



THE STATE OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS IN

Tanzania, Uganda, and the
Democratic Republic of Congo



DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

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ACRONYMS

ANARDE	Advocates for Natural Resources and Development
AFIEGO	Africa Institute for Energy Governance
ACHPR	African Charter on Human and Peoples' Rights
CEFROHT	Center for Food and Adequate Living Rights
CSCO	Civil Society Coalition on Oil and Gas
CSL	Center for Strategic Litigation
CSO	Civil Society Organisation
DRC	Democratic Republic of Congo
EACOP	East African Crude Oil Pipeline
EPED	Enhancing Protection of Environmental Defenders
EHRDs	Environmental Human Rights Defenders
EMA	Environmental Management Act
GISO	Gombolola Internal Security Officer
GWED – G	Gulu Women Economic Development and Globalization
HRC	Human Rights Council
HRW	Human Rights Watch
IGEN-EA	Inclusive Green Economy Network
ANR	National Intelligence Agency
NAVOD	Navigators of Development Association
NGOs	Non-governmental organizations
RDCs	Resident District Commissioners
THRDC	Tanzania Human Rights Defenders Coalition
UNEP	United Nations Environment Programme

EXECUTIVE SUMMARY

This report details the findings on the state of Environmental Human Rights Defenders (EHRDs) in Tanzania, Uganda, and the Democratic Republic of Congo (DRC). The study was commissioned by DefendDefenders under the project 'Enhancing Protection of Environmental Defenders (EPED)' in collaboration with the American Bar Association Rule of Law Initiative (ABA-ROLI). The project is an effort to understand the protection needs and existing gaps in order to formulate comprehensive resilience building support to those human rights defenders (HRDs)

The study was participatory and consultative in all three (3) countries. In Tanzania, respondents were from Mwanza, Kigoma, Songwe, Mbeya, Singida, Tabora, Arusha, Kagera, Dar es Salaam and Ngorongoro. In Uganda, consultations took place in Arua, Adjumani, Gulu, Hoima, Mityana, Kampala, Wakiso and Karamoja region. In the DRC, consultations took place in Goma, Bukavu, and Haut Uele provinces. The respondents were 61 (EHRDs) – twenty (20) respondents in Tanzania, (14 men and 6 women); twenty-one (21) in Uganda (18 men and 3 women) and twenty (20) in the DRC (17 men and 3 women).

Overall, the findings demonstrate that despite their resilience, EHRDs navigate a complex and hostile environment characterized by an ambitious development agenda and growing investor activity sanctioned by the state authorities on one hand, and the quest for accountability and transparency, on the other. EHRDs are generally regarded as impediments to development programs and face severe reprisals for their work. Similar experiences in different contexts are registered in the three (3) countries, ranging

from surveillance, threats and harassment to arbitrary arrests, abductions, enforced disappearances, displacement, exile, and death, in more serious cases. And yet, there is sometimes, little, to no acknowledgement of their work and situation among policy makers and to some extent, mainstream (HRDs). The security challenges, coupled with emerging and fast evolving laws intended to disable EHRDs activities threaten organizational existence; some of which have already shut doors.

External strains are compounded by internal challenges, such as, limited technical knowledge on a wide range of environmental issues, absence of security protocols or the inability to execute existing security plans, inadequate advocacy strategies, meagre funding, poor organising, and the lack of access to legal recourse.

In light of the aforementioned challenges, protection mechanisms have been established at the international, regional and national levels. The UN established a Special Procedure 'Mandate of the Special Rapporteur on the Situation of Human Rights Defenders' in 2000. The mandate has seen been extended four (4) times; most recently, in 2020. It should be noted that the UN Special Rapporteur primarily receives complaints and engages states in dialogue but does not provide emergency support for HRDs. In 2004, the African Commission on Human and Peoples Rights established the Special Rapporteur on Human Rights Defenders in response to security threats. The mandate includes dialogue with member states, raising awareness about the UN Declaration on Human Rights Defenders and undertaking country visits, among others. These efforts are bolstered

The respondents were environmental human rights defenders (EHRDs)



21
18 men and
3 women



20
14 men and
6 women



20
17 men and
3 women

by non-governmental organizations (NGOs), including, DefendDefenders, AfricanDefenders (also known as, the Pan Africa Human Rights Defenders Network) – a network of regional networks in the East and Horn of Africa, West Africa, Central Africa, Northern and Southern Africa. These organisations are working to enhance the security of HRDs. At national levels, Tanzania, Uganda, and the DRC each have a national human rights institution – state agencies with a mandate to promote and protect human rights. The institutions have complaints mechanisms that determine rights violations of groups or individuals, including HRDs.¹

This report therefore documents the situation of EHRDs in select countries, thematically. The report details the protection, advocacy and capacity building needs, and outlines country-specific recommendations.

The crosscutting protection, advocacy and capacity recommendations include: enhanced support for grassroots EHRDs, enhancing EHRD security in terms of training and funding of security plans to enable execution; bolstering advocacy efforts through thematic/ issue-based trainings, adoption of holistic strategies and approaches that include public interest litigation, strong EHRD networks and alliances with communities, state actors as well as, regional and international players; and increasing access to the EHRD toolkit and international/ national laws through development of compendiums of laws, among others.

1 For Uganda, see, Uganda Human Rights Commission: <http://www.uhrc.ug/>. DRC, see, Republique Democratique Du Congo Commission Nationale Des Droits De L'Homme CNDH-RDC, available at: www.cndhrdc.cd. The Tanzania human rights institute is formally known as the "Commission on Human Rights and Good Governance". For a detailed analysis of the protection laws in each country, see the Inception Report, Annex II.

About DefendDefenders

Established in 2005, DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the sub-region by reducing their vulnerability to the risk of persecution and enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (with Somaliland), South Sudan, Democratic Republic of Congo, Sudan, Tanzania, and Uganda.

DefendDefenders serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders also serves as the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). AfricanDefenders aims to coordinate activities in the areas of protection, capacity building, and advocacy across the African continent, supporting the five sub-regional networks: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis, Tunisia), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (EHAHRDNet) (hosted by DefendDefenders in Kampala, Uganda).

AfricanDefenders leads the continental "Ubuntu Hub Cities" initiative, a holistic emergency protection and relocation programme for HRDs at risk across Africa, through its motto: "Safe but not Silent." Relocation ensures the physical and mental well-being of HRDs, while enabling them to continue their work.

1 INTRODUCTION

The African continent accounts for 30% of mineral deposits in the world; 12% of oil reserves and 8% of the natural gas.² 40% of the gold on the planet is deposited in Africa, and so are the largest deposits of diamonds, uranium, and cobalt.³ In addition, 65% of arable land and 10% of renewable fresh water is in Africa. With this wealth of resources, across Africa, governments are undertaking ambitious development projects, which compounded with other factors – such as, reliance on forests for livelihood, have resulted into loss of biodiversity, land degradation, deforestation, and increased susceptibility to climate change.⁴ This reality is true for several African countries, including, Tanzania, Uganda, and the DRC. All three (3) countries face state sanctioned unsustainable environmental practices that threaten not only the environment, but also the lives and livelihoods of local communities.

In Northern Tanzania, in Ngorongoro district, the conservation agenda has spurred conflict between government backed investors and local communities. At the height of the conflict, several EHRDs and community leaders were arbitrarily arrested and faced trumped up charges. About 2000 Maasai were forced into exile. Others were internally displaced, and lives were lost. In the North Mara Gold Mine in the Tarime district in the Mara region, investors backed by local police are notorious for forced evictions, arbitrary arrests of locals and inhumane treatment, bordering on torture. Several locals have lost their livelihoods in the region. The 1,443 kilometre East African Crude Oil Pipeline (EACOP) set up in Uganda and Tanzania has devastated the lives of about 118,000 people.⁵

Several homes and livelihoods have been destroyed, without compensation; while in some cases compensation has not been commensurate with the value of the land.⁶

In the Albertine region in Uganda, the exploration of oil and gas Uganda has had several environmental impacts; from stirring human-wildlife conflicts to clearance of large tracts of land and forests for the pipeline. The EACOP crosses more than 158 wetland sections in Uganda, and reports of large volumes of dirty water emanating from the Tilenga project are rife, some of which ends up in Lake Albert.⁷ More than 100,000 people are at risk of eviction and displacement. Uganda lost approximately 126,000 hectares of tree cover in 2020 alone, increasing carbon emissions and reducing forest habitat.⁸ In addition, commercial flower farming practices have proven harmful to freshwater bodies due to the massive use of pesticides and chemicals.

The immense reserves in the DRC have sparked and, in some instances, prolonged the perpetuation of conflict that has resulted in systemic human rights violations. The United Nations Group of Experts on DRC, has emphatically stated that armed groups continue to finance their activities through the illegal mining of tin, coltan and wolframite.⁹ In the same vein, the African Commission decried the illegal exploitation/looting of the natural resources' as 'deprivation of the right ... to freely dispose of ... wealth and natural resources' and a violation of the right to economic, social and cultural development.¹⁰ Further rights violations in the extractive industry have arisen out of the continued use of hazardous mining practices especially in artisanal mining.¹¹ In 2020, Global Witness reported the murder of fifteen (15) environmental activists in the DRC alone.¹² EHRDs also faced physical violence,

2 United Nations Environment Programme, <https://www.unep.org/regions/africa/our-work-africa>.

3 Id.

4 Id.

5 Id.

6 Amnesty International, Human Rights in Tanzania, available at: [https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/tanzania/report-tanzania/#:~:text=Tanzania%20continued,theper cent20region.%E2per cent%nt9D%](https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/tanzania/report-tanzania/#:~:text=Tanzania%20continued,theper cent20region.%E2per cent%nt9D%20)

7 The Independent, Desperate Farmers Appeal to Total Energies, Government as Floods Destroy Livelihoods, available at: <https://www.independent.co.uk/desperate-farmers-appeal-to-totalenergies-govt-as-tilenga-floods-destroy-livelihoods/>.

8 Global Forest Watch. (2020). Uganda Country Profile. Available at: <https://www.globalforestwatch.org/country/UGA>.

9 UN, Final report on the Group of Experts on the Democratic Republic of Congo (2019) Available at <https://reliefweb.int/report/democratic-republic-congo/final-report-group-experts-democratic-republic-congo-s2019469>

10 African Commission on Human and Peoples' Rights, Democratic Republic of the Congo v. Burundi, Rwanda and Uganda, (2004) AHRLR 19 (ACHPR 2003), Communication 227/99.

11 UN, Final report on the Group of Experts on the Democratic Republic of Congo (2019) Available at <https://reliefweb.int/report/democratic-republic-congo/final-report-group-experts-democratic-republic-congo-s2019469>

threats, intimidation and harassment from both state and non-state actors.¹³ Native communities, such as, the Mbaka, Batwa and Mbuti have also faced displacement from their homes due to the activities of companies in the extractive business.¹⁴

There is a correlation between human rights and a clean, healthy, and sustainable environment.¹⁵ Human rights can only be enjoyed in a suitable environment. Environmental rights are "human rights with environmental conditions of a specified quality."¹⁶ This in essence means high quality air, fresh waters, climate, among others. Hence, the defence, respect and promotion of human rights must co-exist with good and sustainable environmental practices.¹⁷

EHRDs work individually or collectively to promote sustainable environmental practices for the overall enjoyment of fundamental human rights.¹⁸ By definition, EHRDs undertake their activities, including advocacy, through peaceful means.¹⁹ EHRDs may be individuals, community groups or organizations, community leaders, journalists, NGOs, among others.²⁰

EHRDs are unlike and play varied roles, ranging from scrutiny and critique of policies and state actions to advocacy, strategic litigation, and demand for accountability from relevant actors.²¹ Environmental human rights issues are broad and include, deforestation, pollution, global warming, climate change, soil degradation and unsustainable waste disposal, among others.

The rising global demand for timber, minerals, and other natural resources, has led to exploitation of the environment without regard to the inhabitants and occupants.²²

In general, EHRDs face menacing and exigent circumstances in the course of their work.²³ Reports from the United Nations Environment Programme (UNEP), Human Rights Watch (HRW), and the United States Department of State have shed light on the challenges faced by EHRDs and have called on the respective governments to strengthen protection measures for the protection of these category of HRDs, as well as investigate attacks against them and ensure accountability for perpetrators. In the case of DRC, Tanzania, and Uganda, EHRDs have been subjected to threats, harassment, physical violence, and even killings for their activism on the protection of natural resources, exploitation advocacy for land rights, forest protection, and wildlife conservation. In addition, EHRDs are increasingly facing stigmatization, instigated by smear campaigns designed to portray them as anti-developmental, terroristic, and motivated by criminal intent.²⁴ Consequently, EHRDs are vulnerable to witch-hunt, and in extreme cases, enforced disappearances, illegal surveillance, interception of communications, blackmail, attacks on families and infiltration of peaceful protests to occasion disruptions and violence.²⁵

12 Global Witness: Global Witness Reports 227 Land and Environmental Activists Murdered in a Single Year; The Worst Figure on Record. September 2021. Available at: <https://www.globalwitness.org/en/press-releases/global-witness-reports-227-land-and-environmental-activists-murdered-single-year-worst-figure-record/>

13 Mongabay, Attack on Environmental Lawyers home alarms DRC's Rights Defenders, 25 Jan 2022 Available at <https://news.mongabay.com/2022/01/attack-on-environmental-lawyers-home-alarms-drc-rights-defenders/>

14 Cultural Survival, Observations on the State of Indigenous Human Rights in the Democratic Republic of Congo for the 33rd Session of the United Nations Human Rights Council, Universal Periodic Review Feb 2019 submitted on October 2018, https://www.culturalsurvival.org/sites/default/files/UPR_DRC_2018.pdf

15 Asako Okai; "Protecting Environmental Human Rights Defenders and Promoting Meaningful Participation in Climate Talks: The Role of National Human Rights Institutions." UNDP, 2022. Available at: <https://www.undp.org/speeches/protecting-environmental-human-rights-defenders-and-promoting-meaningful-participation-climate-talks>

16 United Nations Environment Programme: What is the Environmental Rights Initiative? Available at: <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what-1>

17 Id.

18 Id

19 European Union: "Ensuring Protection – European Union Guidelines on Human Rights Defenders." Available at: https://www.eeas.europa.eu/sites/default/files/eu_guidelines_hrd_en.pdf

20 Avocats San Frontiers; "Protecting Human Rights Defenders in the East African Community: Briefing Paper." 2015. Available at: https://www.asf.be/wp-content/uploads/2015/06/HRDs_Briefing-Paper.pdf

21 Id.

22 E.W. Chu and J.R. Karr; "Environmental Impact: Concept, Consequences, Measurement." Module in Life Sciences. 2017. doi: 10.1016/B978-0-12-809633-8.02380-3 or, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7157450/_ffn_sectitle

23 Id.

24 Meredith Veit; "The urgency of combating stigmatization and criminalization of human rights defenders." Open Global Rights, 2021. Available at: <https://www.openglobalrights.org/the-urgency-of-combating-stigmatization-and-criminalization-of-human-rights-defenders/>

25 Id.

In some instances, EHRDs face eviction, destruction of property and theft of information.²⁶ Female EHRDs are at a greater risk of physical and psychological attacks.²⁷ Redress for rights violations is often hindered by obstruction of justice by governments and companies.²⁸ The safety and security of EHRDs is important for the preservation of natural resources, participation in the natural resource management as well as transparent use of natural resources.

