various developments in the area. The CELO played a crucial role in distributing these pamphlets to communities through social media, allowing the communities to be actively involved in the EIA processes.

Natural Justice also trained over 50 youth and 100 community members on EIAs. This has empowered these communities with the knowledge and skills to actively engage in public participation meetings. Through these efforts, Natural Justice has ensured that the community's perspectives were considered in the environmental decision-making process, demonstrating their commitment to environmental advocacy and public involvement.

Natural Justice conducted additional training on the Marine Spatial Planning Bill, which will affect the livelihoods of fishers and the coastal communities, as it will delineate the coastline according to what is allowed or not allowed. The communities were unaware of this bill prior to the training. They now understand the policy much better and have been able to respond to it.



The Guriqua community's BCP nears completion

For a few years, Natural Justice has been supporting the Indigenous Guriqua community on the west coast to document a Biocultural Community Protocol (BCP). The Guriqua peoples have a deep connection to the ocean and its natural resources, using it for sustenance, and also for spiritual, cultural and medicinal uses.

The Guriqua peoples have a rich history, but this also includes the dispossession of their lands and way of life through colonialism and Apartheid. As a reaction to the ongoing marginalisation of the community, Natural Justice began to support them in the development of the BCP.

The BCP will safeguard traditional knowledge and protect and affirm their rights as Indigenous peoples in South Africa. The BCP process was paused in 2020 due to Covid-19 restrictions but resumed in 2021.

The BCP has been used as part of a supplementary affidavit in a court case against the company, Searcher, which sought to conduct seismic testing in the ocean off the West Coast. It was the first time a BCP was used in a court case – a significant way that BCPs can affirm the rights of people. As it nears completion, Natural Justice will continue to support the community and provide for a public launch of the BCP.



Natural Justice meets with the Guriqua fishers. The Guriqua are traditionally a fishing community and are currently developing their BCP to assert their identity and their rights as indigenous fishers.

Working with the PHA Campaign to protect the Cape Flats Aquifer

The PHA Food and Farming Campaign (the PHA Campaign) is a voluntary association which works to protect the Philippi Horticultural Area for the benefit of all people living in Cape Town. The objectives of the Campaign are to defend the ecological integrity of the PHA as a unique, historical agricultural area and important biosphere, and to promote the sustainable use of the PHA's natural resources.

In July and November 2022, Natural Justice, together with the PHA Campaign, facilitated climate action workshops with residents of the PHA at the Vegkop farm, the headquarters of the campaign in Cape Town.

The workshops focused on a range of topics. The first workshop provided the participants with an understanding of what climate change is and its causes, how to build resilience through organising their communities, and sustainable farming and community use of the Cape Flats aquifer, which the PHA is located on. The second workshop highlighted the laws and rights the community could exercise to protect themselves against activities which contribute to climate change and weaken their resilience. Finally, considering their experience with climate change, the participants developed vision boards as a means of working towards a future they would like to see.

These workshops were significant as it was the first time these communities engaged with content on climate change and could identify the impact climate change was having on their communities. These workshops were a culmination of the efforts of the PHA Campaign and Natural Justice in building relationships with communities in the PHA.



Reporting on unlawful activities on the PHA

In April and May 2022, Natural Justice assisted the Philippi Horticultural Area (PHA) Campaign to report a housing estate and related infrastructure being developed on land zoned for agriculture within the PHA. A report was developed which highlights the municipal by-laws contravened by the development. This was sent to the City of Cape Town and Western Cape Provincial Departments. This report called on the departments to hold the landowner accountable for failing to obtain the necessary permits from the City of Cape Town in developing multiple housing units.

After an investigation by City and Provincial Departments, it was found that the landowner contravened provisions of the National Environmental Management Act, and he was served a compliance notice to correct the violation. This is significant as it highlights the work of the PHA Campaign and Natural Justice in protecting the farmlands of the PHA.

Supporting the Rooibos traditional knowledge holders and farming community

In November 2019, the historic benefit-sharing agreement between the Indigenous Khoi Khoi and San peoples, represented by the San Council of South Africa, National Khoi and San Council, and the South African Rooibos Industry, was concluded. The Rooibos Industry agreed to pay an annual traditional knowledge levy of 1.5% of the farm gate price of Rooibos purchased. This money would be placed in a trust to benefit the indigenous communities.

The Khoi Khoi peoples and Rooibos farming communities of Wupperthal and Niewoudtville also published a Khoi Khoi Peoples and Rooibos Biocultural Community Protocol, establishing how they want their portion of fifty percent of the traditional knowledge levy to be distributed to Khoi Khoi peoples. The San peoples received the other fifty percent.



Niewoudtville rooibos farming.
Here, a man is collecting wild rooibos seeds for re-planting.

Support to the Khoi Khoi peoples' Rooibos and Biodiversity Trust

Since the signing of the benefit-sharing agreement, Natural Justice has supported the Khoi Khoi peoples in registering a Biodiversity Trust, the legal vehicle to receive the traditional knowledge levy and distribute it amongst the beneficiaries.

During 2022, Natural Justice, along with external experts specialising in community trusts, developed policies and procedures for the governance of the Trust, guided by the BCP of the Khoi Khoi peoples. In 2002, the first [traditional knowledge levy](#) was transferred to the two respective trusts of the Khoi Khoi and San Peoples. The Trust also finalised procedures for distribution of the funding that would ensure equity and fairness. Barend Salomo, a Rooibos farmer from the Cederberg and Trustee, [shared](#) that 'it will take a long time to get where we want to be, but we're excited to start building our future.'

In 2002, the first traditional knowledge levy was transferred to the two respective trusts of the Khoi Khoi and San Peoples.



