



# TAKING ENVIRONMENTAL LAW TO THE PEOPLE:

The Risky Work Of Environmental Human  
Rights Defenders In East Africa



**DEFENDDEFENDERS**

East and Horn of Africa Human Rights Defenders Project

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## Executive summary

Confronting the climate and ecological emergency in East Africa depends not only on crafting robust environmental laws and policies, but also on supporting lawyers and civil society actors who strive to monitor and uphold them. This brief focuses on a persistent problem that environmental human rights defenders (EHRDs) are undervalued and unprotected by governments and international actors. It sets out progressive environmental regimes and commitments adopted by governments in this region as a reminder of their existing obligations. It illustrates how EHRDs work as intermediaries to encourage implementation of the law in Kenya, Tanzania and Uganda, and highlights some of their achievements in taking statutory promises into courts and communities and raising popular awareness. In a disturbing contradiction, we find that these legal efforts are frequently vilified and threatened. We call for urgent support for the risky work of EHRDs. We also recommend education for government officials, security personnel and corporate actors to raise awareness of the complementary role that EHRDs frequently play in translating environmental commitments into practice.

# Introduction

This brief demonstrates that the work of EHRDs is essential to the enactment of environmental law and policy in the East Africa and deserves greater respect and support. The region is on the frontline of the intensifying climate emergency. The 2020-2023 drought was deemed the worst in 40 years, because of what scientists have labelled 'human-induced climate change.'<sup>1</sup> All over the region, people have lost lives, livelihoods and been forcibly displaced by floods, with 1.6 million affected in 2024 alone.<sup>2</sup> Despite this, some powerful actors continue to put their economic interests above the environment, the rights of citizens, and the law. We ask political and security authorities to recognise that the work of EHRDs is driven by legal imperatives to safeguard the future of the region and its people – and to value it accordingly.

The brief focuses on Kenya, Uganda and Tanzania – three countries that have made important environmental commitments on paper, even if these laws and policies are often disregarded in practice. Each of these countries is endowed with a wealth of unique and important environmental resources, upon which the majority of people continue to depend for their livelihoods. In theory, all three countries have the potential to show leadership and set standards on environmental and human rights issues at the regional level, for the benefit of their own people and those of their conflict and crisis-affected neighbours. They also face urgent political imperatives and new economic incentives to do so.

Previous research and advocacy have established that EHRDs are under threat everywhere. This is not just an African problem, it is a global phenomenon rooted in ongoing competition for food, fuel and commodities, and the historical and contemporary inequalities and injustices that determine access to land and resources. More than 2000 people are estimated to have been killed for the cause of environmental and human rights protection over the past decade.<sup>3</sup> EHRDs and the marginalised

people they work to defend are pitted against corporate interests in projects designed for economic development, including mining, oil extraction, logging, infrastructure and agribusiness but at odds with the sustainability of ordinary people's livelihoods, local environments, and our planetary future. Without community-based activists committed to informing communities about their rights, governments cannot ensure that local communities are consulted or compensated and that laws are upheld.

DefendDefenders has previously called for governments to establish platforms so that they can inform and consult EHRDs and build new positive working relations.<sup>4</sup> We now reiterate this call with a reminder of the role that EHRDs often play in the implementation of law. We do so because this role is so frequently overlooked or misunderstood. There is an urgent need to challenge the negative discourses that are designed to misrepresent and undermine the work of EHRDs to 'counter the orchestrated smear campaigns and stigmatisation that many defenders face', as the Alliance for Land, Indigenous and Environmental Defenders has emphasised.<sup>5</sup>

In this brief, we demonstrate that EHRDs are engaged in legal and practical endeavours to translate statutory commitments into practice. We explain how their work is underpinned and legitimized by progressive legal regimes designed to prevent or respond to environmental crisis. EHRDs act as intermediaries in taking law and policy to the people and bringing the attention of the government and international community to gaps and failures in the implementation of law. Our analysis is based on a review of legal and policy documents, as well as on interviews and a workshop dialogue with members of the East and Horn of Africa Human Rights Defenders Network (Nairobi, July 2024).

