**Case Study Submission to the UN Transitional Committee on Loss and Damage:**
***Climate-Impacted Loss and Damage in Kenya***

This case study is based on Climate Refugees' October 2022 research and interviews with 85 climate impacted and displaced persons in Kenya experiencing climate-induced displacement, migration and human rights losses.

Kenya is dealing with multiple effects and impacts related to climate change, including floods, drought, landslides, rising lake waters and locust infestations among others. Kenya is also dealing with the current Horn of Africa drought,[i] the worst to strike the region in 40 years. The IPCC Sixth Assessment Report has warned of the risk of high-water stress in Africa.[ii] Drylands occupy 90% of Kenya,[iii] and the impact of the drought on arid and semi-arid lands (ASALs) has been acute.[iv] The number of people forced to migrate by drought in Kenya could be as high as 286,000, with over 8 million Kenyans affected in some way.[v]

With climate change comes displacement, and so too, cultural and economic loss. Flooding and expanding waters have meant permanent displacement, as well as no crops, no fishing and dependency on food aid for those who can get access to it. Not only are homes submerged, so too are the graves of loved ones. Historical livelihoods of fishing, farming and pastoralism are being forcibly abandoned due to the forces of climate change.

**Baringo County**
As ASALs, Baringo County is highly vulnerable to rainfall variability and catastrophic and severe droughts, with average annual rainfall projected to decline over time.[vi] Kenya has experienced multiple drought periods over the past 45 years, and despite efforts to strengthen adaptive capacity, the ASALs remain a highly vulnerable region to drought driven by climate change and variability.

Heavy rains have been noted in Kenya's Rift Valley starting in 2010, leading to significantly higher water levels in many of its lakes. Using remote satellite sensing data, scientists have studied the factors contributing to the changes of the lake surface areas, levels and water volumes. They have concluded that to a great extent, increased rainfall since 2010 explains the lake level rises.[vii]

**Lake Bogoria**
Located south of Baringo, Lake Bogoria is a saline, alkaline lake that causes concern during each period of high rainfall. Due to increasing precipitation the lake's waters have come increasingly close to Lake Baringo, threatening to wreak havoc on the freshwater Baringo ecosystem.[viii] With some 88 $km^2$ of land around the lake now submerged, humans and animals have been displaced, and invasive species have gained a foothold,[ix] with obvious impacts on livelihoods. If the trend continues and the two lakes do eventually merge, the result would be nothing short of an "ecological disaster", according to a Kenya Wildlife Service official.[x]

Like Baringo, Lake Bogoria has experienced notable expansion and flooding since rainfall began significantly increasing in 2010, with some formerly intermittent inflow rivers now flowing into Bogoria year-round.[xi] While human activities may partly account for such a phenomenon, the available evidence suggests that weather dynamics - primarily heavier rainfall - are the main contributors to flooding.[xii]

**Turkana County**
Turkana is one of Kenya's poorest counties. Situated in dry, harsh climate conditions, the semi-nomadic Turkana people are pure pastoralists out of necessity. In terms of natural resources, the Turkana people are far more deprived as compared to neighboring tribes in Kenya and across borders. Pastoralism comprises over 80-90 percent of livelihood in the County. Fishing is increasingly becoming another livelihood as people are forced to abandon pastoralism due to drying conditions, cattle dying and cattle rustling. Large swathes of the area around Lake Turkana have seen significant climate change impacts. The lake itself has increased some 10 percent in the past decade, with major flooding of low-lying lakeshore areas.[xiii] The UN Environment Programme estimates that over the next 20 years heavier rainfall over the lake's inflows will increase the risk of "severe" flooding.[xiv]

**Climate Change and Displacement**
Lake community homes have been flooded, leading to displacement. The government of Kenya estimates that over 3,000 households have been severely impacted by Baringo.[xv] Many have had to move[xvi] or have decided that their only viable option[xvii] is to move away from the area, despite having strong cultural or ancestral ties to the land, which can result in worse employment prospects and higher risks of poverty as people lose their livelihood and have to start over. Neighboring communities are largely unprepared to receive new arrivals from Baringo, often struggling to adapt to the pressure placed on housing, water resources, and the healthcare system, according to activist Paul Chepsoi.[xviii] As Chepsoi explains, some displacement is now inevitable; the flooding is so severe that only a severe drought - with its own negative impacts - would stop the rising waters of Baringo.

