**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**

***Impact of climate change on the right to adequate housing***

*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]](#footnote-1)

**Climate records demonstrate that Zimbabwe is experiencing the effects of climate change like most countries, notably rainfall variability and extreme weather events. These conditions pose a major threat to the economy and the livelihoods of the people due to Zimbabwe’s heavy dependence on rain-fed agriculture and climate-sensitive resources. The extreme weather events such as cyclone Idai, floods in Hwange, and tropical storms have also had a negative impact on communities. Poverty is higher in rural areas. The causes of rural poverty relate to the adverse climate and environmental conditions that disrupt agriculture, the main livelihood activity in areas where most people live. In such instances where climate-induced disasters occur, there is a significant impact on housing.**

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?

**There is a difference because of the varied poverty levels in urban and rural areas as well as the type of infrastructure that is found in both areas. Both urban and rural set ups are governed by the Minister of Local Government who is responsible for housing as part of his/her portfolio.**

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.

**Women and girls are among the affected. Most of the temporary displacement sites in Zimbabwe lack important features that are proven to help women and girls stay safe, such as lighting and sufficient gender-specific latrines. Land ownership and reallocation challenges still occur in this sector, there are patriarchal values that still determine land ownership by women especially in rural areas.**

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?

**The current policy, legislative and institutional framework for Disaster Risk Reduction (DRR) resulting from climate change is not properly modelled and adequately coordinated to institute effective strategies, approaches and systems that integrate disaster risk planning in broader development strategies, to reduce risks where possible and encourage adaptation to residual risk. Where there is a climate crisis, the government of Zimbabwe intervenes through the Civil Protection Unit that works to provide temporary shelter for those that would have been internally displaced. The Department of Civil Protection falls under the Ministry of Local Government, Public Works & National Housing, which is responsible for housing. The Department of Civil Protection (DCP) administers the Civil Protection Act Chapter 10:06 of 1989. The Department of Civil Protection’s responsibilities encompasses resource mobilisation in preparation for managing and responding to major emergencies and disasters. A key result area of the Department is Disaster Risk Management (DRM) which entails a spectrum of activities involving prevention, mitigation of disaster risks, preparedness planning, timely early warning, and response to rehabilitate affected elements. The Civil Protection Act establishes a national civil protection committee with a composition of key institutions including from health, defence, police, red cross, and civil aviation. The committee is tasked with planning, implementing, and establishing measures for effective operations of civil protection. A civil protection fund is also envisaged in the Act, whose object is for the development and promotion of civil protection. The Act was designed to establish a civil protection organisation and provide for civil protection services in times of disaster. “Disaster” in terms of the Act is defined as ‘any— (a) natural disaster, major accident or another event howsoever caused; or (b) destruction, pollution or scarcity of essential supplies; or (c) disruption of essential services; or (d) influx of refugees; or (e) plague or epidemic of disease; that threatens the life or well-being of the community.**

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?

**In February 2014, Zimbabwe’s immense Tokwe-Mukosi Dam basin flooded following heavy rains. Under construction since 1998, the 1.8 million cubic litre dam is intended to provide irrigation and electricity to communities in the semi-arid southern Masvingo province. President Robert Mugabe immediately declared the floods a national disaster and appealed to the international community for US$20 million to help relocate and provide humanitarian assistance to those affected. Shortly after the flooding, the Zimbabwe army and the Civil Protection Unit (CPU) relocated over 20,000 people (around 3,300 families) from the flooded Tokwe-Mukosi Dam basin to Chingwizi camp on Nuanetsi Ranch in Masvingo’s Mwenezi district. The Government shut down the camp to permanently relocate the families on a different part of Nuanetsi Ranch where each family was allocated a one-hectare plot of land. The families would now have significantly less land than they previously owned when they were in Masvingo.**

*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?