- 1 World Weather Attribution (2023) Human-induced climate change increased drought severity in Horn of Africa, 27 April, <https://www.worldweatherattribution.org/human-induced-climate-change-increased-drought-severity-in-southern-horn-of-africa/>
- 2 The Center for Disaster Philanthropy (2024) <https://disasterphilanthropy.org/disasters/2024-east-africa-flooding-cyclone/#:-:text=Months%20of%20heavy%20rain%20due,more%20than%20410%2C000%20were%20displaced>
- 3 Global Witness (2024) More than 2,100 land and environmental defenders killed globally between 2012 and 2023, Press Release, 10 September, <https://www.globalwitness.org/en/press-releases/more-2100-land-and-environmental-defenders-killed-globally-between-2012-and-2023/>
- 4 DefendDefenders East and Horn of Africa Human Rights Defenders Project (2023) The State of Environmental Human Rights Defenders in Tanzania, Uganda, and the Democratic Republic of Congo, October 2023, <https://defenddefenders.org/wp-content/uploads/2023/11/The-State-of-Environmental-Human-Rights-Defenders-in-Tz-Ug-and-DRC-Final-Report.pdf>
- 5 The Alliance for Land, Indigenous and Environmental Human Rights Defenders (2021) Supporting Environmental Human Rights Defenders: Developing new guidance for donors and civil society organisations, 2021, p.10, <https://www.universal-rights.org/urg-policy-reports/supporting-environmental-human-rights-defenders-developing-new-guidance-for-donors-and-civil-society-organisations-2/>

## Progressive legal and institutional frameworks in East Africa

Kenya, Uganda and Tanzania have all established comprehensive legal frameworks aimed at protecting the environment at domestic, regional and international levels. These frameworks have the potential to play a crucial role in promoting sustainable development, environmental justice, and the right to a healthy environment. It is therefore not the law itself, but the weak or patchy effectiveness of these frameworks in practice that warrants concern and critical examination from the perspective of lawyers and civil society activists within EHRD networks acting in the public interest.

### National Frameworks

Kenya's Constitution (2010) is particularly robust in its environmental provisions. Article 42 guarantees the right to a clean and healthy environment, while Article 69 obliges the state to ensure sustainable development and the protection of genetic resources.<sup>6</sup> These constitutional ideals are operationalized through various legislative acts, such as the Environmental Management and Coordination Act (EMCA) and Kenya's Climate Change Act. The EMCA establishes the National Environmental Management Authority (NEMA), which oversees environmental matters, while the Climate Change Act (2016, amended 2023) provides a regulatory framework for addressing climate change and allows individuals to seek redress in the Environment and Land Court for actions that negatively impact climate change efforts.

Tanzania's Environmental Management Act (2004) is the primary legislation for environmental protection at the domestic level. It provides for the right to a clean, safe and healthy environment.<sup>7</sup> It further provides for the sustainable management and use of natural resources including provisions for environmental impact assessments, waste management, and pollution control. Importantly, according to this Act, everyone has a duty to protect the environment.<sup>8</sup>

The Act re-established the National Environment Management Council (NEMC), the body with the mandate to monitor and enforce environmental impact assessments. Beyond this, Tanzania has developed a National Environmental Policy (2021)<sup>9</sup> designed to confront the problem of climate change, promoting resilience, adaptation and mitigation strategies. Most recently the country established a set of Environmental Management Regulations (2024) that are designed to protect environment and to safeguard public health.<sup>10</sup>

Uganda's Constitution (1995) was precedent-setting in guaranteeing environmental protection and recognising the right to a clean and healthy environment for every Ugandan (Article 39) more than two decades before this right appeared on the human rights agenda internationally. Furthermore, Article 245 requires that Parliament take legal measures to protect and preserve and manage the environment, and to promote environmental awareness.<sup>11</sup> Accordingly, The National Environment Act (2019) regulates environmental management for sustainable development. It stipulates that every person has a duty to create, enhance and maintain the environment, including the duty to prevent pollution.<sup>12</sup> The Act maintains the National Environment Management Authority (NEMA) as a coordinating, monitoring, regulatory and supervisory body for all activities relating to the environment. Uganda's Climate Change Act (2021) is also an important advance for environmental protection, not least because it also contains broad provisions on standing to bring cases against governmental or private actors who pose threats to agendas for climate change adaptation and mitigation.

