**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**

*In real life*

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

Isaiah 32:18

18 My people will live in peaceful dwelling places, in secure homes, in undisturbed places of rest.

The building of housing in the Fiji islands is quite slow, mainly due to slow planning, minimum funding, and opaque political will to provide affordable homes for the average family. Land ownership is quite good for traditional landowners (Landowning Units/ LOU), and availability of natural resources for people to use is not limited.

During natural disasters, there have been an acceleration of building temporary homes. There is a rapid response, since many development partners provide funding for the rural communities, and urban communities. In the rural areas, there is an abundance of natural resources to use and access to the basic necessities for a family to survive.

In the last 10 years, the response to natural disasters has become slower to rehabilitate since the storms are becoming more frequent. The mental and physical investment of a rural and urban family is huge. For some areas, the rural residents are still living in tents even after more than 5 years of a tropical cyclone. In the past 40 years, communities were more resilient to weather type events, and were able to build their lives up again after each tropical weather event.

The Republic of Fiji has laws in place to ensure people have adequate housing, and affordable housing is provided by government. The same legislation has ensured that there is order in the way communities are given traditional landownership (LOUs), and able to purchase land to build a home where the property is owned as a crown land or freehold land. Land that is near urban area which is communally owned have been leased for residential, commercial or industrial property. The current political decision makers currently are more rigid in their views towards communities displaced by natural disasters. From 1915 – 1950, the colonial government had an ability to amend the laws, so that native communities can be relocated or register of new villages after it has been displaced by a natural weather event.

The establishment of a laws relating to traditional land ownership (90% ownership, native land tribunal/ TLFC/ TLTB) from 1940 – 1968, has made relocation for displaced communities bureaucratic as 60% of the land owning communities have to agree before anything is done on a land. The Ministry of Regional Development has a mandate to organise government and donor agencies in a natural disaster event, although it is only limited in that it is not able to allocate affordable housing after a natural disaster event.

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.

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2. 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?

Matthew 7:25

25 The rain came down, the streams rose, and the winds blew and beat against that house; yet it did not fall, because it had its foundation on the rock.

The rural areas have space to build housing, although the lack of land ownership has also driven villagers to the city. This has come about, from the inequitable division of land resources (Landowning Units/ LOUs), thus only a handful of families have access to land ownership, whilst the majority (migrants to urban areas) do not own land. These are mainly due to the internal migration/ displacement within the last 100 years.

In the urban areas, the slow urban planning of municipal councils, and investment funding from government agencies, has deprived the average family from owning a decent home. This has seen an explosion of squatter settlements around urban centers, creating a unhealthy living standards. This is seen in sewage seepage in the communities’ living spaces, lack of proper roads, and basic amenities. The housing dilemma has also come to the forefront from the rapid increase in urban demography. The public and private banks have not been given a mandate (bank loans) to help developers with residential and commercial land development to plan for the future. The installation of utilities (water, electricity) is also slower in urban areas, whilst in rural areas, solar power hardware has quickly been used since these properties are not connected to the electrical grid system.

The rural areas have a better way of establishing adequate housing since there are less people there. 90% of rural residents have moved towards urban centres, leaving villages with empty housing. The villages near urban areas, have a congested spaces and have less places to build new homes. The urban areas have seen the rise in informal settlements on traditional owned land and ones owned by the government (Crown land). The impact of a climatic event and resettlement of people is dependent on land ownership as only 10% is owned by government (Crown land). The governing agencies has also not placed emphasis on adequate housing as urban planning has fallen behind and the urban demography in Fiji has exploded in the last 100 years.

3. 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.

Proverbs 3:33

33 The LORD’s curse is on the house of the wicked, but he blesses the home of the righteous.

The lack of proper housing has affected all ethnic groups, as there are not enough adequate housing to cater for everyone. The prices for real estate has really gone up, making it unaffordable to buy a residential, commercial, or industrial property. The land ownership laws are archaic and have not been able to change with time.

