



Center For Justice Governance And Environmental Action



REPORT OF THE 5TH ANNUAL LAND AND ENVIRONMENTAL DEFENDERS WORKSHOP HELD AT FLAMINGO BEACH RESORT HOTEL FROM 24TH -26TH NOVEMBER 2021.

(Tools for the realization of environmental justice and socio-economic rights in Kenya)



ACRONYMS.

ATI – Access to Information Act
CAJ – Commission of Administrative Justice
CBO - Community Based Organization
CJGEA - Center for Justice Governance and Environmental Action
COVID-19 – Corona Virus Disease
CRD – Civil Rights Defenders
CSO – Civil Society Organizations
KAM- Kenya Association of Manufactures
CSR - Cooperate Social Responsibility
UPR - Universal Periodic Review
NAP – National Action Plan
SG - Secretary General
CSO - Civil Society Organizations
UNGPs - United Nations General Procedures
HRDs - Human Rights Defenders
MCA - Member of County Assembly
CDA - Community Development Agreement
CDAC- Community Development Agreement Committees
HURIA – Human Rights Agenda
KWS – Kenya wildlife Service
KDF - Kenya Defense Forces
LED - Land and Environment Defender
EHRD - Environmental Human Rights Defenders
NEMA - National Environment Management Authority
NGO - Non-Governmental Organization
OHCHR - UN Office of High Commissioner on Human Rights
PI - Protection International
UK – United Kingdom
UN – United Nations
UNEP – United Nations Environment
URG – Universal Rights Group



ABSTRACT

This year's workshop marks the 5th Annual Land and Environmental Defenders (LEDs) since [Center for Justice Governance and Environmental Action \(CJGEA\)](#) begun hosting the annual LED workshops for the LEDs since 2017 in collaboration with her partners. The main aim of the annual workshops is bringing together LEDs from the 47 counties of Kenya under one umbrella of the National Land and Environmental Defenders Network to build their capacity on array of topics that relate to their work. The workshops have remained critical in providing a safe platform for the LEDs to share freely on their community and personal struggles related to their work; learn from each other through sharing of experiences; brainstorm on advocacy strategies for their courses; and come up with resolutions aimed at bettering their security situation and working environment as well as promoting land and environmental rights. LEDs globally are facing heightened security risks and lethal backlash for their legitimate work in defending land and environmental rights of their communities. They have continually been subjected to unwarranted violence by those that carelessly exploit the environment for profit. Some of the LEDs in our network are currently dealing with multiple criminal cases that were brought against them by their adversaries. Judicial harassment has been increasingly used by those against LEDs work to intimidate and coerce them into submission to abandon pursuing their courses. The COVID-19 pandemic on the other hand has added a layer of unprecedented risks faced by LEDs e.g. health risks. This has presented a challenging and stressful work environment for LEDs. It is therefore more important than ever to continue supporting LEDs to keep standing up for environmental and human rights despite the challenges brought about by the pandemic. The 5th Annual LED workshop provided a platform for sharing of experiences, both success stories and challenges that LEDs have experienced in the course of their work and how this has impacted their perception of the work they do especially during the COVID-19 period. The 5th Annual Workshop attracted participation of up to 72 participants in total. They included LEDs, CSOs working on environmental and land issues, duty bearers, international organizations, the media, advocates etc. The LEDs had the opportunity to learn from highly experienced and skilled speakers which encouraged maximum engagement during the sessions. The workshop was based on an interactive methodology which included presentations, practical exercises and simulation to illustrate methodologies and discuss challenges faced by the participants. A typical session comprised of a presentation, discussion, and one or more practical exercises, either in plenary, working groups, pairs or alone including role-plays, drafting exercises, case discussions, and brainstorming. The workshop strictly adhered to the Ministry of Health COVID-19 protocols. This report outlines the events that took place at the workshop and entails information on all the sessions that were conducted during the workshop.

TABLE OF CONTENTS

ACRONYMS.....	ii
ABSTRACT.....	iii
1.0 Introduction.....	1
1.1 Objectives	2
1.2 Participation	2
1.3 Opening Remarks.....	2
1.4 Speech by CJGEA.....	3
1.5 Training by the Commission on Administrative Justice (Ombudsman) presentation on the role of the Ombudsman in access to information.....	3
1.6 Presentation by NEMA.	5
1.7 Presentation of the OHCHR on enhancing understanding and awareness of the UPR recommendations for Kenya and the National Action Plan on Business and Human Rights, as opportunities to pursue environmental justice and the realization of human rights related to the environment.....	6
1.8 Update on the HRC Resolutions 48/13 on the right to a healthy environment.....	6
1.9 Training on CDA, the Mining CDA Regulations of 2017 how the framework operates, its constitution and how to leverage it to address land and environmental rights violations around extractive industries and mining areas	7
1.10 Sharing of insights on the preliminary study report on CDA	8
1.11 Sharing of experience working with CDAs	10
1.12 Plenary.....	10
1.13 Evaluation of day one.....	10
2.0 Recap of the previous day	10
2.1 Media Training.....	10
2.2 Sharing some practical experiences/stories from the field in use of media to enhance protection of the environment	11
2.3 Training on Social Media.....	12
2.4 Continuation on media training.....	13
2.5 Interactive QA session between the LEDs and the attending media practitioners.....	14
2.6 Evaluation of day two	15
3.0 Recap of the previous day	15
3.1 Presentation on capacity building on how to find support	15
3.2 Risk assessment and security Management for Human Rights Defenders presentation.....	16
3.3 Sharing of feedback from Asia Pacific Network of Environmental Defenders (APNED) Forum.	17