**Zimbabwe has a comprehensive climate change response strategy that takes into consideration issues of climate mitigation, energy efficiency, mining, adaptation among various aspects that affect climate. The response strategy acknowledges that local authorities are best placed to deal with disasters but they lack adequate financial resources and capacity and are unable to maintain sewers and drains meant to reduce risks associated with water-borne diseases; safe disposal of wastewater and to reduce flooding risks and avoid blockages as part of disaster preparedness.[[2]](#footnote-2) It also acknowledges that The laws, policies and by-laws on the location of settlements, design, standards and quality of buildings are also fragmented. These should be revised to mainstream climate change and include disaster risk management. They should also be aligned with the Environmental Management Act, which deals with environmental protection in Zimbabwe. In addition, the current infrastructure was designed using historical climatic conditions, and yet the climate is changing. The outdated infrastructure is not able to withstand extreme weather events.[[3]](#footnote-3) Whilst this strategy is in place, it is yet to be fully implemented to ensure that all population groups are covered and there is no unfair discrimination.**

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

**The Department of Civil Protection has incorporated decentralized arrangements for the coordination of national, provincial, district and community-level disaster risk management initiatives in the Disaster Risk Management Bill and Policy. Some of the structures that have been created include the National Emergency Services Subcommittee, National Food and Water Subcommittee, National Epidemics and Zoonoses Crisis Subcommittee and National Resource Mobilization Subcommittee. These structural arrangements, however, are not effectively utilised for climate change governance.[[4]](#footnote-4) The result is that vulnerable groups, including women and children, are thus differentially affected.**

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?

**In addition to the lack of adequate funding, the lack of a database for the management of disasters in Zimbabwe is a barrier to addressing and mitigating the adverse impacts of climate change on the realisation of the right to adequate housing. Zimbabwe needs to create a database for the management of disasters at all levels in the country. This will provide readily available national disaster information and thus combat deficiencies of institutional memory, which leads to poor planning, monitoring, and evaluation of trend analysis and forecasts. There is also a need for technical assistance to support disaster risk management education and training through formal education and public awareness programmes regarding adequate housing needs.**

***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.

**Inadequate development control in urban and rural local authority areas, weak integration of institutions and absence of robust regulatory instruments (e.g. by-laws) have contributed to climate change and human actions leading to environmentally disruptive events. Poorly planned, developed and governed settlements have become vulnerable to natural disasters like floods. Settlements are also lacking in early warning systems, disaster response capabilities and established recovery-development pathways.[[5]](#footnote-5)**

**Many people in the rural areas are forced to take resources from forests to build shelters and for use as fuel for cooking purposes. In addition to the devastating practice of timber harvesting, uncontrolled construction of homes contributes to the acceleration of deforestation which leads to exacerbating climate change. Climate change is bringing more frequent floods and landslides which destroy vulnerable homes and pollute the water sources of the marginalized population in Zimbabwe.**

**Zimbabwe's urban transition is facilitated and prompted by sparse rains and a dropping water table leading to poor agricultural yield leading to people migrating to urban areas. There are socioeconomic factors such as poor waste management and service delivery that are at play, worsened by climate change. Water and sanitation situation is a problem in the urban high-density areas of Zimbabwe where nearby flowing sewer water is more likely to contaminate fresh piped water if there is a broken pipe. Water reticulation infrastructure has now aged and cannot cope with the rising population.**

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

**The main barriers to reducing and eliminating the adverse impacts of the housing sector on the climate are lack of adequate funding and the inadequate implementation of the national human settlements policy and the national climate change response strategy. The lack of the** **uncoordinated approach of the activities by the different actors adversely impacts the right to housing for those affected by climate change induced disasters.**

***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?

**There is the Zimbabwe National Human Settlements Policy which proposes[[6]](#footnote-6):**

* **The planning, development and management of settlements to be consistent with national and international disaster risk reduction frameworks, environmental and climate change policies, laws and standards.**
* **The construction of housing and social amenities on wetlands is prohibited. Where possible, reclamation of same to be instituted with alternatives.**
* **Up-to-date scientific and indigenous knowledge on environment and climate change issues to guide settlement planning, development, and management. This will ensure that settlements are sited optimally, built safely, and not adversely affect the natural environment and host societal activities that are resilient.**
* **In their planning of infrastructure systems, supporting of economic activities and delivery of services, settlement institutions to be guided by relevant constitutional provisions and international protocols relating to the environment and climate change.**
* **Singularly and in partnership with communities, the state and all its institutions, research institutions, local and international private sector and civil society settlement institutions are to promote sustainable inter and intrasettlement linkages, safeguard heritage, improve culture, build resilience, promote green energy buildings, and enhance sustainable mobility.**
* **Investment in climate-proofing building technology to help build resilience and sustainability without overlooking affordability.**

**There is need to review and update policies and by-laws on building standards and codes to make them adaptive to climate change to ensure continued habitability of housing in the face of climate crisis. More investment in climate-resilient social infrastructure is needed in Zimbabwe.**

1. 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.