At the signing ceremony for the historic Rooibos benefit sharing agreement in South Africa

Legal support to the Wupperthal Original Rooibos Cooperative

The town of Wupperthal is regarded as the epicentre of Rooibos tea, as it is where the medicinal and health benefits of Rooibos tea were discovered about 200 years ago. The community in Wupperthal are descendants of the Khoi Khoi rooibos farmers, who originally inhabited this land before settlers arrived in the Western Cape.

The Wupperthal Original Rooibos Cooperative (WORC) was founded in 2009 by members of the community who were involved in producing Rooibos tea. It operates for the benefit of the broader community and the town of Wupperthal, as members of the cooperative work together and support each other in skills training and marketing their produce under their own brand.

WORC has been operating from a building owned by the Moravian Church of South Africa. In 2022, WORC was threatened with eviction due to unresolved disputes around the lease, which would be catastrophic for WORC and the community. Natural Justice supported WORC by engaging on its behalf with the lawyers for the Church, resolving the long-standing dispute over the lease and overseeing the conclusion of a new lease between WORC and the Church. This support enabled WORC to continue operating the Rooibos Cooperative from the premises.



The Wupperthal Original Rooibos Cooperative was set up by local indigenous rooibos farmers in 2009 and is now threatened by the Moravian Church



WEST AND FRANCOPHONE AFRICA

Empowering local communities in Madagascar for ABS implementation

Natural Justice is a close partner within an Access and Benefit Sharing (ABS) project on the effective implementation of the Nagoya Protocol, coordinated by the Malagasy Ministry of the Environment.

Since 2022, the team has supported the local communities of Ampangalantsary and Sahandrazana, known for their rich traditional knowledge and abundant genetic resources. The project aims to empower these communities to negotiate with future external operators to value their genetic resources and associated knowledge, while ensuring an equitable sharing of the resulting benefits. With the support of Natural Justice, the communities have developed a biocultural community protocol (BCP) and a Community Register of genetic resources and associated traditional knowledge.

The process of developing these community tools has been characterized by an inclusive approach involving all existing categories of people within the community, including women, men, youth, and the elderly. Led by the local communities, all decisions regarding the development process of the BCP and Community Registers for Ampangalantsary and Sahandrazana, including the steps, timeline, content, and structure of the documents, have emanated from the local communities to ensure their ownership of the tools. Furthermore, apart from the physical and online versions of the BCP of the Ampangalantsary and Sahandrazana communities, the documents have also been produced in audio format to facilitate their dissemination by the local communities.

The BCP contents address the common goods of the communities, their land situation, natural resources, customs, governance structures, decision-making processes, as well as their processes and conditions for accessing and utilizing genetic resources and traditional knowledge on their territories, including management modalities for potential conflicts.

Regarding the Community Registers, based on the communities' requests, they include lists of genetic resources with medicinal and cosmetic value in their territories, as well as those intended for food and agriculture, particularly for Ampangalantsary. The communities also plan to add other categories of genetic resources themselves.

This process has enhanced the communities' awareness of securing their rights and biocultural heritage. The process has been proactive, meaning it does not rely on an existing request for access or valuation but is based on an eventual collaboration between the community and users of genetic resources. This proactive approach has not only strengthened the communities' negotiating capacity, but has also fostered constructive dialogue around the sustainable management of resources and traditional knowledge on their territories.

Legal empowerment of local communities impacted by the exploitation of mining and forest resources in Ambanja, Madagascar


Natural Justice has a long-standing relationship with a local partner network in Madagascar, [TAFO MIHAAVO](#), which has assisted Natural Justice to provide legal empowerment support and services to several local communities. In 2022, Natural Justice was able to support 14 local communities. In four communities, Natural Justice supported the capacity and training of local paralegals.

Paralegals, or Community Environmental Legal Officers, have been a crucial empowerment tool used by Natural Justice – empowering people from the communities with the knowledge and resources to act on behalf of communities when they experience environmental rights infringements, human rights abuses or face environmental destruction.

In 2022, four cases linked to environmental offenses, illegal detention and attacks on environmental defenders were monitored and supported.

The first case took place in Andranomandevy, which is an Indigenous peoples' and community conserved territory (ICCA). A part of the forest near a sacred site was cleared by a member of the community. A complaint was officially lodged with the Water and Forestry Department and investigated by the Judicial Police Officer.

The second case is connected to the first. It concerns the detention of two representatives of the ICCA of Andranomandevy following the complaint lodged at the Water and Forestry Department about land clearing. A complaint against the defenders was lodged at the police station by the individual who cleared the forest. With the support of the community paralegals, the detained community representatives were able to discuss with the authorities to clarify the situation and obtain their release.



Sahandrazana local communities have been empowered to protect their traditional knowledge and genetic resources

The third case is about environmental defenders who benefited from the AED fund after sustaining physical injuries in December 2021 due to their work as defenders. The initiative carried out periodic monitoring of their state of health after the injuries. It also monitored the prosecution of those responsible at the Ambanja's Court of First Instance. Five of the seven people responsible were arrested and tried by the Court.

The fourth case is about a complaint from local communities managing the mangrove forest in the Djangoa locality, which is subject to illegal logging. The complaint was forwarded to the Water and Forestry Department, as well as the Ministry of Environment.

The lesson learnt from these cases was that collaboration and information-sharing with state authorities is essential to make progress in resolving cases, facilitate follow-up and have an impact.

