

CLIMATE REFUGEES

April 2024

Submission to the UN Special Rapporteur on the human rights of internally displaced persons on displacement and planned relocations in the context of climate change

Provided by [Climate Refugees](#) in response to the call for input issued by the Office of the High Commissioner for Human Rights to inform the forthcoming report of the 56th session of the Human Rights Council. This submission is based on sections of Climate Refugees August 2023 report "[Climate Change is Controlling Everything. Let Them Compensate Us](#)": [Stories of Loss and Damage in Kenya](#) and our December 2023 report [Climate Change Is Exacerbating Gentrification. Displacement And Inequality In Miami](#).

Overview

While Climate Refugees' on-the-ground work to document climate-related displacement has not yet included visiting communities that have benefited from well-executed planned relocation, there are a number of considerations and recommendations we can offer from our work speaking to displaced and at-risk communities that can inform a human rights-based approach to planned relocations.

This submission draws from interviews conducted by Climate Refugees in climate-vulnerable communities in Miami, Florida and Kenya. This work highlights the experiences of vulnerable and marginalized people who have experienced displacement directly as a result of climate change and would now benefit from planned relocation, while others are facing more indirect displacement due to market forces influenced by climate change. As such, this submission will share the experiences of people displaced and their views on how the full enjoyment of human

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rights can be ensured in contexts of planned relocation, addressing the specific [question](#) of the Special Rapporteur below:

Recommendations

- 1. Please provide specific recommendations on how to address the critical challenges and impacts that emerge during planned relocations in the context of disasters and the adverse effects of climate change to ensure they are people-centered, anchored in human rights-based approaches and preserve cultural identity. Please include actions to be taken at the local, national, regional, and international levels, as well as by different groups of stakeholders: governments, communities to be relocated, potential host communities, development agencies, financing institutions, and others.*

Centering human rights as part of any strategy to address climate-related displacement is critical, and is a guiding principle of our work at Climate Refugees. It is understood that planned relocations are undertaken in order to safeguard communities at risk to the forces of climate change and in order to protect human rights. On one hand, when communities do want to move, the entire process - from initial consultations to post-relocation monitoring and follow-up - must respect the rights of community members. On the other hand, rights must also be ensured when communities do not want to move, and especially so when governments are keen on relocating them anyway. Of course, informed consent is a necessary feature in any planned relocation discussion. In short, governments' interest in pursuing climate adaptation do not supersede the human rights of affected people and communities.

Case study: Displacement as 'climate gentrification' in Miami, Florida

In Florida, the climate crisis and the housing crisis are [converging](#). This is particularly acute in Miami, Florida's most populous metropolitan area. Miami has long been considered particularly [vulnerable](#) to climate change, but this is often limited to considerations of [sea-level rise](#) given its position as a low-lying coastal city. Miami's sea-levels are expected to be [10 to 17 inches](#) (25-43 cm) above 2000 levels, though recent studies have shown the seas are [rising faster](#) than expected. Making matters worse, Miami also faces tropical storms, including hurricanes. Even if the region has always been vulnerable to such storms, climate change is increasing the frequency and severity of these phenomena, with devastating results.

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Multiple hurricanes and recurring flooding due to sea-level rise have already caused severe damage to Miami's expensive beachfront real estate. Mitigation plans thus far are largely limited to discussions of building sea walls and elevating buildings and roads, but many are skeptical whether this will be sufficient, and it is unclear exactly which properties will be prioritized for such costly interventions. Planned relocations - or managed retreat as it is known in the US context - has been discussed in various contexts, though sometimes amongst lawmakers who continue to question climate science.

The threat of extensive property damage has [devalued](#) coastal properties, with real estate investors turning inland for less risky future development, and in so doing, creating a de facto planned relocation through market forces. Climate Refugees' [December 2023 report](#) - based on site visits and interviews with longtime residents and local civil society - found that climate change is exacerbating gentrification, displacement and inequality in Miami's poorest and most marginalized communities. [Research](#) from Harvard University describes the situation in Miami as 'climate gentrification' - a situation in which climate change drives price volatility in real estate property values based on their capacities to accommodate climate change conditions like sea level rise.

