**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**

Name of submitting entity, organization or individual: Natural Justice

Contact e-mail: info@naturaljustice.org (contact e-mail will be deleted when published)

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

*In real life*

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)

The country’s KwaZulu-Natal province experienced heavy downpours from April 8, 2022; the rains led to destructive flooding and landslides that consumed thousands of homes, businesses, and infrastructure, and killed an estimated 448 people. Some of the worst affected areas were poorer townships and informal settlements that were built on flood lines. Similarly in Cape Town in the Western Cape, informal settlements are also on low-lying flatlands that are prone to fires and flooding and often difficult to access for emergency services. Many informal settlements are situated in environmentally sensitive areas, including floodplains, low-lying areas, or on land with steep slopes or unstable soils prone to flooding and landslides.[[2]](#footnote-2)

In Kwa-Zulu-Natal for example around 25% of the city's population were living in over 550 known informal settlements — and 164 of these, or about 1 in 3, are located or partially located on floodplains. The report also noted that homes in these poorer and vulnerable areas were often made with materials that would not withstand extreme weather events. In both provinces, often poor spatial planning has played a crucial role in increasing vulnerability of informal settlements through the exposure to climate related incidences, with that segment of the population unproportionately experiencing climate related displacement.[[3]](#footnote-3)

In the Western Cape, approximately 150 000 of Cape Town’s households are located in informal settlements. 88 000 of these households are in areas at risk of flooding during the winter rains, of which more than 80 000 are in the Cape Flats. Even during a normal winter up to 4 000 homes are affected by floods, and that number is frequently higher: in the winters of 2007, 2008 and 2009 more than 8 000 homes were affected, and in 2001 floods affected 11 000 homes, or about 13% of dwellings in Cape Town’s informal settlements. A typical dwelling on the Cape Flats is built from corrugated iron sheets on a wooden frame, offering little protection from rising waters. Residents lack capital or credit to upgrade, protect or repair their homes, and formal and informal instituions of governance are weak. Although the Flats are clearly a dangerous place to live, land is scarce in Cape Town and residents often have no option.[[4]](#footnote-4)

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?

Yes. South Africa is experiencing a long term urbanization trend which places infrastructural stresses on urban resources and results in a “hollowing out” of the productive potential 4 of rural areas due to exodus of working-age adults. It’s difficult to provide adequate housing, primarily because there isn’t enough suitable land in the right places. The unavailability of suitable land for adequate housing is due to stunted progress in urban land reform. This, in turn, is crippling the capacity of local governments to provide adequate housing in areas that are prone to disaster. The result is that a quarter of South Africa’s urban population is living in informal settlements. This leaves their residents most vulnerable to the effects of climate change and changing weather patterns, such as floods.In rural areas for example dwellings are usually poorly built, poorly insulated against temperature extremes or are poorly located and lack flood and lighting protection, efficient water systems or heat reflect surfaces. These conditions contribute towards increasing climate vulnerability and impacting on the right to adequate housing which is further exacerbated by climate crisis affects. In conjunction with this are economic factors such as poverty such as poverty and unemployment which link to many of the abovementioned factors and reduce the ability of households to recover from climate shocks.

Despite being the locus of extreme social and climate vulnerability informal settlements are neglected in the majority of climate vulnerability assessments. Residents of informal settlements have unique vulnerabilities that do not always correspond to those of other urban residents

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.

Yes. In general, poor households located in peri-urban settlements are likely to experience heightened vulnerability to climate change not only as an intrinsic consequence of socio-economic demographics, but also as a consequence of the distances wage earners need to travel, inadequate access to basic services, insecurity of tenure, and physical vulnerabilities of informal, unplanned or poorly planned housing. In the recent torrential storm in Kwa-Zulu-Natal, streams were flooded, including their flood plains. Communities that are established in low lying areas and close to streams were the worst affected, along with those established on steep slopes.[[5]](#footnote-5) Areas affected have included Prospecton, Isipingo and Ntuzuma.[[6]](#footnote-6) The municipality has not applied lessons from previous incidents of flooding within its land planning. The area experienced flooding in July 2016, May 2017, October 2017, March 2019, April 2019 and November 2019, however poor communities continue to bear the heaviest brunt of flooding, worsening their vulnerable position in the city.

