**Report of the UN Special Rapporteur on the right to adequate housing to the
52nd session of the Human Rights Council**

**The right to adequate housing and climate change**

**Questionnaire**

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1. In your country, what have been the main effects of the climate crisis, on the enjoyment of the right to adequate housing? Please specify whether there have been any climate-induced impacts on the security of tenure, availability, affordability, accessibility, habitability, location and cultural adequacy of housing, including climate crisis related displacement.[[1]](#footnote-1)

Compared to other countries the direct effects of climate change induced disasters on the right to housing inside Germany have been limited so far. At the same time indirect impacts on housing conditions through climate policies, reactions by the business and exploding costs are comparably high. Reasons for this situation are: (a) the economic power of the country that allows to finance social political measurements and compensations, (b) a comparably regulated housing system with a large portion of private rental housing, (c) existing structures for social security, (d) a rather long tradition in climate policies with related legislations and (e) the comparably temperate climate with (traditionally) limited extremes. Concerning current climate related disasters with effects on housing it is more important to emphasize the role and responsibility of Germany as one of the leading industrialized countries for the given global climate change and possible solutions.

Having said this, it is also obvious and publicly generally accepted that direct impacts of climate change on housing situations are emerging in Germany too. The most obvious consequence of climate change is the increase of extreme weather events like heavy rains, storms and long periods of heat and dryness, which have different consequences on housing.

In July 2021 floods after heavy rainfalls caused a lot of damage in parts of Germany, Belgium, the Netherlands, Luxembourg, and other European countries.[[2]](#footnote-2) Mainly affected regions in Germany were Rhineland-Palatinate and North-Rhine-Westphalia, where more than 180 people died. Some villages and a lot of houses in the valleys had to be evacuated. Most of the victims found temporary housing solutions at relatives and friends, in hotels and non-affected cities. The repair partly took a long time, some places are still destroyed. There was quite a broad solidarity with the victims. People came to help with the repair, offered housing and winemakers from other regions organized help for harvesting. The government estimates the total costs of the damage in these two states at more than 30 billion Euro, among them 13 billion Euro for damage on houses and private households.[[3]](#footnote-3) Many of them had no insurances. Regional and national governments started programs for subsidising repair and reconstruction. In the two states nearly 10.000 households applied for aid, but only at an amount of 68 million Euro. In many cases the compensation is not satisfying. The programmes have been criticized for their complicate application procedures. After the catastrophe a political discussion on disaster preparedness, better warning systems, flood protection came up. The behaviour of leading politicians during the disaster was heavily criticized in the public and influenced national elections. Debates on necessary measurements are going on. Most people think that more climate related disasters like this may happen in future.

Another development that probably is connected to climate change are unusually long periods of heat and dryness. Especially in 2020 the dryness caused a lot of damage in agriculture and in forests. Even without fire big forest areas were destroyed (mostly non-site-specific spruce plantings, but also beech). Foresting and agriculture will have to change. The situation may contribute to higher prices for wood that is again very much used for climate-neutral construction (and already a subject to transnational speculation).

Dryness also may cause periods of drinking water scarcity, which wasn’t a big issue in Germany so far.

During very hot weather periods quite a lot of apartments (e.g. under the roof, in dense city-areas) become nearly non-habitable. Cooling systems are nor usual in German mass housing and for man they are not affordable for many.

In big parts of the population fears regarding the impacts of climate change on housing and livelihoods are emerging.

1. Are there differences how the climate crisis affects the right to adequate housing in urban and rural areas? If yes, is there an interrelationship between the two?

Given the high level of urbanisation and the constitutional aim of even living conditions in all regions the simple difference between rural and urban regions only makes a limited sense in Germany. Specific urban agglomerations can be as disfavoured as specific rural regions. There are prosperous regions outside the agglomerations, and there are many regions with smaller towns in cities, which are neither rural nor metropolitan.

Extreme weather events can affect housing in all types if regions. In densely inhabited areas the damage caused by floods can result in more victims and houses at once. The largest risks however exist in valleys, may they be settled by towns or villages. Also, settlements at rivers with dams may be risky. In towns and cities with a lot of sealed soils the canalisation may not be adequate to catch heavy rain falls.