States must ensure the safety of EHRDs as a group of people relevant to not only the advancement of sustainable development goals, but also as part of the states responsibility to protect through the rule of law.²⁹ The international, regional, and national policy and legislative framework on and EHRDs is extensive and discussed at great length in the inception report preceding this study.³⁰ On the whole, several international and regional instruments mandate state protection of the rights of HRDs.³¹ At the international level, there has been efforts to set standards and guidelines for the sustainable conduct of business. The Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, is famed for its recognition of HRDs and the need for their protection.

The United Nations Guiding Principles on Business and Human Rights outline the responsibilities of states and businesses regarding human rights and emphasize the duty of states to protect against human rights abuses by businesses by adopting appropriate steps to prevent the violation of human rights abuses, investigate these violations, punish perpetrators, and provide redress for such abuse through 'effective policies, legislation regulation, and adjudication.'³² Businesses are therefore mandated to refrain from causing environmental harm. In this regard, Uganda has developed a National Action Plan on Business and Human Rights anchored on the

UN Guiding Principles on Business and Human Rights to strengthen its capacity to protect human rights, including safeguarding environmental standards.³³

In a similar fashion, the United Nations Human Rights Council (HRC) reiterates the challenges experienced by environmental human rights defenders, such as killings, threats, eviction, and displacement, and the need to develop protection mechanisms to address human rights defenders affected by intersectional factors.³⁴ These include women, indigenous, minorities, and belonging to marginalized communities. The HRC Resolution also calls for states under paragraph 7 to ensure the enactment of robust and enabling legislation that is clearly defined to mitigate the potential for abuse. The HRC Resolution requires states to ensure accountability for perpetrators by conducting prompt, impartial and independent investigations where there have been violations.³⁵ In addition, the HRC Resolution calls on states to protect, respect, and fulfill human rights by addressing environmental challenges, the right to life, and the right to the highest standard of physical and mental health and an adequate standard of living.³⁶

The United Nations Environment Programme's Defenders Policy aims to offer rapid response mechanisms and legal assistance to environmental human rights defenders, running environmental rights initiatives and campaigns, as well as building a network of partnerships for the benefit and well-being of environmental human rights defenders. The United Nations Environment Programme has a presence in all the three (3) target countries and as such, making the Policy operative.

At the regional level, the African Commission explicitly provides for the right to a healthy environment. The ACHPRs affirms the right to a satisfactory general environment favorable to their environment.³⁷ The ACHPR guarantees other rights relevant to environmental human rights defenders, such as equal protection of the law provided under Article 3(2) right to life and integrity of the person under Article 4. The ACHPR provides for the

26 Albertine Watchdog; "Environmental Human Rights Defenders in the Albertine Region Under Attack: The Tilenga Oil Development Project Raise These Threats." 2020. Available at: <https://www.albertinewatchdog.org/2020/01/24/environmental-human-rights-defenders-in-the-albertine-region-under-attack-the-tilenga-oil-development-project-raise-these-threats/>.

27 Inmaculada Barcia; "Women Human Rights Defenders Confronting Extractive Industries: An Overview of Critical Risks and Human Rights Obligations." Association of Women's Rights in Development, 2017. Available at: https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf

28 Business and Human Rights Resource Centre: Report details threats, attacks and the misuse of the criminal justice system against environmental defenders. 2019. Available at: <https://www.business-humanrights.org/en/latest-news/report-details-threats-attacks-and-the-misuse-of-the-criminal-justice-system-against-environmental-defenders/>

29 Avocats San Frontiers; Protecting Human Rights Defenders in the East African Community: Briefing Paper.

30 See, annex 2.

31 See for instance the discussion of specific provisions of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the Convention on the Elimination of all Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights, in the Inception Report.

32 Clause 1(A) of UN Guiding Principles on Business and Human Rights, available at: https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

33 The National Action Plan on Business and Human Rights (2021) Available at https://www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/uganda_approved-national-action-plan-on-business-and-human-rights_august-2021.pdf

34 Human Rights Council 40/11 available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/088/48/PDF/G1908848.pdf?OpenElement>

35 Para 10 of the Resolution.

36 Para 14 of the Resolution.

37 Article 24 of the African Charter on Human and Peoples Rights is Available <https://www.ohchr.org/sites/default/files/crc.pdf> at https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf

person's right to liberty and security, which safeguards the person from arbitrary arrests and detention.³⁸ Article 9 stipulates everyone's' right to receive information, express and disseminate their opinions. Freedom of association and assembly are equally protected under the ACHPR.³⁹

Uganda ratified the ACHPR in 1986⁴⁰ and the Protocol on the Establishment of the African Court on Human and Peoples Rights, recognizing the competence of the Court.⁴¹ However, it is yet to make the Declaration under Art 34(6) that would enable individuals and NGOs direct access to the Court. On the other hand, Tanzania ratified the ACHPR in 1984⁴² as well as the Protocol Establishing the African Court⁴³ but still needs to deposit the special Declaration recognizing the competence of the African Court. In the case of the DRC, it ratified the ACHPR in 1983⁴⁴ and in 2020, ratified the Protocol on the Establishment of the African Court on Human and Peoples Rights, recognizing the competence of the Court.⁴⁵ It still needs to make the Declaration under Article 34(6) to allow individuals and NGOs to access the Court directly.⁴⁶

Having ratified the ACHPR, all three (3) countries are required to implement the provisions of the Charter. The right to a clean and healthy environment is justiciable in all three (3) countries where the states have failed to discharge their obligation to protect.

In addition to the ACHPR, the Kigali Declaration, 2003 recognizes the work of HRDs in the protection of human rights and calls for their protection. Similarly, the ACHRP Resolution on Measures to Protect and Promote the Work of Women Human Rights Defenders reiterates the need for the protection HRDs.

1.1. Study Objectives

The study aimed to identify the needs, gaps and challenges faced by EHRDs, and make recommendations to relevant stakeholders. More specifically, the objective of the study was to conduct research on the situation of environmental human rights defenders in Tanzania, Uganda, and the DRC through consultations with EHRDs. The intended primary beneficiaries of the study findings are EHRDs, policy makers, NGOs, development partners/agencies, and other stakeholders. The results of this study have culminated into recommendations for policy and legal reforms, and programmatic interventions.

1.2. Methodology

A mixed methods study design was utilized for data collection and analysis. A participatory approach was central at all stages, including; the review of literature on environmental human rights;⁴⁷ key informant interviews with key stakeholders particularly EHRDs and focus group discussions.

Data constituting the research was obtained from a combination of primary and secondary sources including i. respondents (EHRDs, HRDs, academics and policy makers); and ii. relevant literature; including international and regional instruments, domestic legal frameworks, policies and strategies, journal articles, reports, newspapers, policy briefs, position papers and similar studies, as a key source of data. The main objective was to provide a context of the study and understand the legal landscape.

Stakeholder consultations were in form of key informant interviews and focus group discussions. Twenty (20) stakeholders were consulted in Tanzania (14 men and 6 women); while twenty-one (21) were consulted in Uganda (18 men and 3 women). In the DRC, twenty (20) stakeholders were consulted (17 men and 3 women). Eight (8) in Bukavu, six (6) in Goma and six (6) in Haut Uele. The respondents were identified through the DefendDefenders network/partners, who provided a list of active and critical EHRDs. This approach enabled engagement with

38 Article 7 of African Charter on Human and People's Rights.

39 Articles 10 and 11 of the African Charter on Human and People's Rights.

40 Date of ratification 27/05/1986 Available at <https://treaties.un.org/pages/showDetails.aspx?objid=08000002800cb09f>

41 AU, African Court on Human and People's Rights Available at <https://www.african-court.org/wpafc/basic-information/>

42 Date of notification 09/03/198 <https://www.culturalsurvival.org/sites/default/files/media/tanzaniauprreportfinal.pdf4>; Date of Effect 21/10/1986 Available at <https://treaties.un.org/pages/showDetails.aspx?objid=08000002800cb09f>

43 About us, The African Court on Human and People's Rights, available at <https://www.african-court.org/wpafc/basic-information>

44 Date of notification of ratification 17/01/1983; Date of Effect 21/10/1986 Available at <https://www.african-court.org/wpafc/democratic-republic-of-congo-ratifies-the-protocol-on-the-establishment-of-the-african-court-on-human-and-peoples-rights/#:~:text=Arusha%2C%2011%20December%202020%3A%20The,on%20Human%20and%20Peoples'%20Right>

45 African Union (2020) DRC Ratifies the Protocol on the Establishment of the African Court on Human and People's Rights Available at <https://www.african-court.org/wpafc/democratic-republic-of-congo-ratifies-the-protocol-on-the-establishment-of-the-african-court-on-human-and-peoples-rights/#:~:text=Arusha%2C%2011%20December%202020%3A%20The,on%20Human%20and%20Peoples'%20Right>

46 African Union (2020) DRC Ratifies the Protocol on the Establishment of the African Court on Human and People's Rights Available at <https://www.african-court.org/wpafc/democratic-republic-of-congo-ratifies-the-protocol-on-the-establishment-of-the-african-court-on-human-and-peoples-rights/#:~:text=Arusha%2C%2011%20December%202020%3A%20The,on%20Human%20and%20Peoples'%20Right>

47 For literature review, see, "Research on Environmental Human Rights Defenders in Uganda, Tanzania and DRC", Inception Report, May 2023.

accessible and readily available respondents and inclusion of specific categories of EHRDs, such as those facing multiple risks, for example on the basis of their environmental rights work and ethnicity. It should be noted that DefendDefenders plans to establish a national human rights defenders coalition in the DRC, in the coming years, which will serve as a platform and coordination mechanism for HRDs, including, EHRDs.

Semi-structured interview guides were developed for the key informant interviews. The guide covered the purpose and objective of the study, and included questions that would elicit in-depth responses from varied respondents. The interviews lasted between 45 and 60 minutes.

Data was carefully analysed to ensure evidence-based conclusions. Every assertion and conclusion is supported by data generated through Focus Group Discussions (FDGs), interviews and documents/literature. Data was cross-referenced to ensure consistency and a deduction of cross-cutting issues and generally applicable conclusions.



Below are the findings of the research on the situation of EHRDs in Tanzania, Uganda, and the DRC.

2 | TANZANIA

2. I. Introduction

Tanzania has an abundance of natural resources, such as, uranium, silver, gold, graphite, cobalt, iron ore, coal and nickel – including several rare and critical minerals for the energy transition.⁴⁸ The extractives industry is therefore critical to Tanzania's development and revenue – with the government project a 33% increase in mineral earnings between 2023-2027.⁴⁹ An increase in the production of gold spurred economic growth.⁵⁰ The exploration and extraction of minerals is not without human rights, environmental rights and social implications. Barrick Gold was implicated over several human rights violations, including, killings and torture in the North Mara Gold Mine, Tarime District, Mara region.⁵¹ The Kurya – an indigenous community in the Mara region who access the mines, to collect and sell 'waste rocks' have endured violence and extrajudicial killings from the police with complicity of Barrick Gold.

The resource rich country also has several gas reserves – with the first reserve discovered in the early 1970s in the Lindi region. Further discoveries were made in 1982 in the Mtwara region. The country discovered more deposits in 2016.⁵² The recent gas discoveries have put local communities on the edge who expect Tanzania gas discoveries social services and equitable distribution of revenues.⁵³

Tanzania also boasts of biodiversity; and is regarded as one of the most bio-diverse places on the planet.⁵⁴ The biodiversity includes 55,000 species of plants and

mammals.⁵⁵ Biodiversity is particularly important to the economy because of its touristic purposes. Wildlife tourism, for instance, accounts for 9% of Tanzania's 'gross domestic product and 25% of its foreign exchange earnings.⁵⁶ To that end, the government of Tanzania has placed emphasis on the preservation and conservation of biodiversity through a wide array of measures, most notably, demarcating 32% of the land for conservation.⁵⁷ These measures notwithstanding, biodiversity is threatened by climate change, population growth and large-scale commercial agricultural projects.⁵⁸ Conservation of land has bred conflict and contestation because the vast majority of Tanzanians – about 80% derives their livelihoods from land.⁵⁹ Such conflict is rife in among the indigenous communities of Northern Tanzania; exacerbated by the fact that indigenous rights are not recognized in the Tanzanian Constitution.

Following a government announcement about a year ago, on June 6, 2022, declaring 1,500 square kilometres of land, in Loliondo division, Ngorongoro district as a game reserve, the local community comprising Maasai pastoralists faced an imminent threat of eviction from land they had inhabited for generations without consultation to pave the way for trophy hunting, conservation and tourism.⁶⁰ The land, in total, is 371,000 acres. This announcement totally disregarded the protections afforded to the Maasai by the Ngorongoro Conservation Area Act, 1975.⁶¹

Thousands of Maasai have been affected in varying ways – from displacement to violations of basic rights. The government deliberately discontinued essential services including water, health services, education, among

48 International Trade Administration, Tanzania Rare Earth and Critical Minerals, <https://www.trade.gov/market-intelligence/tanzania-rare-earth-and-critical-minerals>.

49 Id.

50 Id.

51 Key informant interview, anonymous.

52 TanzaniaInvest, available at: <https://www.tanzaniainvest.com/gas>.

53 Key informant interview, anonymous.

54 RTI, Conserving biodiversity through strengthened government capacity, increased private sector engagement, and an improved enabling environment for natural resource management, <https://www.rti.org/impact/biodiversity-conservation-in-tanzania>

55 RTI, Conserving biodiversity through strengthened government capacity, increased private sector engagement, and an improved enabling environment for natural resource management, <https://www.rti.org/impact/biodiversity-conservation-in-tanzania>.

56 United States Agency for International Development, Tanzania: Environment: available at: <https://www.usaid.gov/tanzania/environment>.

57 Id.

58 Id.

59 Id.

60 Key informant interview, anonymous.

61 United Nations High Commissioner, Tanzania: UN experts warn of escalating violence amidst plans to forcibly evict Maasai from ancestral lands, available at: <https://www.ohchr.org/en/press-releases/2022/06/tanzania-un-experts-warn-escalating-violence-amidst-plans-forcibly-evict>.

others, to force the Maasai out of the demarcated area.⁶² As a consequence, their homes have been burned and their livestock either confiscated/impounded or killed by security personnel.⁶³ In essence, the government has detached conservation from human settlement despite calls from within and outside the Masaa communities to co-opt local communities in conservation efforts in accordance with Sustainable Development Goals 3 good health and well-being, 10 reduced inequalities and 15 life on land, among others.⁶⁴

Tanzania is also implementing plans alongside Uganda to construct the 1,443 kilometre East African Crude Oil Pipeline (EACOP). The pipeline will serve as means for transportation of crude oil from the Albertine region in Western Uganda (Lake Albert oilfields) to Northern Tanzania (Tanga Port). The highly controversial fossil fuel project between Uganda and Tanzania has adversely affected the lives of about 118,000 people.⁶⁵ Several homes and livelihoods have been destroyed, without compensation; while in some cases compensation does not commensurate with the value of the land.⁶⁶

Predictably, individual and group EHRDs have mobilized communities, undertaken fact-finding missions, investigated and publicized their finding in print, held advocacy meetings at the international level and other platforms. Dissent and criticism of the EACOP project has been met with eviction, arbitrary arrests of EHRDs, intimidation and in extreme cases, closure and/or suspension of NGO activities. Similarly, in Ngorongoro district, the government deployed heavily to enable the implementation of tourism and conservation plans and carried out arbitrary arrests of community leaders, incommunicado detention, forced disappearance and 'of at least 30 Maasai pastoralists, including women, children, and older people.'⁶⁷

In retaliation to the work of community leaders and other EHRDs, the government stalled applications for residency and work permits of key international NGOs and ordered investigation of NGOs in Ngorongoro district.⁶⁸ The arrested community leaders were charged with the murder of a police officer, who was killed a day after their arrest.⁶⁹

The violence – threats and intimidation, extended to the local community, who were prevented from recording state excesses.⁷⁰ Some EHRDs perceive their situation as uncertain and dictated by the political agenda of the government of the day. For instance, four (4) years back, the environment was not at the centre of development discussions at all.⁷¹ Political players were totally oblivious to environmental issues. EHRDs were labelled outlandish, puppets of the West and traitors – no questions were entertained at all.⁷² Several EHRDs organizations were under surveillance; but a shift occurred under President Samia Suluhu who is instituting reforms by improving government responses towards EHRDs; even though the suppressive laws remain on the books.⁷³

HRDs in Tanzania have organized under the Tanzania Human Rights Defenders Coalition (THRDC). THRDC implements protection programs such as, emergency support for HRDs at risk. Emergency support ranges from relocation to legal services. In addition, the THRDC works closely with the Commission for Human Rights and Good Governance – the national human rights institution, to promote the protection of HRDs.