Coastal settlements are vulnerable to climate change primarily through the effects of climate change on sea-level rise, storm surges and coastal flooding. Rising sea levels and extreme weather events will result in partial or total inundation of some coastal areas resulting in loss of property, damage to infrastructure and disruption of basic services.

1.06 million households, or 13.5% of all households, reside in squatter houses across the country, the majority of which are free-standing squatter settlements on the outskirts of cities and towns and in the backyards of formal homes. Squatter housing has become increasingly popular as a result of low rates of formal housing delivery and high rates of new household formation. In South Africa, this type of housing is still the most common way for urban households to find a place to live right now.[[7]](#footnote-7)

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?

In the particular context of the right of access to adequate housing, section 26 of the South African Constitution states as follows:

(1) Everyone has the right to have access to adequate housing.

(2) The state must take reasonable legislative and other measures, within its

available resources, to achieve the progressive realisation of this right.

(3) No one may be evicted from their home, or have their home demolished,

without an order of court made after considering all the relevant

circumstances. No legislation may permit arbitrary evictions.

When one reads this section together with section 7 of the Constitution which enjoins the State to ‘respect, protect, promote and fulfil the rights in the Bill of Rights’, one gets a clearer sense of the prospects presented by the Constitution in protecting the right of access to adequate housing in the face of poverty and inequality. This is because the state is obliged to take several measures (taking into account available resources) to ensure the realization (albeit progressively) of that particular right. It may do this in several ways: through the legislature by

enacting legislation; and through the executive and state administration by adopting the necessary policies and making the appropriate administrative decisions. With respect to legislation, the state has enacted a number of statutes, the most relevant of which include the Housing Act[[8]](#footnote-8) the Extension of Security of Tenure Act[[9]](#footnote-9), the Rental Housing Act[[10]](#footnote-10), and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act.[[11]](#footnote-11) These statutes form a web of protection that has considerably improved the position of the poor whose legal

rights of access to land and housing have traditionally been weak or non-existent.

From the foregoing discussion, it can be seen that the Constitution offers promising and interesting prospects. It is mainly through judicial enforcement however, that the realisation and enjoyment of human rights generally (and the right of access to adequate housing specifically) takes place

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 terms of lives lost, casualties, and infrastructure damage, the rainfall catastrophe in Kwa-Zulu- Natal resulted in sizable socioeconomic losses. Over 40,000 people were affected by the rain and subsequent flooding; 435 fatalities, 55 injuries, and 54 people missing were reported from the affected areas (Government of South Africa, 2022a). Over 4,000 homes in eThekwini Metropolitan Municipality's informal settlements were among the at least 13,500 homes damaged or destroyed, leaving 6278 people without a home and placing 7245 people in shelters.[[12]](#footnote-12)

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?

The government has come up with an Emergency Housing Programme set out in Chapter 12 of the 2009 National Housing Code. According to the National Housing Code, the government is obliged to provide alternative arrangements for communities that are faced with evictions or any crisis such as floods, fires and evictions.