6 The Constitution of Kenya (2010, rev. 2022), Art. 42; Art. 69.

7 The Environmental Management Act (TEMA) (2004), Section 4(1).

8 TEMA, Section 6.

9 The United Republic of Tanzania, Vice President's office, National Environmental Policy (2021) <https://www.nemc.or.tz/uploads/publications/en-1656409821-NATIONAL%20ENVIRONMENTAL%20POLICY%202021%20new.pdf>

10 Clyde&Co (2024) Tanzania: Updater on the Environment Management Regulations of 2024. <https://www.clydeco.com/en/insights/2024/07/environment-management-regulations>

11 Constitution of the Republic of Uganda (1995), 8 October, rev. 2018.

12 National Environment Act (2019), Section 3(2).



## Regional Frameworks

In sub-regional forums, Kenya, Uganda and Tanzania have been at the forefront of commitments to environmental protection. All three countries signed the The East African Community (EAC) Protocol on Environment and Natural Resources Management in 2006. This protocol provides a cooperative framework for environmental management, emphasizing sustainable development and environmental justice.<sup>13</sup> Kenya and Uganda have since ratified the protocol, indicating their strong commitment. Other countries lag behind – so the protocol is not yet legally binding – nevertheless it has important normative significance as an expression of intent whose provisions should be heeded in practice.

At the continental level, African states were global leaders in the development of environmental law and norms. They took crucial measures to conserve the environment and natural resources with the African Convention on the Conservation of Nature and Natural Resources (modified Algiers Convention), which entered into force in 1969 with ratifications from Kenya in 1969, Tanzania in 1974 and Uganda in 1977. Notably, the Convention takes account of relations between the environment and the people, promising not only to conserve 'soil, water, flora and faunal resources' but also to do so with 'due regard to the best interests of the people.'<sup>14</sup> Furthermore, Kenya and Tanzania are contracting parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (1985, in force 1996), with obligations to prevent and reduce pollution to protect marine life.

Beyond this, the major human rights treaty, the African Charter on Human and Peoples' Rights (ACHPR) (1981) – ratified by Tanzania, Uganda and Kenya in 1984, 1986 and 1992 respectively – incorporates distinctive provisions designed to protect local environments and resources. The Charter specifies that everyone has a right to general satisfactory environment under Article 24. In addition, it requires states to eliminate all forms of foreign exploitation particularly that practiced by international monopolies, under Article 21.<sup>15</sup>

In recent years normative commitments and new mechanisms have built upon regional environmental laws. The African Commission on Human and Peoples' Rights resolutions on business and human rights and the Working Group on Extractive Industries, Environment and Human Rights Violations are designed to progress the implementation of these commitments in partnership with other relevant stakeholders.

They aim to address AU Member States' gaps in the implementation of their human rights obligations regarding business and human rights, including under the African Charter and related soft law instruments, through advocacy and development of relevant policy, legislative, institutional, and regulatory reforms.

## International Frameworks

Kenya, Tanzania and Uganda are exemplary in their on-paper commitments to major global frameworks for environmental protection. They have all signed and ratified the Paris Agreement – the international treaty on climate change adopted at the UN Climate Change Conference (COP21), which entered into force in 2016. Additionally, all three are parties to The Convention on Biological Diversity (1993) and most of its additional protocols and to The United Nations Convention to Combat Desertification (1994).

At the level of policy, the three states have committed to the Sustainable Development Goals (SDGs), with SDG 13 (Climate Action) and SDG 15 (Life on Land) especially worth noting here. There is a normative obligation upon states to ensure that they take steps to regulate business activities to avert foreseeable negative human rights impacts associated with climate change, according to the UN Guiding Principles on Business and Human Rights.

13 The Protocol on Environment and Natural Resource Management (2006) <https://www.eac.int/customs/112-sector/environment-natural-resources-management/natural-resources-management/128-150-429-protocol-on-environment-and-natural-resource-management>

14 Organisation of African Unity (OAU) (1969) African Convention on the Conservation of Nature and Natural Resources, Article II, CAB/LEG/24.1.