Heat is a larger problem in not well aired urban areas than in villages and suburbs. Climate adoption of housing may be easier in rural arears, but big parts of the cities offer options too.

In agricultural regions climate change affects the fundament of production and income, while this is hardly the case in cities.

1. Are there groups distinctly affected in the enjoyment of their right to adequate housing as a result of the climate crisis? Please describe in what way.

The 2021 flood showed that disaster preparedness for people with handicaps (also those living in special homes) needs much improvement.

Discrimination in housing mainly occurs if you are a looking for a new house. First of all it is a matter of income. But many private landlords also do not want to rent out to people with a migration background. This problem exists independently from climate change. But if climate change in future will cause many moves into more climate adopted housing situations the discrimination at the housing markets may intensify social-spatial segregation.

1. How is the right to adequate housing ensured for persons that have been internally or internationally displaced by the climate crisis? How and under what conditions is their right to voluntarily return ensured?

If the house was demolished by a weather event the possibility of returning is a matter of affordability. Poorer people often do not have insurances. They are expensive if your house is situated in a risky valley and the costs will even increase with the risks. Public aid will support people on difficult situation but hardly fully compensate all losses.

Poor people and especially those depending on welfare often cannot afford to change a flat if the given one is not climate adopted. In many German cities rents have increased heavily during recent years.

Climate crisis and resulting disasters are not accepted as reasons for a legal right to immigration. As there is no right for immigration there also is no right to housing for internationally displaced climate victims. Illegal immigrants a systematically excluded from the housing market. Asylum seekers are often forced to live in Lager-situations. After legal decisions they may be put into detention centers.

It is an emerging fundamental problem that climate related displacements are not accepted as reason for legal immigration. In future probably very many people will lose their traditional livelihoods because of flooding, non-inhabitable heat and loss of food sources. The global community must find ways to organize legal migrations to secure and decent places. Europe cannot fulfil its human rights obligations if it remains a fortress.

1. When housing has been damaged or lost due to climate-induced events, what has been the related impact on the lives, health and livelihoods of the affected populations?

The damage or loss of your home and personal belongings is always a trauma. But regarding the small number of climate related displacement inside German it still can be compensated at large parts. The real problem are the impacts of lives, health and livelihoods in more affected and poorer regions of the world and what Germany and the EU will offer to meet these challenges.

1. How have people been able to access redress and compensation for damages to or loss of their housing as a result of the climate crisis and extreme weather events? What are the main obstacles to accessing timely redress and compensation, and what could be effective solutions?

Climate related damages are the consequence of decades of disastrous industrial growth based on carbon energies in countries like Germany. State and society are responsible to compensate individual losses caused by this development in a satisfying way. But it is more important to transform the way of production an living. The climate just and adopted management of human habitats is a key factor in the transition.

This responsibility relates to the inhabitant of German, but also to the planet. The industrialized countries have to pay back om of their ecological debt.

1. Please indicate any key rulings of national courts and tribunals protecting tenants and home owners from the impact of the climate crisis or on their right to adequate housing or related to climate induced displacement? Please also describe their outcome and impact ?

I don’t know any ruling of the national courts that are directly and specifically related to impacts of the climate crisis on housing. However, there is an important of the national constitutional court (Bundesverfassungsgericht) that confirms a constitutional obligation of the state for a binding implementation of climate protection measurements in general.[[4]](#footnote-4) It followed Article 20a of the constitution (“Grundgesetz”): “The state, also in responsibility for future generations, protects the natural foundations of life and the animals…”). It ruled that the national Climate Protection Law of that time was partly not constitutional because it’s aim to reduce greenhouse gas emissions by 55 % until 2030 (compared to 1990) failed to set yearly targets for the achievement of the Paris goal (climate neutrality until 2050) in the period after 2030. As a consequence, thy judges expected radical measurements for the achievement of climate neutrality after 2030. This, the judges argued, would reduce the freedom rights of the younger generation in a non-constitutional dimension. After this decision the government improved the law quickly, bur for climate activists it still was not satisfying.

I don’t know decisions of the constitutional law related to climate measurements in the housing sectors or in rental law.