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?
2. In the matter of *Residents of Joe Slovo Community v Thubelisha Home (CCT 22/08) ZACC 16; 2009 (9) BCLR 847* where the Constitutional Court ruled that the State was obliged to provide temporary shelter for people who have been evicted or face imminent eviction and were unable to find shelter, as the absolute priority must be the principle of upholding of human dignity. According to the policy, emergency housing may be:

 a) Temporary on-site assistance

 b) Relocation to a permanent location with assistance on a temporary basis

 c) Temporary assistance through resettlement to an existing developed area, and

 d) Assistance with relocation to temporary settlement area to be relocated again, once a permanent housing solution is possible

1. This was *Government of the Republic of South Africa v Grootboom*[[13]](#footnote-13) In that case, a group of adults and children had been rendered homeless when they were evicted from their informal dwellings situated on private land that was ear-marked for low cost housing. Besides providing a framework within which the right of access to housing and the legal consequences that flow from it can be evaluated, the Grootboom decision contains specific pointers as to the nature and scope of the state’s obligations engendered by that right.[[14]](#footnote-14) The Constitutional Court’s view in that case was that the right to basic shelter was an unqualified constitutional right, and it was therefore inappropriate to consider whether the state had requisite resources. the Court affirmed that the government had a duty to adopt reasonable policy, legislative, and budgetary measures to provide relief for poor people who had no access to land, no roof over their heads, and who were living in intolerable conditions.54 It is perhaps for that reason that the Grootboom case is not only the locus classicus in the South African jurisprudence in so far as the right of access to housing is concerned, but it is also widely regarded as an international test case of the enforceability of socio-economic rights.

*In measures*

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?

In response to the devastating floods of 2019, the City of Durban created the "Durban Climate Action Plan 2019." This comprehensive plan included flood mitigation measures like public education for household level runoff reduction strategies, and the conversion of 10% of hardened infrastructure to porous by 2030. However, this plan has only been in place for three years and is not yet fully implemented

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

Local development plans must incorporate strategies for reducing the effects of climate change. They must respect human rights and incorporate procedures for the involvement of affected communities and other members of civil society. Human rights must be fully upheld in all aspects of climate action, including the ban on forcible evictions. States must encourage residents to stay in their current neighborhoods whenever possible. People must find solutions to the housing and climate change problems. Communities must be helped and given the tools they need to fully participate in all phases of creating, planning, or improving their housing and habitat. The disadvantaged and most impacted communities are given priority by the aforementioned actions.

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?

Unavailability of land

The following quote highlights the significance of access to land in ensuring the availability of adequate housing: "The first essential condition for a vibrant and well-functioning housing sector is the availability of residential land, in ample supply and at competitive prices. Land remains "one of the major problems impeding the delivery of sustainable human settlements in our country," according to Minister of Human Settlements Nomaindiya Mfeketo.[[15]](#footnote-15) Inadequate land was available for housing development because of slow and complicated land identification, allocation, and development processes.[[16]](#footnote-16) There is little land in and around cities that is owned by the state. The majority of people have only two less desirable options for accessing land: settling on marginal sites or encroaching on publicly or privately owned land. The lack of buildable land due to topography and soil conditions drives up land values and forces the poorer segments of the population to occupy unfavorable and environmentally hazardous sites, such as lowlands or steep slopes, while pressure on accessible sites has resulted in overcrowding and congestion in existing settlements.[[17]](#footnote-17)

Apartheid-era spatial planning

It is crucial to understand how apartheid-era spatial planning has affected vulnerability and exposure, which has had a negative impact on flooding and other hazards. When the Durban City Council implemented the Group Areas Act (GAA) in 1958, many non-white communities were relocated into less desirable and, in some cases, more flood-prone areas. Since 1958, South Africa has continued to experience significant racial and economic divides despite the GAA and apartheid being abolished and the establishment of non-racial democracy. These still frequently show up in the housing spatial patterns of cities like Ethekwini.

***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.

 Buildings are one of the largest global consumers of electricity; in 2013 they accounted for over 40% of energy usage and it has been projected that this will increase by 30% by 2030.[[18]](#footnote-18) Since climate change is primarily affected and accelerated by the production and use of energy, this means that the building sector (which includes the housing sector) has a major impact on climate change. In South Africa specifically, the biggest contributor to CO2 emissions is the burning of fossil fuels such as coal to create electricity. The building sector is one of the primary users of electricity, thus, South Africa's building sector is closely related to the country’s individual contribution to climate change.