Natural Justice committed to raising community awareness through arts, culture and entertainment

As part of the African Activists for Climate Justice project, Natural Justice in Senegal, with its implementing partners, has organized several climate forums across its intervention zones, in the form of discussion forums, exhibitions and community screenings of documentaries and films. These talks, film screenings and exhibitions raised awareness, informed and awakened collective consciousness around the challenges of climate change. Based on the real facts of erosion and pollution in Bargny, the community, through the RAPEN association, produced a documentary film outlining strategic options for developing Senegal's renewable energy capacity in the face of future oil and gas exploitation. These activities mobilized over 1,500 participants from community high schools and representatives of associations and women's groups.

Through these forums and representations, young people from the communities that Natural Justice accompanies and supports, have taken initiative to inform and raise awareness in their communities in order to promote eco-responsible actions.

Whether in Bargny or in the Saloum Delta, concerns about pollution have strengthened community mobilization, giving rise to two major initiatives, respectively: a youth group opposed to the TOSYALI steel project and a collective dedicated to protecting and preserving the Néma Bah community reserve.

This group has been accepted by the community's dignitaries and local authorities, a sign that Natural Justice has taken root in the community.

Through music, arts and sports,
Natural Justice and partners are raising
awareness about climate change



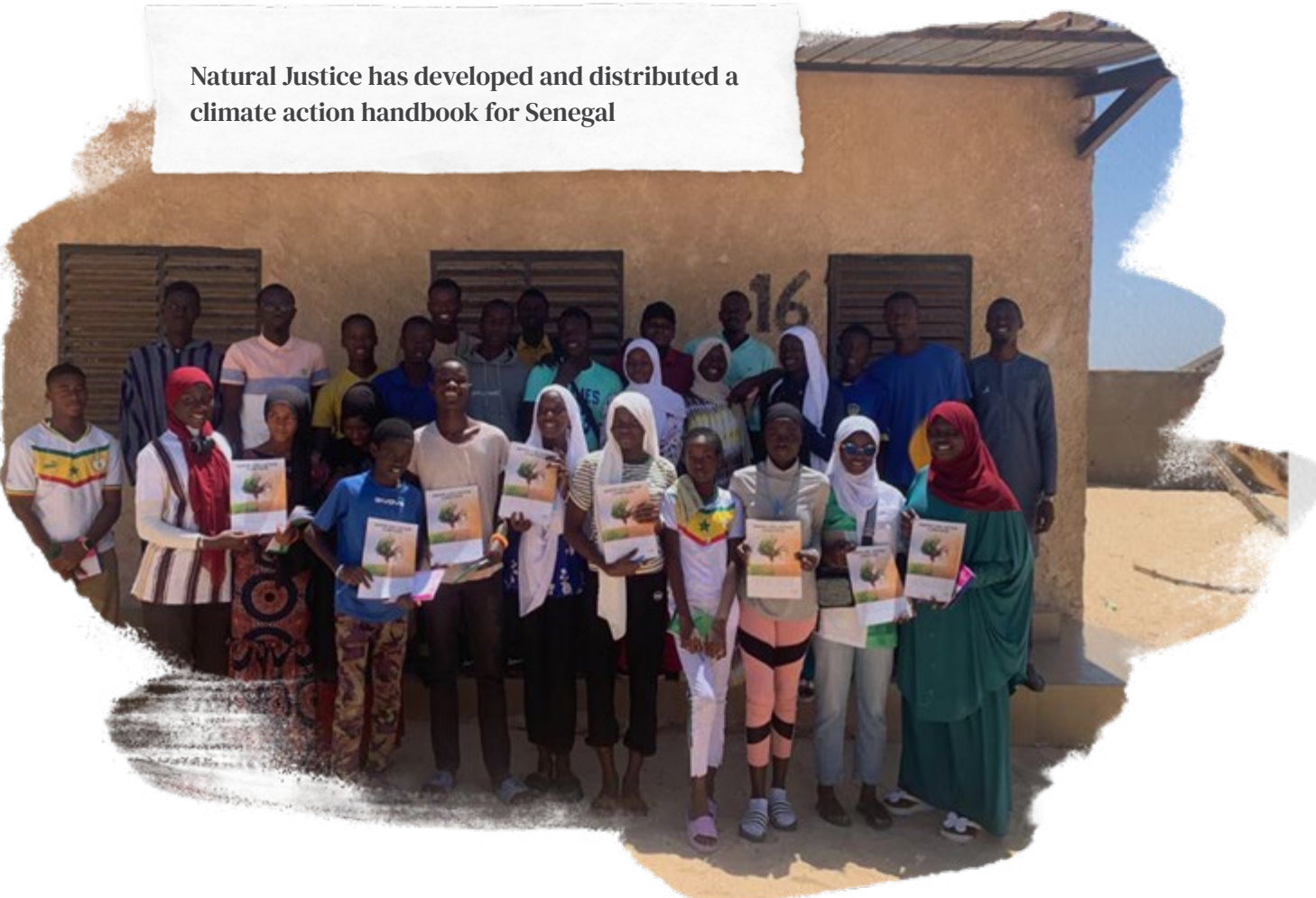
The climate action handbook: an effective awareness-raising tool for communities

To better inform and sensitize communities and its partners to the issues at stake in the climate crisis, Natural Justice developed a Climate Action Manual in 2022. This manual has promoted understanding of climate change and how it affects or could affect communities, but has also facilitated knowledge of the political and/or legal instruments for taking action against it. The production of this manual led to dissemination sessions for communities and partners such as the Association Nationale des Handicapés Moteurs du Sénégal, local elected representatives, etc.

These sessions encouraged participants, and young people in particular, to: firstly, think hard about setting up environmental clubs in high schools; secondly, integrate the theme of climate change into neighbourhood discussion forums to raise mass awareness; and thirdly, implement climate actions such as reforestation initiatives.