A very conflictual legislation is the option of landlords to increase rents by yearly 8 % of the costs of energy reducing “modernisations” (§ 559 BGB). Because clear legal regulations on the standards of these modernizations and the calculation of the costs are missing the law opens the path for abuses by the landlords. The law is the reason for many rent increases, high above the real savings for energy consumption. The national court (BGH) did broadly fail to set limits on the rent increases or to define standards. Instead, it ruled that any economic efficiency of the rent increasing measurements in relation to the saving of the tenant isn’t necessary. The national court in rental issues is very landlord friendly. It also tries to avoid work. This tendency is coped by many of the lower courts. The right to housing does not play any role in the decisions of the courts. Thus, this would be the task of legislative measurements.

*In measures*

1. Please explain how energy efficiency, green urban planning, climate mitigation and adaptation policies and programmes take into account the right to adequate housing. What measures have been taken to ensure that they do not have any (unintended) discriminatory impact on particular population groups?

Legislative measurements and subsidy programmes on energy savings in housing and building have been implemented since the 70ies (after the first oil crisis). On the one side standards for new constructions have been increased substantially. On the other side the basic objective is to make investments into energy savings attractive for homeowners. This focus necessarily produces conflicts with tenants. It systematically discriminates non owners of property, which represent the poorer part of the population. The right to adequate housing has not played any expressed role in these legislations. Nevertheless, high rent increases after modernization are a permanent issue on tenant protest. For details see no. 13 below.

1. Please explain how natural disaster preparedness, response and recovery/reconstruction strategies and plans ensure non-discrimination?

Generally, non-discrimination is a permanent obligation of all legislation. But I don’t know any specific and systematic anti-discrimination approach related to natural disaster preparedness, response and recovery/reconstruction strategies

1. What are the main barriers to addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing?
2. Broad absence of human right discourses in policy making and legislation regarding housing, land and property. (b) Homeowner and private investor orientation of politics.

***Impact of housing on climate change***

1. How does the housing sector in rural and urban areas contribute to climate change? It may be helpful to think in terms of:
* energy consumption for heating, cooling, cooking, lighting of housing;
* urban sprawl and related climate impacts (soil sealing, commuter traffic etc.);
* increase of average per capita living space;
* water use;
* emission of pollutants;
* climate impact of construction and used construction materials;
* deforestation, desertification and loss of biodiversity caused by housing development projects.

Please provide as well any statistical information on the climate impact of the housing sector compared to other sectors in your country.

1. *Green gas emission through the provision of heating, cooling, cooking, and other electric devices in the house (warm water, washing machines, entertainment, computers…)*

According to government data[[5]](#footnote-5) private households in 2018 consumed 644 TWh final energy, which is more than 25 % of the total energy consumption in Germany. Nearly 68 % of this consumption was used for the heating of rooms. This figure includes direct consumption of final energy, mainly gas and oil, as well as indirect consumption (district heating, electricity). It does not include energy used for construction, maintenance, food, cloth and transport.

Related to climate change not energy consumption in general but green gas emission is the problem. The use of solar and wind resources has no direct impact on the climate (at least if you do not count the energy and material used for its generation, distribution and storage and possible side effects). The use of water energy (dams, that are no used as storage for other energy resources) has no impact if you do not care about possibly very negative consequences on the territorial ecology, climate drains and human habitat. The burning of regenerative resources from sustainably grown plants (wood, oil plants) produces green gas, but the renewed plants also bind carbon (again very serious side effects are possible). Also, nuclear power (which will be stopped in Germany) does not directly produce carbon dioxide, but even if you do not cunt the risks, the technology and the final storage of nuclear material needs a lot of energy for unbelievable long time. In general, the path to climate neutrality even in housing is threefold: sufficiency, efficiency, and replacement of fossil energy through regenerative energies.

In the whole building sector emissions from direct use of fossil energy (mainly heating) were reduced by 43 % between 1990 bis and 2020.[[6]](#footnote-6) This development is the result of better insulation and higher energy efficiency of the heating systems.