There are a number of reasons the building sector uses so much energy – energy is needed to construct buildings and housing, energy is embedded in them, and energy is needed for operational activities.[[19]](#footnote-19) In regard to the residential housing sector specifically the residential sector in South Africa is responsible for 20% of the electricity consumption and 13% of the country’s greenhouse gas emissions.[[20]](#footnote-20) The formal housing market is growing extremely fast in South Africa – this is demonstrated by the fact that in 2020 the number of formal dwellings was increasing by an average of 3.1%/year.[[21]](#footnote-21) Despite improved energy efficiency of buildings globally, the energy needs of the building sector as a whole continue to increase because growth is outpacing the implementation of energy saving methods.

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?

Because the building sector uses so much energy, reforms in this sector aimed at reducing electricity usage have the potential to save a lot of energy, greatly reducing South Africa’s GHG emissions and contribution to climate change. A comparative study done by the IPCC in 2017 suggests that buildings offer the lowest cost potential to mitigate climate change as a function of carbon price.[[22]](#footnote-22)

There are different models of green buildings, including “zero energy buildings” (produce the same amount of energy that they use to operate; best measured by looking at the whole lifecycle of the building); “zero impact buildings” (like zero energy buildings, but with additional environmentally-friendly measures such as reduced transport needs and urban integration); and “passive buildings” (focus on using very little energy for space heating or cooling). Passive buildings represent one of the most effective and efficient energy standards available, which makes them attractive to policy makers.[[23]](#footnote-23)

In South Africa, there are a number of compulsory standards in place to encourage green buildings. Unfortunately, none of these standards have gone so far as to make a direct connection to climate change. Currently, the leading policy on energy efficiency in the building sector is the **National Building Regulations and Building Standards Act 103 of 1977[[24]](#footnote-24)**, which empowers the Minister of Trade and Industry to draft new building regulations as deemed necessary. Under this Act, new regulations are required to adhere to the South African National Standards as set out by the South African Bureau of Standards. In September 2011 these regulations were updated to include a section on energy efficiency requiring that all new buildings or major refurbishments be designed and built so that their passive design (orientation, shading, services, and the building envelope) ensures efficient use of energy, and that at least 50% of hot water generation takes place without the use of electric resistance heating. It was intended for this standard to be updated every five years to become gradually more stringent, however updates are currently overdue.[[25]](#footnote-25)

Some other, less recent (but still relevant) energy-saving policies include the following:

* **1998 National White Paper on Energy Policy** – Provides a mandate for the Department of Energy to instigate energy efficiency programmes in South Africa. It’s believed that such programmes are one of the lowest cost options for reducing energy consumption.[[26]](#footnote-26)
* **Construction Industry Development Board Regulations Act 38 of 1997** ­– Came out of a 1997 White Paper on “Creating an Enabling Environment for Reconstruction, Growth and Development in the Construction Industry”; creates sustainable development goals and attempts to promote improved performance and best practice initiatives within the public and private building sectors.[[27]](#footnote-27)

Some *voluntary* standards for environmental efficiency also exist in South Africa. Overall, though voluntary green building certifications do not directly contribute to a significant change in the residential sector’s emissions, they are becoming more common and demonstrate the tangible feasibility of low or zero carbon buildings.[[28]](#footnote-28) An example of voluntary standards are **green building certifications** such as the EDGE certification, which has the largest number of residential green building certifications available in South Africa. The tool derives its rating levels from estimated or modeled energy performance based on building features.[[29]](#footnote-29)

**The Green building Council of South Africa** was established in 2007 and has since been actively involved in the development and implementation of green building standards in South Africa. Its mission is to endorse, support and assist green building in the South African property and construction industry through market-based solutions focused on advocacy and promotion of green building solutions; education and training in the green building environment; provision of resources relating to green building; and provision of building rating tools to assess building projects.[[30]](#footnote-30)