Displacement driven by this climate gentrification has become a dawning worry in communities of color that are more insulated from sea level rise, but certainly vulnerable to more overlooked climate impacts like extreme heat, and excessive rainfall.

Liberty City

Miami is a city [built](#) on the backs of black laborers, who despite their immense contribution, were forced to live in segregation and poverty. This is part of the history of the City of Miami - one which includes a legacy of discriminatory zoning and housing policy that lingers to this day.

One neighborhood that was 'redlined' by [segregation policies](#) is Liberty City. A massive public housing project called Liberty Square was the center of a thriving Black community in the 1940s and 50s, before suffering from decline and government neglect throughout the desegregation era. The area is currently being redeveloped with so-called affordable housing, but the revitalization efforts have left some residents displaced and others worrying how they will be able to afford to stay as private rents continue to rise.

Little Haiti

Little Haiti, with an elevation of about [10 feet](#) above sea level is not only one of Miami's highest points, but also one that experiences [minimal flooding](#). Located in the northern part of the city, it

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is regarded as the “[cultural heart](#)” of Miami’s Haitian diaspora. Once called Lemon City, the area became the primary place where Haitian asylum-seekers, resettled refugees and immigrants settled upon their arrival in South Florida, which began in the 1970s.

Little Haiti’s location away from the increasingly vulnerable South Florida coast has made it more desirable for developers seeking to make a profit through new development. But such development increases the cost of living for existing, mainly low-income residents, who are being pushed out of neighborhoods they have not only lived in for decades, but in many cases were instrumental in founding. The displacement risk also threatens to change the cultural makeup of the community that has long been a refuge for immigrants from Haiti and elsewhere.

Reminiscent of UN Special Rapporteur Philip Alston’s [2019 report](#) on Extreme Poverty and Climate Change, warning that the wealthy would escape the negative effects of climate change, communities here say they are being displaced by the combination of climate-driven market forces that favor the wealthy, while they struggle with a lack of safe, affordable housing options. In fact their very displacement puts them at greater climate risk since the only affordable housing displaced communities can go to are those more prone to flooding. Any attempts at planned relocations in the region must recognize that climate change and resultant market forces are already causing harm. Otherwise, efforts will be destined to repeat and perhaps even amplify existing inequalities.

Lessons for planned relocation

One of the hallmarks of planned relocation is that schemes are conceived and implemented well in advance of climate impacts, or at least before significant damage or displacement occurs. Unfortunately, the stories of Little Haiti and Liberty City demonstrate what can happen when governments fail to plan and/or simply allow market forces to decide where vulnerable communities will reside.

Our conversations with Miami experts and local organizations working in climate, housing and social justice confirms the burgeoning research in this area that “presently, climate gentrification in Miami is more reflective of a rational economic investment motivation in response to expensive flood insurance rather than sea-level rise itself.” However, that should not stop us from paying close attention to the asymmetry in power between real estate developers whose actions are forcing an “unplanned relocation”, and in the process, rendering historically marginalized populations vulnerable to indirect climate displacement.

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As the long fight and very delayed planned relocation of Indigenous communities in [Newtok, Alaska](#) and [Isle de Jean Charles](#), Louisiana demonstrates, US history of segregation and overt reliance of market forces to solve public policy problems poses a risk to residents of Little Haiti and Liberty City. Already, Liberty City residents have been displaced from their public housing when they were temporarily relocated during the construction phase of the new public housing. We learned from speaking to Miami community advocates and subjects featured in the documentary [Razing Liberty Square](#) that many Liberty Square residents were offered housing vouchers to temporarily move out of their homes during construction of the new development. Although city and county officials had promised no resident would be displaced during the development phase, in reality, many residents never returned to claim their new housing. This is because as construction delays and neighborhood vulnerabilities increased, some residents found the vouchers eliminated their incentives to remain in public housing. However, many residents who left found themselves with less protection as they became subject to yearly rent increases following the initial year of subsidized housing provided by the vouchers.

As the Miami case study makes clear, for equitable climate action, any discussion of managed retreat or planned relocation must take place alongside anti-displacement protections for at-risk tenants. These should also be accompanied by green investments in homes and communities equally at-risk to climate change and massive investment in housing, social services like public transit, community infrastructure and social protections like we have detailed in our Miami report.