3.4 Sharing on the LED network experiences and how it has evolved and developed over the past five years..... 18

3.5 Capacity building on digital security. 19

3.6 Sharing of LED experience on their work. 20

3.7 Closing keynote speech and presentation of certificates..... 21

3.8 Workshop Resolutions:..... 21

4.0 PICTORIALS 22



1.0 Introduction

The fifth annual LED workshop focused on building the capacity of the LEDs on tools for the realization of environmental justice and socio-economic rights in Kenya. Through this, we aimed to introduce the LEDs to new tools they could leverage to pursue and address environmental issues in their communities. CJGEA together with the LED network members had previously done extensive work to leverage some of the existing avenues such as the County Environment Committees (CECs) that have greatly helped shape environmental governance and environmental decision-making at the county level. In this year's workshop we introduced the LEDs to the framework on Mining Community Development Agreements Regulations of 2017 (CDA 2017). This is a policy framework they can leverage to address land and environmental rights issues around mining areas. We brought experts who through capacity building sessions in the workshop educated the LEDs on the CDA framework and how to leverage it to aid in their work. The LEDs were also introduced to the UN Systems and Human Rights Mechanisms and how to engage with them to help in their work. Others included the media, ombudsman etc.

This year's workshop was organized and convened by the Centre for Justice Governance and Environmental Action (CJGEA) in partnership with the United Nations Office of the High Commissioner for Human Rights (OHCHR), UN Environment (UNEP) and KIOS-The Finnish Foundation for Human Rights. The workshop took place over a three day period at Pride Inn Flamingo Beach Resort from the 24th to 26th of November, 2021.

The forum was interactive and the participants had the chance to discuss on the following key topics.

- Role of the Ombudsman in access to information
- Role of NEMA in the promotion and protection of the right to clean and healthy environment.
- Enhancing understanding and awareness of the UPR recommendations for Kenya and the National Action Plan on Business and Human Rights, as opportunities to pursue environmental justice and the realization of human Rights related to the environment.
- Training on CDA.
- How to interest the media on environmental justice.
- Capacity building on how to find support.
- Capacity building on digital security.
- Media and Public Opinion.
- Risk assessment and security Management for Human Rights Defenders.

The above topics were discussed in details, in line with the workshops agenda.

1.1 Objectives

The following were the objectives for the 2021 workshop.

- 1. To leverage the media as a tool for the realization of environmental justice and socio-economic rights in Kenya.** One of the tools that CJGEA has used during the course of its work is the media. This objective aimed to ensure that the LED community can leverage on responsible media engagement to promote their work, security, and gain public support for their courses. The media is one of the most efficient and trusted sources for disseminating information and therefore is very vital in swaying public opinion especially for the courses of the LEDs..
- 2. To discuss alternative avenues and potential opportunities for pursuing environmental justice through** new national policy frameworks and international processes including the mechanisms and instruments of the UN system that have a bearing on the national context. This includes opportunities linked to the implementation of the Mining Act of 2016,¹ Universal Periodic Review recommendations accepted by Kenya, and the National Action Plan on Business and Human Rights.
- 3. To enhance learning through sharing of experiences on LEDs work and disseminate information to defenders on the support resources available for them in Kenya through the web resource and the phone book directory developed by the Universal Rights Group.**² The workshop provided a safe platform where the LEDs interacted freely by sharing their personal experiences in the course of defending land and environmental rights. We also disseminated information on the support resources available for the LEDs in Kenya through the web resource that has been developed by Universal Rights Group (URG) with the partnership of CJGEA and others five pilot countries.

1.2 Participation

The workshop attracted participation from LEDs countrywide, duty bearers including NEMA, CAJ, Ministry of Petroleum and Mining, international support organizations, CSOs working on land and environment, individual LEDs. Up to 70 participants attended the conference with close to 50 being hosted in the hotel for the entire workshop period.

1.3 Opening Remarks

The meeting was opened with welcoming remarks from CJGEA and OHCHR.

Tom Bicko, the programs officer at CJGEA opened the meeting with the national anthem, invited the guests and then invited Madam Claris Ogangah of OHCHR who thanked the

¹ [Mining Act no. 12 Of 2016](#)

² <https://environment-rights.org/>

participants for attending the workshop with so much dedication. She also thanked CJGEA for organizing the workshop which brought LEDs from all parts of the country. She noted the government's commitment to taking up lead cases, a case in point of the adoption of a resolution by the government to appeal a council on environmental matters alongside a lot other changes and policies that embrace environmental matters. Madam Phylis Omido, the Executive Director CJGEA then made her welcoming remarks where she noted the milestone that have been achieved since the first annual workshop and reiterated the need for commitment in order to achieve more and better results in the field of defending Human Rights. She used the opportunity to remind participants of the Owino Uhuru story. Tom then welcomed journalist and veteran media personality, John Allan Namu and invited him to make a few remarks. He thanked the LEDs on the good and commendable work they were doing despite the challenges and risks they faced in line of duty. He was categorically happy to highlight the Owino Uhuru story and how he had found himself working to help put the story in the public eye. Mr. Tom Bicko then welcomed everyone and moved straight into the agenda.

1.4 Speech by CJGEA

This speech was given by Mr. Tom Bicko, of CJGEA. He briefed the participants on the mandate of CJGEA their vision, mission and goals. He pointed out the areas the workshop would focus on. He briefly commented on the day's agenda as well as the workshop objectives and the expected outcomes at the end of the workshop. He mentioned the need to enhance advocacy on matters environmental and human rights protection. He noted that environmental rights are intricately linked to human rights and hence the need to always stand up and defend those rights. He urged the participants to make full use of the sessions in the agenda so as to impact their personal capacity and that of their organizations.

1.5 Training by the Commission on Administrative Justice (Ombudsman) presentation on the role of the Ombudsman in access to information.

This session was facilitated by Esha Mwijuma, an advocate of the high court of Kenya from the Ombudsman's office. Being human rights actor, she engaged people in understanding the challenges faced while interacting with the government offices and other duty bearers e.g. the ministries and even the judiciary while trying to access information. She helped participants understand Access to Information (ATI) as the ability to access (get, receive and reach) information from government and private institutions without any bias or hindrance. Mwijuma further explained that it's a law enshrined in the constitution under the ATI act in a law passed in September 2016. This law, she stated is a very essential and fundamental tool for the land and environmental rights defenders in their work. She further mentioned all the lands and environmental actors need to equip themselves with this knowledge and information. Being in the bill of rights makes it a fundamental right to hold to.