Subsidized housing plays a major role in the discussion of energy-efficient housing reform. In 2015 in South Africa, approximately 45.5% of the population was living in conditions of poverty that included the lack of proper housing. Between 1994 and 2015, the government supplied 3 million subsidized housing units to the poor, yet there is still a high demand for more subsidized housing. Because this sector has so much growth potential, energy saving programs in subsidized housing have the potential to save a lot of energy. Some of the most promising proposals involve promotion of energy efficient lighting, solar water heaters, and space heating.[[31]](#footnote-31)

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

On the policy side, a major barrier to reducing the impact of the housing sector on the climate is that the government is slow to develop and update regulations. Draft documents can stall for long periods of time, which means that they often aren’t able to deliver the desired positive impact. Mandatory regulations such as the National Building Regulations need to be updated on a timely basis with standards being tightened and enforcement strengthened, or they won’t be effective. There are no national incentives in South Africa for green infrastructure, and programs such as energy performance certificates (which are very successful in other parts of the world) are not currently in place for the residential sector in SA.[[32]](#footnote-32) Overall, there is a lack of will and urgency surrounding these issues and a resulting lack of regulatory requirements related to energy efficiency initiatives. It is particularly important for the government to act with urgency on these matters because investment and construction decisions being made currently can lead to a lock-in of carbon-intensive investments that will last for decades.

Other challenges include high initial capital costs for energy efficiency implementation and failure of institutions to recognize the long term value of sustainable low energy investments in housing, specially subsidized housing.[[33]](#footnote-33) If South Africa is going to address the housing sector’s impact on climate change, it must address informal communities as well as formal ones. Currently, there is no relationship between the government and informal communities, which makes it very hard for the government to even begin to address GHG emissions of these communities. By the same token, this lapsed relationship makes it impossible for most informal communities to access government support in making a shift to green programs

***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?
* Natural disasters frequently affect South Africa, destroying or damaging homes and leaving families homeless and destitute. In addition, the nation's current urbanization trends and the government's massive housing backlog all contribute to situations that leave families homeless and destitute. In order to address the needs of households who, for reasons beyond their control, find themselves in an emergency housing situation, such as the fact that their existing shelter has been destroyed or damaged, their current situation poses an immediate threat to the health of their family, or their current situation poses a financial hardship, the government has established a National Housing Programme known as the Emergency Subsidy Housing Programme. All affected individuals who are unable to address their housing emergency using their own resources or from other sources, such as the proceeds of superstructure insurance policies, will be helped by the program, and the following households will be eligible for aid under it.
* The United Nations Environmental Program (UNEP) has called for a Global Green Deal, in which national governments are encouraged to transition towards a greener economy that fosters the creation of green jobs, cleaner industry, and sustainable growth. South Africa's response to these calls is the Green Economy Framework (2011). South Africa has identified opportunities for a significant increase in green jobs in the growth of green industries and technologies. In general, though, the term "green economy" refers to two interconnected development outcomes for the South African economy: first, an increase in the economic activity in green industries; and second, a shift in the economy at large toward industries with a smaller carbon footprint and less adverse environmental impact.
* National Spatial Development Framework and the Neighbourhood Planning and Design Guide 2019. In terms of the National Development Framework, its purpose is to develop an approach to spatial development that is factors the need and priorities of people in informal settlements, determines what constitutes environmental sustainable land use development, and which makes provision for environmentally sound low cost housing and planning for housing development. In terms of the Neigbourhood Planning and Design Guide, guidelines are provided for municipalities and communities for incorporating climate risk and adaptation plans into human settlements. This guide is useful for effective spatial flood planning, land rehabilitation. It also makes provision for guidelines for the implementation of climate resilient rural housing programmes, and climate related risk reduction and management.[[34]](#footnote-34)

.

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?