A joint 2021 Kenya government-UNDP report found that rising lake waters have displaced and "generally affected" more than 75,000 households, with more than 379,000 people at risk.[xix] This video news story from Kenyan newspaper *Daily Nation* reveals 20 villages submerged by rising water levels there in 2020.[xx]

**Impacted Populations**
**Kokwa Island, Lake Baringo** - About 2,000 Indigenous Ilchamus residents are all that remain on this submerging island. These residents live at the very edge of an increasingly rising lake, where fishing livelihoods are entirely dependent on the lake. Many disclose they are dealing with the dual effects of climate-driven drought and flooding. Although many have been displaced multiple times, these same residents now remain trapped with no economic means and transport to migrate. With no access to health facilities or hospitals – the only dispensary is submerged and the only hospital is on the mainland - many women and girls have been forced to give birth on local wooden boats while enroute to the hospital. Similarly, the only secondary school on the island is constantly flooding. Large sections of the only school on the island were submerged for nearly 10 years. Six healthcare facilities have been submerged in Lake Baringo[xxi], which reduces the availability of healthcare, and exacerbates other health-related impacts of flooding. Inundated infrastructure has led to electricity outages, increasing the risk of water-borne diseases and respiratory conditions due to dampness and cold.[xxii] Many of the community members interviewed had experienced one or more displacements. Residents told us that many families who have the financial means to do so have moved to higher ground on Kokwa Island, while others "migrated out" to surrounding islands of Lake Baringo or left the region completely. Most of the community members consulted were living in makeshift huts, having lost their homes to the lake's waters. They all asked for international assistance to rebuild their submerged homes on higher ground.

The shores of the lake have become measurably less safe due to wildlife incursion. Climate-induced heavy rains causing Lake Baringo to double in size over the past decade have "brought in crocodiles and hippos that have turned up on people's doorsteps and in classrooms."[xxiii]

Community members recalled past times when the lake would rise and ebb every five years in a systematic pattern of increase and decline. They added that the seasons and rainfall outcomes back then were predictable, in contrast with recent years: "This is strange because the lake rose in 2012 and never went back down."

"The fish can't be found anymore," said one community leader. Even with the current drought, he implored the need to switch to farming as a means of climate adaptation, though that change is currently hampered by the cost of seeds, capacity building, generators and water pumps to build smallholder farms and orchards.

**Rugus location, Baringo County** - The agro-pastoralist and fishing-reliant Indigenous Ilchamus community in Rugus are facing intersecting insecurity from both climate and climate-driven conflict. First displaced multiple times by conflict between the Ilchamus community and neighboring West Pokot County cattle raiders, multiple levels of insecurity have been exacerbated due to frequent lake encroachment and submersion, trapping these populations between the expanding lake and the increasing conflict. Women lack economic opportunities now that farming land and pastoral grazing land have all but disappeared due to drought, and fish are being depleted, causing their portion of the daily catch sale to dwindle. Women are unable to make a livelihood here due to the forces of climate change and girls are forced to travel further and wider in search of water, foregoing school, and exposing them to gender-based violence along the way. Many more women are widowed by the conflict and loss of partners due to capsized boats and death by increased wildlife contact in the rising waters.

**Kiwaja Ndege Internally Displaced Persons (IDP) Camp, Marigat, Baringo County** – 1,000 ethnically-marginalized Indigenous Ilchamus people reside in an IDP camp that has limited access to humanitarian services and protection programming. The residents identify as 100% climate displaced. Formerly residents of 10 villages surrounding Lake Baringo, their homes were submerged in 2020 when Lake Baringo waters swelled past human habitability. These residents have received very little government and humanitarian services and live in fear of forced eviction. Although the camp has existed since 2020, residents say humanitarian agencies were last present two years ago. During our visit, no NGO, government or UN agency presence was seen. The gradual expansion and rise of the lake was first noticed by communities in 2002. The first village to be displaced was Ngambo village in 2012. In 2020, Lake Baringo rose substantially, submerging homes and leading to a massive displacement of eastern Ngambo and half of Loropili village. At that point, many residents went to live with family members, while others moved to the spontaneous IDP camp.