15 African Charter on Human and Peoples' Rights (ACHPR) (1981), Art. 24, Art. 21.

All three states have also been part of resolutions, processes and organizations that address the nexus between human rights, the environment and the actions of civil society. Kenya backed the United Nations General Assembly resolution on The Human Right to a Clean, Healthy and Sustainable Environment (2022), while Tanzania and Uganda voted in favour, thereby recognising the negative costs of environmental damage for human rights and committing to action to promote and protect this universal right. Relatedly, the Framework Principles on Human rights and the Environment (2018) specify a requirement for states to enable action, protecting people and organizations that are working on human rights or environmental issues from any form of threat or violence. The requirements to end repression and violence against EHRDs are elaborated in the United Nations Environment Programme (UNEP) Defenders Policy – this is specifically concerned with the protection of EHRDs and the development of rapid response mechanisms and legal support to them, thereby facilitating environmental rights initiatives.

The states are also parties to the major international covenants on human rights – the Universal Declaration of Human Rights (1948), Vienna Declaration and Program of Action (1993), and the International Covenant on Civil and Political Rights (1966). These all speak to their responsibilities to protect, promote, and fulfill human rights obligations for all individuals, including EHRDs. Exercising the rights to expression, peaceful assembly, and association to defend and protect the environment is justified. Furthermore, the UN Declaration on Human Rights Defenders accords member states a prime responsibility and duty to protect, promote and implement all the necessary human rights and fundamental freedoms to ensure that persons under their jurisdiction, individually and in association with others, can enjoy all those rights and freedoms in practice. This protection extends to EHRDs.

## Challenges

These various national, regional and international frameworks illustrate the scope and seriousness of the commitments that Kenya, Tanzania and Uganda have already made to environmental and human rights protection. Notably, national protection measures have often preceded international regimes. Yet the application of the laws and policies in each of these countries presents significant challenges.

Political will, local context and the availability of resources are decisive factors that influence the extent to which these laws are implemented or remain aspirational. For instance, while the Climate Change Act in Kenya provides mechanisms for public participation and access to information, its effectiveness is contingent on the enforcement of these provisions and the genuine inclusion of public input in decision-making processes. Implementation inevitably also depends on the fairness and accessibility of the national justice systems in each country. Across the region, the courts are overburdened, and the judiciary is under pressure with resource shortages, limited opportunities for continuous training<sup>16</sup> and threats to independence.<sup>17</sup> Even Kenya, which has a new plan for 'people-centred justice'<sup>18</sup> and a reputation for judicial 'resilience',<sup>19</sup> has seen judges threatened and assaulted,<sup>20</sup> or accused of corruption.<sup>21</sup>

This poses another related challenge, because at regional and international levels, there are requirements to exhaust domestic remedies first.<sup>22</sup> The African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights stipulate that complainants must appeal to the highest authority at the national level, where possible. UN treaty bodies also apply the principle that international bodies are supplementary to state institutions and therefore should only get involved when a human rights violation cannot be resolved at the national level. When domestic legal systems are slow or biased, particularly in cases involving environmental issues and human rights, the opportunities for pursuing justice at the regional or international levels are also delayed.

16 CEELI Institute (2024), 4 January, <https://ceeliinstitute.org/news/strengthening-africas-legal-training-capacity>

17 Rickard, C. (2024) New challenges to judicial independence in Uganda, 11 January, <https://africanlii.org/articles/2024-01-11/carmel-rickard/new-challenges-to-judicial-independence-in-uganda>

18 Hiil (2023) Kenya leads the way in closing the justice gap, 27 November, <https://www.hiil.org/news/kenya-leads-the-way-on-closing-the-justice-gap/>

19 International Commission of Jurists (2024) Judicial Resilience and Resistance: Navigating Challenges for an Independent Judiciary, 2 February, <https://icj-kenya.org/news/judicial-resilience-and-resistance-navigating-challenges-for-an-independent-judiciary/#:~:text=Despite%20these%20constitutional%20provisions%2C%20the,decisions%20have%20been%20persistent%20issues.>

20 The Nation (2024) Judges, magistrates give go-slow notice to protest 'poor working conditions', 17 June, <https://nation.africa/kenya/news/judges-magistrates-give-go-slow-notice-to-protest-poor-working-conditions--4660472>