Climate resilient housing and public infrastructure

1. The Sustainable Settlements Facility (SSF) was an idea created to address the issue of financing low-income, social, and "gap" housing (fully and/or partially government-funded housing units) with the need to achieve low-carbon and climate-resilient living conditions in South Africa. SSF was mentioned as a potential financing mechanism for one of the listed Flagship Programmes in the South African National Climate Change Response White Paper (October 2011). Within a larger national climate change response, the SSF was intended to play a crucial financial and technical assistance role and support improved public housing delivery in South Africa.
2. In order to quickly eliminate informal settlements in South Africa, Cabinet approved the Comprehensive Housing Plan (CHP) for the Development of Integrated Sustainable Human Settlements (Breaking New Ground [BNG]).

The BNG includes ideas like these:

-integrating rental, bonded, and subsidised housing -providing superior municipal engineering services that are applied uniformly throughout the township

-offering ancillary services like schools, clinics, and business opportunities

-combining various housing densities and types, including row homes, single-stand units, and double-story units.

The CHP includes programs that support the growth of the entire residential real estate market, including the development of affordable housing, medium-density housing, and rental housing; stronger collaborations with the private sector; and amenities and social infrastructure. The Comprehensive Plan shifts the focus to improving the quality of housing and housing environments by integrating communities and settlements. It also sets new minimum standards for housing products improving privacy and sustainability by providing for the development of a range of social and economic facilities in housing projects. The Comprehensive Plan also focuses on Informal Settlement Upgrading to meet the Millennium Goals of the United Nations to improve the lives of slum dwellers.

1. The National Housing Code, 2009 establishes the guiding principles, directives, norms, and standards that are applicable to the government's numerous housing assistance programs that have been in place since 1994 and have been updated. The National Housing Code, 2009 aims to make housing projects easier to implement by being less prescriptive while still offering clear guidelines.[[35]](#footnote-35)
2. 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.)

To be adaptive, housing programmes should aim to produce economically and socially vibrant for neighbourhoods in resilient locations with houses of high quality. This includes a shift from low-density residential freeholding to medium-density, mixed-use planning. Increased density would also increase the land- and infrastructural efficiency of housing developments. The financial savings of denser settlements are potentially sufficient to compensate for the higher cost of more desirable land.

The location of informal settlements has to be considered with respect to climate resilience, and those settlements that are in climate-vulnerable locations must either be upgraded with additional preventative measures or relocated to more resilient areas. The considerations for relocation are similar, with the additional criterion that a settlement’s new location cannot be more economically isolated than its old location: livelihoods are a crucial component of climate resilience and should not be jeopardized by the need for physical adaptation.

Rental stock is an important area of housing adaptation: high rental prices reflect the scarcity of quality rental stock for low-income households. Renting is often a more suitable option for poor families than ownership, and has the potential to save the state money in the long run, through recouped costs. The construction of high-quality rental stock could reduce the price of renting for poor families, provide a cost-recoupment revenue stream for the state, and provide sustainable housing for currently unhoused families

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.

Communities are a key component of disaster management and disaster-related legislation, as evidenced, among other things, by the requirement to identify communities most at risk from specific hazards in the planning stages of disaster management and community consultation when conducting risk assessments. Municipal representation on the Intergovernmental Committee on Disaster Maagement (ICDM) and provincial co-ordination structures, the National Disaster Management Framework (NDMAF), and the provincial and municipal advisory forums all contribute to community-level decision-making. While the Disaster Management Act (DMA) makes mention of the use of indigenous knowledge in processes of disaster risk assessment and disaster management planning, indigenous knowledge appears to be used in the National Disaster Management Framework (NDMF) and some provincial disaster management frameworks in a very limited sense to determine the frequency and intensity of hazardous events. This is surprising because indigenous knowledge could play a larger role in better understanding how communities perceive, react to, and act upon such events.

