



**EAST AFRICAN  
PUBLIC INTEREST ENVIRONMENTAL LAW AND LITIGATION  
WORKSHOP & SEMINAR  
HERON PORTICO HOTEL NAIROBI  
21<sup>st</sup>-22<sup>nd</sup> JUNE 2013**

**ORGANISED BY  
ENVIRONMENTAL LAW ALLIANCE WORLDWIDE (ELAW)  
In partnership with  
Institute for Law and Environmental Governance (ILEG) – Kenya  
Greenwatch – Uganda  
&  
Lawyers' Environmental Action Team (LEAT) – Uganda**

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## **1.0 Background**

The role of law and lawyers in promoting sustainable development has entered mainstream public policy and development discourse. An important part of this debate revolves around the role of public interest law and litigation in securing human, social and economic rights. This debate is particularly important and timely in relation to Africa, generally, and East Africa, in particular.

Global attention is returning to Africa as an investment destination in the wake of increasing discoveries of significant minerals and oil deposits. Uganda, Southern Sudan, Tanzania, Ghana and Kenya are all poised to join the hallowed ranks of oil producing countries. Significant deposits of gas and coal have also been recently discovered in Tanzania and Kenya, respectively. In Kenya, the recent discovery of oil in Turkana County as well as other minerals such as niobium, titanium and coal in other areas have moved the debate on the role of oil and extractive sector in the country's socio-economic development to the front page. The government is keen to attract foreign direct investment in the mining sector by promoting oil and mining as engines of socio-economic growth towards the achievement of its long-term development programme – as captured in Vision 2030 as well as in the pursuit of the Millennium Development Goals (MDGs). Similar scenarios obtain in Uganda and Tanzania

But serious concerns remain. Stakeholders are very worried about the likely impacts of oil and gas exploitation as well as mining generally on the livelihoods of local communities. This is mainly because of the legal, policy, institutional and governance challenges well known to the eastern Africa region. The oil and mineral finds that should bring excitement and pride to these countries also come with considerable anxieties, if not fear, of the proverbial “African resource curse”. Many are expressing concern that exploration and extraction of oil and minerals may lead to further impoverishment of local communities, serious environmental degradation and resource-based conflicts.

This is where public interest law and litigation come in. Public interest litigation is not a new phenomenon in East Africa. Uganda, Tanzania and Kenya have been engaged in resolving matters of public interest in areas of human rights, environmental conservation, land, child rights

and industrial action. Emerging legislation, including Constitutions, are increasingly expanding the range of social and economic rights to secure livelihoods of local communities and secure sustainable development. By taking causes that can benefit disadvantaged groups or minorities rather than just one person, public interest can be used to provide access to justice to those who are most in need of it and yet who find themselves furthest from it.

Specifically Public Interest Environmental Litigation offers an opportunity for taking up cases that violate principles of sustainable development. It is a most potent tool for responding to the many social, economic and environmental challenges Africa has faced in the course of implementation of major development project – challenges that include massive destruction of the environment as well gross violations of human rights. Many of these developments are taking place on communal lands which are indefinite of security of tenure and ownership. The East Africa Region has not been spared this malaise.

## **2.0 The EA PIEL Workshop and Seminar**

It is against this backdrop that the U.S. office of the Environmental Law Alliance Worldwide (ELAW) East African partners – Institute for Law and Environmental Governance (ILEG), Greenwatch and Lawyers' Environmental Action Team (LEAT) – have organized the workshop and seminar of lawyers from Kenya, Tanzania and Uganda to start a dialogue and strategize on how best to use the law to respond to the myriad challenges facing local communities in the wake of a fast-emerging extractive industry, huge land deals and wanton destruction of natural resources in East Africa.

An important agenda of the workshop and seminar would be to reflect on the position and preparedness of East African public interest institutions to respond to the many challenges posed by these recent developments. Trends indicate a decline in environmentalism and slow but sure weakening of many public interest networks and institutions compared to the 1990s. In light of this, the workshop and seminar will seek to examine these trends and seek to find ways and means of responding to the situation.