Some traditional land owning (Landowning Units/ LOUs) communities, have done their own planning, and distribution of land for informal (squatter) settlements. This is seen as being more profitable since there are no government agencies mediating on the price for development as the LOU’s collect rental fees daily (monthly/ annually).

There is a lack of political will to help stem the housing crisis, hence the banks are reticent to fund new land development projects. These large scale housing programmes, have to be devised by the government agencies, and sold to realtor at affordable rates. These are then bought by realtors, who than quickly mark up the price for real estate. The end result, is a lot of high end housing projects and commercial properties lying idle and empty.

4. 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?

2 Samuel 7:29

29 Now be pleased to bless the house of your servant, that it may continue forever in your sight; for you, Sovereign LORD, have spoken, and with your blessing the house of your servant will be blessed forever.”

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Adequate housing has declined mainly from lack of land ownership. During the initial distribution of land census (1915, 1935, 1968), only afew people (Landowning Units/ LOUs) were given access to land or the ruling elites. Thus the majority of people did not have access to land. The political and traditional leaders plotted to have only afew people with access to affordable housing and landownership, which has become the norm today. This divide is now more acute with rural to urban migration, as those with less claims (rural dwellers, expired farmed leased land tenants) to land ownership choose to migrate from lack of property ownership. Asian ethnic communities who arrived after the 1870s as indentured labourers, makeup a significant chunk of settlers in informal settlements in urban areas. The expiry of agriculture land leases for Asian (Indian) farmers has seen more residents displaced from their former farming livelihoods, and families have to find new forms of employment in urban areas.

The increase in unpredictable weather patterns, has seen a high impact on vulnerable Asian (Indian) and iTaukei (non Land Owning Units/ LOUs migrants) communities who do not have access to land, property, or building materials in urban areas. The impact on utilities has increased, as the urban drift grows larger. This has seen the government services being stretched to the limit, with few leaders able to see the impact on a nation.

Persons displaced from their homes from extreme weather related events, are migrating for economic reasons. Their homes are now eroded, lack of water, or lack of access to economic opportunity in their home country. Relocating to countries with more economic opportunity, and access to own a residential or agricultural property is one of the defining reasons to migrate.

5. 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?

Proverbs 24:27

27 Put your outdoor work in order and get your fields ready; after that, build your house.

The lack of proper housing has increased with the frequency of weather related events. This has seen the acceleration in urban drift as a lack of land ownership, and non-renewal of agricultural leases from the 1950s to the present. The slow development of the basic amenities in rural areas has increased the urban drift. The average family have stretched the government ability to provide the basic services.

The government services has become centralised to provide better healthcare, access to building materials, and the purchase of affordable housing. The non-availability of affordable housing has made it one sided, and many opting for informal housing settlements (squatter settlements), with the same access to the basic services.

In the rural areas, there has been an improvement in the basic services, although the population has declined. There are many empty houses standing idle in villages, and agriculture land laying idle. The reaction on people who have lost their home from weather related events, is dependent on their ownership of land, and the amount of savings they have in the bank. The governing agencies have become more prone to cash handouts and not really addressing land ownership or placed an emphasis on providing permanent housing during the post natural disaster events.

6. 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?

Psalms 127:1

1 Unless the LORD builds the house, the builders labor in vain. Unless the LORD watches over the city, the guards stand watch in vain.

During the last category 5 Tropical Cyclone (TC) Winston, some families were able to access insurance for their properties in rural and urban areas. The majority were not able to access insurance for their properties as these families did not earn enough income to keep their assets insured, or planned in advance for these natural events.

As a consequence of extreme weather patterns, the insurance companies decided to amend their ‘Act of God’ clauses to safeguard their profit margins and interests. As a result, more properties are left without insurance to safeguard their property even if the families had the ability to pay the premium of their real estate insurance.

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The main impediment to compensation for extreme weather patterns is the lack of access to insurance, and for their agriculture produce. The other, is that the majority of families can not afford to pay the premium as they do not earn enough income in their rural and urban setting. The level of affluence has dropped significantly from lack of economic opportunities to the banks not providing the right type of insurance or business project loans.