Case study: Displacement and development setbacks in Kenya

In various locations in Kenya, climate impacts - notably prolonged drought and flooding due to increasingly unpredictable rainfall - are driving losses and damages, threatening human rights, and contributing to development setbacks.

Kibera Informal Settlement¹

One community that would benefit from planned relocation is the massive informal settlement of Kibera. The [Kibera](#) area of Nairobi is an immense informal settlement that is quite possibly the largest in Africa. The Kenyan government owns all of Kibera's land, with about [90% of tenants](#) living in shacks with no land rights. Many residents here have experienced displacement before

¹Amali Tower & Ryan Plano, "Climate Change is Controlling Everything, Let Them Compensate Us": Stories of Loss & Damage in Kenya," Climate Refugees, August 2023, p. 90-94
<https://www.climate-refugees.org/reports/kenya-loss-and-damage>

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- refugees from other African nations, Kenyans displaced by post-election violence and newly arriving internal migrants fleeing everything from climate change to increasing poverty.

Official [estimates](#) place the number of inhabitants at 250,000, which is often challenged. Residents we interviewed say the actual population is at least one million, if not higher, with increasing new arrivals from rural areas due to drought. With the area [experiencing](#) more frequent and severe flooding events, the potential for loss of physical assets in an era of unchecked climate change is high. Damage to homes and other structures by extreme weather events is [well-documented](#) in poor urban settlements, precisely because they are generally built on risk-prone floodplains and hillsides with poor infrastructure.

This loss is usually followed by displacement, precisely because poor people have limited options to adapt to the impacts of disasters. [According](#) to the IPCC, flooding has adversely affected large cities in Africa, especially in “dense informal settlements due to inadequate drainage, and health infrastructure,” while middle-to-high income populations that reside in floodplains or high-risk areas are protected through insurance and lobby for protective policies.

As is common in urban slums, Kibera has inadequate infrastructure on all fronts, from clean water provision, sanitation and plumbing, to roads, safe shelter and electricity, and is therefore woefully unprepared for severe weather events. Poor to non-existent drainage systems and spotty garbage collection [exacerbate](#) the flooding impacts of storms when alleyways, drains, ravines, and corridors are blocked with stagnant garbage and even human waste.

Loss of life during particularly heavy rains is not unheard of, whether from drowning, building collapses, or even electrocution. Even after floodwaters recede, residents are faced with lasting and dangerous impacts, and displacement. Post-flood cleanup is necessary to reduce stagnant water but [often entails](#) a highly unsanitary process where residents shovel human waste without proper protective equipment. Water supplies can easily become [contaminated](#), and families may even lose their makeshift homes altogether, [displacing](#) already marginalized people.

Disaster risk analysis in Kenya’s other slum Mukuru reveals that a major driver of vulnerability is “lack of risk preparedness” and an inability to respond when flooding events not only block streets and homes, but [lead to](#) sewage overflows and water-borne disease. Cumulative flooding events also exacerbate poverty and the inherent instability of informal settlements. This is especially acute in places like Mukuru and Kibera, where home and land ownership is inconsistent, making it difficult for residents to plan, and while sometimes living under threat of eviction.

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Although Africa [suffers](#) disproportionately from climate change, at present, the continent [lacks](#) an early warning system for extreme weather events, disasters and the impacts of climate change. In the interim, community first responders are stepping up to provide early warnings and disaster risk resilience in Kibera. These Weather Mtaani leaders in Kibera, as they are known, spoke to Climate Refugees during a 2022 visit.

The Weather Mtaani leaders were part of a now defunct pilot project that paired the knowledge of residents with the data and expertise of the Kenya Meteorological Department to [provide](#) daily and weekly localized weather forecasts in Kiswahili and local slang via SMS, WhatsApp and radio to residents in Kibera. The service provided accessible and actionable information, such as which routes to avoid, which river banks are likely to be swollen during weather events, and even evacuation, when necessary.

The Mtaani leaders not only provided information for use in forecasting and warning dissemination, they also organized community clean-ups of drains and roads, and helped residents waterproof their homes when storms were expected. Despite the project formally ending in Kibera, local activists are self-funding wherever possible to keep the project going, such as clearing drains to prevent streets and homes from becoming inundated.