*"When we asked them what had displaced them, they replied with one simple word: Water."*

**Lake Bogoria, Bogoria County** - The Indigenous Endorois community was first displaced by land conservation when they were forcibly dispossessed of their land in the 1970s.[xxiv] Despite a favorable judgment by the African Commission, justice is yet to be realized. Today, the community living within the periphery of Lake Bogoria has been progressively displaced yet again by rising waters. The interviewed community members highlighted challenges of failed compensation for loss of homes, increased human-wildlife contact and social ills such as prostitution driven by high poverty levels. Here, too, urgent humanitarian needs exist among the whole community with food insecurity and malnutrition rising.

**Lake Turkana, Turkana County** - The El Molo minority community living by the shores of Lake Turkana are not only an indigenous fishing community but also the smallest community in Kenya. Having borne the brunt of historical injustices, the rise of Lake Turkana water levels has caused a further challenge to school going children who would previously walk to school but now have to use boats to cross the lake, an expense that is not only financially difficult for this community but also dangerous. Hundreds of homesteads have been submerged including family graves. The extreme marginalization of this community is evident as no hospital has been built on either Komote island or in Laiyeni village. The community reported high cases of water borne diseases and malnutrition among children. It is extremely challenging to access services on the mainland, a financial burden for the residents. About 2,500 residents record high food insecurity.

**Loya Village, Turkana** – Almost all livestock are dead in this Turkana village, destroying livelihoods, contributing to malnutrition and impacting even children's education as communities sold livestock in the past to afford school fees. Today, climate conditions have forced children to forage for berries and travel further distances to fetch water.

**Lokiriama, Turkana** – Nomadic Turkana pastoralists who live here, just 45 km from the Uganda border, spoke of domino impacts of locusts, Covid-19 and drought, from which they "cannot recover." One man described the climate-driven twin locust infestations that devastated crops in East Africa in 2019-2022 as "missiles sent from the skies." Many here have left in preceding years to Uganda in search of higher plains, water and grazing land. Internal migration to neighboring counties is increasingly met with resistance from Pokot cattle raiders who object to the shared use of grazing land and water. These migrations are leading to increased conflict and insecurity. Food insecurity in particular is rampant. Many disclosed not eating for days and suffering from hunger.

**Loringapa, Lorima sub-county, Turkana** – Echoing many of the same challenges as other Turkana pastoralists, residents here shared additional alarming details of several community members who have died in recent years at community water holes. With increasing water scarcity, residents have had to dig new and deeper water holes, requiring several people to create an assembly line of water collection. During these collections, several water holes have collapsed, killing multiple people.

**Kibera, Nairobi** – Africa's largest informal settlement is prone to frequent flash flooding due to poor drainage, and a lack of infrastructure and garbage collection.[xxv] Here residents have been displaced multiple times, while new

rural to urban migrants arrive every day, driven by socio-economic challenges exacerbated by climate change. We spoke with resident-leaders of a weather forecast project, who say the compounding impacts of repeat floods, the Covid-19 pandemic and present drought have been devastating for residents who suffer from repeat displacements, lack of basic services, high rates of malnutrition, skyrocketing inflation and urban poverty. Protection needs in Kibera are acute.

Growing climate-induced displacement requires international support, cooperation and funding. The populations profiled here demonstrate how many people are trapped in vulnerable situations because of a lack of options. Unless there is an identified humanitarian disaster or conflict, these are people who fall through the cracks. As the IDPs in Kiwaja Ndeje camp demonstrate, when people are internally displaced, especially in countries on the front lines of the climate crisis, they are moving within countries whose governments have increasingly fewer resources with which to respond. The lack of resources, options and protections are particularly acute for marginalized populations.

The Kokwa community also demonstrates climate impacts on the extremely vulnerable. Their poverty has rendered them immobile, unable to migrate, even if desired. Their plight is echoed in recent findings by the Potsdam Institute for Climate Impact Research[xxvi] and others that a *Climate Refugees* analysis[xxvii] revealed: poverty is not only stripping many of mobility, but also a vital climate adaptation tool.