In addition to being a tool for awareness-raising, information and training, this manual is also an advocacy tool. The document has even served as a working basis for many civil society organizations, and has aroused keen interest among communities, who have campaigned for it to be disseminated to the youngest children by synthesizing and illustrating it.

Natural Justice has developed and distributed a climate action handbook for Senegal



Influencing financiers to understand the impacts of the Bargny coal-fired power plant in Senegal

In April 2022, Natural Justice helped organize two meetings in Bargny between the Dutch Finance and Development Company (FMO), RAPEN and women community advocates. The aim of these meetings was to present the results of a community audit undertaken by the Bargny community concerning the environmental and social impacts of the FMO-funded coal-fired power plant.

At the meeting, RAPEN highlighted the legal irregularities and unacceptable social impacts of the project. Two copies of the community audit were sent to the delegation. No major decisions were taken, but the delegation assured us that it had taken due note of the concerns of the affected communities and that the visit had enabled it to gain a better understanding of the project's level of social acceptability.

Promoting legal support for community conserved lands in Guinea, Guinea-Bissau and Senegal

ICCAs, an acronym for territories and areas conserved by indigenous peoples and local communities, are found all over the world. Those involved in the registration and local management of ICCAs can learn from each other, including how various groups conserve and preserve biodiversity.

To this end, Natural Justice, in collaboration with its partners, organized an exchange visit in June 2022 between the custodian communities of ICCAs in Guinea, Guinea-Bissau and Senegal. The meeting strengthened ties between these ICCAs through exchange sessions and experience sharing. The meeting was also an opportunity to raise awareness and understanding of the ICCA concept, and its mode of governance and management. This is based on a participatory approach that places communities at the heart of conservation processes.



03 AFFIRMING RIGHTS





EAST AFRICA

Claimants for Historical Land Injustices in Kenya get civil society support

In Kenya, claims for Historical Land Injustices have been submitted to the National Land Commission. Claims were accepted until the cut-off date of September 2021, leaving many claims outstanding and some unsuccessful. In December 2022, Natural Justice co-convened the first status conference on Historical Land Injustices with the National Land Commission. This meeting included civil society organizations (CSOs) at both national and county levels, as well as members of the Commission, to review actions taken since the statutory deadline passed.

The conference provided the Commission with an opportunity to hear challenges faced by CSOs in supporting communities to file claims. Attendees agreed on a clear framework for future engagement, including CSOs' support in completing the admission process for remaining claims and holding legal clinics in various communities. These clinics will explain why some claims were unsuccessful and explore alternative dispute resolution methods. Additionally, materials were developed to guide communities through the hearing process for their Historical Land Injustice claims.

Natural Justice has also supported the Msanga Community Historical Land Injustice Claim, submitted in September 2022. The claim details how the Msanga community was displaced during the Shifita war in the 1960s and through the illegal allocation of their land to Amu Ranch. Natural Justice assisted the community in preparing for the hearing, ensuring their pursuit of justice is heard. Their case is yet to be heard.



SOUTHERN AFRICA

Developing the South African laws on climate change

Over the 2022-2023 period, Natural Justice has been monitoring, participating and evaluating the processes of development of climate- and environment-related policies and bills as part of influencing law and policy on climate change in South Africa. Some important policy interventions related to the following bills, plans and strategies were published in the period:

The Upstream Petroleum Resources Development Bill, introduced by the former Department of Mineral Resources and Energy which seeks amongst other objectives 'to provide for orderly development of petroleum - resources; [and] to create an enabling environment for the acceleration of exploration and production of the nation's petroleum resources. Because its objectives are not aligned with those of the Climate Change Bill, and South Africa's international commitments under the UNFCCC, Natural Justice submitted comments and objections to this Bill, and have been continuously advocating that the Bill be abandoned by the government of South Africa.

The Gas Master Plan published by South Africa's former Department of Minerals and Energy is seeking to promote gas as a source of energy and provide for the mining of gas in the country. Natural Justice's commentary objected to the plan and submitted expert scientific evidence showing that methane emissions from gas mining contribute significantly to greenhouse gases, contradicting false claims that natural gas is "clean and sustainable".

Through the objection Natural Justice also argued that introduction of gas into the energy mix would go against South Africa's commitments under international climate agreements; that gas has enormous negative public health implications, and that there is a strong possibility of gas infrastructure later becoming "stranded assets" as many other countries are abandoning or issuing moratoriums on gas as a source of energy.

Natural Justice also argued strongly for South Africa to adopt laws and policies to enable a just energy transition – one that does not emphasise the use of gas. We advocated for better public involvement in the decision-making process, emphasizing the need for free, prior and informed consent (FPIC) and meaningful community engagement in all legislative processes.

The Draft Sector Plans of the Marine Spatial Planning Act of South Africa was published by the Department of Forestry, Fisheries and the Environment in early 2023. Natural Justice raised critical concerns and recommendations in their review of these plans, which were published to compliment marine spatial planning and implementation.

Key points raised in the commentary included the need to ensure balance in environmental protection and use, bearing in mind that Operation Phakisa, a programme being implemented in South Africa to exploit marine resources, is focused heavily on economic development.

Considering how many small-scale, artisanal, heritage and recreational uses of the ocean there are, which contribute to the livelihoods of thousands of people, Natural Justice argued strongly for a human rights-based approach to land and ocean use. This means better protection of public participation rights, equity in benefit sharing of marine resources and meaningful consultation processes. Natural Justice, therefore, recommended a revision of the sector plans to ensure that they are aligned with existing laws, address conflicts between sectoral policies, support biodiversity conservation objectives while avoiding human rights violations.