Direct and indirect energy consumption through housing use in 2018 produced 207 Mio t carbon dioxide[[7]](#footnote-7), which were 26 % of the total emissions in German (786 Mio t). 62.8 % of the emissions by housing had its origin in the heating of rooms (directly through gas, oil etc. or indirectly through electricity and district heating). 12.8 % of the emissions were the result of warm water provision. Cooking and washing contributed 8.8 %, lighting 2.4 % , other electric devices 13.1 %. Thus, in Germany heating and warm water provision are the main sources of green gas emissions using the house. But also cooking, washing and information technology contribute significantly. The figures do not include CO2-emmission through construction and through other private consumption like food and clothing, and even not garbage, which is a very significant factor in green gas emission.

Heating and household technologies become more and more energy efficient and also the energy mix is shifting from carbon resources to renewables (a process which may speed up very much through the stop of gas provision by Russia as art of the war) . However, these reductions through better efficiency and replacement get partly compensated by a higher consumption of housing space and more machines. Without more sufficiency the climate aims cannot be achieved. The social question even in housing is: who can be sufficient?

1. *urban sprawl and related climate impacts (soil sealing, commuter traffic etc.);*

Urban sprawl increases greenhouse emissions through additional transport needs. The middleclass people living in the homeowner suburbs must move to their workplaces, schools, shops etc. and often do that by car, which middle classes also can afford. Greenhouse emission produced by forced traffic can be understood as emissions of the housing sector.

Because most of the newer suburbs are mainly oriented on homeowners and upper middle class, their consumption of living space is higher than in average. Elder single-family houses are also less energy efficient than denser housing complexes, but in new constructions this is not so much the case. Single homeowners can construct or renew houses with no need of external energy for heating. Solar panels can also be used for e-mobility, while tenants in dense city district cannot influence the constructions and even do not have access energy for e-mobility.

Single family houses also need more land than multi-family houses.

According to the Federal Statistical Office, the area for settlement and transport has expanded from 40,305 to 51,692 square kilometers (km²) from 1992 to 2020. This means that the area for settlement and transport has increased by 11,187 km² or 28.3% in the last 28 years. With regard to the sub-areas, the settlement area expanded by 34.9% and the traffic area by 9.9 %. The expansion of buildings and streets has become a little slower in recent years, but although the population is hardly growing settlement growth is far away from being stopped.

One reason are demands for new housing construction. The current government wants to solve the crisis of affordable housing by constructing 400.000 new appartements each year, 100.000 as “social housing”. The government is far away to achieve these goals.

Most of the new houses are expensive. Nevertheless, they allow inhabitants to move out of their often smaller and cheaper flats, which by the dominant private landlords are rented a higher price than before. This way new housing constructions contribute to environmental destruction without solving the housing crisis.

1. *increase of average per capita living space.*

In a country where living rooms must be heated for more than 6 months the expansion of living space per person necessarily leads to higher energy needs. According to government data the average consumption of living space between 2011 and 2020 increased by 2,8 % from 46,1 sqm to 47,4 sqm.[[8]](#footnote-8) This has been the trend since decades.

Of course, rich people use more living space than poor, but the main reason for the expansion is the development of smaller household and especially the increase of single person households. Also, a small household needs a kitchen, a bathroom etc. Most of the houses and flats in Germany have been built decades ago for (small) working class families. Very small flats (below 40-45 sqm) are rare and expensive.

Elderly people like to stay in the house even if the children are gone. Under the given conditions of housing shortage and the resulting rent explosion renting a much smaller apartment can be much more expensive than staying in the house. This is also true for renters. The regulation on rent increases for sitting tenants is much stronger and more universal than the one on new lettings.

1. *water use*

The daily per capita consumption of drinking water in Germany in 2021¹ was around 127 litres. Almost 30 years ago, a resident in Germany consumed an average of around 147 litres of water a day. The development of water consumption per inhabitant per day in Germany thus tends to decrease.

1. *emission of pollutants*

For emissions of CO2 for the use of housing see above.

*(d) climate impact of construction and used construction materials*

The energy consumption for the extraction and production of construction material, its transport, the construction itself, its maintenance, recycling, or disposal is an issue which have emerged very much during the past years. However, good data on the ecological balance of the whole life cycle of a building is rare,

It is estimated that during the living period of a building about one third of the energy consumption is caused by construction. However, the figure very much depends on the type of construction.