21 Lynch, G. (2024) Kenyans don't trust the courts – the main factors behind this trend, <https://theconversation.com/kenyans-dont-trust-the-courts-the-main-factors-behind-this-trend-212710>

22 Yusra Suedi, Marie Fall (2024) Climate Change Litigation before the African Human Rights System: Prospects and Pitfalls, *Journal of Human Rights Practice*, Volume 16, Issue 1, February, Pages 146–159, <https://doi.org/10.1093/jhuman/huad024>



Furthermore, statutory, regional and international mechanisms are distant forms of justice, from the perspective of many communities within the region. East Africans are governed by multiple authorities and laws beyond the state, with customary law and norms especially relevant to aspects of how communities manage land and local environments, and the meanings they attach to them.<sup>23</sup> Increasingly, international environmental regimes recognise the importance of indigenous rights and the potential of indigenous norms and practices to promote and protect biodiversity and to contribute to combatting climate change or mitigating its effects. At the United Nations Framework Convention on Climate Change (UNFCCC) COP 23, parties established the local communities and indigenous peoples platform, recognising the need to integrate 'diverse knowledge systems, practices and innovations' in the development of climate programmes and policies with respect for "the rights and interests of local communities and indigenous people."<sup>24</sup> As such, knowledge of local norms, customs, and languages is generally understood to be essential to determining, monitoring and enforcing a human-rights based approach to environmental governance.

This bundle of challenges explains why grassroots activists and lawyers have taken up the work of environmental and human rights protection, and why their role as intermediaries is so fundamental to ensuring that government commitments are upheld.

## Gains for environmental justice

In recent years, EHRDs in Kenya, Tanzania, and Uganda have made significant strides towards the implementation and enforcement of existing legal and policy regimes, usually in the face of substantial risks and challenges.

In Kenya, EHRDs have been pivotal in challenging environmental violations through litigation and advocacy. A notable case is *Save Lamu & Others v. National Environmental Management Authority (NEMA)*, where the National Environment Tribunal ruled against the construction of a coal-fired power plant in Lamu.

The tribunal cited inadequate public participation and environmental impact assessments, marking a significant victory for EHRDs and the affected communities.<sup>25</sup> This case demonstrated the importance of robust environmental governance and set a precedent for future environmental litigation in Kenya.

The landmark victory in the case of the Ogiek community against the Kenyan government represents another milestone in the protection of indigenous rights in Africa. After a decade-long legal battle, the African Court on Human and Peoples' Rights ruled in 2017 that Kenya had violated the Ogiek's rights by forcibly evicting them from their ancestral lands in the Mau Forest.

The court condemned the government for denying the Ogiek the ability to live on and utilize their land and disrupting their cultural and religious practices. This ruling not only affirmed the Ogiek's right to their ancestral land but also emphasised their status as an indigenous community, deserving of special protection.<sup>26</sup>

In a further victory for the Ogiek, the court ordered the Kenyan government in 2022 to compensate the community for the harm they suffered and to take concrete steps to secure their land rights.<sup>27</sup> This included identifying and titling Ogiek ancestral lands and ensuring the Ogiek's participation in decisions affecting their land. This case has been hailed as a historic win, not only for the Ogiek community but also for indigenous and minority groups across Kenya and Africa. It serves as a beacon of hope for the advancement of indigenous rights, setting a precedent for the recognition and protection of other marginalized communities.

In Tanzania, the struggle of the Maasai community in Loliondo against forced evictions has drawn significant attention, both regionally and internationally. The Maasai, indigenous to the region, have been facing eviction from their ancestral lands under the pretext of conservation efforts. Despite facing harassment, intimidation, and arrests,<sup>28</sup> EHRDs have been at the forefront of defending their rights, bringing the case to

23 For example, customary dispute settlement mechanisms and religious courts and authorities. Note that an awareness of the limits of 'colonial command and control' approaches has obliged governments and international actors to pursue collaborative multistakeholder approaches to environmental governance, see Kimani, N. (2010). A collaborative approach to environmental governance in East Africa. *Journal of environmental law*, 22(1), 27-57. <https://doi.org/10.1093/jel/eqp031>