Natural Justice has conducted a series of workshops on the Marine Spatial plans for South Africa – this one was conducted in St Helena Day on the West Coast.



Strengthening community capacity to participate and influence policies and laws in South Africa

Natural Justice uses the law-making processes of bills and plans to build the capacity and knowledge of communities to; firstly, understand the law-making process; secondly to understand and utilise their constitutionally protected rights; and lastly to participate in the process law making process.

In the 2022-2023 period, four workshops were held in South Africa. These workshops dealt specifically with two bills: Upstream Petroleum Resources Development Bill and the Climate Change Bill.

In February 2023, the **Vredenburg community on the West Coast of South Africa** attended an online training workshop. The community are facing many threats of fossil fuel exploration along their coastline. This is also a community that lost their land because of racial discrimination in the past. Following their workshop, on 17 February 2023, members of the community attended a public hearing convened by the Parliamentary Portfolio Committee on Energy to discuss the Upstream Petroleum Resources Development Bill in Vredenburg. They participated and submitted oral comments on the Bill.

On 1 March 2023, the **Port St Johns community**, through the local organisation, Save The Wild Coast Port St Johns, attended a four-day workshop. The Port St Johns community is a fishing community, and they depend heavily on catching and selling fish for food and livelihoods. Because of climate change and commercial fishing, they have been struggling to catch adequate stocks of fish for consumption and resell. Other issues have also arisen, such as unfavourable small-scale fishing policies and permitting systems have also taken a toll on their livelihoods.



Ntsindiso Nongcavu is the local leader in Port St Johns and established the Save The Wild Coast Port St Johns local organisation to mobilise his community to take climate action.

They received information and training on both bills. Similarly to the Vredenburg community, on 3 March 2023, the community attended a public hearing that was convened by the Parliamentary Portfolio Committee on Energy. On 4 March 2023, they participated in a reflection meeting with Natural Justice, to reflect and debrief on the week's work and to write a submission on the UPRD Bill, which was later submitted to parliament.

On 9 March 2023, the mining-affected communities of **Richards Bay** also attended a training. The community are impacted by elevated levels of air and water pollution, and environmental degradation as a result of mining and other heavy industries in Richards Bay. On 10 March 2023 in Margate on the South Coast of KZN, the communities attended a public hearing hosted by the Parliamentary Portfolio Committee on Energy to discuss the UPRD Bill with the public in Kwa-Zulu Natal.

Youth and other members from the **Xhariep District in the Free State** attended a two-day training workshop on the bills. The community is made up of a youthful population who have historically been left out of public participation forums where they can engage with elected representatives. There is also high youth unemployment in the Free State. On 23 April 2023, they attended the public hearing convened again by the Parliamentary Portfolio Committee on Energy to discuss the bill and receive comments from the public.

Workshop in Southern Africa to foster youth climate action

On 17 – 22 November 2022, Natural Justice, in collaboration with the Centre for Human Rights at the University of Pretoria, hosted a Youth Climate Change Conference to empower young people to take climate action. The youth were drawn from Pretoria University, Dzomo La Mupo, a community-based organisation in Limpopo, the African Youth Commission in Mozambique, the South Durban Community Environmental Alliance and the West Coast communities of South Africa. The diversity of youth and their experiences was important in order to share learnings and success stories.

The workshop was able to build the knowledge and understanding of youth on the avenues available for them to take effective climate action through participation, advocacy and litigation in Southern Africa. Governments are failing to respond with the required level of urgency and are not enforcing the agreements or laws that they have committed to when it comes to climate emissions. Additionally, there is no meaningful engagement with citizens in policy and law-making processes, particularly the youth who are recognized as agents of change.

Natural Justice facilitated training sessions with these youth on how they can contribute to the legislative process through commenting on climate change-related bills, advocacy at the global climate conferences, strategic litigation, climate finance and youth activism.

The youth at the workshop established a platform to share information and strategies. On the last day of the workshop, the youth wrote a letter to the parliament of South Africa to demand inclusion in climate action.



WEST AND FRANCOPHONE AFRICA

Supporting a national working group on traditional knowledge protection and valorization in Madagascar

Natural Justice, together with the Malagasy Ministry of the Environment, with the support of ABS initiative and BioInnovation Africa Protect, continues to facilitate a National Working Group on Traditional Knowledge in Madagascar. This partnership began in 2019 and is an indication of the expertise of Natural Justice with regards to traditional knowledge, who has been supporting various local processes of traditional knowledge and cultural practices documentation and valorisation.

The objective of the Working Group is to initiate collective actions and constructive interaction between actors from different sectors for the protection and valorization of traditional knowledge linked to biodiversity and climate change. As an open-ended working group, so far it involves government departments, representatives of local communities' national networks, research actors, private companies, civil society, conservation organisations, and funders.

Natural Justice has been mandated by the working group to do an analysis of the national institutional, policy and legal framework and mechanisms and identify the gaps on effective protection of traditional knowledge. The analysis indicated several existing mechanisms of protection such as the ABS system (access and benefit sharing) of the Nagoya Protocol especially for the traditional knowledge associated to genetic resources, intellectual property rights protection, and the national immaterial cultural heritage Registry. Best practices have also been collected on the way to engage with communities and other rights-holders regarding the documentation, research and economic activities based on traditional knowledge.

In addition, a video on traditional knowledge have been produced as part of a communication tool for local communities to better understand and engage in discussions on the values of their knowledge and the existing rights they have under the national and international laws. The video is available in Malagasy with a French subtitle on the link <https://www.youtube.com/watch?v=p4Rkl68cRjk>.