Among the materials much criticized for bad climate and ecological balance are concrete, steel and other metals as well aa polymers, materials that have been used intensively through past decades. The criticism includes the use of materials like polyurethan for insulation. It’s production is based on oil, the live period is short, recycling and disposal difficult because of included fire defeating substances. It often is questioned if insulation with these materials really contribute to the reduction of greenhouse gas emissions. But alternatives are more expensive. In the architectural avantgarde new ways of construction with renewable materials like wood, clay and straw or recycled materials are trending. There also developments towards a better ability of materials for recycling, energy reduction of the construction process (e.g. through prefabrication) , the use of smart technologies as well as traditional low technologies… But in mass housing and in the necessary renewal of the existing housing stock we are far away from a real shift.

1. *deforestation, desertification and loss of biodiversity caused by housing development projects*

Desertification through housing projects is hardly imaginable in Germany (if you do not understand housing schemes as deserts). Deforestation can happen at small scales. Obvious is the impact of each larger construction on biodiversity. Loss of biodiversity has to be compensated, but not in the same area. The urban planning system regarding environmental issues is rather developed. Negative impacts on biodiversity and especially on protected animals and plants can become a serious barrier for new housing schemes, at least of environmental organisations and local people become active. Protests new constructions are regular and regularly they are a matter of demands for less ecological planning laws. On the other hand, possibilities of democratic participation through tenants and renting neighbours are rather week. Informal use of lad for gardening is hardly protected at all.

1. What measures are being implemented in rural and urban areas to reduce and eliminate the adverse impacts of the housing sector on the climate? How successful have been these programmes?

Programmes and legislation on energy saving in housing and constructions have been implemented since the 70ies (first oil crisis). There have been many changes, but also continuities. Principally, there are these four levels of regulation and subsidisation:

* 1. Construction rules since long regulate minimum standards for thermal insulation and moisture protection. Later they were combined to standards on the energy needs of buildings. Until 2020 the main rule was the Energy Saving Ordinance (ENEV). Since then, the matter is regulated in the Building Energy Act (Gebäudenergiegesetz), which sets standards for low energy needs of new building and is the national adoption of the Energy performance of buildings directive by the EU. The standards with few exceptions are only valid for new buildings and larger renovations/modernisations. This means that the landlord cannot be forced to achieve the standard in an existing building. But if s/he decides to invest in energetic renewal s/he has to meet the (expensive) minimum standards.
	2. The implementation of higher standards than the minimum in new buildings and modernisations have been supported by state subsidies, especially through cheap credits by the public KfW. The conditions for the subsidies include a lot of technical rules, but no social aspects.
	3. Since long the governments support landlords who want to invest in better energy efficiency of their building by allowing them rent increases high above the real costs. The regulation (today § 559 ff BGB) is an exception from the market-oriented rental regulation in Germany. It allows the landlord to increase the annual rent (for ever!) by (at the moment) 8 % of the costs of the modernisation. Under the conditions of low interest rates this law has become an invitation for achieving high returns on the costs of the tenants. Until 2018 rent increases by 50 % percent and much more were usual after insulations. Energy efficient modernisation became a method to evict tenants. End of 2018 the government set up some limits, but still rents can increase by 40 % after modernisation. The tenant has no right to participate in the decision making on the modernisation, s/he cannot influence the costs or the quality of the construction. In practice s/he even cannot control the balance of costs. Large landlords like Vonovia founded their own “construction firms” which calculate hight costs which they charged to the tenants who hardly have the possibility to control it.
	4. In so called “Social Housing” (which in Germany basically is a public mortgage system) new constructions must meet high energetic standards, The rent through the mortgage period is limited to a legally defined maximum. After the landlord has paid back the public mortgage, s/he is fee to increase the rent to market levels. Social Housing programmes also subsidise energetic modernisation. If a landlord applies for these subsidies s/he is obliged to demand a temporarily reduced rent increase. As this regulation reduces the profit private landlords (that dominate the market) are not interested in it.
1. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?
2. the costs, (b) the dominance of private landlords who are mainly interested in high profits, resulting intransparency and abusive use of public resources and rent increases (c) misconception of climate protection in housing as a private task instead of organizing it as a common duty, (d) absence of tenant participation,

***Towards a just transition to a rights-compliant, climate-resilient and carbon-neutral housing***

1. What specific legislation, policies, or programmes have been adopted to put in place and finance a just transition to a rights-compliant, climate-resilient and carbon-neutral housing for all, without discrimination?