24 UNFCCC, the Local Communities and Indigenous Peoples Platform (2018) <https://www4.unfccc.int/sites/nwpstaging/News/Pages/Indigenous-Peoples-and-Local-Communities-Platform-Update.aspx>

25 *Save Lamu et al. v. National Environmental Management Authority and Amu Power Co. Ltd.* <https://climatecasechart.com/non-us-case/save-lamu-et-al-v-national-environmental-management-authority-and-amu-power-co-ltd/>

26 Amnesty International (2023) Ogiek case: protection of an indigenous community in Kenya, 25 June. <https://www.amnesty.org/en/latest/campaigns/2023/06/ogiek-case-protection-of-an-indigenous-community-in-kenya/>

27 Amnesty International (2023) Ogiek case: protection of an indigenous community in Kenya, 25 June <https://www.amnesty.org/en/latest/campaigns/2023/06/ogiek-case-protection-of-an-indigenous-community-in-kenya/>

28 Human Rights Watch (2023) Tanzania: Maasai Forcibly Displaced for Game Reserve Provide Redress; Adopt New Conservation Model After Consultations, 27 April <https://www.hrw.org/news/2023/04/27/tanzania-maasai-forcibly-displaced-game-reserve>

the African Commission on Human and Peoples' Rights. The Commission responded by recommending that the Tanzanian government engage in genuine consultations with the Maasai community and address their concerns, highlighting the critical role of regional mechanisms in supporting indigenous rights against powerful state and business interests.

An effort to seek justice at the East African Court of Justice (EACJ) initially failed when the court dismissed the case (Reference No. 10 of 2017) brought by four Maasai villages against the Tanzanian government for violent evictions and burning of homes in Loliondo in 2017. But in November 2023, the Appellate Division of the EACJ upheld the appeal by the lawyers representing the four villages, recognising that there was a failure in the examination of evidence in the original judgement and accordingly awarded them costs for both the original trial and the appeal.<sup>29</sup> Furthermore, in December 2023, the European Parliament passed a resolution condemning the forced evictions of Maasai communities in Tanzania.<sup>30</sup> The resolution stressed that indigenous rights are a non-negotiable prerequisite for any conservation initiative. This international condemnation highlights the importance of global and regional pressure in supporting the efforts of EHRDs and indigenous communities in protecting their rights and lands.

In Uganda, EHRDs have been vigorously opposing the East Africa Crude Oil Pipeline (EACOP) project, citing various concerns including that the pipeline will damage diverse ecosystems; that it will negatively impact on livelihoods and the climate; and that people in the project affected areas were not adequately consulted or compensated.<sup>31</sup> Their research, action and advocacy has been met with intimidation, violence and arrests, with more than fifty people estimated to have been arrested between 2020 and 2024.<sup>32</sup> Despite this, EHRDs have continued to advocate for the rights of affected communities in multiple forums, including a case in a local court in Hoima, where 42 families lost their case that the compensation offered by TotalEnergies was inadequate; and a case at the EACJ – which determined that the court did not have jurisdiction,

as it the case was filed beyond the required timeframe. Four Ugandan NGOs also joined with two French NGOs to bring a landmark case against TotalEnergies in a Paris court, which was also dismissed on procedural grounds.

At a minimum, these initiatives have drawn international attention, contributing to a resolution in the European Parliament (September 2022) calling for alternative routes to be explored to avoid detriment to sensitive ecosystems and an end to the persecution of civil society organizations and human rights.<sup>33</sup>

Beyond these high-profile cases, EHRDs are engaged in everyday work to monitor compliance with environmental regulations, to expose breaches of the law and to practically contribute to healthy environments and combatting climate change. Their local activities and small-scale achievements often go unrecognised or unsupported, yet they remain crucial for the implementation of statutory environmental commitments. For instance, in Kenya, Mathare Roots is a small grassroots association that has managed to create a community park amid a slum. It is also part of Mathare River Regeneration Network which is developing safe green spaces along the river, while educating the community in environmentalism, and creating systems for managing waste and recycling, largely through voluntary initiatives.<sup>34</sup> In Tanzania, HakiMadini has worked to address environmental concerns in the extractive sector.<sup>35</sup> One strand of the organisation's work is to support local communities by giving them the knowledge and tools to address environmental issues that affect their lives, including training them in environmental monitoring and reporting. In Uganda, the Environmental Shield stands out for its strategic litigations, including a successful case in the Uganda High Court in 2023 to prevent Jinja City Council from cutting down endangered *Milecia excelsa* (Mvule trees). The judgement determined that this action posed a threat to 'the right of City residents to and other persons to a clean, healthy and decent environment' as protected under the Ugandan constitution.<sup>36</sup>