The next meetings of the working group will focus on the development of political recommendations and key actions to ensure a systematic integration of traditional knowledge in the decisions and actions related to biodiversity and climate at all levels.

Supporting the advocacy for land rights reform in Madagascar

As part of a joint initiative, Natural Justice provided legal and technical advice to TAFO MIHAOVO (a national network of local communities managing natural resources in Madagascar). Together with several civil society organizations, the initiative has challenged the new law on untitled private property, adopted in 2021. Several provisions of this new law jeopardise the rights of rural populations and local communities who are managing natural resources, and may intensify land grabbing.

For instance, this new law cancels the presumption of ownership (recognized in the previous law) and makes possession of a certificate or land title necessary to be recognized as the owner of land. Also, the right to secure the land for the benefit of communities and associations who are carrying out reforestation has also been made more difficult.

A collective letter of recommendation has been communicated to the government authorities. In this letter, the CSOs have demanded the revision or deletion of articles of the law. The CSOs also demanded a revision of article 45, which devalues land certificates granted to associations and requires that if these certificates are not transformed into land titles after one year from the promulgation of the decree implementing the law, the land concerned revert back to the State. The government agreed to revise the law, taking into account the recommendations made.

Support for ICCA custodian communities in gaining legal recognition for their territories

In April 2022, Natural Justice organised a reading and reflection workshop on the new Biodiversity Bill in Senegal. This activity was part of the process of developing a contributory note for the legislative empowerment of ICCAs. To this end, community representatives, in collaboration with Natural Justice, proposed articles that were integrated by the consultant into the draft law. This was validated by the Ministry in charge of the environment at a workshop held on 16-17 June 2022, in which Natural Justice took part.

The adoption of the law remains a crucial step in the process of legal recognition of ICCAs in Senegal. For the time being, Natural Justice is keeping a watchful eye on proposed articles so that they can be adopted.

However, activities are continuing at community level with partner organizations to improve understanding of ICCA management and governance methods, through the organization of information, sharing and reflection sessions with communities, as well as home visits.

In May 2022, Natural Justice joined KABEKA in assisting ICCAs to begin the implementation and enforcement of their management plans. Four ICCAs were chosen and visited. The aim of the visit was to raise awareness of the ICCAs and to support communities to start processes of self-reliance. This activity is part of the process of asserting communities' rights to their land and natural resources.

The aim was also to describe and document the ICCAs. These visits enabled communities to understand the importance of customs and habits in the process of preserving resources, and on the other, the advantages of involving the various stakeholders in protecting ICCAs.

Digital campaign on the environmental impact of industry in Bargny

Following a community audit in Bargny in Senegal, which shows significant negative cumulative impacts on people and the environment, caused by various industries in the area, Natural Justice embarked on a 25-day social media campaign to raise awareness.

The campaign was called #BargnySouffre and was designed not only to inform the public about the alarming situation in Bargny, but also to urge the administrative authorities to take decisions to better protect the city's environment.

A Community Audit of the "Impacts of the Sendou Coal Power Plant on Local Communities" carried out by the Réseau des Associations pour la Protection de l'Environnement et de la Nature and Natural Justice, was widely distributed on our platforms. In addition, [a video](#) on the testimonies of the communities affected was produced and broadcast. Statistics from the social media campaign show that the graphics reached a significant audience, indicating that many people are affected by the industries and would like to see justice served.

Raising awareness of climate change and renewable energies in Bargny communities

During December 2022, Natural Justice's partner, RAPEN, organized a series of awareness-raising and capacity-building activities for the local Bargny municipal department, focused on climate change and renewable energies in Senegal. The activities also included an exhibition and the production of a [documentary film](#) "Bargny une ville menacée" on pollution and coastal erosion in Bargny.

RAPEN is a long-standing partner of Natural Justice and supported these initiatives. The aim of these activities was to build community capacity on climate change issues, take stock of climate change and Senegal's energy policy and strategic options for developing its renewable energy capacity in the face of future oil and gas exploitation.

These activities were attended by over 1,000 people, enabling the community to identify any negative impacts of the coal-fired power plant and steel mill on their health and livelihoods.

Civil Society Caravan to the UNFCCC COP27 leads to community demands for climate action

In the lead up to the 27th United Nations Framework Convention on Climate Change Conference (UNFCCC) of the parties (COP27) which was set to take place in Egypt, Natural Justice and partners from Oxfam, jointly held a “Caravan to COP” - a series of six community meetings in Senegal. The purpose of the caravan was to mobilize local communities to call for climate justice. The communities were inspired to make demands that African governments step up their mobilization at COP27 to address climate issues in Africa. The primary push at COP27 was the establishment of a Loss and Damage Fund, to support developing countries, hit by climate disasters, to rebuild and recover from climate change impacts. The aim was to ensure that developed countries pay their fair share of climate finance in the face of climate induced loss and damage.

The caravan, which advocated for climate justice and best practices in response to loss and damage, was led by a consortium of over 35 community movements and 26 civil society organizations. It brought together more than 500 people, across six regions: Medina yora Foulah, Kedougou, Delta du Saloum, Petite Côte, Saint-Louis, Rufisque and Bargny.



The COP27 Caravan saw Natural Justice and partners visit many communities

04 DEFENDING RIGHTS



During the construction of the Nairobi Expressway, protests were held to call for the protection of trees that were going to be removed in order to be able to build the route.



EAST AFRICA

Challenging the construction of the Nairobi Expressway in Kenya

Natural Justice and their partners, the Katiba Institute and Dandora Social Justice Centre, filed a case at the National Environmental Tribunal in 2020. The case was challenging the decision of the National Environmental Management Authority to grant a license for the construction of the Nairobi Expressway through the heart of the city.