For the main approaches see above under 13. More details can be explained on demand.

Social justice and human housing rights only play a minor role in the setting.

1. What measures have been taken to ensure that the costs of green transition in the housing sector are fairly shared between public authorities, taxpayers, homeowners, and tenants/renters or other affected interest groups, and to ensure the continued affordability of housing?
2. As the global climate is a common good, its protection through a green transition in the housing sector is a task of the whole community and state duty. It basically must be financed by the state and its taxation, not by sharing costs among unequal “partners” at the housing market. The state, guaranteeing equal participation of the owners and users of the houses, must enforce and pay carbon-neutral renewals of housing and neighborhoods. Property owners and tenants should only participate in the costs as far as they are profiting from the public investment (value increase and cost reduction).
3. Through legislation landlord should be obliged to use or save a part of the rental Income for climate just renovations. The correct use of the money should be controlled by the municipalities and the tenants.
4. Social control of climate adequate renewal of housing stock and treatment of properties through a transparent digital housing register. Here, landlords regularly should report about the use of the renovation part of their real income.
5. In the green transition housing should not be treated as an isolated segment, but as integral part of the social infrastructure and democratic public territorial management, which also includes decentralized regenerative energy generation and supply, short ways to all services, health care, education, green transport, wastewater and garbage treatment and urban agriculture.
6. Urban sprawl must be stopped.
7. Rents, land and house prices must legally be capped to affordable levels.
8. Through public law existing housing must be distributed fairly, according to the needs. Luxury consumption of living space, private gardens, energy, water must be taxed efficiently.
9. Introduction of social tariffs for energy, water and wastewater, garbage, public transport.
10. Building an important segment of democratically controlled non-for-profit housing through the introduction of a tax exempted, strictly regulated ownership segment (Wohnungsgemeinnützgkeit) and the socialization of financialized housing companies to democratic public entities.
11. Collective rights of tenants of larger landlords and participation rights in territorial management.
12. What adaptation strategies are needed to ensure the continued habitability of housing in the face of the climate crisis? (protection from e.g. heat, flooding, extreme weather, etc.)
13. While urban density is an important strategy against urban sprawl on the one side, changes in the local climate make it necessary to avoid density. Within the cities mot green spaces are needed to cool the local climate and store water.
14. In new housing construction and renewal low tech instruments (plants, air circulation) for cool living rooms in summer should be introduced.
15. The territories, also in urban neighborhoods, must be enabled to store much more rainwater than nowadays. This can also help greening the neighborhood and supports biodiversity and sustainable agriculture.
16. Barrier free early warning systems. Training in disaster preparedness. In risky areas rescue zones must be introduced.
17. More food souvereignity.
18. How are different interest groups, including marginalized communities, homeowners and tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of:
* legislation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of the climate crisis;
* natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts;
* measures to reduce and eliminate the adverse impacts of the housing sector on climate.
	1. Related to the housing sectors the governments in Germany follow a top-down approach. They look at the issues through the eyes of property owners and the big housing industries. Social interests of the big tenant population do play a role, but they are subordinated to the financialized market and private property regime,
	2. A systematic human rights approach does not exist in the German housing and urban planning system.
	3. Also, a systematic and general approach (local exceptions) towards social participation of tenants or marginalized groups in territorial management facing the climate crisis (e.g. at local or neighborhood level) is not existing.
	4. If tenants get consulted this mainly is enforced through their own organization and lobbying.
	5. Tenants are especially excluded from all decision making regarding energetic modernizations of their homes. They cannot enforce energetic improvements, nor can they stop bad projects (except for protests). They do not have collective rights.
1. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?

Most important is the European Union, which introduced a lot of directives and programs with strong influence on national legislation. These policies are much influenced by German governments an lobbyists. (But this is an extra story.)

1. What are the main barriers to achieving such a just transition?

See above.