Supported by the Ford Foundation, the event brings together a blend of experienced and young lawyers from the region to share their experiences and learning and to strategize for effective public interest environmental litigation in East Africa.

### 3.0 Objectives of the workshop

The main objectives of the workshop and seminar are to:

1. Learning about technical and legal issues related to mineral and petroleum exploration and extraction;
2. Sharing experiences related to effective litigation in the region;
3. Strategizing together about new legal theories and new cases that could be filed;
4. Mentoring young lawyers; and
5. Strengthening the capacity of NGOs that use the law to protect the rights of local communities.

### 4.0 Participants

No	Organization
1.	Law Society of Kenya
2.	Kituo cha Sheria PIL Committee
3.	Lawyers' Environmental Action Team (LEAT)
4.	Greenwatch Uganda
5.	Katiba Institute
6.	National Legal Aid Awareness Programme
7.	East African Centre for Human Rights (EACHRights)
8.	Advocates Coalition for Development on Environment (ACODE)
9.	East Horn Human Rights Defenders
10.	Global Rights Alert
11.	Environmental Law Alliance Worldwide (ELAW)
12.	Law Development Center
13.	Institute for Law and Environmental Governance (ILEG)

14.	Association for Law and Advocacy for Pastoralists (ALAPA)
15.	Friends of Lake Turkana (FOLT)

## 5.0 Expected outputs

The workshop and seminar is expected to deliver the following outputs:

- i) Information on public interest environmental litigation in East Africa: The concept and nature of public interest litigation in East Africa, and prospects and challenges.
- ii) A workshop and seminar report
- iii) An action plan for PIEL in East Africa.

## 6.0 Logistical arrangements

- a) **Workshop dates:** 21<sup>st</sup> and 22<sup>nd</sup> June, 2013
- b) **Travel days:** 20<sup>th</sup> and 23<sup>rd</sup> June, 2013
- c) **Workshop/Seminar Venue:** Heron Portico Hotel, Nairobi
- d) **Accommodation**

Participants coming outside Nairobi are to be accommodated full board at Heron Court Hotel.

- e) **Workshop/Seminar meals:**

Meals will be provided during the Workshop/Seminar period of 20<sup>th</sup> -23<sup>rd</sup> June, 2013

- f) **Airport pick up:**

We have made arrangements for airport collection and transfers on your arrival to and departure from Kenya (Jomo Kenyatta International Airport-Nairobi). On your arrival please look out for a placard with your name or with ILEG/ ELAW group written on it. Kindly make sure that we have your flight itinerary so that we make this arrangement

## 7.0 Contact information

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(On site at the Heron Portico Hotel, June 18 -27, ask the front desk to call her room)

## 8.0 Workshop & Seminar Programme

<b>DAY ONE: 20 June 2013</b>		
<b>Date/ Time</b>	<b>Activity</b>	<b>Lead</b>
Afternoon/Evening	Arrival of participants at Heron Court Hotel, Nairobi	ILEG/ELAW
<b>DAY TWO 21 June 2013</b>		
08.00-09.00	Registration of participants	ILEG/ELAW
<b>Session I: Official Opening &amp; Introductions</b> <b>Chairperson:</b> Benson OwuorOchieng <i>Director, ILEG</i>		
09.00-10.10	<ul style="list-style-type: none"> <li>• About the Seminar &amp; Workshop</li> <li>• Welcome Remarks</li> <li>• Margaret Rugadya</li> <li>• Maurice Odhiambo Makoloo</li> <li>• Keynote Address</li> </ul>	<p>Jennifer Gleason, <i>Staff Attorney, ELAW</i></p> <p>Eric Mutua, <i>Chairman, Law Society of Kenya</i></p> <p>Margaret Rugadya, <i>Programme Officer, Ford Foundation (to be confirmed)</i></p> <p>Regional Representative, <i>Eastern Africa Office, Ford Foundation (to be confirmed)</i></p> <p>James AggreyMwamu, <i>President, East Africa Law Society</i></p>
10.10-10.30	<b>HEALTH BREAK</b>	
<b>Session II: Public Interest Environmental Law and Litigation in East Africa</b> <i>Chairperson: ElifurahaLaltaika, Executive Director ALAPA (Tanzania)</i>		
<b>10.30-11:45</b>	<p>Public Interest Law and Litigation in East Africa: Status and Trends</p> <p>Strategic Public Interest Litigation</p> <p><b>PLENARY</b></p>	<p>Dr. Collins Odote, <i>Director – ILEG, and Senior Lecturer, CASELAP</i></p> <p>Hon. Kenneth Kakuru, JA, Court of Appeal, Uganda; Formerly Senior Partner, Kakuru &amp; Co., Advocates, &amp; Executive Director, Greenwatch</p>