The case challenged the authorisation on the basis of the absence of proper public participation, an inadequate Environmental and Social Impact Assessment and the lack of a climate assessment.

Being a flagship project in Kenya, Natural Justice hoped that a successful outcome would set a precedent which would lead to better community consultation, as well as better assessments of the impacts of these type of projects on people and the environment.

The case came across a significant challenge, in that the timelines of the hearings were delayed. By the time the judgment was handed down, the road was completed. The judgment was appealed by the organisations.



Inaugural Environmental Justice Moot Court Competition results in creative arguments on environmental justice

In November 2022, Natural Justice partnered with Riara Law School in Nairobi to organise the inaugural environmental and climate justice moot court competition. A moot court allows young law students to practice their public speaking and debating skills in a less formal setting before they graduate as lawyers and are expected to argue in front of a judge.

The moot event attracted 14 law schools from across the country and over 20 lawyers. This was the first moot court competition focused on environmental litigation. The moot also had a panel discussion where the panellists discussed contemporary issues on climate change. The inaugural moot set the pace for the subsequent moots and offered students a platform for creative arguments. Key feedback from the participants was that the event sparked interest in specialising in environmental law.



SOUTHERN AFRICA

Litigation to challenge Impact Africa and Shell seismic exploration on the Wild Coast of South Africa

On 1 September 2022, the Eastern Cape High Court in Makhanda handed down its judgment in the case brought by Wild Coast communities, Natural Justice and Greenpeace Africa to challenge the decisions of the Department of Mineral Resources and Energy to grant an exploration right, and twice renew that right, to Impact Africa and Shell. Shell was set to explore for oil and gas off the coastline of South Africa, which has implications not only for marine life and the climate, but the livelihoods of communities.

The High Court set aside the exploration right and renewals, because the Wild Coast communities had not been meaningfully consulted about Shell's plans, and the decision to grant the right was procedurally unfair as a result.

The Court also found that relevant considerations had not been considered, including the communities' spiritual and cultural rights and their rights to livelihood, and climate change considerations. This judgment has had far-reaching impacts. It has inspired other coastal communities to object to oil and gas development, and the judgment has been relied upon in appeal processes in respect to other oil and gas development projects.



A peaceful protest outside the Gqeberha High Court during the Shell court hearing.

Strategic Litigation training workshop in Namibia boosts legal responses to oil and gas

On 2-3 November 2022, Natural Justice conducted a two-day training workshop with the legal team of the Legal Assistance Centre in Namibia, together with the Business and Human Rights Resource Centre. Natural Justice provided an overview of their learnings from strategic litigation – especially in South Africa. Natural Justice shared case studies experiences and lessons learned from South Africa, tips and tools.

The workshop has built the capacity of the LAC team in respect of litigation, advocacy and community activism against oil and gas extraction in Namibia. The two organisations have now explored strategies for further and improved collaboration between them, information sharing and working with international partners, international law relating to climate change, and international advocacy.

LAC is a key partner in Namibia and the working relationship with them has assisted Natural Justice to expand its work into Namibia, where companies exploring for oil and gas are violating the rights of local communities.

Litigation launched to challenge Eskom's environmental authorisation for a gas power plant

Natural Justice supported the South Durban Community Environmental Alliance (SDCEA) and groundWork to challenge the decision to authorise a proposed 3000MW gas-to-power plant, to be built in Richards Bay, KwaZulu-Natal.

The litigation was launched in 2021, with the matter being heard in the North Gauteng High Court in Pretoria on 2-3 August 2022. In its judgment of 6 October 2022, Judge Millar dismissed the application, and upheld the decision to grant environmental authorisation, despite finding that the public participation process was woefully inadequate. The judge found it sufficient to cure the procedural unfairness by publishing a notice in the local language, isiZulu, that environmental authorisation had been granted for the polluting activity.

The High Court judgment was a setback for environmental law and human rights in many ways, and the precedent has been relied upon in subsequent oil and gas environmental impact assessment processes. After being denied leave to appeal by the High Court, in February 2023, Natural Justice supported SDCEA and groundWork to petition the Supreme Court of Appeal directly to hear an appeal against the judgment.



Natural Justice and partners outside the Pretoria High Court during their arguments to stop the authorisation of a gas-to-power plant in Richards Bay.



WEST AND FRANCOPHONE AFRICA

Supporting community in land grabbing dispute with individual

Since December 2022, Natural Justice has been collaborating with the national network of local communities TAFO MIHAAYO and the association of local communities “VOI Tsarafara” on the dispute between the latter and a private individual who wishes to acquire forest land managed by the community in Tsiazompaniry. The forest is managed by the community through a contract concluded with the State represented by the Regional Director of the Environment.

The Court of First Instance’s ruling of 08 August 2020 was in favour of the community by arguing that the land claimed by the individual was not in the area managed by the community, but in another location. Furthermore, the individual had not lodged any objections during the management transfer procedure pertaining to the disputed land. This decision by the Court of First Instance was overturned by the Court of Appeal on 17 August 2022, which declared that the land claimed by the individual was indeed in the area managed by the community. As the Tsarafara association had not obtained authorisation to carry out operations and works on the site, it therefore constituted an occupier without title. The Court of Appeal ordered the members of the association to leave the premises and pay a fine.

Natural Justice provided advice to obtain the suspension of the decision of the Court of Appeal condemning the community to pay a fine to the private individual and supports the community in its approach to bring the case to the Court of Cassation. This case may set a precedent if the community loses, as it will allow individuals to grab land in areas managed by local communities under a management transfer contract with the State.