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

As part of the larger transition to a low-emission economy, international cooperation will help South Africa organize sustainable financial and technical support. It will also help set up coordination platforms with development finance institutions and important stakeholders to further develop the conceptual approach and leverage additional technical and financial support for use in the just transition. The reduction of emissions across all economic sectors in South Africa will require longer-term funding, which will be helped by international cooperation.

1. What are the main barriers to achieving such a just transition?
* South Africa’s apartheid legacy has resulted in unacceptably high levels of poverty and inequality, which also have structural characteristics. The pace and process of moving to a low carbon and climate resilient economy must be designed in such a way that it also contributes to the objectives of overcoming poverty and inequality. This also requires building a resilient green economy that is competitive internationally and has high levels of energy, water, food, and natural resource security, and which has a strong innovative capacity that is driven by a skilled and flexible work force.
* In defining adaptation and mitigation strategies, including the climate bill, the government has made progress. However, the private sector requires more incentives and clarification on particular sector-specific laws, regulations, and government policies (NBI 2017). Additionally, there is frequently a misalignment between South Africa's industrial policy, financial system structure, and vision for a green economy.
* South Africa has a much smaller number of low carbon projects that are not related to energy. While it is acceptable to expand access to energy in order to support South Africa's economy, more focus should be placed on other sectors with the potential to make the transition to a low-carbon economy, particularly in sustainable transportation, green cities, waste management, and climate-smart agribusinesses and forestry.

***Other issues***

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

What measures are needed in your country to limit the specific threats the climate crisis

poses to guaranteeing the right to adequate housing?

* Enable the monitoring and gathering of data, both quantitative and qualitative, on the housing conditions of all individuals with rights, including those who are homeless or live in unofficial settlements. This is a prerequisite for addressing community needs. Additionally, South Africa ought to assist localities that are starting their own data collection, mapping, and monitoring initiatives.

How can countries limit the contribution of housing, including the construction sector, to

climate change?

* Change to a circular economy, allowing for the sustainable use and recycling of locally accessible, low-carbon building materials like stone, wood, and bamboo. For instance, by incorporating the use of regional materials (like earth) into the nation's official building regulations and acknowledging and learning from local (traditional) knowledge.
* the reduction of building materials' carbon footprint during their initial production. In the phases of renovation and demolition, this can be achieved by designing for more recyclable materials and closed material flows (circularity of building materials).
* the reduction of carbon emissions during the initial production of building materials. This can be accomplished during the remodelling and demolition phases by designing for more recyclable materials and closed material flows (circularity of building materials).
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://www.globalcitizen.org/en/content/apartheid-climate-change-impact-south-africa/ [↑](#footnote-ref-2)
3. https://www.globalcitizen.org/en/content/apartheid-climate-change-impact-south-africa/ [↑](#footnote-ref-3)
4. Ziervogel & Smit, 2009 [↑](#footnote-ref-4)
5. Over 11-12 April 2022, intense rains hit the eastern coast of South Africa – causing floods and landslides across the provinces of KwaZulu-Natal and the Eastern Cape. More than [400 people died](https://www.reuters.com/world/africa/rescuers-hunt-missing-after-south-african-floods-kill-more-than-400-2022-04-17/) as a result of the floods, which also destroyed more than 12,000 houses and forced an estimated 40,000 people from their homes [↑](#footnote-ref-5)
6. https://www.sowetanlive.co.za/news/south-africa/2022-04-18-floods-wreaked-havoc-because-people-are-forced-to-live-in-disaster-prone/ [↑](#footnote-ref-6)
7. Department of Housing. White Paper. A new Housing Policy and strategy for South Africa. Acessible here <http://www.dhs.gov.za/sites/default/files/legislation/Policies_Housing_White_Paper.pdf> [↑](#footnote-ref-7)
8. Department of Housing. Housing Amendment Act of 2001. Accessible here <https://www.gov.za/sites/default/files/gcis_document/201409/a4-010.pdf> [↑](#footnote-ref-8)
9. <https://www.gov.za/sites/default/files/gcis_document/201409/a62-97.pdf> [↑](#footnote-ref-9)
10. <https://www.gov.za/sites/default/files/gcis_document/201411/38184act35of2014rentalhousingamendment5nov2014.pdf> [↑](#footnote-ref-10)
11. <https://www.gov.za/sites/default/files/gcis_document/201409/a19-98.pdf> [↑](#footnote-ref-11)
12. <https://www.sanews.gov.za/south-africa/kzn-flood-victims-get-temporary-accommodation-weekend> [↑](#footnote-ref-12)
13. *Government of the Republic of South Africa v Grootboom 2001 (1) SA 46(CC)* [↑](#footnote-ref-13)
14. See D Brand, ‘Introduction to socio-economic rights in the South African constitution’ in D Brand

