

49TH SESSION OF THE UNIVERSAL PERIODIC REVIEW (UPR) FOURTH CYCLE  
UNIVERSAL PERIODIC REVIEW OF KENYA



JOINT STAKEHOLDERS' SUBMISSION BY CLIMATE CHANGE AND  
ENVIRONMENTAL INJUSTICE THEMATIC GROUP OF UNIVERSAL PERIODIC  
REVIEW KENYA COALITION

OCTOBER 2024

Centre for the Study of Adolescence (CSA),

East African Centre for Human Rights (EACHRights),

East African Wild Life Society (EAWLS)

Kenya Human Rights Commission (KHRC)

Pastoral climate Action,

The Arid Lands Information Network (ALIN),



## **Key Words**

- ASALS - Arid and Semi-Arid Lands
- Food security
- Conservation

## **Introduction of the coalition and organizations**

1. This report has been developed and submitted by the Climate Change Thematic Group, under the Kenya Stakeholders Coalition on the UPR. CSOs that have contributed to the development of these thematic group submission includes the Centre for the Study of Adolescence (CSA), East African Centre for Human Rights (EACHRights), East African Wild Life Society (EAWLS), Kenya Human Rights Commission (KHRC), The Arid Lands Information Network (ALIN), Pastoral climate Action and other CSO's in Kajiado and Kilifi.

## **Executive Summary**

2. Climate change impacts, directly and indirectly, an array of internationally guaranteed human rights. States (duty-bearers) have an affirmative obligation to take effective measures to prevent and redress these climate impacts, and therefore, to mitigate climate change, and to ensure that all human beings (rights-holders) have the necessary capacity to adapt to the climate crisis. Climate justice requires that climate action is consistent with existing human rights agreements, obligations, standards and principles. Those who have contributed the least to climate change unjustly and disproportionately suffer its harms.
3. The engagement of CSOs in the UPR has been limited to the National NGOs / CSOs while the majority of sub-national have little understanding of the UPR mechanisms. Currently, there is no thematic area on climate change in the Kenya CSOs on UPR. Thus, the need to have CSOs leading the thematic area on climate change due to its importance in terms of national and global concerns both in policy and commitments by the State parties as well as its nexus to human rights and development.

## **Methodology**

4. The thematic working group organization held several workshops that brought together 70 CSOs working on climate change in Kajiado and Kilifi County. The CSOs included youth and women groups, Persons with Disability, media and other underrepresented groups to develop a draft on climate change and socio-economic sectors for submission in the 4th cycle review
5. This submission focuses on three key issues:
  - a. Inadequate response to Disaster Risks.
  - b. Food insecurity arising from climate change.
  - c. Over exploitation of Mangroves.

### **Summary of the issues:**

#### **Issue 1: Inadequate response to Disaster Risks**

6. Recurring droughts and floods have caused huge disruptions to human lives in Kenya. According to the National Disaster Operations Centre (NDOC), an estimated 291 people died, 188 injured, and 75 remained missing, while 278,380 people (55,676 families) were displaced and almost 412,763 (82,552 families) affected differently by heavy rains and floods between 1 March and 16 May 2024. During periods of heavy rainfall, severe flooding occurs, destroying infrastructure thus limiting access to social services such as healthcare, education, housing, displacing communities and causing loss of life. Floods also increase the risk of waterborne diseases, further threatening public health.
7. Droughts have destroyed livelihoods and triggered local conflicts over scarce resources. The 2014-2018 drought affected 23 out of the 47 counties with ASALS being the most affected. At least 3.4 million Kenyans were severely food insecure and an estimated 500,000 people did not have access to water. Cross border and cross-county conflicts are triggered by climate change become some areas become less conducive for livestock. Counties such as Laikipia which have favorable conditions face resource use conflicts when pastoralists from other counties move their animals there in search of water and pasture. Reduced agricultural activity as a result of climate change is a trigger for rural urban migration and settlement in risk prone areas and informal settlements.<sup>i</sup> Droughts disrupt livelihoods and education, pushing families deeper into poverty. Water resources become scarce, crops fail, and livestock perish, exacerbating food insecurity and causing substantial economic losses in agriculture, which is vital for the livelihood of many Kenyans. Drought also exacerbates gender-based violence making populations even more vulnerable
8. One key cause is a lack of comprehensive disaster management policy. Despite a National Disaster Management Unit, weaknesses hinder preparedness and relief efforts. This leads

to disjointed responses across government agencies and NGOs. Insufficient funding also hampers proactive measures like early warning systems and infrastructure improvements in flood-prone areas. Delayed responses and inadequate aid distribution leave vulnerable communities struggling.