Land and environmental actors and defenders need to understand their rights and appreciate them. These include;

- The right to access information.
- The right to a clean and healthy environment.

Mwijuma made it possible for the participants to know that they can ask for information regarding land matters from both public and private institutions and they should be able to have them without planned denial. She gave a demonstration on poor and closed governance as regards to ATI.

She ensured that the participants understood why the right to ATI was important and gave some of the reasons as;

- Create a way for government bodies and private institutions to provide information when requested.
- To create a way of educating ‘wananchi’ about the right to information
- To give the ombudsman office the powers to ensure that ATI act is followed.
- To provide protection to people who provide information in the public interest (whistle blowers).

Mwijuma was able to help the participants understand that they don’t need to request for information for them to be able to get whatever information they need since the law already provides for proactive disclosure where a public body is required to make information readily available to the public. She urged LEDs to take advantage of this yet made them aware that not all information in a public institution can be made public. These she explained included information that may:

- Affect National security.
- Affect the due process of the law.
- Put in danger safety, health or life of a person
- Lead to unlawful invasion of privacy.

She explained to members the difference between information and record and defined record as inscribed information while information are things that are or can be known about something and went ahead to discard the notion held by some duty bearers such as NEMA that information not recorded should not be given out. She stated that information is anything that should be known even without inscription and urged the LEDs to seek information regarding a course they are defending without fear of being denied the same.

She gave the participants examples where private institutions were covered by the ATI act and therefore needed to provide information whenever called upon to. Private institution such As Safaricom were covered in this since they receive public resources and funds; carry out public functions; and Receive public resources and benefits.

Esha further explained that the LEDs just like any other citizen had the right to correction of personal information as well as to apply for the deletion of incorrect personal information against them by the state. She elaborated using a case in point of Madam Phyllis who had a criminal record put in her certificate of good conduct for having led a demonstration to protect the

environmental rights of Owino Uhuru residents. She stated that a certificate of that nature could read; nil meaning no criminal records at all; Outstanding meaning there was a court process on going; charged but acquitted; or guilty. She noted that contrary to what had been written on Madam Phyllis's records, she could apply for the deletion of the same since they were untrue records having not been found guilty by the courts.

She then explained whom the law applied to, how the information dispensation should be done and how long it should take before it is dispensed after application and who should dispense the information needed.

Esha finally proceeded to explain where to turn in case one is rejected during the process of information acquisition before she came to a close of her in-depth and very informative presentation by urging all the LEDs to be information conscious in order to help them in their lands and environmental rights work.

1.6 Presentation by NEMA.

This session was carried out by Mr. Bakari Mangale a senior compliance and enforcement officer from the NEMA office in Kilifi County. He began by making the participants understand what NEMA is and its roles within the society. He then stated that NEMA was instituted to help find solutions to practical problems that people find in cohabiting with nature, resource exploitation among others. He noted enthusiastically that human beings were at the center of concerns for surreal and natural development and thus needed to be in harmony with nature. He took time to explain environmental management and why it was at the center of NEMA's mandate and definition.

Mr. Mangale helped the participants and LEDs to understand NEMA's mandate and therein stated that it was the only principle instrument of the government which was mandated to undertake matters environment and as such was always ready to collaborate with the LEDs to see a smooth environment for the human survival.

He took the LEDs through understanding the management tools that NEMA use to realize an effective plan. These include:

- The National Environment Council. (NEC)
- The County Environment Committee (CEC)
- Environmental administrative and organizations.

He further mentioned the administrative tools that they as NEMA used to ensure a full mandate implementation as well as inclusivity of all the LEDs in the line of their duty. These were;

- Environmental auditing
- Life cycle assessment
- Environmental Impact assessment
- Public participation

He concluded by highlighting the challenges that NEMA faced in executing their duties. These he mentioned among others, lack of economic incentives, Inadequate awareness among the citizens on their right to a clean and healthy environment, political interference, inadequate technical know-how within the authority and corruption.

1.7 Presentation of the OHCHR on enhancing understanding and awareness of the UPR recommendations for Kenya and the National Action Plan on Business and Human Rights, as opportunities to pursue environmental justice and the realization of human rights related to the environment.

This session was presented by Claris Ogangah, a representative from the OHCHR who introduced the session by reminding the LED participants on what human rights are and went ahead to explain that there are nine human rights conventions and treaties. She then proceeded to touch on each of the treaties and conventions including those that Kenya had ratified. She explained that out of the ten treaties, Kenya had ratified about 7 making them laws to be abided to by the state.

She told the participation bench that all the charter based human rights worked hand in hand with the Human rights council to ensure protection and adherence to these laws.

She took her time to explain the charter based rights and what each means in the fields of human rights.

Claris gave an overview of the UN General Procedures under which she explained its duties and went ahead to subdivide in explanation the state duties versus the business duties to protect these laws and charters. She also made the participants understand how National Action Plan ensures the implementation of the policies developed to protect environmental and human rights.

She explained the 3rd cycle recommendation on environment and environmental rights matters. Explaining the role of CSOs, she mentioned they included among others, engaging with the government to implement the recommendations of the climate change laws and engaging communities to adopt measures to mitigate climate change.

In her closing remarks she encouraged members to continue the good job they did in defending the environment and also urged them to look at the Owino Uhuru case decision as well as the LAPSSET decision to be able to learn how Kenya has advance in environmental laws.

1.8 Update on the HRC Resolutions 48/13 on the right to a healthy environment

This session was presented virtually by Angela Kariuki a representative from UNEP Angela started by making the participants aware of the existence of the UNEP EHRD policy and its relevant significant development to lands and environmental protection.