According to the Mtaani leaders, “people here are forgotten by the government, so they don’t trust the government weather forecasts, they also don’t understand the information. We make it accessible in our local slang, and they trust the importance of the information when it comes from their own community.”

Kibera has been experiencing increasing climate change impacts over the past five years, according to the Mtaani leaders. They spoke vividly of the acute impacts from flooding and drought to extreme heat. Extreme heat has resulted in fire outbreaks when high temperatures merge with exposed electrical wiring and discarded incendiary devices. Project implementers say the 2019 drought merging with Covid-19 pandemic impacts led to scarcity of food and people dying from hunger in Kibera, while in rural areas, the same food insecurity and loss of animals and people increased urban migration to Kibera.

“The worst of the drought impacts hit us just as the pandemic left people jobless.” Most Kibera residents are petty traders or run small shops, and a sizable number work as domestic workers in affluent Nairobi households, all of which promptly ended during the pandemic. The Mtaani leaders recalled that Kibera had no water and food during the Covid-19 lockdown, and sanitation services were out of order for over a year. “There were many disease outbreaks like cholera and typhoid,” they said, “and though government services were informed, there was no

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response.” The drought exacerbated these pandemic conditions, which came with extreme heat. “You have to remember, our shacks are tin homes, the heat inside was boiling.”

The Mtaani leaders are all life-long residents of Kibera, some even from birth. They all say climate change effects have accelerated in Kibera, and with it, disaster impacts like electrocution, flooding and fires are ever increasing. “The goal is to disseminate weather information to warn people, move them out of harm's way... save lives, but also minimize the social and economic impacts on the poorest people. Life is really hard here, and climate change is making things so much worse.”

“Residents here are domestic climate refugees,” said one Weather Mtaani leader. “They move from one village to another based on different disasters and even with early warning, when their houses are at-risk, they choose to move and start again in a new shack, because it’s much cheaper.”

Toxic waste dumps and open drains full of dirty stagnant water, garbage, human and animal waste, even animal carcasses are rampant throughout Kibera. The leaders tell us, increased drought has led to bigger piles of garbage scattered all throughout Kibera’s landscape. Since there is no regular garbage collection, these piles of trash, human and animal waste create toxic dumps that line Kibera. When the flash floods hit, these toxic dumps flow downstream and block passageways, exacerbating flood impacts. The toxic pollution has also resulted in cholera, typhoid and malaria outbreaks.

The Ngong River passes through Kibera. When the dwindling rains do come, they are increasingly more extreme, swelling the Ngong River and flooding Kibera. Because monthly rents are significantly cheaper in shacks that line the river, death, loss and damage during flash floods have been much higher in these quadrants. Seeing flash flood impacts increase with frequency and intensity, combined with the early warnings, many residents have chosen to relocate to higher ground during the rainy season.

The Mtaani leaders point to the intangible losses as well, like the rampant fear of repeat disasters, displacements and continued trauma for communities that suffer constant losses from abject poverty to climate disasters. “The community needs us for disaster preparedness. The Red Cross only comes to Kibera after a disaster, but what we really need is a whole community approach alongside the Red Cross to connect the myriad community needs to disaster preparedness.”

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Unfortunately, as Kibera continues to experience the impacts of climate change, these local solutions - no matter how well-conceived - will be insufficient to prevent displacement and other forms of loss and damage. Early-warning systems are [required](#) throughout Kenya, and so too are community-informed planned relocations. At a minimum an assessment should be conducted to document the external risks and percentage of residents that need to be moved out of harm's way. Housing is a right rarely guaranteed, but in Kibera, as with most urban informal settlements, safe, dignified and adequate housing is absent.

Poor and marginalized people are disproportionately [vulnerable](#) to climate displacement, and rural-to-urban migration is [increasing](#) due to climate change, often into precarious situations. Therefore we posit that planned relocations and the human right to adequate housing are mutually overlapping areas of protection in the context of the climate crisis.