<b>11:45-13.00</b>	Country Presentations – Country experiences on PIEL litigation Issues, Law, Cases and success stories	Country Delegates
<b>13.00-14.00</b>	<b>LUNCH BREAK</b>	
<b>Session III: Legal Strategies in Managing the Extractive, Oil and Gas Industry in East Africa</b> <i>Chairperson: LourdelTwinomugisha, Greenwatch Uganda</i>		
<b>14.00-15.00</b>	Anatomy of the Mining Industry: What do lawyers need to know?  <b>PLENARY</b>	Dr. RugemelezaNshala, <i>Executive Director, LEAT</i>
<b>15.00-15.20</b>	<b>HEALTH BREAK</b>	
<b>15.20-16.20</b>	Organizing Litigation and Engagement for the Public Interest: Raising an Army of Public Interest Lawyers  <b>PLENARY</b>	Ms. GetrudeAngote, <i>Executive Director, Kituo Cha Sheria</i>
<b>Session IV: Securing the Public Interest in Land and Environmental Matters in East Africa: Issues for CSOs and Lawyers</b> <i>Chairperson: Anthony Mulekyo, LSK, Kenya</i>		
<b>16.20-17.30</b>	Gender Imperatives in Public Interest Environmental Litigation in East Africa  Harvest Aplenty: Social Justice in the Land and Environment Sector  <b>PLENARY</b>	Ms. Caroline Khasoa, Council Member-LSK and FIDA  Philip Kilonzo, <i>Technical Advisor, Action Aid</i>
<b>17.30</b>	Cocktail	All
<b>DAY THREE: 22 June 2013</b>		
<b>09.00- 10.00</b>	Raising Funds to Advocate on behalf of Communities Impacted by the Extractives Industries  <b>PLENARY</b>	Ellen Sprenger, <i>Spring Strategies</i>



<b>10.00-10.30</b>	Networking – Legal and scientific resources available to lawyers and CSOs; and mentoring young lawyers  PLENARY	Jennifer Gleason, <i>Staff Attorney, ELAW</i>
<b>10.30-10.45</b>	<b>HEALTH BREAK</b>	
<b>Session V: Globalization and Geopolitics of the Oil and Extractive Sector</b> <i>Chairperson: Dr. Rugemeleza Nshala, Greenwatch, Tanzania</i>		
<b>10.45-12.00</b>	Globalization and the Extractive Sector : the Case of Oil and Gas in Turkana  DISCUSSANT  PLENARY	Dr. Ekuru Aukot, <i>Partner – Ekuru Kabage Nyamathwe &amp; Co. Advocates; Chairman, JKUAT Council</i>  Ikal Angelei, <i>Executive Director, FOLT</i>
<b>12.00-13.00</b>	Strategic Issues for PIEL in East Africa: Emerging Opportunities and Challenges  Oil and Gas in Uganda Mining and Gas in Tanzania Coal, Oil and Gas in Kenya	Country Delegates
<b>13.00-14.00pm Lunch</b>		
<b>14.00-14.30</b>	The Role of the Bars in PIEL	Apollo Mboya, <i>Secretary &amp; CEO, Law Society of Kenya</i>
<b>Session IV: Agenda for Action</b> <i>Chairperson: Benson Owuor Ochieng, ILEG</i>		
<b>14.30-17.00 Discussion: Agenda for Action – Where do we go from here?</b>		
<b>17:00</b>	Closing session and departure	ILEG