Angela also updated the participants on the Human Rights Council resolution 48/13 which was a Landmark resolution recognizing the right to a healthy environment internationally. She mentioned that this would see countries give more attention to environmental issues as opposed to previously when the right to a clean and healthy environment was not recognized internationally.

She gave a briefing on UNEP defenders policy of 2018 which lacked the clarity on how to deal with Human and LED rights, an issue which became one of the reasons for the development and final Adoption of the new policy. The policy developed in-built response mechanisms which she said had seen milestones achieved in the climate change agenda push as well as land and environmental protection.

She highlighted the key elements of the EHRD defenders policy 2020 which included:

- Extended scope and application
- Clear purpose
- Response mechanism
- Programming

She however noted that implementation of that policy has not been without challenges and she highlighted some of them as:

- Slow response to the implementation process
- Lack of understanding of how to implement the process
- Lack of broad partnerships including with the CSOs

She concluded by reporting on the planned steps for the same in order to achieve more, they included:

- Signing of the agreement by the executive director
- Good policies project
- Operationalization of the SDGs call to action for human rights.
- Good practices projects

Angela then congratulated the participants and the organizers for a successful event of the 5th annual workshop.

1.9 Training on CDA, the Mining CDA Regulations of 2017 how the framework operates, its constitution and how to leverage it to address land and environmental rights violations around extractive industries and mining areas

This session was facilitated by Mr. Fredrick Wafula, a representative from the ministry of Petroleum and mining.

He began the session by stating what CDA agreements were and gave a clear definition of the same. He explained that Community Development Agreements referred to the agreement signed between mining companies and the community members in order to give back at least one percent of their earnings back to the community through development activities such as sponsorships, community projects among others.

He explained the need for CDAs among which included the fact that they led to attainable distribution of benefits from mining plants. These benefits he mentioned helped to grow the community within which the mining company carried out its operations.

He went ahead to explain to the LEDs the Mining Act of 2016 which gave birth to the CDAs and consequently a committee to oversee the implementation of the agreement act known as the CDAC.

He highlighted the different components of CDACs that is the Community Development Agreement Committees as:

- The youths
- Civil Society organizations
- Persons with disability
- Governors

He went ahead to explain the constitution of CDAC and its mandate as a body, top of which is the mandate to settle all the disputes arising between parties in CDA connections.

He then took time to take members through the CDA development process which started at the preparation stage, through to the formation stage and finally the implementation.

Exhaustively, he took the participants through the process of entering into a CDA which involved two major steps of consultations and negotiations which he stated must be conducted in accordance with an agreement negotiation schedule. The schedule outlines dates, time and issues for each negotiating meeting. He then explained what could happen if at all the negotiations fail and what can be done. The following are the steps to be taken when negotiations fail:

- He explained the content of a CDA which could include: protection of the environment and natural resources;
- support for cultural heritage and sports;
- protection of ecological systems;
- funding and control mechanisms to ensure funds are utilized as intended and accounting processes are transparent and audited;
- educational scholarships
- Assistance with the setting up and support to all small scale environments
- dispute resolution; and
- Any other areas that may be agreed between the parties.

Mr. Wafula concluded by explaining on the effectiveness of a CDA, and the obligations after signing and entering into a CDA before thanking the participants for their time and the organizers for the good work they were doing.

1.10 Sharing of insights on the preliminary study report on CDA

This was 25 min sessions steered by Fredrick Ochieng' of CJGEA who took time to present a situational analysis study on the implementation of CDA 2017.

He began by noting that Kenya is privileged to have a comprehensive and progressive mining Act and noted that state and non- state partnerships existed under this Act.

State partnerships include entities such as; the ministry of Industrialization, Trade and Enterprise Development, Kenya Association of Manufactures (KAM), Kenya Chambers of Mines (KCM), Land and Environmental Defenders (LEDs), Ministry of petroleum and Mining.

He then presented to the participants a catalogue of mining industries operating in Kenya. Examples he gave were Athi River Mining Company, Ken salt, Bamburi Cement, Mombasa Cement etc. The list of industries was very important for the LEDs in their advocacy work, knowing which mining industries operated in their areas and who the main players were.

Fred went ahead to give the Base Titanium case study where he mentioned that they had an active CDA in place and mentioned that it's CDAC was composed of:

- Youth representatives
- Community elders
- The holder
- Women representative
- MCA

Its roles include; monitoring compliance of the CDA, Settle community grievances and identify service providers.

Since inception of operations of the CDA agreement, Fred stated that the following milestones had been achieved; educational scholarships, employment for members and sourcing for service providers.

The challenges affecting the CDA implementation he highlighted as:

- Capacity gaps from representatives
- Political interference
- Committee less in women representation

He also mentioned others like Shanta Gold Limited as a case study and told the members that it did not have any active CDA in place, Bamburi cement too was a case study in point that did not have any active CDA in place according to his study.

He highlighted the challenges that are faced in the implementation of the CDA process as, corruption, self-interest, lack of sensitization, lack of capacity by the committee members etc.

He then gave the difference between Corporate Social Responsibility (CSR) and CDA, among them being that CDAs are law governed while CSRs are in place through voluntary initiatives from the companies to the community. Important to note is that a case like Mombasa Cement Company were confusing CSR programs for the CDA. He therefore noted that it was important that mining companies got to know the difference between CDA and CSR.

Fred concluded by providing recommendations out of the studies carried out. They included:

- The need for capacity building

- Awareness creation
- Robust sensitization around the CDA regulations.
- Gazetement of offices instead of individuals

An emphasis on the recommendations was also given by Mr. Wafula as he clarified on a few issues that arose like the difference between CSR and CDA.