The Tanzania Development Plan underscores the importance of the rule of law, good governance, and inclusion in the development process. And yet, the government seems to have prioritized development over the rights of the local communities and by extension, those who speak for them – EHRDs. This section examines the experiences of EHRDs in Tanzania and documents experiences from first-hand sources, at the frontlines of the defence of environmental human rights.

Tanzania is a state party to major international and regional instruments, many of which have been domesticated through enabling Acts of Parliament, including laws that recognize and protect internationally recognized rights.⁷⁴ The Constitution of Tanzania does not contain an express provision on the right to a healthy environment.⁷⁵ However, the Constitution has some provisions which can form the basis for environmental human rights protection in the country. The Constitution directs the State and its agencies to ensure the use of natural resources goes towards developing and

62 Id.

63 Id.

64 Id.

65 Id.

66 Amnesty International, Human Rights in Tanzania, available at: <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/tanzania/report-tanzania/#:~:text=Tanzania%20continued,theper cent20region.%E2per cent%nt9D%>

67 Human Rights Watch, Tanzania's Eviction of Maasai Pastoralists Continues, available at: <https://www.hrw.org/news/2023/02/02/tanzanias-eviction-maasai-pastoralists-continues>.

68 Key informant interview, anonymous.

69 Id.

70 Key informant interview, anonymous.

71 Key informant interview, anonymous.

72 Key informant interview, anonymous.

73 Key informant interview, anonymous.

74 For a comprehensive discussion on the policy, national, regional and international regulatory framework, see Inception Report, June, 2023

75 The Constitution of Tanzania, 1977 as amended, available at: https://www.constituteproject.org/constitution/Tanzania_2005.pdf?lang=ent

alleviating disease.⁷⁶ This provision demonstrates Tanzania's commitment to environmental protection, but it is not justifiable. The Environmental Management Act (EMA) is the primary legislation governing environmental management in Tanzania.⁷⁷ The Act provides for the right to a clean, safe, and healthy environment.⁷⁸ The Act expands the breadth of the right to a clean and healthy environment to include access to the environment for educational, health, or recreational purposes.⁷⁹ It provides for the sustainable management and use of natural resources, including provisions for environmental impact assessments, waste management, and pollution control. The Act imposes the duty to protect the environment on every person.⁸⁰

In total, 20 EHRDs (14 men and 6 women) from Mwanza, Kigoma, Songwe, Mbeya, Singida, Tabora, Arusha, Kagera, Dar es Salaam and Ngorongoro, were consulted during the data collection process in Tanzania. Three (3) focus group discussions were conducted.

2.2. FINDINGS

2.2.1. Protection Needs of Environmental Human Rights Defenders

2.2.1.1. The Need for Personal Security

EHRDs need enhanced personal security due to harassment, surveillance, and repeated arrests. In the last fifteen (15) years, for instance, the leader and director of an NGO working in Northern Tanzania has been arrested ten (10) times due to her work with the Maasai communities in Northern Tanzania. She has had to relocate several times and has clashed with the government on numerous occasions due to her work.⁸¹

Following evictions from Loliliondo and forceful relocations to Musomera – an area that does not support pastoralism, communities and NGO staff pushed back. As a result, the staff of the NGO faced significant personal security risks forcing seven (7) staff into hiding for three (3) months because of clear instructions to be arrested.⁸² Twenty-five (25) elected leaders (councillors) who criticized state actions were arrested for four (4) months, a move which instilled fear. If councillors can be arrested what about the rest?

Personal security/risk is a huge challenge. How do you conduct advocacy knowing well you can be arrested? How do you put in place, security plans, policies? Do your funds to implement good security plans which remained on paper. Partners such as Urgent Action, DD, UN – put money into the implementation of those plans. Relocation requires money, funds, transport.

Anonymous

Given the nature of the work, EHRDs are not visible, they [EHRDs] are not that active. The area has so many economic and political interests. This poses serious risks. Many defenders do not wish to engage in these areas, it is so easy to get into challenges. In the extractive areas/industries, several risks. Companies are powerful, collude with the government officials.

Anonymous

Let me tell you about the Dam incident. On May 6, 2023, I was with journalists from France, and we wanted to cover the tailing bridge. Tanzania does not comply with international standards which causes a threat to locals. The coverage by local media was not satisfactory. We went to Kinyanga. The Regional Commissioner was notified of our presence. All our French colleagues were arrested, passports were confiscated, and they were deported. To open up any camera, you have to go to the Ministry of Information, Ministry of Entertainment and Ministry of Minerals. A local journalist was part of the entourage. That was so bad. After arrest, it was matter of me changing the hotel and communicating from different places and changing my names so I could not be identified. I was threatened because I was the host.

Anonymous

76 Article 9(i) of the Constitution of Tanzania available at The Constitution of Tanzania, 1977 as amended Available a https://www.constituteproject.org/constitution/Tanzania_2005.pdf?lang=ent

77 The Environmental Management Act (TEMA), available at: <https://www.nemc.or.tz/uploads/publications/sw-1576228517-ema%20act2004.pdf>

78 Section 4 (1) TEMA.

79 Section 5 TEMA.

80 Section 6 TEMA.

81 Key informant interview, anonymous.

82 Id.

On the whole, the government reportedly protects investors at the expense of EHRDs, who fear for their lives and livelihoods.⁸³ Despite the high levels of pollution in the North Mara Gold Mines, there is no serious intervention and all efforts by EHRDs are thwarted and frustrated in various ways including stalling court cases.⁸⁴

“There is no specific law protecting EHRDs in Tanzania. It is very unfortunate we do not have such a law protecting us. EHRDs should have a specific law which governs and recognizes us.”⁸⁵

“Dealing with multinational companies is very dangerous. The major challenges in the mining sector are threats and intimidation.”⁸⁶

Investors are a big problem, they need the land. In Ngorongoro, 1500 square kilometres have been occupied by the Arab company from United Arab Emirates. The Arab company is destroying the environment. Any intervention is met with harassment, face threats from investors, intimidation. They send messages from the government and EHRDs face accusations of sabotage. They have been imprisoned.

Anonymous

Uranium activists faced severe retaliation – several fled the country.⁸⁷

“Many EHRDs fled to exile. In Kenya, Europe. Some are back. Clear indication – dealing with EHRDs is extremely risky. Requires proper guidance.”⁸⁸

Intimidation and harassment extends to the cyber space. One respondent explained:

“We face intimidation online. Responses to tweets were sometimes threats. We were not able to tell who exactly was responding”⁸⁹

2.2.1.2. The Need for Protection from Enforced Disappearances

Human rights defenders reported forced disappearances of colleagues; some of whom have not been seen to date. This risk increases for EHRDs who are perceived as standing in the way of progress and development. EHRDs expressed a need for protection from abductions by state actors.

Several persons have been abducted, even journalists especially between 2017 and 2020. It was covered by blanket statement about the ‘unknown people’ abducting. This instilled fear of the unknown. Some were found but the vocal ones in political rights or public rallies questioning budgets have never been found to date. Journalists who disappeared and alerted everyone at the time of abductions were released. Those who just disappeared never showed up again. We need training to assess security. My colleague from the University disappeared, he sent a text on WhatsApp about a high risk. We spent days looking for him. We demanded his release. After 5 days government came out and stated he was being questioned.

Anonymous

83 Key informant interview, anonymous.

84 Key informant interview, anonymous.

85 FGD.

86 FGD.

87 Key informant interview, anonymous.

88 Key informant interview, anonymous.

89 Key informant interview, staff, LEAT.

2.2.1.3. Hostile Environment

EHRDs operate in a hostile environment, while emerging EHRDs find it difficult to navigate a disabling legal and regulatory framework. EHRDs critical of the government are at risk of closure/de-registration or denial of new operating certificates. The government is highly suspicious of new players and unlikely to grant operating licenses.

It is a difficult operating environment. Mama Samia is an advocate in some ways. The situation was worse under the previous president. They use other techniques to silence human rights defenders. Staff were subjected to serious scrutiny – revenue authority asked them to pay 200m in back taxes. Constant and baseless scrutiny. Threats of de-registration is real in Tanzania. The decision is arbitrary. You wake and are told you are deregistered. Amendment to the NGO law made it very difficult to operate. Quarterly audits ... it is very expensive. We are not supposed to engage in advocacy of human rights work.. only socio-economic work. The law also amended registration – we reapply after 10 years. If you are doing human rights work, no new certificate is given.

Anonymous

Additionally, investigations and fact-finding are difficult because the "official" doors are closed especially when EHRDs are at crossroads with government, as has been the case with NGOs working around genetically modified foods.

Whenever big companies are challenged, the laws or obligations are tightened. The law on providing information requires evidence before information is released. The government requires verification of information which is a challenging process. We get roadblocks.

Anonymous

2.2.1.4. The Need to Prevent Self-Censorship

There is increasing self-censorship within the media due to the associated risks of reporting controversial state actions. This censorship makes it difficult for NGOs to update the public, disseminate their activities and findings to the public. Defence of environmental rights requires engagement with policy, legal frameworks, and the media to facilitate the strategy and agenda.⁹⁰

Some interventions are critical. Whenever you want to push any agenda, you might get challenges with duty bearers, politicians, private companies. When you conduct an intervention on industrialization, especially textile industries, such as, channelling contaminated water with harmful chemicals to the community members.

Anonymous

Self-censorship extends to EHRDs who in many cases steer clear of controversial issues.⁹¹

"No one wanted to challenge the pipeline of Total Energies. EHRDs were silenced despite several violations, for example, eviction without fair compensation, no following proper legal process, no environmental protection."⁹²

2.2.1.5. The Need to Navigate State Actions

Several EHRDs reported being monitored and followed by strange persons and/or vehicles. One organization explained that the office was routinely placed under surveillance. In such instances, EHRDs were unsure about the appropriate response.

It was not obvious, we were concerned that office was surveilled. There were black cars at our offices. We installed surveillance cameras and monitored who was monitoring us. In 2019/2020 we had to keep watch. People would park cars outside and not enter. We did not know who they were. They were governance officials. In same periods, bank accounts frozen. There were abductions. Strange persons were moving around. It was a threat. We did not know who the people really were.

Anonymous

90 Key informant interview, anonymous.

91 Key informant interview, anonymous.

92 Key informant interview, anonymous.

“The law does not offer specific protection to EHRDs. Commissioners appointed are there to protect interests of the ruling party. The Constitution gives power to the IGP who appoints commissioners at the district level who work for those in power and protect their interests. Police need balance of power.”⁹³

“The risk of jail is so real. Many EHRDs have been jailed.”⁹⁴

“Once you introduce yourself and as an EHRD, police become hostile, confrontational, do not respect human rights. Need to educate them.”⁹⁵

“Police/law enforcement view them as enemies, people who hinder their work, and people who give out information.”⁹⁶

2.2.1.6. The Need for more Certainty

Individuals and organizations face uncertainty about their future and expressed a need for more certainty/ clarity about the expectations of government; how to assess risk and how to navigate it. Recent laws criminalize opinions and are weaponized against EHRDs – these include, the Media Services 2016, Cyber Act and Postal 2018, which causes anxiety due to the ambiguity embodied therein and the likelihood of being charged with criminal offences.⁹⁷

2.2.1.7. The Need for Support

There are generally few EHRDs in Tanzania, considering the topical environmental human rights issues at play, and ensuing rights violations. The existing players lack support from peers due to a lack of solidarity that is largely due to competition of resources. This, in essence, creates a serious protection need for players who are ostracized by the government, and in some instances, communities.

Sometimes the communities would disown us. The more questions we ask eco-system, the more the disowning even within the space itself. Colleagues formed a coalition of six (6) organizations working on the issue. We were not invited to join the coalition because they hate questioning and think you do not want them to succeed, they see you as hostile. A traitor.

Anonymous

2.2.2. Advocacy Needs of Environmental Human Rights Defenders

2.2.2.1. The Need for Public Interest Litigation as a Strategy

Public interest litigation (PIL) enables claims in public interest. The 2020 amendments effectively abolished PIL. A personal interest in a matter is mandatory which closed the door to several EHRDs.⁹⁸ The Center for Strategic Litigation (CSL), a major player, was deregistered to send a strong message to PIL players.⁹⁹ Following an amendment to the NGO Act to provide for the renewal of registration certificates, several vocal NGOs were denied renewal.¹⁰⁰ CSL filed a case to challenge new amendment, lost and had to move to Zanzibar. A permit in Zanzibar does not extend to the mainland.¹⁰¹

PIL is constitutional in Tanzania and can still be used as a strategy. However, few EHRDs have utilized PIL for various reasons; including prohibiting costs when a case is lost.

In 2017, we supported communities to file a case before the East African Court of Justice. We lost because of political capture of the Judiciary. We have filed several other cases but do not expect any positive outcomes. The African Union came to do an independent investigation because we filed a petition with the Commission. We can no longer go to the East African Court of Justice because Tanzania withdrew from a clause so civil society cannot go.

Anonymous

93 Key informant interview, anonymous, FGD.

94 FGD.

95 FGD.

96 FGD.

97 Key informant interview, anonymous.

98 Key informant interview, anonymous.

99 Id.

100 Id.

101 Key informant interview, anonymous.

A person is both natural and legal and in the Constitution, does not have to have an interest. Why is litigation not happening? In law, a person who won should be reimbursed, if you sue govt and they win, the judge will say costs follow the event. The government has to be reimbursed. The costs are escalated. The bills are very huge, and when you fail to pay, property is attached. My friend had a bill of 200,000,000/= Tanzanian Shillings. That is a huge deterrent.

Environmental tribunal is not established despite being created in the law.

Anonymous

EHRDs therefore expressed a need to utilize public interest litigation as a strategy for policy and regulatory reform.

2.2.2.2. The Need for Civic Expression

EHRDs reported that the civic space has been effectively closed. There is no freedom of expression in practice despite constitutional guarantees.

Demonstrations failed. It was a landmark. No other demonstration could be organized. Who could go forward? In Southern Tanzania, the people said they will demonstrate, the [former] President threatened the Prime Minister to beat up his aunties (he was from Southern Tanzania). There is need reforms that allow people to express themselves.

Anonymous

EHRDs need permission to conduct peaceful protests and demonstrations. However, the authorities seldom grant such permission.