7. 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?

Psalms 91:1-2

1 Whoever dwells in the shelter of the Most High will rest in the shadow of the Almighty.

2 I will say of the LORD, “He is my refuge and my fortress, my God, in whom I trust.”

The courts jurisdictions in some cases may have awarded compensation if it was brought before the court. In most cases, families can not afford to make legal proceedings as it takes time and treasure to make any legal action. In this case, non-profits organisations and media organisations have made the crucial step for highlighting the right to adequate housing during times of natural disasters and displacement.

The presence of media or social media in devastated areas, has prompted government agencies (NDMO) to promptly send aid in the form of food and temporary shelter (tents) to areas in much need. The band aid solution has not addressed permanent housing, as the focus is on the immediate areas contributing to the national GDP ie. Sugarcane farms, tourism facilties, etc.

*In measures*

8. 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?

Proverbs 24:3-4

3 By wisdom a house is built, and through understanding it is established;

4 through knowledge its rooms are filled with rare and beautiful treasures.

The implementation of energy efficiency, and climate mitigation concepts/ policies has had a top down effect (Government led) on rural dwellers. This has seen the handout of clean technology items to rural dwellers with a good impact since it is not connected to the national electrical grid.

The urban dwellers have adopted the energy efficiency and climate mitigation concepts since these areas are dependent on the national electrical grid. The power provision agencies also gain a certain income from purchase of fossil fuels to subsidise the renewable energy (hydro power stations) during times of low rainfall output.

Green urban planning has been slow and it is dependant to the one done in the 1870s, 1950s and no further improvements done. The implementation of a government housing agency in the 1970s brought some urgency to the political will to make a dent, although this did not last. To date, the land development and provision for urban housing settlements has been slow. Financing for land development programs for private land development has been slow with lack of political will. This requires an investment of $100M per housing development in the vicinity of 1000 homes created per subdivision land development project.

Some policies or legislation that has to be addressed for Climate Change Adaptation (CCA) and Climate Change Mitigation (CCM) projects to improve housing are:

∙ International Human Rights laws, Regional Human Rights laws, National Human Rights laws; ∙ Insurance policy (Disaster Risk Management/ DRM) – national, regional, international; ∙ National building codes, regional building codes, international building codes;

∙ State of the Environment reports, Natural Resource Inventory;

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∙ Disaster Risk Management polices – national (NDMO), regional (UNDAF), international.

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

Isaiah 65:21-22

21 They will build houses and dwell in them; they will plant vineyards and eat their fruit.

22 No longer will they build houses and others live in them, or plant and others eat. For as the days of a tree, so will be the days of my people; my chosen ones will long enjoy the work of their hands.

The recent natural disaster preparedness has been more equitable and its response has been evenly reported. This has seen the distribution of food and shelter supplies in the immediate aftermath of any extreme weather event.

During the 1979 Tropical Cyclone event, there was an international appeal for temporary housing. These were done by an international program called Operation Drake, which supplied temporary housing that are still standing today in some rural villages. The national impact of extreme weather events brings people together, and there is more equitable sharing of resources such as housing. This was evident in Fiji from 2016 to the present.

The Ministry of Regional Development (NDMO) has been mandated by policy and legislation on natural disaster preparedness. The COVID 19 events, placed the NDMO mandate at the back seat, and brought in the less experienced Ministry of Health (MOH) to the forefront. The national recovery of effort is dependent on the political will existing at any given natural disaster event, and the public’s support. There is less focus on discrimination, as the national focus is on recovery of the nation as a whole and not on ethnic groups of people getting enough DRM response locally, regionally, and internationally.

10. What are the main barriers to addressing and mitigating the adverse impacts of climate change on the realization of the right to adequate housing?

Deuteronomy 6:5-7

5 Love the LORD your God with all your heart and with all your soul and with all your strength. 6 These commandments that I give you today are to be on your hearts.

7 Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up.