1.11 Sharing of experience working with CDAs

This was a short session led by Faki Omar, a defender from Kwale County who narrated the experience of his journey as a CSO representative through the CDA implementation and implementing industries. He gave accounts of success stories and how his community has partnered with the local mining industry to implement CDA, he urged members to embrace CDA as a way of achieving success for the society. Among some of the goodies that were brought by the CDA in place was building of infrastructure e.g. classrooms, payment of school fees for the needy, promotion of businesses through issuance of loans etc. He mentioned that all the achievements of the Kwale CDA could be accessed at a CDA website which was developed for the sole purpose of highlighting the achievements by CDA.

1.12 Plenary

The plenary session saw everyone participate in an inclusive, interactive and discursive pool. They discussed the topics of the day and raised questions that had not been asked in previous sessions which each facilitator/trainer addressed accordingly. Each member took the opportunity to find more on what they might have missed or needed clarity on.

1.13 Evaluation of day one

Conducted by CJGEAS's Tom Bicko, he closed the day's sessions by asking the participants to summarize what they had learnt from the day's sessions. Tom then closed the day's sessions with a brief on tomorrow's sessions.

2.0 Recap of the previous day

Day two of the workshop started by a few participants being given the opportunity to remind themselves of what they could remember from the previous sessions and particularly what they had learnt and picked as important aspects for their work. After this the main trainings of the day kicked off.

2.1 Media Training

This session was led by John Allan Namu and it included both practical and theoretical trainings. He started the session by dividing people into groups of five and asking them to each choose a representative who would tell their stories while ensuring that the stories captured all the three aspects of good story, that is, interactive, personal and with purpose to which members did perfectly well.

He then explained purpose as the ‘why’ in a story, Personal as the emotions that are emitted by a story told and finally the interactive as a story that involves the audience.

Allan went ahead to explain how journalists can help in the fight for environmental justice an issue he said involved voicing the voices of the LEDs through the media when they could.

He highlighted the story of Owino Uhuru in which he was a major player in bringing to light the rights violations that had taken place in the community through an expose and how he and madam Phylis worked hand in hand to ensure that the issues they were raising were addressed. He talked of how the credibility of a story attracts journalists to its writing and telling.

He demonstrated how media could be used to express issues land justice and that was through them; being able to understand and explain various environmental impacts in the lives of their audience. Prioritizing the issues of environmental justice and finally humanizing the story.

He taught the audience on how to put together a successful documentary under which he said that:

- One must come up with a clear hypothesis
- Stay with what’s familiar collaborate to complement each other
- Tell a story
- Track costs

He reminded the participants that the media played a huge role in swaying public opinion and as such was a very key player in helping them relay their messages on land and environmental matters. They could therefore collaborate with the different media personalities to tell their stories especially the land and environmental journalists.

He concluded by explain how the LEDs could get their message across in this digital age depending on the target audience. He mentioned the use of other social media roots such as Facebook, WhatsApp, twitter to relay a message and each depending on the target audience.

He finally wound up by thanking the LEDs for the good work they were doing and for their dedication to ensure justice for the environment.

2.2 Sharing some practical experiences/stories from the field in use of media to enhance protection of the environment

This was a session facilitated by Geraldine Deblon from OHCHR who took time to demonstrate that a good relationship between the media and the LEDs can enhance protection of the environment and effectively for that matter.

She started by explaining the link between environmental protection and human rights and further added that the two go hand in hand. She then posed a question of whether the media had done enough in reflecting the human rights aspects.

She gave the two types of approaches that could be used by voicing environmental defenders to communicate their needs to the media. They included integrated and traditional approaches.

In striving to use the media to tell our stories, Geraldine told the participants to:

- Create a platform that could be able to connect them with other media networks.
- Know their media
- Focus on a face to face interaction
- Empower people to tell their own story, a community can be trained on communication
- Create communities instead of content; this could be a what sap group which could later be enjoined to talk on behalf of the whole group

She gave to the participants the basic communication principles which were:

- Turning fear to hope
- Focusing on what one is fir instead of what they are against
- Turning threats into opportunities
- Turning the victims into every day hero.

She then concluded by telling the participants a Mauritius case study which became a success as result of making media a talk platform before she thanked the participants for listening and wrapping her presentation.

2.3 Training on Social Media

Facilitated by Nahashon Kimemia, the session focused on training the EHRDs on how social media could be used as a tool to voice their concerns on land rights and environmental justice matters.

He started off by defining social media and mentioned it as Forms of electronic communication (as Web sites for social networking and blogging) through which users create online communities to share information, ideas, personal messages, and other content as videos. He then went ahead to provide its characteristics which included, interactive and participatory and mentioned that for this to be possible one must create a profile

Nahashon mentioned the types of social media such as blogs, emails, games and entertainment apps, message brands, social networks like Facebook, connection sites e.g. dating sites and he even mentioned the existence of an environmentalists' dating site, to the marvel of the participants.

He brought to the audiences' knowledge the most common social media networking sites; Facebook, LinkedIn and WhatsApp and went ahead to show how Bosco Juma was selling his brand and environmental works on LinkedIn. Another demonstrated work was how CJGEA voiced the issue of Owino Uhuru on twitter and gained support from like- minded people who added their voices on the same to help push the agenda of helping the people whose lives had been affected by led poisoning.

He explained the different functions of social media as

- Create identity, reflect, and recreate
- Tend to relationships in different ways
- Perform work functions
- Seek information or share ideas
- Offer opinions or consider the opinions of others through social media
- Entertain or find entertainment

Nahashon then tackled the general pros and cons of social media which included visibility creation, entertainment, seeking solidarity, venting against addiction loss of productivity among others before going ahead to explain how social media is an advantage to the LEDs and urged them to embrace its use.

He painted the ingredients of a good post, how to gain followers on social media through actions like tags, shares and likes, how to become a pro on social media through actions such as encouraging deep conversations, teaching others about social media, creating a relationship with our followers. His presentation taught the participants on how to engage with the media successfully.

He concluded by giving the statistics of the engagement of the different social media platforms like Facebook twitter and what Sapp and reiterated that there is strength in numbers and as such the LEDs should seek the right platform of conveying their messages to their audience by engaging and weighing where there are numbers to be able to achieve a wider reach.