"The challenge is that you need a permit. We tried to get a permit to demonstrate but police did not issue it. It was interpreted as us trying to create a security challenge. You will never get the permit. We have explored other ways, send people to meet with politicians. Sometimes doors are shut."¹⁰²

EHRDs expressed a need for support in engaging government to open the civic space for peaceful protests and demonstrations in accordance with the Constitution.

EHRDs cited previous successful efforts in engaging with the government.

In 2006, an NGO mobilized women to meet President Kikwete. About 200 women were loaded in buses. Kikwete announced no eviction of Maasai from Ngorongoro. But his term ended, and another president came in. We need to engage with the current leadership.

Anonymous

There have been efforts to that end and progress with engagements with government although there were no positive results.

In 2022, 30 Maasai (20 women and 10 men) were supported in developing a comprehensive report about the situation in Loringo. We supported them to deliver report to Prime Minister, Majaliwa. In May he said he was going to speak to seniors and that gave assurances. However, the eviction happened one month later. We believe in peaceful negotiations and engagement with government. But the commitments are not followed through.

Anonymous

2.2.2.3. The Need to Master the Subject Matter

EHRDs work on highly sophisticated and technical environmental issues, across various fields. Advocacy demands that they speak from a knowledgeable position in order to engage effectively with high level policy makers. Unfortunately, several EHRDs have basic and limited knowledge in the areas in which they work.

They do not control their constituencies. They need to be conversant with the portfolio of the area you are working on. Master the subject on land, uranium, climate, extractive industries. Trainings that will enable them to master the subject matter. They need to understand the available standards, laws, issues and broader frameworks such as, the concept, politics and development considerations. Wrong defence and approach to issues puts them at risk because they breach of the law. For example, in mining areas, EHRDs who are doing fact finding, go without understanding the law on compensation.

Anonymous

102 Key informant interview, anonymous.

2.2.2.4. The Need to Utilize Holistic Advocacy Strategies

Several individuals and EHRD organizations do not have advocacy policies and strategies. There is little thought on the appropriate forms of advocacy for both the individual and the organisation,¹⁰³ and if strategies are there, they are often single approaches and backup plans are lacking. As a consequence, some EHRDs cannot effectively engage with the government because of a lack of a clear strategy, which means, they may not know the power brokers, decision makers and 'allies' in the system. They need to undertake a situational analysis and all-round scanning to determine the appropriate form of intervention.¹⁰⁴

"EHRDs go with one approach, just fights. They must go all round. Do media campaigns, name and shaming, court. That is advocacy."¹⁰⁵

Secondly, there is an under-appreciation for community conservation efforts that stems from a lack of understanding on one hand, and interest on the other, of traditional conservation methods.

"Community oriented conservation is met by accusations of destroying the environment, which is truly misinformed."¹⁰⁶

"Culture plays a big role in the Northern Zone of Tanzania, occupied by the Maasai. At Kiketo, there was a program. We met with the leaders of the area, who allowed women to participate in the range land management. In the pastoral culture."¹⁰⁷

In addition, EHRDs expressed the need for trainings in risk assessments in varying situations will inform the appropriate advocacy strategy. The assessments should be situational and context specific.

2.2.2.5. The Need for Financial Security

Some EHRDs stated that advocacy is an expensive endeavour and that there are several initiatives that cannot be undertaken due to the costs involved, for example, transport and accommodation costs to Dodoma or Europe are astronomical.¹⁰⁸ There are however other serious consequences to poor funding.

Economic challenges affect their operations and cannot reach their constituents. Despite a number of challenges in the country, few can traverse the huge areas/country. This affects credibility because there is no data, due to inability to generate it. They therefore become untrustworthy.

Anonymous

Economic insecurity, therefore, puts them at risk as human rights defenders. The lack of support affects objectivity. They may create cases that are not objective and could be compromised by following the interests of those with money ... Sometimes there is misuse of the information and opportunities for those at risk. They routinely return to the coalition for monetary support with the same stories.

Anonymous

2.2.2.6. The Need for Alliances and Solidarity

Even though EHRDs can become a member of the THRDC, EHRDs are not well organized as separate group, and prefer to work in silos due to competition of limited financial resources.¹⁰⁹ Successful advocacy requires for strong networks and solidarity. There are no clear coordination mechanisms amongst EHRDs, who are also plagued by misunderstanding and mistrust.¹¹⁰

EHRDs are not organized. There is no forum of engagement by EHRDs. For government, no clear mechanisms on how to engage with EHRDs. However, the Climate Forum engages with government. THRDC meets with government on human rights defenders day. Human rights defenders and government meet and talk and engage. There is a big one-day conference. Last night we met with President Samia to talk about the general situation of HRDs.

Anonymous

103 Id.

104 Key informant interview, anonymous.

105 Id.

106 FGD.

107 Key informant interview, anonymous.

108 Key informant interview, anonymous.

109 Key informant interview, anonymous.

110 Id.

It appears therefore that the absence of alliances, networks and solidarity amongst EHRDs is a missed opportunity. It is important to create avenues and mechanisms of engagement and joint advocacy.

2.2.2.7. The Need to Access Information

EHRDs reported difficulty in accessing information, without information, advocacy cannot take place.¹¹¹ The amendment to NGO law tightened access to information. *“It is almost impossible. Even if you request, they will not give it to you. It is just a futile exercise.”*¹¹²

The amendment was meant to silence civil society. Amendments went through within four (4) days. THRDC tried to go to Parliament and was told not to bother. There was no consultation with CSOs. CSOs were very strong and united at the time. The law meant to stop CSOs. We were told by the NGO Office we can only do economic empowerment and not advocacy.

Anonymous

*“We now tell people to take pictures, videos on what’s happening on the ground. How do you document objectively these practices?”*¹¹³

*“The people who took videos were supported to escape. We immediately took them into hiding. There is a serious risk. We do not force people. You have to understand risk and commit. You have to consider the risk. Community members are at the frontline. They should not feel isolated.”*¹¹⁴

The law requires permits for research by NGOs. Last year we wanted to do research on human rights ... We published the Terms of Reference on our website and disseminated. The Executive Director of the government research entity wrote to us. We cancelled the call and the research. We sent someone to deliver response to the entity in Dar es Salaam. Staff followed up and called the office of the Executive Director but were told not to bother applying because there will never be any approval. They said, ‘Tell the bosses never to think about such research.’ From that feedback, we just forgot about it. We went back to donor and repurposed budget line.

Anonymous

However, some respondents shared relatively positive experiences in respect to access to information.

High level officials more cooperative than low level officials. At low levels, it depends on who is in the office. Who you find there. Some of them do not cooperate at all. But high level is more cooperative, there is not much difficulty. When you need specific information at a local level, they are very hesitant if matter relates to human rights. If you introduce yourself as EHRD, they are suspicious.

Anonymous

2.2.3. Capacity Needs of Environmental Human Rights Defenders

2.2.3.1. Need for Technical Capacity

Some respondents stated that some EHRDs lack the technical capacity to defend environmental human rights meaningfully – which suggests a need for thematic technical capacity building for EHRDs.

To some people, these are just jobs. There is no depth at all. We have several technical gaps. There is need to meaningful engagement with the real issues, for example, the Environment Impact Assessment Report of the EACOP Project was very technical. We needed capacity from international partners to understand and interpret report. The carbon remitted was not covered in the report. The Environmental Law Alliance alerted us to missing things in the report and highlighted points of advocacy. You cannot be an EHRD behind closed doors. You should engage with other people to better understand. Others lack these networks of experts. Environment is very technical.

Anonymous

*“I have never received training or sensitization at all. From neither the government and private actors.”*¹¹⁵

111 Key informant interview, anonymous.

112 Id.

113 Key informant interview, anonymous.

114 Id.

115 FGD.

Tanzania is currently sued by Wilshire Gold Corporation at the International Center for Investment Dispute. Tanzania enacted laws that confiscated properties of the companies. Most of my colleagues have not viewed the case on YouTube. The total views per episode is so low. Why would activists not follow up on mega issues? Takes courage, interest, and passion to self-teach. Tanzania is about to implement coal projects – I am struggling to see who is working on these issues. I find my colleagues not engaged in these important issues. Community based organizations should be working in this.

Anonymous

“We need support to understand. New developments in various portfolios, thematic areas, decisions from international bodies, otherwise, there will always be a knowledge gap.”¹¹⁶

“We really need trainings on the new laws. The laws are always changing. How can we keep up?”¹¹⁷

“We need for specific training on EHRDs not general human rights as is the case. Specific issues for EHRDs include for example litigation, legal framework on holding companies accountable, developments on specific engagement areas. We need to take a step forward in informing us.”¹¹⁸

2.2.3.2. The Need for Capacity in Data Collection, Storage and Dissemination

EHRDs called for capacity building in data collection, documentation, and storage. The need for safety of information emerged strongly.

What about safety in data collection and documentation? We need capacity building in those areas related to data issues. How do you store it for a long time, safe. We need to use this as evidence when we file a case or write a report ... As a country we have different laws, related to environmental human rights. We need to understand the laws, so we have enough tools and know the loopholes available to help in our work.

Anonymous

2.2.3.3. The Need for Capacity in Risk Assessment

Respondents expressed the need for capacity in risk assessment as a strategy to enhance both their personal and organizational security.

We lack sensitivity to threats. Self-assessment capacity is required to assess the level of security and threats. Most abductees are known to me. People should be trained, empowered to assess threats, and understand when and how to engage. Litigious people were never abducted. This needs to be clear to everyone.

Anonymous

2.2.3.4. The Need for Role Models

Several respondents stated that it is important to have role models so as to learn how successful defence of environmental human rights is conducted in Tanzania but also other countries. The absence of role models has eroded interest in environmental work.

Share threats via media. In Songwe, a mining company blocked a river that serves a huge population downstream. The Commission on Human Rights and Good Governance was informed and intervened. There are human rights monitors on the ground. Work with Tanzania human rights defenders to increase advocacy. Use of different mechanisms is very important.

Anonymous

116 Key informant interview, anonymous.

117 Key informant interview, anonymous.

118 FGD.

3 UGANDA

3.1. INTRODUCTION

Uganda ranks among the top ten (10) most biodiverse countries globally and boasts of a recorded 18,783 species of fauna and flora.¹¹⁹ It is host to 53.9% (400 individuals) of the world's remaining population of mountain gorillas, 11% (1057 species) of the world's recorded species of birds (50% of Africa's bird species richness), 7.8% (345 species) global mammal diversity (39% of Africa's Mammal Richness), 19% (86 species) of Africa's amphibian species richness and 14% (142 species) of Africa's reptile species richness, 1,249 recorded species of butterflies and 600 species of fish. In addition, Uganda harbours seven of Africa's 18 plant kingdoms (more than any other African country) and its biological diversity is one of the highest on the continent.¹²⁰

Uganda is endowed with a plethora of natural resources, including but not limited to copper, cobalt, limestone, salt, gold, and water, as well as largely untapped reserves of crude oil and natural gas.¹²¹ Whereas oil explorations in Uganda pre-date Uganda's independence, it is only in 2006 that commercial quantities of oil were discovered.¹²²

The Albertine region has major oil and gas reserves, which are estimated at 6.5 billion barrels of which 1.4 billion are recoverable.¹²³ Uganda is expected to produce its first oil in 2025¹²⁴ and drilling oil rigs have been put in place in both the KingFisher and the Tilenga Projects. Oil projects are not only capital-intensive but also require large chunks of land. The exploration of oil and gas in the

Albertine region of Uganda had several environmental impacts. The environmental degradation that ensued following the exploitation is of concern—soil erosion, wildlife disturbance, and noise pollution. Noise pollution from usage of heavy machinery, the mobility of which has caused soil erosion in Kaiso village in the Kikuube district, which has had three sites of exploration: Mputa I, Mputa II, and Waraga. Large tracts of land have also been cleared to pave the way for the oil fields construction. The disruption of wildlife affects the behaviour and special distribution of wildlife. Uganda has 56 wildlife threatened with extinction within the Albertine region.¹²⁵ Although oil exploration permits exploration in conservation areas, activities connected with exploration such as drilling, and construction of roads, negatively impact wildlife. The Tilenga project has fuelled human-wildlife conflicts. There are more elephant sightings in communities which have not only destroyed property but also killed humans in Buliisa. Some have attributed these developments to ongoing activities in the park.¹²⁶

The EACOP pipeline goes through water sources and catchment areas (wetlands). EHRDs fear that the project will lead to habitat loss, increased carbon emissions and dubbed it the mid-sized carbon bomb.¹²⁷ The Environmental Social Impact Assessment (ESIA) report by EACOP downplays the severity of the impacts the project on wetlands and local communities which derive livelihoods therefrom.¹²⁸ The geographical information system analyses show that EACOP crosses more than 158 wetland sections in Uganda, however, the ESIA report only mentions four major wetland systems of Kafu, Nabakazi, Katonga and Kibale as being affected.¹²⁹ There

119 Convention on Biodiversity, Uganda Biodiversity Facts Status and trends of biodiversity, including benefits from biodiversity and ecosystem service, available at: [https://www.cbd.int/countries/profile/?country=ug#:~:text=It%20is%20host%20to%2053.9,86%20species\)%20of%20Africa's%20amphibian.](https://www.cbd.int/countries/profile/?country=ug#:~:text=It%20is%20host%20to%2053.9,86%20species)%20of%20Africa's%20amphibian.)

120 Id.

121 Impact Transform, Uganda's Key Natural Resources, available at: <https://impacttransform.org/en/countries/uganda/#:~:text=Uganda's%20key%20natural%20resources%20include,crude%20oil%20and%20natural%20gas.>

122 Petroleum Authority Uganda, Petroleum Exploration in Uganda, available: <https://www.pau.go.ug/petroleum-exploration-in-uganda/>.

123 Id.

124 Reuters, Uganda says first oil in April 2025, eyes China for pipeline funding, available at: <https://www.reuters.com/business/energy/uganda-says-first-oil-april-2025-eyes-china-pipeline-funding-2022-11-02>

125 Tutilo Mudumba, Benjamin Stimpson, Sophia Jingo, Robert A. Montgomery, The implications of global oil exploration for the conservation of terrestrial wildlife, Environmental Challenges, Volume 11 2023, available at: <https://doi.org/10.1016/j.envc.2023.100710>.

126 Kazi-Njema News, PAU speaks on elephant invasions link to Tilenga oil project. <https://kazi-njemaneews.com/pau-speaks-on-elephant-invasions-link-to-tilenga-oil-project/>.

127 <https://www.theguardian.com/environment/2022/oct/27/east-african-crude-oil-pipeline-carbon>.

128 AFIEGO, Factsheet EACOP Impacted Wetlands in Uganda, 1.

have already been reports of large volumes of dirty water emanating from the Central Processing Facility in the Tilenga project and destroying crops and other property – the water has found its way into Lake Albert.¹³⁰ EHRDs have already raised the alarm about the potential oil spills, especially in water bodies.

Uganda's wetlands are further threatened by drainage for agriculture, urbanization, and sand mining.¹³¹ This disruption of wetland ecosystems impacts water availability, reduces biodiversity, and increases the risk of flooding. The need for sustainable wetland management is therefore crucial. The wetland cover has significantly reduced and factors leading to wetland loss are not mitigated.¹³²

The EACOP is expected to become the longest heated pipeline in the world.¹³³ It will transport crude oil from Uganda to Tanga Port in Tanzania. The oil projects require large chunks of land to set up the requisite infrastructure in highly valuable biodiversity, for instance, the Jo Bi Rii 5 in Tilenga is located in the Murchison Falls Game Park.