29 United Nations General Assembly (2024) Human Rights Council Fifty-fifth session 26 February- 5 April, Written statement submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status <https://documents.un.org/doc/undoc/gen/g24/029/35/pdf/g2402935.pdf>

30 Survival International (2023) Tanzania: The European Parliament condemns eviction of indigenous Maasai community from traditional land allegedly for ecosystem conservation, 14 December. <https://www.business-humanrights.org/en/latest-news/tanzania-the-european-parliament-condemns-indigenous-maasai-communities-evictions-from-traditional-land-in-the-name-of-ecosystem-conservation/>

31 Africa Institute for Energy Governance (2023) A Research Report on the Socio-economic impact of EACOP resettlement activities on the project affected persons, November, <https://www.afiego.org/wp-content/uploads/2024/03/Research-report-EACOP-project-impact-on-affected-people-in-Uganda.pdf?refresh=654b4d5346e4d1699433811&wpdmdl=3174>

32 Global Witness (2024), Concern grows for Tanzanian communities opposing TotalEnergies' oil pipeline, 18 April, <https://www.globalwitness.org/en/press-releases/concern-grows-for-tanzanian-communities-opposing-totalenergies-oil-pipeline/>

33 European Parliament (2022) JOINT MOTION FOR A RESOLUTION on violations of human rights in Uganda and Tanzania linked to investments in fossil fuels projects, 14 September, [https://www.europarl.europa.eu/doceo/document/RC-9-2022-0409\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2022-0409_EN.html)

34 Mathare River Regeneration Network, <https://mathare-river-net.odoo.com/about-us>

35 HakiMadini, <https://hakimadini.org/>

36 The Environmental Shield Ltd and Gawayia Tugule vs Jinja City Council and Zhongmei Engineering Group Ltd, The Republic of Uganda in the High Court of Uganda at Jinja, CHT-03-CV-MC-0021-2023

## Regressive political discourses and actions

EHRDs are often seen as obstacles to development initiatives and frequently face harsh reprisals for their efforts. They experience similar challenges, including surveillance, threats, harassment, arbitrary arrests, abductions, enforced disappearances, displacement, exile, and, in severe cases, death. In Kenya, Tanzania, and Uganda, the efforts of EHRDs are often met with hostility, despite their critical role in safeguarding natural resources and promoting sustainable development. States and powerful actors frequently fail to recognize the value of their work, instead opting to vilify and threaten these activists. This problem is particularly evident in cases where EHRDs challenge government policies or corporate interests that lead to environmental degradation and the displacement of local communities.

In Kenya, for instance, the Sengwer people, an indigenous community in the Embobut Forest, have faced relentless evictions and harassment by the Kenya Forest Service (KFS). Despite their legal right to ancestral lands, Sengwer homes have been repeatedly burned, and community members live in constant fear of further violence. This pattern of abuse underscores the broader issue of how indigenous communities and EHRDs are marginalized under the guise of conservation efforts, as seen with similar cases involving the Ogiek people in the Mau Forest, where state-backed evictions are linked to controversial carbon offsetting projects. The Kenyan government, rather than acknowledging the Sengwer's role in forest conservation, has labelled them as 'squatters,'<sup>37</sup> undermining their legitimate claims and efforts.