The main barriers is land ownership, opaque political will, non insured property, lack of income, lack of natural resources to build durable housing in urban areas. These have to be budgeted prior to any affordable housing project in urban centers. The rural areas, have more natural resources such as timber, and sand for cement construction. In both situations, a good and effective community leader is able to make these changes by influencing families and people to make a step towards better housing projects.

The other mitigating factor is access to insurance for poor families, so that their homes are compensated against extreme weather patterns. These are being slowly rolled out, and it will take some time for insurance agencies and low income families to adopt these measures.

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

11. 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;

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∙ 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.

The impact of human communities in the Pacific region and in Fiji has had some small dent on weather patterns. Since the weather patterns are global, regional, and micro climates, the impacts is left to the observer for debate. Anthropogenic impact from carbon emissions is seen more in natural outputs than from man made human settlements. The impacts seen from human settlements is the diversion of streams, straightening of river banks, seawalls, and dredging of sand from the bottom of lagoons for construction. How these activities has impacted weather patterns is minimal.

The most direct impact has been from chemical spills (5%) from factories and oil from sunken marine vessels. These have impacted natural ecosystems, and made some coastal landscapes unliveable. Fiji is fortunate to have a limited experience in this areas, with a fast response from international development partners for man made disaster events.

Environment degradation (70%) is being felt in urban areas, as new homes are being built up along former mangrove swamps and low lying areas. Roads are being cut into landscapes that used to have streams and marshes. The explosion in population in Fiji, has indicated a dire need for affordable housing for families.

12. 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?

The rural and urban areas has seen a rapid construction of soft measures such as seawalls or planting of mangrove plants along coastlines. Rivers has been dredged in certain places, to allow affordable housing development, and building standards amended to ensure the constructed homes are able to survive in extreme weather events. The success in these measures has seen more homes being built, although it has also resulted in informal settlements springing up in the most unlikely places.

Empty spaces have now been crammed in with squatter settlements with no proper building plans used. These indicates a lack of proper sewage, and durability of constructed homes from extreme weather events. The most fortunate event, is that the most Tropical Cyclones have only impacted the rural areas, and has missed the densely populated places. The success of building affordable homes has had a mixed result, and only time will tell how much more activity that can be done.

The implementation of a national building code, adoption of property insurance, issuing of engineering certification on property, national urban planning, rural planning, has seen a good response towards adverse weather events. This has given the government an ability to respond to adverse weather events, and the international development partners have been able to assist in these key areas when required.

13. What are the main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate?

The main barriers to reducing impacts on the housing sector is making insurance available to low income families and rural dwellers. These include use of proper building materials and building plans. The lack of use of building plans, has seen swathes of devastation in the aftermath of a Tropical Cyclone events. The severity of these weather events, has indicated even with the level of preparation, nature has found a way to bring havoc on rural and urban communities.

Hence, the main barriers is providing adequate property insurance for poor home owners, improved building codes, allocation of usable land for resettlement of displaced families, and creation of policies favourable to SMEs as these allows families to survive during times of hardship.

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

14. 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?

The urban dwellers have less access to these types of measures since it will be a bit more expensive and unconventional for construction companies. The cost of raw materials and engineering is unknown in this sector, although it is feasible.

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These designs and construction methods have been seen in Bali (Indonesia) and had a great impact for affordable housing.

The rural dwellers in Fiji, have access to these material, although most prefer to use modern materials as it is faster and easier to construct buildings. The carbon neutral materials are used mostly by poor families who cannot afford modern building materials such as cement, and sawn timber. Even with the limitation of building materials the provision of creative building techniques, will ensure green technologies are used. Examples are the use of bamboo, natural timber, and clay (bricks) from the nearby streams.

The policies and legislation related to a society resilient to extreme weather events are: improved property insurance policy; improved building codes; improved land ownership policy; improved State of the Environment reports (Natural Resource Inventory), and a long term national strategy on natural disaster events.

15. 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?