The oil projects have fuelled land grabbing, which they normally dub project-induced land grabbing. Natural forests, such as, Bugoma Forest have been felled, en masse, to give land to investors to grow sugarcanes.¹³⁴ In sum, the exploration of oil and gas can increase employment opportunities and improve infrastructure, it can equally unleash negative environmental effects on the ecosystem and communities.¹³⁵

Besides development projects, deforestation is also driven by the demand for agricultural land, charcoal production, and timber. This leads to soil erosion, loss of biodiversity, and decreased ecosystem services.

According to the Global Forest Watch, Uganda lost approximately 126,000 hectares of tree cover in 2020 alone, increasing carbon emissions and reducing forest habitat.¹³⁶

Commercial flower farming is one of the most salient environmental concerns in the country. Uganda has over 20 flower farms along Masaka Road, Wakiso, Mukono, and the vast majority along or near Lake Victoria.¹³⁷ These farms include Rose Bud, Ugas Rose, Melisa, Venus Alarm Roses, Expressions, Tropical, and Wagagai.¹³⁸ The practices in the flower farming industry that are harmful to the environment, for example, the use of pesticides and chemicals degrade not only the soil but also the nearby water bodies. The fertilizers and pesticides interfere with the aquatic environment and the entire ecosystem. This also puts those within the vicinity of these flower farms at risk due to exposure to harmful chemicals. Flower farming consumes a lot of water hence the need to ensure that water sources are sustainably utilized.¹³⁹ Barring pollutant chemicals and nutrients from flower farms around the lake, the water source is polluted by discharges from tanneries, industries, and abattoirs.¹⁴⁰ Reports indicate that River Mpanga in South West Uganda is also polluted by Riparian settlements affecting the water supply in Kamwenge and Fort Portal districts.¹⁴¹ Water pollution is compounded by the degradation of wetlands and encroachment, thus depleting what would have been a natural filter. Therefore, there is a need to implement pollution control measures and wastewater treatment systems.

129 Id., at 4.

130 The Independent, Desperate Farmers Appeal to Total Energies, Government as Tilenga Floods Destroy Livelihoods, available at: <https://www.independent.co.uk/desperate-farmers-appeal-to-totalenergies-govt-as-tilenga-floods-destroy-livelihoods/>.

131 Nema, J. A. et al. (2016). Causes and Consequences of Wetland Degradation in Uganda: A Review. *Africa Journal of Environmental Science and Technology*, 10(11), 407-419. doi: 10.5897/ajest2016.2134

132 Id.

133 *Journal of Petroleum Technology*, Tanzania Greenlights World's Longest Heated Crude Pipeline, available at: <https://jpt.spe.org/tanzania-greenlights-worlds-longest-heated-crude-pipeline#:~:text=Once%20completed%2C%20the%20EACOP%20pipeline,markets%20via%20the%20Indian%20Ocean.>

134 IGEN, Earth Day 2023: Spotlight on Bugoma Forest, available at: <https://www.igen-ea.org/media/gjosx5aiz5wpdjrnkptfj8ihoygvb>.

135 Byakagaba, Patrick, Mugagga, Frank, and Dianah Nnakayima. "The socio-economic and environmental implications of oil and gas exploration: Perspectives at the micro level in the Albertine region of Uganda." *The Extractive Industries and Society* 6, no. 2 (2019): 358-366. Available at <https://doi.org/10.1016/j.exis.2019.01.006>.

136 Global Forest Watch. (2020). Uganda Country Profile. Available at <https://www.globalforestwatch.org/country/UGA>

137 Daily Monitor, Surviving the Rose Farm Thursday, 03 Nov 2011 — updated on 08 Jan 2021 Available at <https://www.monitor.co.ug/uganda/magazines/jobs-and-career/surviving-the-rose-farm-1502752>

138 Daily Monitor, Surviving the Rose Farm Thursday, 03 Nov 2011 — updated on 08 Jan 2021 Available at <https://www.monitor.co.ug/uganda/magazines/jobs-and-career/surviving-the-rose-farm-1502752>

139 Natural Resources Steward Programme, Training Commercial Flower Farms in Uganda on Water Source Protection (2022) Available at <https://nature-stewardship.org/countries/training-commercial-flower-farms-in-uganda-on-water-source-protection/>

140 Ministry of Water and Environment, Framework and Guidelines for Water Resource Protection. Vol 1: Framework for Water Source Protection (2013) Available at https://www.mwe.go.ug/sites/default/files/library/Vol.%201%20-%20Framework%20for%20Water%20Source%20Protection%20FINAL_0.pdf

141 Natural Resources Steward Programme, Training Commercial Flower Farms in Uganda on Water Source Protection (2022) Available at <https://nature-stewardship.org/countries/training-commercial-flower-farms-in-uganda-on-water-source-protection/>.

As a state party to several major international and regional instruments, Uganda is lauded for a robust policy and regulatory framework.¹⁴² It is worth noting that while Uganda has made progress in establishing a legal and policy framework for environmental human rights, challenges remain in terms of implementation, enforcement, and addressing emerging environmental issues. Efforts are underway to strengthen the effectiveness of existing laws and policies, enhance public participation, and promote environmental justice. Regarding environmental human rights defenders, Uganda has recognized the importance of their role in safeguarding the environment as outlined in the United Nations Declaration on Human Rights Defenders which protects the rights of individuals and groups who promote and defend human rights, including environmental ones.

The Constitution of the Republic of Uganda serves as the foundation for the country's environmental protection and human rights. The Constitution expressly recognizes the right to a clean and healthy environment.¹⁴³ This right is justiciable before courts of law in case of infringement. Uganda does not have a specific law protecting human rights defenders, although some constitutional provisions are closely linked to the work of human rights defenders. These rights include the freedom of expression, assembly, and association.¹⁴⁴ Furthermore, the Constitution also protects the right to participate in government affairs and engage in peaceful activities to influence government policies.¹⁴⁵

A proposed human rights defenders Bill was first introduced in 2020 and tabled before Parliament for consideration, and revised in 2022.¹⁴⁶ The Bill seeks to enhance the protection of human rights defenders by imposing a specific obligation on the State to ensure a safe and enabling environment for human rights defenders to conduct their work.¹⁴⁷

Furthermore, the Bill aims to enumerate the functions of human rights defenders besides instituting actions for rights violations as envisaged under the Constitution.¹⁴⁸ It further seeks the criminalization of acts that impede and unreasonably limit the work of HRDs.¹⁴⁹

In addition, there is significant networking and collaboration: EHRDs form national coalitions/ alliances and networks with local and international organizations to share experiences, resources, and strategies, such as the National Coalition of Human Rights Defenders, which has an environmental human rights cluster. The network strengthens advocacy efforts and enables them to confront challenges together.

Unfortunately, despite some commendable developments on the legislative front, the space for EHRDs in Uganda is shrinking rapidly. NGOs and individuals who are vocal about sensitive issues are increasingly facing arrests, blacklisting of organizations, legal persecution, harassment and revocation or non-renewal of permits. Stringent measures are formulated periodically to create difficulties for NGOs, with new laws, practices, and procedures that make the process of permit renewal nearly impossible due to complex compliance requirements.¹⁵⁰

Cases of violence and harassment of environmental human rights are prevalent in Uganda. The Global Witness Report of 2021 documented one case of murder of an EHRD.¹⁵¹ Human rights defenders, particularly in the Albertine region, reported eviction and destruction of their property.¹⁵² Reports indicated that the EACOP project put more than 100,000 people at a risk of eviction and displacement.¹⁵³ Moreover, several had not been compensated equitably and could not access their land. Several EHRDs, including journalists, have been denied information and access to the oil zone.¹⁵⁴

142 For a comprehensive discussion on the policy, national, regional and international regulatory framework, see Inception Report, June, 2023.

143 Article 39 of the Constitution of the Republic of Uganda, 1995 as amended Available at <https://ulii.org/akn/ug/act/statute/1995/constitution/eng@2018-01-05/source>

144 Article 29 of the Constitution

145 Art. 38(2) of the Constitution of Uganda Available at https://ulii.org/akn/ug/act/statute/1995/constitution/eng@2018-01-05#chp_Four_sec_38

146 Defenders Protection Initiative, The Human Rights Defenders Bill tabled before Parliament, 2020, Available at <https://www.defendersprotection.org/2020/07/23/the-human-rights-defenders-protection-bill-tabled-in-parliament/>

147 Clause 2(a) of the Human Rights Defenders Bill, 2022, Available at <https://ishr.ch/wp-content/uploads/2022/11/Uganda-Human-Rights-Defenders-Protection-Bill-2022.pdf>

148 Clause 2(b) of the Human Rights Defenders Bill, 2022, Available at <https://ishr.ch/wp-content/uploads/2022/11/Uganda-Human-Rights-Defenders-Protection-Bill-2022.pdf>

149 Clause 2(c) of the Human Rights Defenders Bill, 2022, Available at <https://ishr.ch/wp-content/uploads/2022/11/Uganda-Human-Rights-Defenders-Protection-Bill-2022.pdf>

150 See, for instance, new guidance from the Uganda Registration Services Bureau on filing relating to beneficial owners, also applicable to NGOs.

151 Global Witness: Global Witness Reports 227 Land and Environmental Activists Murdered in a Single Year; The Worst Figure on Record. September 2021. Available at: <https://www.globalwitness.org/en/press-releases/global-witness-reports-227-land-and-environmental-activists-murdered-single-year-worst-figure-record/>

152 Albertine Watchdog, "Environmental Human Rights Defenders in the Albertine Region Under Attack: The Tilenga Oil Development Project Raise These Threats." 2020. Available at: <https://www.albertinewatchdog.org/2020/01/24/environmental-human-rights-defenders-in-the-albertine-region-under-attack-the-tilenga-oil-development-project-raise-these-threats/>

153 European Parliament, European Parliament resolution of 15 September 2022 on violations of human rights in Uganda and Tanzania linked to investments in fossil fuels projects, available at:

154 European Parliament, European Parliament resolution of 15 September 2022 on violations of human rights in Uganda and Tanzania linked to investments in fossil fuels projects, available at: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0321_EN.html

To suppress EHRDs, the State often uses the law to stifle the work of HRDs by, among others, criminalizing their work, thus increasing vulnerability to arrests, criminal charges, and harassment within judicial and administrative systems.¹⁵⁵ They also face physical assaults and intimidation. Therefore, there is a need for strengthened protection mechanisms, increased engagement of environmental human rights defenders in decision-making, and accountability of perpetrators of violations against EHRDs.

In response, the National Coalition of Human Rights Defenders - Uganda (NCHRD-U) was established in 2013. The NCHRD-U coordinates the work of HRDs and promotes 'synergy, cooperation and collaboration to effectively advance the protection and safety for HRDs.¹⁵⁶ The NCHRD-U has thematic groupings/networks, including one on environmental human rights. The network of EHRDs enables them pool resources and strengthen their resolve in the fight against the wealthy. EHRDs with means have set up funds and legal teams to support EHRDs facing prosecution.¹⁵⁷ The coalitions have also organized training on security, physical and cyber, alike to help minimize the risks. Coalitions include, Inclusive Green Economy Network (IGEN-EA) hosted by Africa Institute for Energy Governance (AFIEGO) and Civil Society Coalition on Oil and Gas (CSCO).

Some CSOs have adopted technology applications like the KOBO toolbox for reporting and these help protect the source of the information. They have also used applications that provide end-to-end encryption and which applications are secure. Best practices like data backup, encrypting information, and using strong practices have been adopted to secure data.

In Uganda, twenty-one (21) stakeholders were consulted (19 men and 3 women). The consultations took place in Karamoja region, Kampala, Ntungamo, Mityana, Hoima, Wakiso, Arua, Gulu and Adjumani districts.

3.2. FINDINGS

3.2.1. Protection Needs of Environmental Human Rights Defenders

3.2.1.1. Need for physical, cyber, and digital security

There is a need for both physical and digital security for the EHRDs because their security, both physical and cyber, is threatened by various state operatives who act on "orders come from above." These typically include Resident District Commissioners (RDCs), Gombolola Internal Security Officer (GISO) and police. One of the respondents stated that the HRDs are the subject of investigations and surveillance.¹⁵⁸ Another explained that her phone was confiscated by the security operatives.¹⁵⁹ Arrests and intimidation of EHRDs are commonplace in Uganda. The respondents expressed fear for their lives and the safety of their families. One respondent – a single mother worried about the potential consequences for her daughter if she were to be arrested.¹⁶⁰

EHRDs called for holistic training with regard to both personal and digital security training. One of the respondents stated that the EHRDs at the grassroots, and at the frontline are the most at risk, but however, the trainings on security are attended to by the people at the helm of civil society organizations and it is these same people who are trained over and over again.

EHRDs equally face cyber security threats that include digital surveillance and encroachment on their cyber privacy and digital security. There is a cited incident where a HRD was directly attacked during an online discussion on twitter amidst a discussion about Uganda's oil exploration.¹⁶¹

I kept receiving calls from unknown numbers and I would ignore them. One day, I decided to pick and the voice on the other end of the call was crystal clear in letting me know that I am being watched and that they know where I stay, with whom I interact with and that this was a warning for me to stay away from somethings.

Anonymous

155 Avocats San Frontiers; Protecting Human Rights Defenders in the East African Community: Briefing Paper p.3-4 Available at https://www.asf.be/wp-content/uploads/2015/06/HRDs_Briefing-Paper.pdf.

156 National Coalition of Human Rights Defenders-Uganda, available at: <https://hrdcoalition.ug/who-we-are/>.

157 See findings, under protection for details.

158 Key informant interview, anonymous.

159 Key informant interview, anonymous.

160 Id.

161 ibid

Therefore, physical, cyber/digital, and financial security threats greatly impact on the effectiveness and efficiency of both individual and organizational EHRDs.

The fact that there is no law governing and specifically for Environmental Human Rights Defenders and their activities/operations makes working in such a space harder. We are normally taken under the scope of Human Rights Defenders, but we operate in totally different realms and we need a law to govern us.

Anonymous

3.2.1.2. The Need to Prevent Intimidation, Harassment and Assault

Respondents reported intimidation, threats, arrests, and physical assaults. Several have either been victims of arrests or personally know other EHRDs who have been arrested in connection with their activism.

"In our advocacy, it is rare to find an EHRD who has not been threatened or who has not been arrested for simply defending the environment. People perceive us as threats to their livelihood and they never think of the harm being done to the environment and how it affects us all."¹⁶²

A respondent who has been an EHRD for over a decade, has been arrested countless times and even held at gunpoint on several occasions.¹⁶³ He shared an incident where a security officer threatened to tie him and other fellow activists, throw them into the trunk of a car, and dispose of them in Lake Albert. He together with other activists were arrested by a team of security officers headed by the RDC, at the time, and were detained from 10AM to 5PM in a bid to prevent him from speaking to the media and the NGOs that are based in Kampala. He recounted a meeting that was brought to a halt by security personnel, where he was arrested along with his colleagues. A friend who took a photo to capture the photographs of those who arrested them was put at gunpoint. This incident instilled fear and meetings were halted.

Another respondent was assaulted at her office by plain-clothed security personnel who confiscated her smartphone, slapped her, and threatened her with arrest.¹⁶⁴ Attempts and efforts to retrieve her smartphone were in vain. She has also faced multiple instances of intimidation and threats. However, she stated that recently the threats and intimidations have reduced vastly on her part. Her organization was blacklisted by the government.