**Finance Issues**

The funding needed to address loss & damage in these communities is acute and unmet. Humanitarian action is not only an inadequate response but also an inappropriate means of redress. Unfortunately, while impacted residents in Kenya face intertwined challenges of livelihood loss, development setbacks, displacement, and increased poverty which may actually trap households in place, discussions at the global level around finance are often focused elsewhere and are occurring at a frustratingly slow and uncertain pace. In an era of global inflation, even negotiations around loans for nations hit by extreme weather events are causing conflict.[xxviii]

While figures like Barbados PM Mia Mottley continue to pressure the Global North for less burdensome lending - an undoubtedly important initiative[xxix] - those impacted in Kenya and elsewhere must be compensated for the immense losses they have already experienced. And while the calculation of specific figures may be fraught and complex, there is no question that such funding must not be loan-based or have hidden strings attached if the fundamental justice issues at play are to be resolved.[xxx] We know that the Global North is responsible for the lion's share of cumulative global emissions, but many are still not contributing their fair share to address climate change,[xxxi] even absent specific references to loss & damage. This imbalance cannot be justly rectified through loan-based finance.

Beyond the type of funding, there is also an issue of access. While assistance from global and regional bodies to the government of Kenya is important, especially to support the development and implementation of an effective national climate change action plan[xxxii] and other policies, our field visits and interviews clearly show the need for financial support that can be accessed by communities and even households at a more local level. A household that has lost its primary source of income due to flooding or drought may not be able to - and should not have to - wait for funds to trickle down from the national government, especially one that has apparently not made the region a priority in the past.[xxxiii] Furthermore, local communities need to be enabled to communicate loss & damage impacts in their own words, and describe funding needs in their own terms.

The Kenyan communities profiled here represent global populations that are amongst the most marginalized and at-risk to climate impacts, having contributed the least to climate change. The Kiwaja Ndege IDP camp demonstrates displacement as the initial trigger for delivery of aid, which is not followed by a continuity of support and compensation for climate-driven loss and damage. Multiple communities in Kenya repeated that they were dependent on the good intentions of "well-wishers'' - essentially charitable contributions that are not tracked - as their only means of support. Absent sustained international and Kenyan government support for climate-driven loss and damage, these communities are facing continuing development setbacks, human rights losses and worse.

Still more lake communities may require planned relocation in the near future, which will require free, prior and informed consent of Indigenous communities, community participation, coordinated management and compensation for losses sustained. Drought-affected communities require immediate climate adaptation, and for some, relocation or planned migration pathways to address livelihood loss. This, too, requires a whole of government and international community response to support and compensate affected communities. While the additional one billion USD pledged[xxxiv] by the United States to the Green Climate Fund (GCF) to aid climate adaptation and mitigation is a step in the right direction, the Kenyan communities profiled here represent hundreds of Global South populations that require both climate adaptation support and loss and damage compensation. Recent G7 commitments on renewable energy[xxxv] also demonstrate that high-emitting countries continue to prioritize mitigation, and not the vital adaptation and loss and damage support needed by vulnerable communities who have few emissions, lack development, and benefit very little from clean and renewable technologies. Thus, the creation of new funding instruments are vital to address the gaps in relation to speed, access, adequacy and eligibility of loss and damage funding.

Additionally, it is imperative that discussions around loss & damage finance take into account *non-economic* loss & damage (NELD), which refers to the impacts of climate change that are difficult to quantify, especially in monetary terms.[xxxvi] Illness outbreaks after flooding in Baringo, loss of life due to borehole collapses in an increasingly water-scarce Lorima sub-county, and inundated El Molo community burial sites are just a few examples of the NELD our field visits have highlighted. A key challenge that must be addressed, and one that will require further local-level assessment, is how to communicate such NELD to policymakers and funding sources that are primarily concerned with monetary value.[xxxvii] Despite this challenge, the communities we visited in Kenya are no less deserving of compensation for losses incurred as well as protection against future climate change impacts.

CLIMATE REFUGEES

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