### **Existing frameworks:**

9. Kenya ratified the UNFCCC in 1994 and the Kyoto Protocol in 2005. Kenya has also put in place policy frameworks as well as legislation, strategies, action plans and other related measures geared towards addressing its adaptation targets. These include; Constitution of Kenya 2010, Vision 2030, National Climate Change Response Strategy (NCRS, 2010), National Climate Change Action Plan (2013-2017), National Climate Change Action Plan (2023-2027), National Adaptation Plan (2015-2030), Green Economy Strategy and Implementation Plan (2016-2030), Environmental Coordination and Management Act (EMCA), National Climate Change Framework Policy (Sessional Paper No. 3 of 2016) and Climate Change Act (No. 11 of 2016).

### **Progress since the last review**

10. There was no specific recommendation on inadequate response to disaster risks during the UPR 3<sup>rd</sup> cycle. However, over the 2018 – 2023 period, work was undertaken by the National Government to issue cash transfers in areas impacted by drought through the Hunger Safety Net programme and the National Safety Net programme. Drought and flood early warning climate information services, dam safety systems and flood control systems were installed or improved to help communities cope with or manage climate risks.<sup>ii</sup>

### **Recommendations:**

#### **The Government of Kenya should;**

11. Operationalize the Kenya Anticipatory Action Strategy.
12. Should fast track development of county disaster management legislation, plans and coordinating units.

#### **Issue 2: Food Insecurity arising from Climate Change**

13. Millions in Kenya face hunger due to food insecurity resulting from climate change. APC projected March – June 2023, the severity of food insecurity is expected to worsen again:

about 5.4 million people<sup>iii</sup> (32% of the population analyzed) are projected to face high levels of acute food insecurity (IPC AFI Phase 3 or above), of which 1.2 million people (7%) will likely be in emergency.

14. Kenya experienced two successive below average rainfall seasons in 2018 - 2019 resulting in significant rainfall deficits. The number of people that were affected by food insecurity increased from 700,000 to 3,000,000 between late 2018 to late 2019. Temperatures in 2020 were higher than average with the cold season (June-July-August) having the greatest deviation from normal. The heavy rains in 2019 and 2020 created conditions conducive to the severe desert locust outbreaks which caused substantial crop losses in 2020. The desert locust outbreaks affected 26 counties and led to hunger in both humans and livestock; cases of diarrhoea and even death of livestock after ingestion of locust droppings which also affected open water sources.<sup>iv</sup>

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#### **Progress since the last review:**

16. There were no recommendations on food insecurity arising from climate change during the UPR 3<sup>rd</sup> cycle. However, over the 2018 – 2023 period, progress on adaptation in the agricultural sector towards food security included increased acreage under sustainable land management, increased access to index-based crop and livestock insurance, reclamation of

degraded lands, range rehabilitation and reseeded, increased acreage under conservation agriculture and a reduction in pre - and post-harvest losses.

### **Recommendations:**

#### **The Government of Kenya should;**

17. Provide subsidies for farm inputs and expand effective food reserves to ease food shortages, and enhance food distribution.
18. Increase the number of beneficiaries accessing climate-oriented crop and livestock insurance.
19. Fast-track the implementation of the National Insurance Agricultural Policy.

#### **Issue 3: Over exploitation of Mangrove Forests**

20. Mangrove forests in Kenya cover about 61,271 ha, representing approximately 3.0% of the natural forest cover or less than 1.0% of the national land area. There are nine mangrove species in Kenya, with *Rhizophora mucronata* (or mkoko) and *Cerriops tagal* (mkandaa) being the most dominant. Mangrove ecosystems offer a range of benefits and opportunities for local and national economic development; hence they should be protected and conserved. This ecosystem, however, faces serious threats associated with their deforestation and degradation. Root causes of mangrove loss and transformations have been identified as; increased population, weak governance, inadequate awareness of the true value of mangrove ecosystems, high levels of poverty, lack of alternative livelihoods, and inadequate management prescriptions.<sup>v</sup>
21. Mangrove losses have negative impacts on fisheries, shoreline stability, and resource sustainability. Degradation of mangrove forests also leads to carbon emissions into the atmosphere. Mangroves sequester double the amount of carbon in the atmosphere. Cutting of trees results in the carbon that was trapped being released into the atmosphere, accelerating global warming.