In Tanzania, EHRDs who oppose large-scale land acquisitions for agriculture and mining often encounter severe backlash. A recent example involves the Maasai community in the Loliondo area, where the government has been accused of forcefully evicting locals to pave the way for tourism ventures. EHRDs advocating for the Maasai's land rights have faced arrests and accusations of incitement, as the state seeks to suppress dissent and prioritize economic interests over environmental and human rights concerns.<sup>38</sup>

Uganda presents a similar pattern, where EHRDs challenging oil and gas exploration in sensitive ecological zones like the Albertine Graben are frequently targeted. EHRDs have been critical of the government's push to extract oil in protected areas, arguing that it threatens biodiversity and the livelihoods of local communities. In response, Ugandan authorities have harassed and detained EHRDs, accusing them of undermining national development. Several protesters demonstrating against the EACOP project have been arrested over the past three years with the latest arrest of 50 individuals who planned a march to the Parliament to submit petition demanding immediate halt of the EACOP project.<sup>39</sup> This hostility reflects a broader trend where the Ugandan government views environmental advocacy as a threat to its economic ambitions, rather than as a necessary component of sustainable development.

37 The Nation (2024) Government defends decision to evict Sengwer community from Embobut forest, 9 May, <https://nation.africa/kenya/counties/el-geyo-marakwet/government-defends-decision-to-evict-sengwer-community--4617338>

38 DefendDefenders East and Horn of Africa Human Rights Defenders Project (2023) The State of Environmental Human Rights Defenders in Tanzania, Uganda, and the Democratic Republic of Congo, October 2023, <https://defenddefenders.org/wp-content/uploads/2023/11/The-State-of-Environmental-Human-Rights-Defenders-in-Tz-Ug-and-DRC-Final-Report.pdf>

39 Business & Human Rights Resource Centre (2024) 50 Protesters, 9 August, <https://www.business-humanrights.org/en/latest-news/50-protesters/>

## Recommendations

To the Governments of Tanzania, Uganda, and Kenya

- **Uphold and implement existing environmental laws and policies** and continue to strengthen these with respect for commitments to combatting climate change and its impacts, and safeguarding biodiversity. This may require special measures (for instance, an environmental court division to handle environment and climate related matters).
- **Establish and promote independent monitoring mechanisms in partnership with EHRDs:** Independent bodies are necessary to monitor and evaluate government and corporate compliance with environmental laws, especially regarding practices that impact vulnerable communities. EHRDs must be involved to ensure accountability and transparency.
- **Ensure that environmental and human rights standards are included in corporate accountability frameworks and adhered to during operations:** This should include periodic assessments of environmental impacts; the publication of reports detailing compliance with these standards; and consultation with EHRDs during assessments.
- **Undertake independent investigations into human rights violations committed against EHRDs** and bring the perpetrators to account.
- **Establish laws and policies designed to protect the work of EHRDs** and ensure their safety. This should include advancing and adopting the proposed National Policy for Human Rights Defenders, Tanzania; the development of a specific law on the protection of human rights defenders in Kenya (building on the Human Rights Defenders Policy and Action Plan); and passing the Human Rights Defenders Protection Bill, Uganda.
- **Enforce human rights law** and protect and expand civic space to enable EHRDs and citizens to voice concerns and to participate in the monitoring and implementation of environmental law and policy.
- **Create platforms for dialogue** between governments, legal experts and EHRDs to discuss the implementation of environmental law and policy.

- **Provide training for government officials, security personnel and corporate actors in environmental law and policy** and educate them in the essential contributions of EHRDs in translating these into practice.
- **Promote public education in environmental law and policy** to ensure that institutions, corporations, groups and people are familiar with their own obligations, and with the reasons for EHRDs existence and actions.
- **Strengthen regional collaboration for cross-border environmental issues:** Encourage cross-border partnerships and create a regional forum where EHRDs and government officials from East African nations can address shared environmental and human rights challenges, especially in border regions with shared ecosystems.

## To the international community

- **Support and encourage the governments of Tanzania, Uganda and Kenya to implement and strengthen their environmental and human rights commitments.**
- **Pressure national corporations investing/operating in East Africa to uphold domestic and international human rights law** and to pursue rights-based approaches to combating climate change and safeguarding biodiversity.
- **Provide resources and expertise to enable EHRDs government officials, security personnel and corporate actors to access training** in domestic and international environmental and human rights law.
- **Establish funding mechanisms for EHRDs to enable them to undertake research and to access legal support** to pursue environmental and human rights claims at national, regional and international levels.