He wrapped his presentation by saying that a journey of a thousand miles begins with a single step and so, the journey of saving our environment starts from the steps we have initiated.

2.4 Continuation on media training

This was a session slotted for facilitation by Francis Ontomwa, former KTN TV news reporter now at BBC who started by letting the audience know the types of mainstream media as TV, Radio, Podcasts online, data visuals, info graphics and graphics and went ahead to discard the notion that mainstream media only constituted the TV and the Radio as was for a long time believed. This he said was because any platform that helped you get news then became your mainstream.

He provided tips on how to handle media interviews under which he said that one of the effective ways of handling media interviews was through pitching story ideas to journalists, not focusing on the organization but instead focusing on the story since the story would sell the organization eventually if it was a good one.

He continued to explain that LEDs had rights when engaging the media and he highlighted some of the rights as sourcing protection, the right to privacy, the right to not allow listening devices when being interviewed which helped them to keep safe and not be exposed to their adversaries,

right against discrimination and finally the right to confidential sources meaning one must not be coerced into revealing the sources of their information during an interview.

Otomwa concluded by helping the participants know how to write an OP- ED which in full means Opinion Editing or Opposite Editorial.

An OP- ED he said was one of the platforms the LEDs could use to express their opinions and still reach a number of people.

The writing of an OP- ED he mentioned involved:

- Knowing the topic
- Researching
- Making it relevant
- Tailoring the idea to the local environment
- Finding a suitable platform
- Keeping it simple and using data sparingly.

2.5 Interactive QA session between the LEDs and the attending media practitioners

This session was moderated by Betty Sidi who led the participants into asking the media practitioners all the questions that they had regarding their previous presentations.

She started off by asking Otomwa if the issue of brown envelopes that is said to be exchanging hands amongst the practitioners before they can agree to take up a story for anyone is true. This sparked an interesting debate. Most of the media practitioners present answered disputed the sentiment while others concurred that it was not a good practice. Some of the media people said that it was the credibility and realness of a story that would see them cover and help expose an issue but not how much one could give in terms of incentives.

One of the participants gave a scenario where she mentioned that it would not be bad to facilitate a media person to come cover a story that you would need them to do for you. This she said was because some of the media people were poorly paid and hence there was need to appreciate their work at times.

After a long debate on the same, all the media practitioners informed that they never really took bribes to cover stories but sometimes could be appreciated for their work. Peter from Magarini informed the participants that there was a difference between working with and engaging the media and as such, all the LEDs needed to start engaging the media for better results.

So many other media related questions were asked and this indeed was one of the most educative and interactive sessions of the workshop.

2.6 Evaluation of day two

An evaluation of the day's events and sessions was carried out under the lead of Tom Bicko from CJGEA. Participants were allowed to provide their insights on the day's topics and give brief accounts of what they learnt. There was a unanimous agreement that the day had been successful and that all that was covered was indeed helpful to the LEDs work. The day came to a close as members took a coffee break in preparation for the following day.

3.0 Recap of the previous day

Day three of the workshop started on a high note with a recap of the previous day's events. The participants were given a chance to briefly share what they had learnt from the previous day. Most of the participants pointed out the media training session as one of the topics that was very helpful and interesting for them. After that we moved straight to the day's agenda.

3.1 Presentation on capacity building on how to find support

This was a two tier presentation session presided over by Bicko of CJGEA and Marianna Montoya of Universal Rights Group in Colombia. Montoya joined the workshop virtually through a pre-recorded video where she addressed the participants on the Kenyan phonebook. She brought the attention of the LEDs on the existence of a web resource created for them and contained a wide range of information on matters related to land, environment and indigenous peoples rights. In the web resource under the phone book she mentioned there is a database of organizations that provided support to the LEDs in line with their work. She went ahead to mention that the organizations were further categorized into groups according to the kind of support they provided. There was also contact information on how to reach these organizations in case one wanted to get to them. She provided the web address for the phonebook and mentioned that the Kenyan phonebook chapter were translated to both English and Swahili versions. The web address is as follows: <https://environment-rights.org/es/inicio/>

In the case of any attacks or Assaults, a number from the webs phonebook was unveiled that all the defenders could use to report the matter.

She went ahead to explain the significance of the web resource to Environmental protection work in which she mentioned advantages such as, it allowed the defenders a safe space to express themselves on issues affecting their work. It also reduced cases of intimidation since the LEDs had their issues addressed without infringement to their rights.

She talked of the web as a tool to help the LEDs know their rights and explained that it was a tool that came about as result of a convention by seven countries Kenya being one of them where the LEDs requested for a directory of support organizations that support their work.

She then went ahead to illustrate how the phone book and the app worked so that the LEDs could be able to follow through step by step and be capable of doing the same by themselves. She concluded by thanking the LEDs for their commitment towards their work and encouraged them to visit the web resource and familiarize themselves with the information available therein.

Bicko then came in and reiterated on the significance of the web resource, how to use it and also demonstrated practically. He stamped and added strength to most of the issues tackled by Montoya.

He wended his presentation by responding to questions and concerns from members.

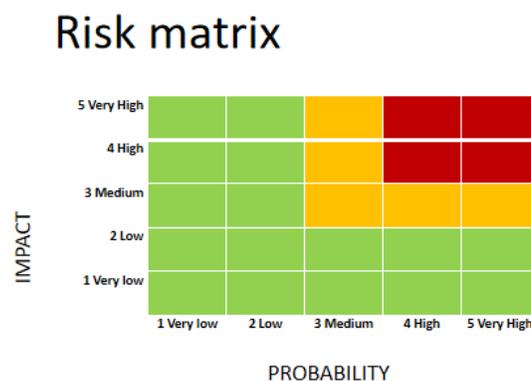
3.2 Risk assessment and security Management for Human Rights Defenders presentation

This was led by Mercy Chepng'eno of Protection International (PI), who sought to provide learning on security management during risks based on the risks assessment/analysis

She told the participants that risk is calculated As Threat multiplied by Vulnerability and divided by Capacity. She then proceeded to define the following terms: **Risk** as the possibility of an event occurring that results in harm or damage; **Threat** as a declaration or indication of an intention to inflict damage or harm (external factors); **Vulnerabilities** as factors that increase the likelihood of harm occurring, and or increase the impact of harm (internal factors); and **capacities** as resources/abilities that improve security.