The technology is available and the building standards has to be amended for urban settlements to adopt. This will see a shift in the use of local natural materials such as clay for bricks and bamboo for sustainable timber. The rural settlements have a less stringent building standards, and these can adopt these measures and use their natural elements to build affordable homes. A concerted effort has to be done to teach construction companies, architects, homes owners, on ways to use the natural elements more efficiently. These include use of soil, clay, bamboo, and sustainable timber from nature.

The implementation of the Rental Board, the Housing Authority has been good although they tend to be influenced by outside parties. These include potential tenants to the housing prograames, and administration officials handing out available residential properties to their friends rather than to the public. Landowning Units (LOUs) have started to take the place of Housing Authority and Department of Lands in allocation residential property for the public. This has resulted in a significant number of families living in informal (squatter) settlements.

16. 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.)

This is answered in Q15 above.

17. 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.

This is answered in Q15 above. This has been more of a top down approach, with most plans tailored towards international policies response to extreme weather events.

There has to be a national movement, regional and global shift in using sustainable green materials for construction. This will help offset the reliance of shipping cement from thousands of miles away to build homes in remote Pacific atolls and islands.

There are some national, regional, and international forums dealing with this item with only afew interested parties invited to have a voice in these meetings. The public at large are not aware of these meetings taking place, as the reply is swift with no time for consultation or planning on natural disaster and provision of adequate housing.

The items that has to be addressed at the respective forums are on land allocation for rebuilding of homes, upgrade of the building codes, financing of affordable homes from a bank, review of property insurance, review of the Act of God policy by the insurance policy, allocation of natural resource (timber, sand, gravel) in the aftermath of extreme weather event.

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18. What is the role of international cooperation, technology transfer and development assistance of States and multilateral agencies to ensure a just transition?

There has to be an adoption of green building technologies, technology transfer, and its promotion for 3rd world countries. International development agencies have to agree that this is feasible and use their resources to start small measures in implementation of building affordable homes for the average family in Fiji or the Pacific region.

The respective housing development agencies have to sit down and agree to streamline the following: property insurance, upgrade on the insurance Act of God policy, allocation of areas (property/ land) for internally displaced families, upgrade of the building codes, and allocation of natural resources policy. The respective agencies have to be given an Action Plan so that their roles and responsibilities are shown, and the date on which they have to deliver their mandate.

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

There has to be a consensus from construction firms, international development agencies, national government agencies, and have a meeting to make it happen. An action plan has to be implemented and a mandate given to each participating agency.

***Other issues***

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

The use of affordable building material which is available in the Pacific islands is a good concept. The mass production of these materials locally is another item to be developed. If green technology materials are made and sold on the open market, its cost may be more expensive for urban dwellers and its construction firms.

Traditional leadership forums in rural communities and villages may drive this green technology adoption, as these was the norm 100 years ago. Its now abit rare to see thatched housing, since hardware type building material are quicker to construct and less time consuming. The building planners have adopted it into the national building codes, so it’s deeply ingrained in the minds of home owners and businesses.

The respective housing development agencies have to sit down and agree to streamline the following: property insurance, upgrade on the insurance Act of God policy, allocation of areas (property/ land) for internally displaced families, upgrade of the building codes, and allocation of natural resources policy. The respective agencies have to be given an Action Plan so that their roles and responsibilities are shown, and the date on which they have to deliver their mandate.

**Submission instructions**

**Deadline: 8 July 2022**

**Email:** Please return this questionnaire to: ohchr-srhousing@un.org; ohchr-registry@un.org **Email subject line:** Input for SR housing - report on climate change

**Accepted File formats:** Word only (supporting documents may as well be submitted in PDF) **Accepted languages:** English, French and Spanish

Please include references to reports, academic articles, policy documents, text of legislation and, judgements, statistical information with hyperlinks to their full text or source or attach them to your submission (please respect total file size limit of 20 MB to ensure that it can be received)

**Potential confidentiality:** Please indicate on top of this questionnaire and in your e-mail if you want to have this submission or any particular attachment not to be published on the website of the Special Rapporteur and treated as confidential.

**Expected presentation** of the report of the Special Rapporteur: February/March 2023

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