Some journalists working with Water and Environment Media Network were arrested in Hoima on attempts to hold a peaceful demonstration on attempts to save Bugoma forest. They were detained for more than 24 hours, and they were termed as saboteurs and inciting violence.

Anonymous

It is increasingly risky to challenge official actions.¹⁶⁵ One respondent stated that he faces threats when following up on Bugoma Forest and intimidation by security organs.¹⁶⁶ He stated that when he advocates for environment-related issues, he is repeatedly told it is not his mandate, but rather, the role of National Forest Authority (NFA), National Environment Management Authority and security personnel.

Intimidation extends to the families of EHRDs to pressure them to stop speaking out against abuse of environmental human rights.¹⁶⁷ These physical security threats are deeply rooted in the politicization of the work of EHRDs who are often perceived as spearheading a hidden agenda supported by foreigners to jeopardize the country's development especially with regard to campaigns addressing the potential hazardous effects of environmental impact activities like those of EACOP.

Perpetrators of environmental violations are rich and powerfully connected, so they can intimidate, plot, and even physically assault. The police and the RDCs are sometimes on the side of these rich and connected perpetrators.

Anonymous

162 Key informant interview, anonymous.

163 Key informant interview, anonymous.

164 Key informant interview, anonymous.

165 Key informant interview, anonymous.

166 Id.

167 Key informant interview, anonymous

Our office here in Kampala was once raided by Police and our staff was arrested at the Central Police Station on grounds of operating illegally. They thought we were operating as an NGO and thought we did not have the necessary requirements but unfortunately (for them) we are operating as a Company Limited by Guarantee and have all the requirements to operate. Nonetheless, we stayed in jail for some days until when ANARDE came to bail us out.

Anonymous

Here at our office, we came to work one morning, and our office had been raided by security personnel while we were away for the evening. They messed up the whole place, took some materials, and it became impossible for some of our employees to continue with such a threat. We had to change premises and location.

Anonymous

Police are generally unsympathetic to EHRDs. A respondent explained that instead of the perpetrators being punished, they are merely transferred and that security agencies never perceive EHRDs as victims, “they think that the EHRD brought it [harm] upon himself/herself”.¹⁶⁸

“Unfortunately, Environmental abuse in Acholi is being done by big people in government who liaise with law enforcers to ensure the charcoal they burn reaches the market without being stopped on the way. And when EHRDs say anything to stop them, they threaten/intimidate because they are more powerful hence cause security risk.”¹⁶⁹

3.2.1.3. The Need for a Favourable Operating Environment

Despite the existence of favourable laws, respondents highlighted difficulty in exercising civic rights. The misalignment between the law and practice (enforcement) presents a major obstacle to the protection of EHRDs in Uganda. For instance, peaceful demonstrations are no longer tolerated. A number of EHRDs fear for their lives because of repeated threats and harassment by state operatives.

Some of the demonstrations the respondents who participated in the ‘save Bugoma campaign’, ‘save Budongo campaign’ and the campaign against polythene bags faced a backlash, and the campaigns yielded no positive results. In fact, Bugoma and Budongo are being deforested and forest cover is replaced with sugarcanes.¹⁷⁰ The government had a direct interest and was determined to protect the interests of the investors.¹⁷¹

In some instances, participants in peaceful demonstrations are arbitrarily arrested. One EHRD explained that “peaceful demonstrators were rounded up and their leaders were arrested.”¹⁷² He stated that the police and the local defence units were brutal, hostile, and indiscriminate in the use of force. He recounted another incident where EHRDs, including the Local Council Chairperson I and community leaders confronted persons brewing alcohol in rivers; “those who were brewing the alcohol, called the police who arrested the EHRDs and put them on the police pick up and took them to the police station. No charges were preferred against the EHRDs.”¹⁷³ The respondent further recounted an incident when he joined a protest against cutting trees “en masse that they believed belonged to the king.” Police dispersed the protesters with tear gas and arrested the leaders who were EHRDs.

The aftermath of some of the aforementioned demonstrations was dire. Some community-based organizations such as, Kwataniza Women Farmers Group were blacklisted.¹⁷⁴ An EHRD who masterminded a “walkaway” during a visit by the Minister of Energy during women’s day celebrations at Nyahira Primary School was arrested the following day.¹⁷⁵

Additionally, EHRDs working in the natural resources sector face closure of their organizations over unsubstantiated claims. This is a common occurrence in the oil sector where environmental activism is considered a threat to foreign direct investment and national development. The closure

168 Key informant interview, anonymous.

169 Key informant interview, anonymous.

170 Key informant interview, anonymous.

171 Id.

172 Key informant interview, anonymous.

173 Id.

174 Id.

175 Key informant interview, anonymous.

of the Democratic Governance Facility which supported various EHRDs has continuously frustrated the work and progress of EHRDs.¹⁷⁶ Some organizations have gone 3 years without any funding, and it has incapacitated their work and affected efficiency.¹⁷⁷

As a consequence, several EHRDs have shifted campaigns to the online platforms¹⁷⁸ or pulled out altogether because of the hostile operating environment and fear being singled out (“earmarked”), killed or compromising the safety their families.¹⁷⁹

The violations and abuses of environmental human rights are not commensurate with the few active, consistent, and committed players. EHRDs expressed a need for more actors due to the workload involved.¹⁸⁰

“The work is overwhelming work. When you fail to deliver results, you are considered to have connived with the government.”

EHRDs are often victims of mudslinging by both private and state actors. On its part, the government paints them as “bad people” and the enemies of progress, who are paid by the external actors to disrupt government projects.

“My own community has been brain washed that I am promoting unwanted practices, so they have turned against me and have been set to send me away from my own traditional land.”¹⁸¹

3.2.1.4. The Need for Inclusivity

The EHRDs expressed the need for inclusivity regarding interventions designed to support EHRDs. EHRDs at the grassroots, and at the frontline are the most at risk.¹⁸² However, opportunities, such as, trainings on security are attended to by the people at the helm of civil society organizations.¹⁸³

Inclusivity is key to strengthening the effectiveness of EHRDs.

3.2.1.5. The Need for Legal Aid

Several respondents expressed frustration with the justice system; particularly, the ways laws are weaponized against EHRDs and other CSOs and the absence of legal aid for some EHRDs.

“Most of the significant groundwork is done by EHRDs at the ground level in the communities where they are or come from. They face the actual impacts of environmental human rights violations as well as the threats involved yet they do not have the necessary capacity or training and needs required for their efficiency and security. This needs to be addressed.”¹⁸⁴

Conversely, while EHRDs take significant risks as defenders of environmental human rights, the resulting consequences, such as, arrests and prosecution are not mitigated, leaving them with high legal costs to secure their freedoms.

3.2.1.6. The Need for Justice

In addition, EHRDs mistrust the legal processes and as a result, are unable to enforce collective rights for the affected communities. Legal practitioners are unable to commit to environmental public interest cases due to insufficient resource mobilization.¹⁸⁵

“The laws are not implemented and when they are, they are used as a weapon against the opposition or CSO whichever the case is.”¹⁸⁶

The fact that we do not have a separate division of court with specialized judicial officers and staff handling matters of environmental concerns makes our advocacy and litigation work complex. This is solely because environmental cases are time bound cases, and any delay deeply and tremendously affects the case.

Anonymous

176 Id.

177 Key informant interview, anonymous.

178 Key informant interview, anonymous.

179 Key informant interview, anonymous.

180 Key informant interview, anonymous.

181 Key informant interview, anonymous.

182 Key informant interview, anonymous.

183 Key informant interview, anonymous.

184 Key informant interview, anonymous.

185 Key informant interview, anonymous.

186 Key informant interview, anonymous.

I cannot guarantee that if I went to court, I would get what I want and if I did, on time. The court system is bureaucratic-it takes very many years to get a decision. The judicial system is frustrating. You can take on the policeperson as an individual, but I am not sure you will get what you want and on time. Court should be the last resort.

Anonymous

*"The judicial system is corrupt, and the judiciary is not independent. I would not waste time in court because many a time the perpetrators have allies in the judiciary."*¹⁸⁷

3.2.2. Advocacy Needs of Environmental Human Rights Defenders

3.2.2.1. The Need to Prevent Self-censorship

A number of EHRDs are self-censoring due to fear of arrests, abductions, and death. Self-censorship has greatly reduced the effectiveness of EHRDs. While all respondents were aware of the rights recognized by the Constitution that would enable them to undertake advocacy, they unanimously agreed that the rights remain on paper.

All peaceful demonstrations organized by EHRDs were dispersed and ended in the arrests of the leaders. EHRDs were stopped from accessing some hotspots, for example, Bugoma Forest was closed to journalists and other EHRDs. Meetings held by some of the respondents were abruptly cut short by the appearance of security personnel, who arrested the conveners.¹⁸⁸

Whereas there is freedom of speech, you still have to suffer the consequences of what you have stated, which sometimes entails that you are arrested, subjected to threats and intimidations, and other times physically assaulted.

Anonymous

Women EHRDs who speak up in public spaces are called names and insulted. The names include "non-marriage material" "kipanga" "malaya" "iron lady" and "unruly".¹⁸⁹ Self-censorship by women is therefore informed by both internal and external factors.¹⁹⁰

3.2.2.2. The Need to Access Information

EHRDs generally stated that they could not easily access information, and therefore, are unable to effectively undertake advocacy. Several respondents narrated experiences of being denied information, such as, requests for information on updated district compensation rates has never been furnished despite repeated requests.¹⁹¹

*"I do not even bother asking for information from state-bearers I am certain that the information will not be granted. I look for information all over the websites for various information."*¹⁹²

A respondent recalled requesting information in a meeting with the Uganda National Oil Company (UNOC). The information was not provided and the justification for the refusal was that there is a need to first get approval from the "above".¹⁹³ Another respondent explained that she requested information, and the request did not yield any result and neither was the decision not to grant her the information justified.¹⁹⁴

*"Sometimes they justify the denial of the request for information and in other instances, they just go mute despite various correspondences and follow-ups."*¹⁹⁵

One of the respondents however shared a positive experience. He stated that he always gets information whenever it is requested. He further explained that he has to make a long formal request for the information to be availed.¹⁹⁶

The procedure for formal requests for information is largely unknown. A respondent explained that, "one only learns about it when they request information and are "bounced" and told of the right procedure, which is time-wasting."¹⁹⁷

187 Key informant interview, anonymous.

188 Key informant interview, anonymous.

189 Key informant interview, anonymous.

190 Key informant interview, anonymous.

191 Key informant interview, anonymous.

192 Key informant interview, anonymous.

193 Key informant interview, anonymous.

194 Key informant interview, anonymous.

195 Key informant interview, anonymous.

196 Id.

197 Key informant interview, anonymous.

There is no interpreter, no voice requests and all requests have to be in writing.¹⁹⁸ When a respondent asked an official how an illiterate would be able to request information in writing, he was told that the "literate must share the information they access with the illiterates ... illiterates in the community fear approaching these offices for information."¹⁹⁹

3.2.3. Capacity Needs of Environmental Human Rights Defenders

3.2.3.1. The Need for Technical Knowledge

All the EHRDs interviewed had never heard of the Environmental Human Rights Defenders toolkit and several misidentified it as part of international human rights instruments and laws. Whereas the EHRDs know about the existence of legal mechanisms under the law to challenge administrative decisions, none could point to specific laws. There is therefore a need for in-depth issue-based engagement on environmental issues and applicable laws across various fields to better equip EHRDs. The majority of the respondents could explain the technical aspects of specific issues they work on. It was also apparent that some EHRDs were unaware of best practices on evidence-based monitoring and documentation,²⁰⁰ as well as, effective communication strategies.

The technical capacity gaps therefore include research skills, knowledge, and skills to interpret key information shared by different stakeholders, knowledge management skills and proposal writing skills.²⁰¹

3.2.3.2. The Need for Resources

The EHRDs' efficacy is greatly impeded by the resources, financial or otherwise, that pale in comparison with the work that EHRDs is faced.²⁰² There are restrictions to direct foreign aid in Uganda, wherefore, some targeted NGOs and other recipients face heavy financial scrutiny from regulators such as the Financial Intelligence Authority. The respondents cited various laws like the Anti-money laundering act whose various requirements have to be met with. This coupled with the "leaving" and "suspending of donors" makes it extremely hard to obtain funds. Some of the respondents²⁰³ partner with other CSOs on various activities and are only facilitated by the partners to participate in activities. Others get small grants from local NGOs and CSOs.

3.2.3.3. The Need to Leverage Existing Opportunities

Respondents stated that the government routinely undertakes capacity building programs for EHRDs.²⁰⁴ However, the programs seem limited and restricted to only a few players. The National Forest Authority (NFA) has conducted capacity building for community forest management teams and the National Environment Management Authority (NEMA) conducts outreach.²⁰⁵ The programs have benefitted communities and EHRDs. Several have obtained updated information; and others have been awarded scholarships further education in environmental studies.²⁰⁶

Given that most organizations lack the resources to fund staff development, there is a need to leverage existing programs to enhance the capacity of EHRDs.

198 Id.

199 Key informant interview, anonymous.

200 Key informant interview, anonymous.

201 Key informant interview, anonymous.

202 Key informant interview, anonymous.

203 Id.

204 Key Respondent interview, anonymous.

205 Id.

206 Id.

4 DEMOCRATIC REPUBLIC OF CONGO

4.1. INTRODUCTION

The Democratic Republic of Congo (DRC) is a signatory to many international and regional treaties on environmental conservation and has a robust framework of national laws that protect the environment and bestow the duty upon all citizens to defend the environment.²⁰⁷

DRC has vast mineral resources. Besides having the world's largest reserve of cobalt, which stands at 51%, DRC also has significant deposits of gold, industrial and gem-quality diamonds, tantalum, copper, and tin.²⁰⁸ An estimated global reserve of minerals such as coltan, an essential component in the manufacture of electronics, are found in North and South Kivu.²⁰⁹ DRC's institutional history has centred around the extraction of resources which historically have not benefitted local communities.²¹⁰ From the government of Mobutu and successive governments, resource pillaging to fund wars such as the wars²¹¹ operandi. Coupled with governance issues, these resources have created conditions that have triggered and sustained cycles of violence and mass human rights violations.

The United Nations Group of Experts on DRC notes that armed groups 'continue to finance their activities through the illegal mining of tin (cassiterite), tantalum (coltan) and tungsten (wolframite).²¹²

In 2020, Global Witness reported²¹³ that indigenous communities such as the Mbaka, Batwa, and Mbuti.²¹⁴ These conflicts symbolize that as much as minerals have the potential to spur economic growth and prosperity, they can, in the same breadth, present significant risks to the communities and the ecosystem. Foreign actors, including Uganda and Rwanda, explored natural resources, especially diamonds, in DRC.²¹⁵ It is reported that these two countries, among other countries, were direct beneficiaries of the exploitation and financed their military expenditure.²¹⁶

Despite denouncing severe atrocities committed by the State's agents and trading partners, there was never any shortage of foreign buyers willing to handle those goods²¹⁷ – a trend that has continued to date. The most high-profile case is oil and gas exploitation in Virunga Park, Africa's first National Park (created in 1925) and the last refuge of the mountain gorilla. The park's boundaries largely coincide with the exploration zones around Lakes Albert and Edward, where armed groups remain active. The only company openly planning to explore oil within Virunga Park is the British company Soco. Soco claims to have the blessing of the Congolese government and to have put in place all the necessary safeguards to ensure that its activities will have no negative environmental impact. But this was not enough to convince World Wildlife Fund and environmental campaigners, who referred the matter to the Organization for Economic Co-operation and Development, United Kingdom 'national

207 The International, Regional, and National Framework is discussed in detail in the Inception Report, June 2023.

208 Ministry of Planning National Investment Promotion Agency DRC, Natural Resources and Geographic Profile, <https://www.investindrc.cd/en/Natural-Resources-and-Geographic-Profile#:~:text=Geology,of%20diamonds%2C%20gold%20and%20copper>.