Kibera residents have been relocated before, largely in response to their substandard housing. In recent times some residents have [returned](#) to their rural ancestral homes, under a privately-funded project. At least three other past housing upgrade projects have existed in Kibera, including the [Kenya Slum Upgrading Programme](#) (KENSUP), a government initiative begun in 2004 in collaboration with [UN-HABITAT](#) and other donors that has previously relocated Kibera residents to heavily subsidized planned housing settlements. KENSUP was a 15-year scheme to improve housing and security for 5.3 million urban slum dwellers by 2020, in which Phase 1 included 45,000 new homes annually for Kibera residents.

However, from the beginning, accounts persisted that not all relocations were well planned, well-executed and conformed with human rights obligations. For instance, Amnesty International [found](#) a variety of requirements under the UN Committee on Economic, Social and Cultural Rights were not assured, including consultation and participation of residents in decision-making processes. Ultimately, an assessment found repeated such programmes [failed](#) due to corruption, poor management and a lack of public consultation with Kibera's residents. Some relocated residents eventually [moved back](#) to Kibera because the new housing proved to be unaffordable for populations that live well below the poverty line, while others saw an opportunity to increase their income by renting out the new homes to Nairobi's burgeoning middle class population.

In the climate context, any efforts to move people out of harm's way will need to be guided by these past failures, chiefly, continuous consultation and planning with Kibera residents and the provision of affordable housing with concurrent livable wages.

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Kokwa Island²

Located in the middle of Lake Baringo, Kokwa Island is home to 2,000 minority tribespeople, mostly the Indigenous Ilchamus people. Our consultations with community members revealed that many are dealing with the dual effects of climate change-driven drought and flooding, with the latter primarily the [result](#) of increased rainfall since 2010.

As Lake Baringo has expanded, the island has been subdivided into three. Some residents have been displaced, and in some cases it is not their first time in such a position. As far back as 2008, some people came to the island following conflict with other tribespeople. Living on Kokwa saved them from repeat raids but they are now more vulnerable to climate change and resultant displacement.

Some residents hold title deeds to the land they lost around the lake, which may give rise to legal challenges as some 1100 km² has been [lost](#). Of these residents, some may have to be relocated yet again because they currently occupy riparian lands, a process that has apparently been brought to the government's attention.

The families with the financial means to do so have moved to higher ground on Kokwa, while others have left for surrounding islands or have left the region altogether. Most community members we talked to were living in makeshift dwellings after having the homes lost to the rising lake waters. All asked for international assistance to rebuild their submerged homes on higher ground, but it is unclear whether such support will materialize given there is no declared or recognized 'disaster'.

Kiwanja Ndege Camp³

In Baringo County's lowlands, Kiwanja Ndege internally displaced persons (IDP) camp is home to residents from 10 villages that are now underwater. 150 households comprising 1,000 ethnically-marginalized Ilchamus people reside in this camp that has limited access to humanitarian service and protection programming. The residents identify as 100% climate-displaced since their homes were submerged in 2020 when Lake Baringo's waters swelled past human habitability.

² Tower & Plano, "Stories of Loss & Damage in Kenya," Climate Refugees, p. 21-22

³ Tower & Plano, "Stories of Loss & Damage in Kenya," Climate Refugees, p. 22-24.

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As on Kokwa Island, the flooding did not happen all at once. Rather, the gradual expansion of the lake was first noted by communities in 2002, with the first village to be partially displaced - Ngambo - in 2012.

And also like in Kokwa, there has been no formally declared disaster situation. While there was some initial support from the Kenyan Red Cross, residents told us it has been two years since the organization was present, and we did not see any NGO or UN agency presence during our visit. The lack of support extends to the camp's very existence, too. Residents here live in fear of forced eviction because the camp is situated on government land allocated for a future airstrip. As the village chief told us, "if the government decides to implement the planned construction, we can all be displaced again."

Planned relocation solutions are imperative for both these communities, which must be facilitated through informed consent and meaningful community consultation and planning. All solutions made available via international policymaking, including climate finance must be accessible at the community level through Kenya's sub-county ward planning committees, which provides the opportunity for local knowledge and development priorities to be integrated and funded through [Ward Development Plans](#). These include:

- Relocation
- Legal and economic compensation for loss of homes, schools, healthcare facilities, livelihoods
- New livelihoods