#### **Existing frameworks**

22. Kenya has put in place policy frameworks as well as legislation, strategies, action plans and other related measures geared towards protecting mangrove forests. These include the Forest Conservation and Management Act, 2016, The Forest Act No.7 of 2005 and the National Mangrove Ecosystem Management Plan 2017-2027. The Forest Conservation and Management Act, 2016 aims at conserving Kenya's forests and managing them

sustainably by fighting deforestation and increasing carbon sequestration. Mangroves are the biggest carbon sequesters and the Act calls for the protection of mangrove forests and terrestrial forests.

23. The Act further stipulates that in the condition that any activity concerned is likely to result in the depletion of forest cover in any forest, the requirement is that the licensee is obligated to undertake compulsory restoration and re vegetation immediately, upon completion of the activity. It also states that it is mandatory to have a license for cutting trees but in reality, the people doing the cutting do not have the licenses needed.
24. The Forest Act No.7 of 2005 governs logging and forest management by establishing a framework encompassing guiding procedures for obtaining logging licenses, designates areas for logging and conservation. To ensure that the licensed logging does not further degrade our forests, there are procedures set in place to guide it. The Mangrove Ecosystem Conservation Manual, 2021 gives guidelines on the Mangrove Ecosystems in Kenya, the species and types that thrive well in certain places. This manual guides the whole process of mangrove re afforestation, helping make it effective.

### **Progress since the last review**

25. There was no specific recommendation on over exploitation of mangrove forests during the UPR 3<sup>rd</sup> cycle. However, connected developments include National Tree Planting Initiative Launch. The Government of Kenya initiated planting of 15 billion trees by 2032, a move aimed at: reducing greenhouse emissions, stopping and reversing deforestation and restoring 5.1 million hectares of deforested and degraded landscapes through the African Landscape Restoration Initiative which was launched on 22<sup>nd</sup> December 2022.
26. There is also the “Jaza Miti App Initiative.” This is a presidential directive where Forest and ICT have come together to drive the 15 billion tree planting initiative commissioned by the President. This facilitates and enhances tree planting programs by allowing users to users in selecting suitable tree species for planting based on their location, documenting, tracking, and monitoring the growth of documented trees over time to aid in Kenya’s vision of planting 15 billion trees in the coming 10 years to fight climate change.
27. The Kilifi Climate Change and Governance Platform (KCCGP) also has a similar initiative, seeking to plant 60 million mangroves in 8 years, and has contributed greatly to a shift in the mindsets of the communities in Mangrove conservation.

### **Recommendations:**

**The Government of Kenya should;**

28. Ensure sustainable management and conservation of mangroves as habitat and breeding grounds for fisheries and other wildlife as set out in the Fisheries Development and Management Programme.
29. Ensure Mangrove forests are managed sustainably for wood and non-wood forest products while maintaining environmental integrity as set out in the Mangrove Forest Conservation and Utilization Programme.
30. Enhance engagement with the community in mangrove management as per the objectives of the community programme under the National Mangrove Ecosystem Management Plan 2017-2027.

<sup>i</sup> <https://napglobalnetwork.org/wp-content/uploads/2022/01/napgn-en-2022-kenya-NCCAP-2018-2022-Implementation-Status-Report.pdf>

<sup>ii</sup> [National Climate Change Action Plan \(NCCAP III\) 2023 - 2027](#)

<sup>iii</sup> <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156210/#:~:text=Yet%2C%20in%20the%20projected%20period%2C%20March%20%E2%80%93%20June,million%20people%20%287%25%29%20will%20>

<sup>iv</sup> <https://napglobalnetwork.org/wp-content/uploads/2022/01/napgn-en-2022-kenya-NCCAP-2018-2022-Implementation-Status-Report.pdf>

<sup>v</sup> [National-Mangrove-Ecosystem-Management-Plan\\_Final\\_170628.pdf \(wiomn.org\)](#)

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