209 United Nations High Commissioner for Human Rights, U.N. Mapping Human Rights Violations Democratic Republic of Congo, Info note 5, https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf

210 Can the Democratic Republic of Congo's mineral resources provide a pathway to peace? 20th September 2022, <https://www.unep.org/news-and-stories/story/can-democratic-republic-congos-mineral-resources-provide-pathway-peace>

211 United Nations High Commissioner for Human Rights, U.N. Mapping Human Rights Violations Democratic Republic of Congo, Info note 5, https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf

212 U.N., Final report on the Group of Experts on the Democratic Republic of Congo (2019) Available at <https://reliefweb.int/report/democratic-republic-congo/final-report-group-experts-democratic-republic-congo-s2019469>

213 Global Witness: Global Witness Reports 227 Land and Environmental Activists Murdered in a Single Year; The Worst Figure on Record. September 2021. Available at: <https://www.globalwitness.org/en/press-releases/global-witness-reports-227-land-and-environmental-activists-murdered-single-year-worst-figure-record/>

214 Cultural Survival, Observations on the State of Indigenous Human Rights in the Democratic Republic of Congo for the 33rd Session of the United Nations Human Rights Council, Universal Periodic Review Feb 2019 submitted on October 2018, https://www.culturalsurvival.org/sites/default/files/UPR_DRC_2018.pdf

215 United Nations High Commissioner for Human Rights, U.N. Mapping Human Rights Violations Democratic Republic of Congo, Info note 5. https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf

216 Id.

217 United Nations High Commissioner for Human Rights, U.N. Mapping Human Rights Violations Democratic Republic of Congo, Info note 5. https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf

contact point" for breach of the institution's principles on corporate responsibility following the mobilization of Congolese and international civil society. The trafficking of natural resources out of DRC was interlinked with criminal enterprises enabling perpetrators to purchase and proliferate firearms from the trade profits.

DRC has one of the richest biodiversity worldwide. It has over 1500 plant species and 450 species of mammals, including rare species of mountain apes, white gorillas, endemic okapi, 1150 species of birds, and 400 species of fish.²¹⁸ Twelve percent of the DRC comprises protected areas which include 7 national parks and 57 reserves.²¹⁹ These national parks include Virunga national park, Kahuzi-Biega National Park, Garamba National Park, Maiko, and Salonga.²²⁰ These vast plant and wildlife reserves boost DRC's ecotourism potential. Despite the potential of these parks as tourist destinations and ecological balance, they have been areas of contestation due to poaching, smuggling, and widespread wildlife trafficking, which continues to deplete wildlife populations and disrupt ecosystems.²²¹

DRC also has vast forest coverage and is home to the second-largest forest worldwide, the Congo Basin. However, extensive deforestation is accelerated by commercial logging, infrastructural development, agriculture, and fuelwood collection, leading to biodiversity decline, habitat loss, and heightened carbon dioxide emissions.²²²

According to Global Forest Watch, from 2000-2022, DRC lost an average of 6.33 million acres of primary rainforest to deforestation.²²³ In 2022 alone, it lost 1.2 million acres of natural forest.²²⁴

The control over forest resources and large-scale land acquisitions have sparked conflicts between local populations especially forest-dwelling indigenous communities, and foreign investors backed by the government, especially in Virunga and Kahuzi-Biega National Parks.

This friction has resulted in the displacement and violation of human rights of indigenous peoples such as the Batwa and Bambuti. Recent investigations have also revealed accounts of systematic violence against indigenous peoples, such as cases of rape and murder of the Batwa by park rangers in Virunga and Kahuzi.²²⁵ EHRDs defending communities land rights continually experience targeted violence and intimidation that is characteristic of a highly militarized approach adopted by the government of DRC and a culture of impunity that undermines the sanctity of life and the rule of law.

In a bid to conserve the environment and push back against environmental degradation by state actors as well as non-state actors, environmental human rights defenders have rallied communities to organize themselves and challenge violations before regional bodies such as the Batwa of Kahuzi-Biega National Park who filed a petition for restitution of their land before the African Commission on Human and People's Rights in 2015 following the reinstatement of forest concessions to investors seeking to exploit forest resources. The Commission has since ruled in favour of the Batwa. Human rights defenders have also advocated for the protection of indigenous persons. The government of DRC finally enacted a national law no 22/030 on the protection and promotion of Indigenous Pygmy People's Rights to recognize the rights of indigenous populations, including access to justice to redress years of historical marginalization and discrimination.²²⁶ The Act obligates the State to recognize indigenous peoples' customs, traditions, and practices.²²⁷

Despite these positive developments, there is a pervading opinion that the government of DRC has adopted a militarized approach to all situations while failing to address underlying drivers of conflicts which include the failure to prioritize civilian engagement and participation in matters affecting them and a general lack of respect for human rights.

218 Interactive Country Fiches, Democratic Republic of Congo, Biodiversity, <https://dicf.unepgrid.ch/democratic-republic-congo/biodiversity#:~:text=The%20DRC%20is%20home%20to,2%5D%2C%20%5B3%5D>.

219 Democratic Republic of Congo website, <https://www.ambardcusa.org/invest-in-the-drc/industries/tourism/>

220 Congo Safaris, <https://www.silverbackgorillatours.com/congo>

221 UNEP report on environmental defenders in Africa: Available at <https://www.unep.org/resources/report/environmental-defenders-people-risk-protecting-planet>

222 The Guardian, 'In ten years, we might not have forests' DRC struggles to halt charcoal trade 20 July 2022, <https://www.theguardian.com/global-development/2022/jul/20/in-10-years-we-might-not-have-forests-drc-struggles-to-halt-charcoal-trade-a-photo-essay>

223 Global Forest Watch, Democratic Republic of Congo, <https://www.globalforestwatch.org/dashboards/country/COD/?category=summary&dashboardPrompts=>

224 Id.

225 Minority Rights Group International, World Directory of Minorities and Indigenous Peoples Peoples- Democratic Republic of Congo: Batwa and Bambuti, June 2018 (updated April 2022), available at: <https://minorityrights.org/minorities/batwa-and-bambuti/>

226 IWGIA, The Indigenous World, 2023, available at: <https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2023-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmxkLTlwMjZlZW5nIiwiaWF0IjoxNjg5NzcxMDMxLjE4eHAIQjE-2ODE4NTY0MzF9.PxHbwjCHHzLhC5V4CSm9QD0ZwrRgqSEZOAP38mX6h9c>

227 Focus, Democratic Republic of Congo: National Draft Law on Human Rights Defenders Approved by National Assembly December 2022, <https://www.focus-obs.org/documents/democratic-republic-congo-national-draft-law-human-rights-defenders/#:~:text=On%20the%2012th%20of%20December,Democratic%20Republic%20of%20the%20Congo>.

DRC has further undermined the protection of HRDs by adopting restrictive legislation that prevents HRDs from conducting their work safely and effectively. These laws range from public order and national security laws that impede freedom of expression, assembly, and association.²²⁸ To onerous registration requirements for non-governmental organizations' protection of HRDs continued to be undermined by the expansion of restrictive legislation designed to disrupt the ability of HRDs to carry out their work safely and effectively. Governments criminalized HRDs through various legal tools, including counterterrorism, national security legislation, and related laws restricting civil society's safe and effective functioning and penalizing freedom of assembly and expression.

Human rights defenders have mainly been targeted for speaking up against injustice. The following section details the experiences of frontline environmental human rights defenders in the Democratic Republic of Congo.

The DRC Constitution recognizes the right to a healthy environment, the duty of the state to protect the environment, as well as, the duty of citizens to defend the environment.²²⁹ It provides that the construction of industrial plants and toxic disposal should be regulated by law.²³⁰ The Constitution further mandates the enactment of laws for the protection of the environment as well as vulnerable persons.²³¹ In addition, the Constitution protects the rights of vulnerable groups and minorities in order to ensure the coexistence of all ethnic groups. Ethnic communities in the DRC include the Mbuti, Batwa and Baka. The Protection and Promotion of the Rights of Indigenous Pygmy People law was enacted in 2022 and took effect in February 2023. The law recognizes, promotes, and protects the rights of indigenous peoples, including their land rights. This law will therefore improve and safeguard the land tenure system and the security of indigenous communities. It also empowers communities to participate in decision-making on matters that are affecting them.

The DRC enacted the Environmental Protection Act, 2011 which establishes the country's legal framework for environmental protection.²³² The law covers various aspects of environmental management, including pollution prevention, natural resource conservation, and environmental impact assessments for development projects. The Act provides access to information and public participation in environmental matters.²³³

The key informants were drawn from Bukavu, Goma, and Haut Uele in the Democratic Republic of Congo. A total of twenty (20) respondents were interviewed (17 male and 3 women). Eight (8) in Bukavu, South Kivu Province, six (6) in Goma, North Kivu, and six (6) in Haut Uele. The interviews were conducted in-person, virtually, and in some instances where it was impractical to reach the human rights defender by telephone. These informants were interviewed in their capacities as individual human rights defenders as well as representatives of civil society organizations.

4.2. FINDINGS

4.2.1. Protection Needs of Environmental Human Rights Defenders

4.2.1.1. Need for Physical, Cyber/Digital and Legal Safety

EHRDs in the DRC need increased physical security owing to arbitrary arrests, intimidation, and harassment. Arrests of EHRDs by both Police and the military are rampant in the DRC.²³⁴ In most instances, the Police, which should protect civilians and HRDs, are involved in their persecution. Consequently, there is little recourse when rights are violated. EHRDs face serious risks while executing their tasks. Respondents shared their experience of arrests and detention in places not gazetted by law. In March 2019, President Tshisekedi ordered the release of about 700 people from prison and unlawful places of detention run by the National Intelligence Agency (ANR).²³⁵

228 Front Line Defenders, Global Analysis 2022, https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf.

229 Article 53 of the Constitution of the Republic of Congo Available at: <https://constitutionnet.org/sites/default/files/DRC%20-%20Congo%20Constitution.pdf>.

230 Article 54 of the Constitution of the Republic of Congo Available at: <https://constitutionnet.org/sites/default/files/DRC%20-%20Congo%20Constitution.pdf>.

231 Article 123 of the Constitution of the Republic of Congo Available at: <https://constitutionnet.org/sites/default/files/DRC%20-%20Congo%20Constitution.pdf>.

232 Act No. 11 of 009 of July 2011). Information retrieved from <https://www.dbsa.org/sites/default/files/media/documents/2021-05/Chapter%208b%20DRC%20English.pdf>.

233 Art 66 of the Environmental Protection Act.

234 Key informant interview, anonymous.

235 Aljazeera, DRC President Tshisekedi pardons about 700 Political Prisoners, 14/3/2019, available at: <https://www.aljazeera.com/news/2019/3/14/drc-president-tshisekedi-pardons-about-700-political-prisoners>

However, the civil authorities and police continued to ban and repress peaceful demonstrations and gatherings with impunity violently. The public authorities introduced the requirement of prior authorization for demonstrations in violation of the provisions of the Constitution. During the year, at least 35 peaceful demonstrations were broken up by the police, who used excessive force against the protesters, injuring at least 90 of them and making numerous arbitrary arrests.²³⁶ Most respondents agreed that enhanced security measures were necessary for EHRDs working in protected areas such as national parks and advocating for the rights of indigenous populations.

Personal security is a serious problem in DRC. We sometimes encounter armed groups that prevent us from accessing villages, such as Nabingu, where illegal exploitation of wood happens. Even organizations fear sharing information because big men are involved in the trade. We fear for our lives. These men are strong, they support armed groups, and officials of the national army even support some.

Anonymous

Some respondents reported being intimidated by authorities, especially when questioning a government-backed intervention.²³⁷ These categories of EHRDs were regarded as opposition bent on undermining the government's programs.

I did not agree with the use of silicon products due to their negative impact on the environment, including pollution. I sensitized farmers on the potential effects of silicon, but instead of dialoguing, I was individually threatened and accused of manipulating farmers and causing wrangles. The U.N. intervened, and the dispute was settled. But instead of reporting, we could have found a middle ground. Dialogue with stakeholders and impartiality is critical.

Anonymous

The increase in militarization of natural resources in the DRC dates back to 1996. In Mobutu's regime, forestry and mining industries were under civilian control. However, after the 1996 war, control shifted to the new national army, different armed groups, and foreign armies.²³⁸ This power shift resulted in the escalation of conflicts between the military and civilians. Additionally, it has led to the conflating and overlapping of roles between the police and the military, with these forces failing to protect civilians, including EHRDs. Many respondents shared accounts of the military effecting arrests of EHRDs, especially in protected areas such as reserves and national Parks.

I was arrested by the military while returning from a community sensitization seminar. We were mobilizing the community because land belonging to the pygmies- an indigenous population- was occupied by someone highly connected. I negotiated with the commander and was released. For the other colleagues who had also been arrested around the same time, it was more difficult. The leadership of their organization in town had to intervene, and they too were sent to the military commander, and they were released.

Anonymous

Congolese civilians²³⁹ and EHRDs are forced to navigate between irregular armed forces and the regular but unprofessional armed forces and the police. According to the Organic Law 11/013 of 2011 and the Code of Ethics of police Officers guiding the national police force, the police are mandated to maintain order but, in so doing, must refrain from inflicting, encouraging, or tolerating acts of torture. Use of force by police is also restricted to cases where it is essential for achieving a legitimate objective, proportional. It must adhere to the principle of progressivity.²⁴⁰ The Use of police to protect the private interests of individuals and foreign companies has been shown to lead to the abuse of policing power.

236 FGD, Anonymous

237 Key informant interviews, anonymous

238 United Nations High Commissioner for Human Rights, U.N. Mapping Human Rights Violations Democratic Republic of Congo, Info note 5. https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf

239 Key informant interview, anonymous.

240 The Law on police Use of Force Worldwide, Democratic Republic of Congo profile, 2021 <https://www.policinglaw.info/country/democratic-repub-lic-of-congo>.

In some areas, Police are used in the illegal exploitation of materials and deforestation. The Police are responsible for violations at different levels. EHRDs are persecuted by the Police, who should be protected. They (Police) help strong men involved in illicit trade to escape justice and also help exploiters to evade taxes.

Anonymous

With regard to legal protection, many respondents highlighted the need for a specific law to protect human rights defenders. One respondent remarked as follows;

Our legal framework does not take into consideration aspects of EHRDs. Legal texts do not recognize EHRDs or protect them, but we have started advocacy to ensure a law that protects HRDs is enacted. After which, we shall sensitize the masses since most Congolese do not understand legal texts. I was once asked by a military officer while arrested how the exploitation of raw materials, 'cassiterite,' concerned me as an EHRD?

Anonymous

The National Assembly adopted a draft law on Human Rights Defenders in December 2022, and is due for consideration by the Senate. Although the law is projected to increase the protection of HRDs in the country, it has a few potentially problematic provisions that may pose a real threat to the legitimate work of human rights defenders, including a restrictive definition of the term HRD. In addition, Article 17 imposes onerous conditions on HRDs, such as the obligation to send an annual report of their activities to the Ministry of Human Rights.²⁴¹ While regulation of CSOs is ideal, the government's onerous reporting obligations can turn into overregulation which stifles the work of CSOs. The proposed law should provide effective remedies for violations, such as, reparations and compensation. While most respondents agreed that there was a need for a specific law protecting EHRDs, they also raised critical questions plaguing the DRC justice system.