***Other issues***

1. Please use this space to indicate any issue that should be considered for this report.

**Remarks regarding the conceptualization of the right to housing in relation
to climate / limits of the planet**

* I very much agree that the right to housing cannot only be understood as the right to have any shelter but as the right to have a secure, decent, affordable etc. place to live at. However, this broader concept has a lot of implications and consequences. It then includes the right to live in a secure, decent, affordable, non-discriminatory … neighborhood, town, city, village, environment…, including the right to water, food, cloth, income, education, health services, clean environment, transport and peace.
* At the same time, the right to have a place to live at is not satisfying as long as it is not combined with a human right to move to such a place, including the right to migrate across borders. This component with the global climate crisis and the resulting mass displacements of people becomes more urgent and universal than ever before.
* In the context of the climate crisis it has become obvious, that the universality of human rights, including the right to housing, does not only have a spatial dimension (in all countries) but also a dimension in time. The green gas emissions of today massively reduce the capacities to guarantee secure places to everybody on the planet in future. And the same is true regarding other planetarian resources. The social human rights necessarily imply the demand for planetarian intergenerational justice. (The aspect of intergenerational justice meanwhile has been covered by the German constitution (Grundgesetz) and confirmed by the federal constitutional court, see above.)
* A livable planetarian climate is a global common good, the avoidance of further heating a universal duty of all governments. A common good cannot be protected by private instances, it needs a management at the levels of whole communities and states. Related to private property and markets, it is a public task.
* Thus, the public duty to reduce greenhouse gas emissions (and other consumptions of limited planetarian resources) in an (intra- and intergenerationally) socially just way becomes an integral part of the social human rights obligations. The right to housing cannot be separated from planetarian social climate justice.
* The climate crisis (and other limitations of the planet) radicalizes the demand for social justice regarding the distribution of resources and use rights, also regarding housing and the human habitat. Given the limits of growth, it is the human rights priority to use limited resources for the provision necessary basic standards for safe, affordable, adequate, decent etc. housing and places for all. It is second priority to distribute the existing space and consumption rights in a fair way and allow a maximum of freedom using these rights. Luxury and avoidable consumptions of nature cannot be afforded anymore. They are not compatible with a human rights regime.
* In order to achieve climate neutrality in a just and human-rights based way it is a priority to improve the natural resource efficiency of existing housing, the whole habitat and production very fast, to avoid socially not necessary new construction and to reduce the environment consumption of necessary new constructions to the lowest level that is possible. Climate neutrality of the housing sector cannot be achieved without much more sufficiency, especially of the rich and middle classes and in the rich countries.
* Immediate action is necessary to avoid mass impoverishing through energy costs. Otherwise massive evictions ca be the consequence.
* On the other hand, the current increase of energy prices and the resulting crisis can become an important moving force for transition if the crisis management is funded in human rights and social justice.
* In order to limit the climate change it is necessary to totally overcome the foundation of the world economy on fossil resources and on extraction in general. Overcoming the dependence on extractivism also means to weaken the power basis of authoritarian regimes. In Europe that has become very clear through the war against Ukraine. But the same is obvious in all regions of the world. The struggle for socially and just habitat on a liveable planet is a struggle for the conditions of peace.
1. Under international law, the right to adequate housing is more than having four walls and a roof. It is essentially the right to live in a place in peace, security and dignity. Housing adequacy covers the following seven essential elements: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. For organizations and stakeholders that may not be as familiar with the right to adequate housing in international human rights law, please consult General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights, available [here](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en). [↑](#footnote-ref-1)
2. https://de.wikipedia.org/wiki/Hochwasser\_in\_West-\_und\_Mitteleuropa\_2021 [↑](#footnote-ref-2)
3. https://www.bundesregierung.de/breg-de/aktuelles/bericht-hochwasserkatastrophe-2021652 [↑](#footnote-ref-3)
4. https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2021/03/rs20210324\_1bvr265618.html [↑](#footnote-ref-4)
5. https://www.umweltbundesamt.de/daten/private-haushalte-konsum/wohnen/energieverbrauch-privater-haushalte#hochster-anteil-am-energieverbrauch-zum-heizen [↑](#footnote-ref-5)
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