**The Zimbabwean Constitution provides for public participation in Section 13. It provides that in issues of national development, the state must take measures to ensure that there is adequate involvement of the people when such issues will have an impact on the people. Additionally, in legislative processes, when a bill is gazetted, public hearings are held to solicit input from the general populace before the bill is passed into law. Currently, there are different organizations that promote climate disaster management and interventions in Zimbabwe, but the interventions are not coordinated. A multistakeholder approach would be beneficial to reducing and eliminating the adverse impacts of climate change on housing.**

**he principal law governing disaster preparedness in Zimbabwe is the Civil Protection Act**

**of 1989. It is the national policy for Civil Protection that every citizen of Zimbabwe should**

**assist where possible to avert or limit the effects of disasters. The purpose of the Civil**

**Protection Act is to provide for and ensure optimal emergency preparedness and disaster**

**prevention at individual, community, sectoral, local authority, and national level through**

**regulatory mechanisms and coordinated strategic planning for emergencies**

**he principal law governing disaster preparedness in Zimbabwe is the Civil Protection Act**

**of 1989. It is the national policy for Civil Protection that every citizen of Zimbabwe should**

**assist where possible to avert or limit the effects of disasters. The purpose of the Civil**

**Protection Act is to provide for and ensure optimal emergency preparedness and disaster**

**prevention at individual, community, sectoral, local authority, and national level through**

**regulatory mechanisms and coordinated strategic planning for emergencies**

**he principal law governing disaster preparedness in Zimbabwe is the Civil Protection Act**

**of 1989. It is the national policy for Civil Protection that every citizen of Zimbabwe should**

**assist where possible to avert or limit the effects of disasters. The purpose of the Civil**

**Protection Act is to provide for and ensure optimal emergency preparedness and disaster**

**prevention at individual, community, sectoral, local authority, and national level through**

**regulatory mechanisms and coordinated strategic planning for emergencies**

**he principal law governing disaster preparedness in Zimbabwe is the Civil Protection Act**

**of 1989. It is the national policy for Civil Protection that every citizen of Zimbabwe should**

**assist where possible to avert or limit the effects of disasters. The purpose of the Civil**

**Protection Act is to provide for and ensure optimal emergency preparedness and disaster**

**prevention at individual, community, sectoral, local authority, and national level through**

**regulatory mechanisms and coordinated strategic planning for emergencies**

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

**Effective technology transfer encompasses not only physical hardware but also the technical know-how and capabilities necessary to understand, operate, and maintain new technologies, as well as institutional and policy arrangements that facilitate technological uptake and encourage local innovation, which is necessary for a just transition. International cooperation can be facilitated through bilateral and regional trade agreements that can enable trade liberalization and environmental protection to support and reinforce developing countries in the just transition. International institutions and developed countries could play a much larger role in facilitating the transfer of technologies to developing countries through the UNFCCC process. Increasing the number of resources allocated to publicising successful examples of technology transfer could provide critical knowledge for policymakers striving to promote low-carbon economies through innovation. In addition, a much stronger commitment by upper-middle-income and high-income countries to explicitly include technology-transfer objectives in their NDCs would signal their commitment to facilitating the spread of low-carbon technologies.**

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

**The main barrier to an energy transition for Zimbabwe is the lack of a coordinated action plan for the just transition. Whilst there are several policies in place which, include the These include the Constitution, the Environmental Management Act, the National Climate Policy, the National Climate Change Response Strategy, the Renewable Energy Policy, the National Adaptation Plan (NAP), the Long-term Greenhouse Gas Emissions Strategies (2020-2050), and the Nationally Determined Contributions (NDCs), there has been no discourse at the national level for an action plan on the just transition. As a result, there are different actors working in silos which works against achieving a just transition.**

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. See the Zimbabwe Climate Change Response Strategy p.g 48-49. The strategy is available here <http://ncuwash.org/newfour/wp-content/uploads/2017/08/Climate-Change-Response-Strategy.pdf> [↑](#footnote-ref-2)
3. Ibid [↑](#footnote-ref-3)
4. Ibid, p. g 50 [↑](#footnote-ref-4)
5. Zimbabwe National Human Settlements Policy 2020 p. g 50 available here <https://ucaz.org.zw/wp-content/uploads/2019/08/Final-Zimbabwe-National-Human-Settlements-Policy-2020.pdf> [↑](#footnote-ref-5)
6. Ibid, paragraphs 108- 113 [↑](#footnote-ref-6)