4.2.1.2. The need for a Favourable Operating Environment

EHRDs operate in a harsh environment riddled with hostility. They are attacked, threatened, and intimidated during their work, which contextually occurs when the legal and policy environment is disabling. A specific law recognizing, promoting, and protecting EHRDS denotes a broader commitment to upholding human rights and the rule of law. The absence of which restrictive and unsafe working environments would prevail.

4.2.1.3. The Need for Enhanced Protection of Women Human Rights Defenders

Women HRDs face peculiar challenges because of their gender and social norms associated with being female. In North Kivu and Ituri, in particular, women's caregiving roles and motherhood were used as a basis to attack and silence them.²⁴² A women's organisation working on the defence of land, indigenous peoples, and the defence of social justice, has been targeted by the military and police, and their offices are raided, computers are confiscated, and their families are raided. One WHRD's home was raided and searched without a warrant, and her family was detained for hours while undergoing interrogation. Before this incident, in 2021, the EHRDs had been targeted by men in military uniform, beaten and tortured. Women respondents reported that social norms in their communities prevented them from doing their work safely and effectively.

Women are the people most affected by societal norms. Most African cultures do not allow women to participate in significant matters such as land ownership and, generally, the control of natural resources. When we demand to be included, we are challenged by patriarchal men that it is not our place to discuss issues of land and minerals. Community members shun us and sometimes our own families. We are seen as bad women who want to incite others to rebel against our culture and way of life.

Anonymous

241 Proposed Law: https://ishr.ch/sites/default/files/documents/loi_protection_ddh_adoptee_par_senat.pdf, last accessed September, 2023.

242 Key informant interview, anonymous.

4.2.1.4. Self-Censorship

Some EHRDs have resorted to self-censorship to avoid criticisms, reprisals, and other adverse consequences of opposing government action. Authorities often brand EHRDs as anti-government and anti-development for undermining government projects, development, and, in some instances, internal security. Sometimes when such HRDs request documents or information from the State, they are not facilitated to obtain them.²⁴³ The intimidation of EHRDs leads to their silence, inhibiting the reporting of human rights violations while enabling perpetrators of violations not to be held accountable for their actions.

EHRDs are not as strong as those violating, so they run the risk of unemployment, threatened to be killed, or losing their family...organizations (staff) fear to share information for fear of losing their lives- big men are involved in the trade.

Anonymous

4.2.2. Advocacy Needs of Environmental Human Rights Defenders

4.2.2.1. Need for Collaboration and Movement Building

DRC does not have a national coalition of Human Rights Defenders. HRDs, just like EHRD, are not properly coordinated due to competition for grants and other funding opportunities.²⁴⁴ The lack of collaboration and robust leadership at the national level undermines the ability of civil society to engage government meaningfully. Therefore, there is an urgent need for EHRDs to coalesce together to strengthen voice and advocate for the protection of EHRDs.²⁴⁵

4.2.2.2. The Need to Prevent the Criminalization of Human Rights Defenders

The country's multiple crises have led to the adoption of various legislation restricting civil liberties and enabling criminalization of HRDs.

Many respondents observed that restrictive ordinances issued during the Covid-19 pandemic were used to repress the freedom of assembly and association of human rights defenders and criminalize those who exercised these rights, particularly during demonstrations. In 2021, 13 HRDs were arrested and detained for participating in peaceful demonstrations to denounce the repeated killings and massacres of civilians in Ituri and North Kivu provinces.²⁴⁶ HRDs have been equated to armed groups accused of threats to public security and complicity, triable by military courts.

They are now subject to arbitrary convictions, as demonstrated in the case of the 13HRDs. They were subsequently sentenced to 12 months' imprisonment for participating in peaceful demonstrations, notwithstanding the five months they spent in detention pre-trial.²⁴⁷ The government abdicated its duty to address the legitimate concerns of the HRDs over civilian protection and instead suppressed. For HRDs to execute their functions effectively, they must challenge such restrictive laws before a court or engage legislators to repeal the law.

4.2.2.3. The Need for Financial Security

Many respondents cited the lack of adequate financial resources as a barrier to the effective implementation of their programs.²⁴⁸

Unfortunately, these (interventions) require a lot of financial means that we do not have and are obliged to use other ways of solving our problems. As such legal action initiated by HRDs or the community tends to fail, and we feel isolated with very few resources. At the same time, those lodged by companies have a high success rate because they have plenty of resources at their disposal to pursue a case to its conclusion and hire the best legal teams.

Anonymous

243 Key informant interview, anonymous.

244 Key informant interview, anonymous.

245 Key informant interview, anonymous.

246 Protection International, Joint Public Statement, Peaceful Protest Is Not A Crime, Release the 13 LUCHA Human Rights Defenders Detained in Beni, North Kivu Province, Democratic Republic of Congo. 21st January 2022, <https://www.protectioninternational.org/news/joint-public-statement-peaceful-protest-is-not-a-crime-release-the-13-lucha-human-rights-defenders-detained-in-beni-north-kivu-province-democratic-republic-of-congo/>.

247 Amnesty International, DRC: Conviction of 13 youth activists is a shameful act to suppress dissent, 3rd April 2022, <https://reliefweb.int/report/democratic-republic-congo/drc-conviction-13-youth-activists-shameful-act-suppress-dissent>

248 Key informant interview, anonymous.

4.2.2.4. The Need to Integrate Traditional Systems of Conservation with Modern Approaches

Traditional conservation methods, such as those practiced by indigenous peoples in their ancestral lands, are misunderstood and relegated in favour of the development model. Failing to appreciate the traditional conservation approach and its principles, such as community participation, breeds conflicts between indigenous peoples and the government in protected areas.²⁴⁹ Some EHRDs use traditional/cultural practices such as theatre and dance to convey to the local community environmental conservation messaging as well as promote rituals whose observance promotes environmental conservation.

Although culture can play an important function in environmental conservation, it can equally perpetuate harmful social norms, especially regarding women.

"Women do not go to certain sites such as ritual sites. If a woman appears in this area, they can be severely punished by the ancestors. Women EHRDs should behave in a manner that respects this custom. ...They (women) take all measures to conform to culture. Women are not totally free; they can't speak up against customs that prevent them from doing their work as EHRDs."²⁵⁰

Such cultures effectively prevent the participation of women in land and resource planning and allocation, thus furthering patriarchy, and discrimination against women.

4.2.2.5. The Need for Access to Information

EHRDs in DRC face challenges in accessing information. Access to information remains informal instead of being a formal process.²⁵¹ Although there is a general improvement in accessing information from the State, the capacity varies across government entities. *"We also have services at an administrative level that cannot provide the information sought."²⁵²*

4.2.3. Capacity Needs of Environmental Human Rights Defenders

4.2.3.1. Need for Technical Capacity

While most EHRDs could articulate the issues they work on well, some respondents observed that some EHRDs did not possess the requisite technical skills and knowledge to effectively defend environmental human rights. Many of the respondents interviewed were aware of mechanisms for legal redress, especially to challenge both criminal and administrative actions but did not know the applicable laws apart from informants who were in the legal profession. Furthermore, many of the EHRDs were unaware of Environmental Human Rights Defenders Toolkits, thus indicating the need for capacity-strengthening programs for EHRDs.

"Capacity building programs exist. Unfortunately, the government does not do much and usually have insufficient means and accountability challenges. It is CSOs that mostly do the work."

There is a need to enhance the capacity of EHRDs, especially on national and international human rights.

Anonymous

The need to ground EHRDs in human rights cannot be overstated. They must understand what they defend.

Bridging the knowledge gap will require the amelioration of government at all levels- involve many actors from civil society organizations and researchers to think about common strategy. Roles will be defined, and so will responsibilities hence strengthening capacities of stakeholders.

Anonymous

249 Key informant interview, anonymous.

250 Key informant interview, anonymous.

251 Key informant interview, anonymous.

252 Key informant interview, anonymous.

One respondent expressed the need for strengthening relations between EHRDs and the government through constructive engagement, considering that the primary role of protecting EHRDs lies with the State.²⁵³ Some respondents noted that the government was playing a role in capacity strengthening.

“The government has partnerships with technical partners. Currently, there are programs related to global warming supported by the World Bank, but I do not know if government has its own programs. The government needs to be proactive.”²⁵⁴

253 Key informant interview, anonymous.

254 Key informant interview, anonymous.

5 Conclusion

Consciousness about sustainable environmental practices has only gathered steam in recent years; despite calls dating back to 1972, and earlier. The UN Conference on Human Rights and the Environment effectively linked the realization of human rights to the environment. Environmental degradation through practices that cause air pollution, water contamination through improper waste disposal, deforestation, to mention but a few, are barriers to several human rights including the right to health, food, and life itself. This epiphany has given rise to EHRDs – who work in varied and highly specialized fields, such as, oil and gas, mining, flower farming, freshwater preservation, among others. Unsurprisingly, issues within the framework of EHRDs are highly technical, and yet, the vast majority of EHRDs are lay persons and grassroots organizations that are part of local communities that suffer the immediate effects of unsustainable environmental practices. As might be expected, EHRDs have a myriad of needs around protection, advocacy, and capacity building.

This report documents the needs of EHRDs in Tanzania, Uganda, and the DRC from first hand sources. EHRDs face a peculiar set of circumstances because they are the only HRDs in direct confrontation with governments and government backed private players over state programs. EHRDs pose a real threat to billions worth of investment and pay a very high price for their work, persistence, and resilience. The report quotes some of these experiences, which include, arbitrary arrests, forced exile, surveillance, closure of organizations, disruption of activities such as protests and fact-finding, enforced disappearance, abductions and in some cases, death. This situation notwithstanding, EHRDs appeared isolated from other HRDs in the sense that, the states are less willing to engage with them since most are perceived as unpatriotic, anti-development and puppets. The dismissive responses, rhetoric, and attitudes of the states, have in some instances, isolated EHRDs from local communities. Within the human rights community, few players understand the experiences of EHRDs, as a result, offer little solidarity and support for their work.

Any interventions to address the needs of EHRDs is timely. This report makes country-specific recommendations, although the experiences are similar in many ways. There are some best practices and could also be borrowed. For instance, EHRDs in Uganda have organized and formed networks that strengthen their advocacy. Across the board, the main areas of intervention are strengthening security in the practical sense – beyond training – to ensuring that EHRDs not only have security plans in place but can also implement them. Building the technical capacity of EHRDs is critical because they work in sophisticated areas that require a solid understanding of the context, the law, and the ability to interpret expert reports. This report highlights entry points that could improve the situation of EHRDs.

6 Recommendations

To the Governments of Tanzania, Uganda, and DRC

- Create platforms for engagement with the EHRDs to facilitate consultations, access to information, and improve relations between both parties.
- Improve the operating environment for EHRDs by enacting enabling legislation and desisting from over-regulation of CSOs.
- Guarantee the security of EHRDs through overall improvement of security and dialogue with EHRDs on challenges and threats to their security.

To the Governments of Tanzania and DRC

- Develop synergies with cultural leaders and other local knowledge holders to enhance capacity on knowledge about traditional conservation methods.
- Integrate traditional methods of conservation with modern approaches through dialogue and constructive engagement with local communities.

To the African Commission on Human and Peoples' Rights

- Provide spaces at the national and international levels for EHRDs to engage government and international players on critical issues. This requires linking them to global networks and fora and supporting their participation.
- Provide opportunities for advocacy, visibility, and fund mass sensitization on topical environmental human rights issues as a strategy of building public support for EHRDs and their work, and by extension, improve their security.

To development partners

- Invest in the implementation of security and advocacy plans. While several EHRD organizations have some form of security and advocacy plans, they lack the funds to execute and remain vulnerable to attacks.
- Enhance the visibility of environmental issues, thematically and strategically as a means of mobilizing public support for the work of EHRDs.

- Provide security software and gadgets, such as, surveillance cameras and other equipment to enable documentation of incidents or threats in real time. Further, enhance the security of existing gadgets.
- Provide financial support for advocacy and stakeholder engagements concerning the enactment of the proposed law on Human Rights Protection in the DRC and the Human Rights Defenders Bill in Uganda.

To Non-Governmental Organizations

- Establish protection mechanisms, including a protection fund, and set up a campaign that creates awareness of the fund on how it can be accessed.
- Provide holistic and meaningful specialized support that includes relocation and post-release support for EHRDs at risk.
- Provide legal support and mitigate costs in public interest litigation cases; as well as after-release support which may include, psychosocial support through a partner organization, medical support in case of torture in police custody and family support if EHRDs are bread winners in the family to keep children not in school so that kids continue education.
- Facilitate the development of a network/alliance of EHRDs in the DRC to strengthen their advocacy efforts, knowledge sharing and overall effectiveness.
- Devise strategies to advocate for policy reforms alongside EHRDs to improve the operating environment. Policy changes necessitates sustained long-term engagement with stakeholders. Create a long-term program that brings together key actors to effectively participate in the constitutional review process.
- Advocate and lobby for the expedition of the business and human rights action plan in Tanzania.
- Build the capacity of community members – on the ground, to innovatively collect data. Increasingly, organizations are denied access and permits to undertake fact-finding. It is important to utilize local EHRDs who include community leaders to for instance, record, store and share information.

- Conduct frequent security trainings for EHRDs on personal and organizational security, such as, installation of security mechanisms and protocols and digital security.
- Build the capacity of EHRDs to undertake strategic litigation. This necessitates technical support in building and arguing a case.
- Develop a compendium on environmental policies and laws in each country for easy accessibility and to highlight duplicity and ambiguity which create opportunities for land grabbing.
- Develop a mentorship program for EHRDs by linking them to local, regional, and international players.
- Build networks in Parliament to expedite the enactment of the Human Rights Defenders Bill in Uganda.
- Build the capacity of EHRDs in resource mobilization through practical trainings on fundraising at all levels, including, within affected communities.
- Disseminate the Environmental Human Rights Defenders Toolkit and make it available for reference resource materials, including laws and policies on environmental law. These materials should be translated into major languages for ease of reference.

To multinational companies and businesses

- Implement a robust human rights due diligence process that identifies and assesses the potential human rights risks and impacts associated with operations, including risks to HRDs.
- Engage with HRDs, local communities, and civil society organizations to understand their concerns, needs, and expectations regarding business activities. This engagement should be ongoing and meaningful.
- Conduct thorough human rights impact assessments to evaluate the actual and potential impacts of business operations on HRDs and their communities. Use these assessments to inform decision-making.
- Develop and implement effective mitigation measures to address identified risks and impacts on HRDs. These may include community development programs, capacity-building initiatives, and conflict resolution mechanisms.
- Establish mechanisms to protect whistleblowers within corporate organizations who raise concerns related to human rights abuses or threats against HRDs. Ensure non-retaliation policies are in place.
- Create accessible and transparent grievance mechanisms for HRDs and affected communities to report human rights concerns and seek resolution.
- Develop mechanisms for providing adequate compensation to HRDs or affected individuals in cases where business operations have caused harm or damage. This could include restitution, rehabilitation, or financial compensation.

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the subregion by reducing their vulnerability to risks of persecution and by enhancing their capacity to efficiently defend human rights.

DefendDefenders is the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.

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