Supporting human rights defenders in Madagascar

In June 2022, Malagasy environmental defender, Henri Rakotoarisoa, was assassinated. He was a community leader involved in trying to defend an endangered forest. Natural Justice joined other civil society organisations in condemning his death and calling for the guilty parties to be arrested.

Deaths like that of Henri Rakotoarisoa are one of the reasons that Natural Justice is part of a group of civil society organisations monitoring a draft bill initiated by the Ministry of Justice on human rights defenders - including environmental defenders. The draft bill includes guarantees and protection measures for defenders to freely carry out their work. CSOs have also requested clarity on the situation of activists and whistleblowers, taking into account the national context, especially the various threats and pressures they are vulnerable to.

The team in Madagascar also assists the defenders who are under threat through the African Environmental Defenders Fund, which provides emergency funding to defenders who need to implement emergency measures to guarantee their lives and work.

In 2022, two cases benefitted from short-term legal support and one benefited from temporary relocation. Defenders received advice on how to deal with the threats and pressures encountered in the course of their activities.



Henri Rakotoarisoa was murdered in 2022 due to his activism against logging in Madagascar.

Legal and judicial assistance to the Cayar community in its case against the Touba Protéine Marine factory (EX BARNA SENEGAL)

On 6 October 2022, at the court of first instance in de Thiès, the first hearing was held in a dispute between the communities of Cayar and the Touba Protéine Marine factory (formerly Barna Sénégal). Established in Cayar in 2018, the company's activities violate several provisions of the environmental code and have a considerable impact on community life.

The hearing gave the communities an opportunity to present the damning evidence they had gathered over many months, showing clear violations of human and environmental rights by the company.

Although the case was adjourned until 3 November 2022, and subsequently dismissed, the people remain as mobilized as ever against this facility, which deprives them of their constitutional right to a healthy environment. Updates on the merits of the case are continuing, in order to gather as much evidence as possible for a trial on the merits.

Unfortunately, the case led to the arrest of several community activists for "aggravated theft and criminal conspiracy". Natural Justice, through the Environmental Defenders Initiative emergency fund, was able to provide legal assistance to the defendants by hiring a lawyer for their parole.

05 FINANCIALS

*Natural Justice Detailed Income Statement

	Notes	2023	2022
Revenue	1		
Donations		110,044	75,925
Grant Funding		49,497,093	27,876,611
Consultancy Fees		250,836	2,417,451
		49,857,973	30,369,987
Other Income			
Other Income		8,898	95,205
Earthrise Mountain Lodge Income		300,000	169,060
Interest Received		535,552	397,755
Gains on exchange rate differences		9,340,970	-
		10,185,420	662,020
Operating Expenses			
Audit fees - MAZARS		392,887	272,416
Bad Debts		72,270	-
Bank Charges		250,551	160,367
Cleaning		68,596	70,408
Conference and workshops		-	818,881
Computer Expenses		1,915	-3,163
Consulting Fees		14,254,799	10,685,721
Courier & Postage		1,725	-
Depreciation		312,376	126,186
Donations			7,248
General expenses		352,924	-
Employee Costs		10,264,130	7,885,730
Insurance		80,927	71,629
Interest Paid		5,299	
Leasing rentals on Operating Lease		719,456	399,732
Legal Fees		500,000	
Loss/Gains on exchange rate differences		-	1,670,700
Magazines, books and periodicals		73,557	
Municipal Expenses		47,476	69,501

Printing & Stationery	47,244	26,300
Postage		60,816
Project Contribution	12,598,224	5,942,455
Repairs & Maintenance	2,000	69,616
Staff Training	12,600	-
Subscriptions	11,868	17,008
Telephone & Fax	360,584	297,806
Travel & Accommodation	8,874,607	2,448,471
	49,306,015	31,097,828

Surplus / (Deficit) for the Year	5	10,737,379	-65,821
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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	2023	2022
Assets	1		
Non-current Assets			
Property, plant and equipment		858,155	597,618
Current Assets			
Loan to related party	2	526,159	1,157,704
Trade and other receivables	3	42,164,688	27,882,977
Cash and cash equivalents	4	31,724,613	20,524,423
		74,415,460	49,565,104
Total Assets		75,273,615	50,162,722
Equity and Liabilities			
Member's interest and reserves			
Accumulated surplus	5	14,250,830	3,513,452
Liabilities			
Current Liabilities			
Trade and other payables		3,334,120	7,027,984
Loan from related party		-	2,110
Deferred revenue		57,675,984	39,606,297
Bank overdraft		12,681	12,879
		61,022,785	46,649,270
Total Equity and Liabilities		75,273,615	50,162,722

*All figures are extracted from the Audited Annual Financial statements for the year ended 28 February 2023

*Natural Justice Statement Of Cashflows

	Notes	2023	2022
Cash flows from operating activities			
Cash generated from operations		10,609,393	2,327,916
Interest income		535,552	397,755
Finance costs		(5,299)	-
Net cash from operating activities		11,139,646	2,725,671
Cash flows from investing activities			
Purchase of property, plant and equipment		(572,913)	(511,538)
Cash flows from financing activities			
Net movement in loan with related parties		633,655	(446,701)
Total cash movement for the year		11,200,388	1,767,432
Cash at the beginning of the year		20,511,544	18,744,112
Total cash at the end of the year		31,711,932	20,511,544

*All figures are extracted from the Audited Annual Financial statements for the year ended 28 February 2023

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. This is a new bank account that was opened in the current year. 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 or receivable 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

Subsequent to the completion and issuing of the 2023 audited Annual Financial statements, the Organisation had a change in the accounting policy for Revenue. This will have a subsequent effect on the 2023 figures and a detailed account of the changes will be documents in the 2023-2024 annual report.