and C Heyns (eds), *Socio-economic Rights in South Africa* (Pretoria University Law Press, Pretoria

2005) 9 [↑](#footnote-ref-14)
15. Gerber, J., 2018, ‘R10bn budget slash for Human Settlements Department’, *City Press*, 10 May, p. 53. [↑](#footnote-ref-15)
16. Housing Delivery in South Africa, 2014, *Fuller housing centre report, draft report*: *Housing delivery*, The Fuller Centre for Housing, Cape Town. [↑](#footnote-ref-16)
17. Harvard’s Center for Urban Development Studies, 2000, *The Harvard Crimson Newspaper*, 27 July 2000, Cambridge, p. 91 [↑](#footnote-ref-17)
18. <https://open.uct.ac.za/bitstream/handle/11427/24287/thesis_ebe_2016_krog_petrus_jacobus.pdf;jsessionid=D684FA4787E83036D11A073449E71663?sequence=1> [↑](#footnote-ref-18)
19. Id. [↑](#footnote-ref-19)
20. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2415-04872020000200006> [↑](#footnote-ref-20)
21. [Id.](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2415-04872020000200006) [↑](#footnote-ref-21)
22. <https://open.uct.ac.za/bitstream/handle/11427/24287/thesis_ebe_2016_krog_petrus_jacobus.pdf;jsessionid=D684FA4787E83036D11A073449E71663?sequence=1> [↑](#footnote-ref-22)
23. Id. [↑](#footnote-ref-23)
24. https://www.gov.za/documents/national-building-regulations-and-building-standards-act-16-apr-2015-1302 [↑](#footnote-ref-24)
25. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2415-04872020000200006> [↑](#footnote-ref-25)
26. <https://open.uct.ac.za/bitstream/handle/11427/24287/thesis_ebe_2016_krog_petrus_jacobus.pdf;jsessionid=D684FA4787E83036D11A073449E71663?sequence=1> [↑](#footnote-ref-26)
27. Id. [↑](#footnote-ref-27)
28. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2415-04872020000200006> [↑](#footnote-ref-28)
29. [Id.](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2415-04872020000200006) [↑](#footnote-ref-29)
30. <https://open.uct.ac.za/bitstream/handle/11427/24287/thesis_ebe_2016_krog_petrus_jacobus.pdf;jsessionid=D684FA4787E83036D11A073449E71663?sequence=1> [↑](#footnote-ref-30)
31. Id. [↑](#footnote-ref-31)
32. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2415-04872020000200006> [↑](#footnote-ref-32)
33. <https://open.uct.ac.za/bitstream/handle/11427/24287/thesis_ebe_2016_krog_petrus_jacobus.pdf;jsessionid=D684FA4787E83036D11A073449E71663?sequence=1> [↑](#footnote-ref-33)
34. See here <https://www.ukesa.info/library/view/red-book> [↑](#footnote-ref-34)
35. See http://www.dhs.gov.za/sites/default/files/documents/national\_housing\_2009/1\_Simplified\_Guide\_Policy\_Context/1%20Vol%201%20Part%201%20Simplified%20Guide%20to%20the%20National%20Housing%20Code.pdf [↑](#footnote-ref-35)