In order to capture the attention of the participants and demonstrate in real life the risk assessment components she gave an example using a story of a lady whose husband had been killed by police officers yet still lived within the same locality with her daughter. Meanwhile the police officers had her parents' contacts who are allowed to take her daughter any time from school and later she could go and pick her form the parent's house. Mercy painted a picture where the lady was at risk but also her family as the husband's killers could still choose to hurt/get back at her through her child. She mentioned increased political fronts and support networks as one's capacities.

She explained the vulnerability risk matrix using a figure in which the green yellow and red zones were used to indicate from the least to the highest risk levels in that order.



Mercy then educated the participants on how to develop a security plan while focusing on personal security management. She still used the illustrated story to help the participants discern and be able to understand what the risks to mitigate are, the related vulnerabilities, personal security measures that one can take and within what timeframe.

She concluded by explaining context analysis and she said that in order to achieve analysis of actors, there was need to focus on:

- The aims and interests of the different actors
- Actors strategies in relation to protection or aggression of a LED
- Capacity to attack or protect LEDs
- Actors willingness to attack or protect HRDs

She took up questions from the participants and reminded them that PI was a safe haven for LEDs and that they would always offer security and security tips to threatened LEDs

3.3 Sharing of feedback from Asia Pacific Network of Environmental Defenders (APNED) Forum.

This forum was virtually led by APNED secretariat member Lia Alonso who took time to explain how far the APNED umbrella in Philippines had helped support in matters environmental protection and climate change.

She mentioned that the umbrella was born to help in mitigating effects of climate change and provide voice around climate change issues and environmental degradation while working with defenders through providing them with a platform to air their grievances and threats to their lives because of their course.

She mentioned that EHRDs in the pacific are always branded terrorists and government enemy. Those organizations and individual defender who are at the forefront in the fight against land and environmental rights violations are red tagged and associated with terrorist activities.

She highlighted the different areas that their programs focused on and these included the indigenous persons, women youth and children whom she said were mostly affected by the issues of biodiversity.

On their thematic areas, she mentioned that the HRDs in their umbrella focused on mining and extractives, agribusiness and logging, water and dams, industrial and infrastructure development and air, pollution and climate change.

She mentioned their objectives as:

- To analyze and discuss the **situation** of EHRDs in the Asia Pacific region
- To offer a dedicated space for **dialogue** and learning exchange among EHRDs
- To **enhance capacities** of EHRDs by providing access to information on best practices and types of support available from organizations and institutions, international treaties and policies, and potential policies at the national and regional level
- To enable EHRDs to formulate their **recommendations** to address the challenges they face in the region

She noted that the HRDs played a very vital role in upholding environmental and human rights.

Lia noted that 18% of the 227 EHRDs killed in 2020 are in Asia Pacific with Philippines facing 29 deaths of those and as such she said that there was need for the governments to be urged to protect human rights defenders in the face of their quest for a beautiful environmental growth.

She took time to outline their victories as an environmental protection body. They included those achieved in the Philippines being able to have the indigenous people's school relocated away from militarized areas; a continuing culture of IP regarding environmental protection as well as having a national multi-sectorial solidarity to protect last frontiers. Those achieved at the Pacific included youth led movement on climate change, highlighting the vulnerability of island countries and providing online campaigns on biodiversity.

Lia concluded her presentation by stating that there was need for further support so that they could achieve more in the fight against Environmental degradation. She gave examples such as support for EHRDs for their advocacy, appreciation for EHRDs, livelihood support sanctuary for EHRDs, education on rights and climate change and climate change materials to be translated.

She was proud of the achievements so far by APNED yet said that they still had a long way to go in order to achieve a free, protected environment

3.4 Sharing on the LED network experiences and how it has evolved and developed over the past five years

This session was led by Phylis Omidu, the Executive Director of CJGEA. She took time to explain how networking with different organizations of similar objectives as CJGEA when she started the organization had led to achievement of great milestones in the protection of land and environmental rights. She was keen to note that working together as a team was very critical in ensuring the achievement of environmental justice.

She categorically was happy reminding the participants of how their network has grown since 2017. She mentioned that they have had over 200 participants since the beginning of the annual workshops in forums. Gave account of what her and her organization have had to go through since they began advocacy on the Owino Uhuru lead poisoning issue and pushing for environmental justice. She mentioned both the highs and lows in the journey since it began.

She stated that it had been a decade of trying to push for environmental justice and creating a voice for the LEDs. She was proud of the work the LEDs had done in the realm of land and environmental rights and pledged her support to them if ever they needed any assistance. According to her, the different experiences while fighting for environmental justice had strengthened her more than it broke her. She noted that it was very important to keep the network growing as that would further empower and encourage the LEDs to continue pursuing their courses. She narrated the different times she had to brush shoulders with authorities and stay behind bars because of her quest for environmental justice but she never gave up at all.

Her parting shot was encouraging the members to never give up and keep pushing; she proposed the network be registered to allow it exist legally under the law as an umbrella body for the Land and Environmental Defenders. This she state will give the LEDs the opportunity to speak in one voice making it easy to push their agenda and even increase their security as individuals. This is a matter that was left for further discussions and deliberations by the group.

3.5 Capacity building on digital security.

This session was led by Betty Sidi who sought to assist the participants understand digital security with regards to their everyday work.

She began by defining what a safe working space is and she defined it as the guarded working space that LEDs use to voice their work.

She then highlighted the significance of a safe digital working space and mentioned that it was very important to LEDs work as it allowed them to work without interference or intimidation.

She told the participants that not all the working spaces online were safe for their work since they could be exposed and hacked anytime without them being aware. She therefore advised that not all the working links that someone met online should be opened.

She highlighted the misconceptions that LEDs had while handling their security online. They included among others, that you are too young as an organization to be hacked, thinking that you have nothing much to lose and that your password is too strong to be hacked. She advised against taking these as head ups to avoid taking care while online.

Betty told the participants that there were legal laws that protected the LEDs in terms of their data. These include:

- Cyber-crimes act
- Cyber bullying act
- The constitution
- Kenya Communication and Information Act
- National Intelligence and Security Act
- Proceeds of crime and anti-money laundering amendment bill 2021.

She talked on digital footprints referring to it as an act where one can easily access your digital space without your knowledge and as such advised that vigilance in relation to data was very important.

She wrapped her presentation by telling the participants what to do in order to protect their data. They included; to always have an updated security plan, always ensure that the systems are updated, beware of malware, backup your data and adopting secure messaging using VPN such Orbot, Norton, OR fox etc.

3.6 Sharing of LED experience on their work.

This session was moderated by Tom Bicko of CJGEA who welcomed three members to share their experiences of their work as LEDs. They were, Raabia Hawa, Emma Kemunto and Hamida Isaac.

This was an interactive session where participants shared their activism stories, the impact they had on their communities and personal lives and the challenges they were up against as they worked.

Hamida Isaac from Kwale County was the first to share her story. She advocates for environment and human rights in her community which said had faced a lot of environmental rights abuses from oil recycling industry that has been operating in their area for two years now and has been emitting toxic chemicals and gases to their environment. She narrated of her experience engaging the relevant duty bearers on the issue which proved futile. Her efforts to save her community's environment which have seen her being sued eight times by the industry on criminal grounds as well as her children. She noted that it has been a very tough journey but still hoped that one day the company will close and the residents will get justice for the harms they have suffered. At some point they went to court but the case seems to have been thrown out of court due to influence from the industry. Hamida said that she has received direct threats from top management of the industry called SBNP Ventures to stop her activism. She stated that the top management consist of one very powerful government official and thus she fears for her security and that of her family. All the processes she's gone through to protect the right to a clean and healthy environment of her community have been weighing on her yet she has vowed to never give up. She was encouraged by other LEDs not to give up to the fight since the fight was real and thorny. The LEDs offered to team up with her and help in any way possible.

Raabia Hawaa who is a LED who champions for the rights of nature and sea and wild animals through her organization Ulinzi Africa Foundation was the second to share experience on her advocacy and environmental activism work. She shared an experience of how her fight for marine life in her area called Kipini has seen her cross lines with bigwigs in the fish market industry as well as the government. From the trawling activities in the ocean, fish were being exposed to near extinction by these tycoons who practiced wanton fishing without following the fishing laws. The locals in turn suffered the consequences since they ended up lacking even their daily food. She shared of how she had been harassed and warned by the authorities against voicing for the rights of the marine life and environment since that was seen as fighting the bigwigs who had great influence within the government cycles. She has however not fallen short of challenges as she has had a wildlife honorary warden withdrawn and her memorandum of understanding with Kenya Wildlife Service withdrawn because of her activism. She has been on the verge of giving up but she says she came back better and more energized for the course. She also fights for the wildlife space which she said is under threat of takeover by the Kenya Defence Forces (KDF). She stated that KDF was planning to take over 30,000 acres from Kipini conservancy to set up a KDF camp and a meat processing plant under Kenya Meat Commission.

Which is currently under KDF. Hers has been a story of hope, bravery and resilience. She wound up by saying that the fight was real and encouraged all the LEDs to never give up.

The next to share was Miss. Emmaculate Kemunto, a lawyer and the founder of Lawyer's Café, an organization that brings together lawyers from Kenya Uganda and Somalia who work on climate change issues. She shared on her passion for climate change matters and how she's been able to walk through building her brand the Lawyers café. She admitted that climate change issues were matters not given priority by the lawyers and as such was not even taught to them during their law school classes yet it was a very sensitive issue of great effect to the society. She mentioned that human rights and climate change were interconnected and one hence one could not be ignored while working on the other. She thanked all the participants for the good job they all were doing and recognised the organizers who made the workshop possible since she learnt a lot of new issues environment.

3.7 Closing keynote speech and presentation of certificates

After evaluating the day's events and the members acknowledging that day three of the workshop was a success and full of new learning experiences, it was time to close and call it a wrap for the 5th Annual LED workshop.

Vote of thanks was given by Madam Alice Kirambi, a defender from Vihiga County who thanked everyone for the cooperation they showed throughout. She gave special thanks to CJGEA, UNEP and OHCHR for making it possible for the convening to happen. She also thanked all the participants who showed up in solidarity to ensure a successful event and urged members to keep the fight while putting in action all that they had learnt and never forgetting about their security.

The closing remarks was given by Phyllis of CJGEA. She thanked the participants and the funders of the workshop and encouraged the LEDs to keep the good work and never give up on their quests. Finally the participants were presented with certificates of participation by media practitioner, John Allan Namu assisted by Tom Bicko of CJGEA. The meeting ended with the National anthem which was sang by Alfred Sigo backed up by all the participants.

3.8 Workshop Resolutions:

The following resolutions were come up with during the 5th Annual LED Workshop.

1. Register an umbrella body for the LEDs that brings them together to advocate for land and environmental rights as a united front. This was a resolution on officially registering the network as an outfit so that it is legally recognised under the Kenyan Laws.
2. The need to target media owners and Media Council with the view of persuading them to improve the operations of journalists through putting in place better working conditions including better remuneration so that they are able to conduct even better and satisfactory work.

4.0 PICTORIALS



