UNITED NATIONS **HUMAN RIGHTS** SPKIAL PROCEDURES





Mandate of the Special Rapports ur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

REFERENCE

5 May 2022

Excellency.

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of 1 iv ing, and on the right to non-discriin ination in this context. pursuant to resolution 43/1 4 of the Human Rights Council. This resolution requests me to “continue to engage with States in the implementation of the right to adequate housing” and to “submit an annual report on the implementation of the mandate to the Human Rights Council and to the General Assembly in accordance with their annual programme of work”.

In preparation of my upcoming thematic report focusing on the right to adequate housing and climate change, 1 would like to invite your Excellency’s Government to submit any relevant information through the questionnaire annexed to this letter. The report will be presented at the 52“ session of the Human Rights Council in February - March 2022. 1 would be grateful it this letter and the accompany ing questionnaire could be transmitted to relevant authorities, including those responsible for disaster management, inviting all submissions by no later than 31 IU 7 **2022.**

I kindly request that written contributions be sent in Word format to ohchr- srhousingfiun.*oi‘e ;* ohchr-re•istrvViin.org. Please indicate “Input for SR housing - report on climate change” in the email subject line and if necessary. provide links to relevant documents or attach annexes. Responses to the questionnaire can also be addressed to:

LN Spec iaI Rapporteur on the r ight to adequate housing Special Procedures Branch

UNOG-OHCHR

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1 take the opportunity to already inform you that, in preparation of this report, on 9 September zO22 I plan to hold an online consultation with States, National Human Ri•\_hts Institutions and Intergovernrnental Organizations. The participation, among others, of the relevant authorities in charge of disaster management, would be appreciated. *S lore* details will be shared closer to this date.

Should j on have any questions in the meantime. *please* contact Ms. Mariya STOYANOVA, Human Rights Officer, supporting my mandate at the Office of the High Commissioner for Human Rights in Geneva (+41 22 917 94 24, mariya.stoyanovaJun.org).

Please accept, Excellency, the assurances of my highest consideration.



Balakrishnan Rajagopal

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Call for contributions for **Governments**

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

“The righ t **to adequate** housing and climate change”

## Introduction

The Special Rapporteur on the right to adequate housing, Mr. Balakrishnan Rajagopal, will devote his next thematic report to the Human Rights Couiicil in 2023 to the issue of the right to adequate housing and climate change.

In 2009, the previous Special Rapporteur, Ms Raque| Rolnik, already dedicated a report (A/64/255) to the question of climate change and the right to adequate housing. More than a decade later, we have a fuller understanding and evidence of how the climate crisis is affecting the enjoyment of the right to adequate housing all over the world, as well as how our housing solutions contribute to climate change and an unsustainable future.

We have now a more robust international development framework and, with the Paris Agreement. as well a legally binding international treaty on climate change. UN Member States furthermore adopted the 2030 Agenda for Sustainable Development and, with it, put in place the Sustainable Development Goals, including Goal 11 — “Make cities and human settlements inclusive, safe. resilient and sustainable”.

To inform his report Mr. Rajagopal welcomes conti ibutions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

## Objectives

This new report will seek to:

* Take stock of the magnitude of challenges that the cl innate crisis poses to guaranteeing the right to adequate housing for all and the solutions that are needed in different contexts;
* Take stock of the different ways in w hich housing (through housing construction. urban sprawl. so il seal ing. increased average I iv ing space. energy consumption, water use, pol lutants, deforestation, desertification, loss of biodiversity, etc.) contributes to climate change;
* Provide guidance on how to ensure a just transition towards a rights-compliant, climate-resilient and carbon-neutral housing.

Questionnaire

Name of submitting entity, organization or individual:

BRUNEI CLIMATE CHANGE SECRETARIAT

Contact e-mail: (contact e-mail will be deleted when published)

# 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. I

Brunei Darussalam is generally a low-lying flat land. Heavy Rainfall together with high tide leading to flood occurrence and landslide are the common natural disasters. With the recent climate change, the sea level has risen up to 500mm can go up to 1.5m height if no actions are being considered.

During floods occurrence, NDMC will trigger the response teams to act immediately and evacuate the flood victims to a safer ground and also provision of temporary accommodation and food supplies. Endangered species like snakes, crocodile can cause threats to the tenure at their own properties. Some of the flood victims will also look into other alternatives such as living with their relatives as well as living in available hotels or rented apartment.

On landslides, Department of Technical Services in the Public works department are assisting the public on constructing retaining walls for the safety of the tenant.

In terms of the availability of the services, there are adequate safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.

There are still a lot of private housing development being done in Brunei Darussalam and also Government Housing development. In Private housing development, the prices as more or less doubled compare to 10 years ago. Due to the global warming and increase in temperature by 0.25 per decade, there is a need to have adequate shelters/housing. The continuous increase in price will hinder people from affording a private housing especially for the low to middle class.

Most of the housing in Brunei Darussalam does have adequate space and physical safety which allowed protection against the cold, damp, heat, rain, wind, other threats to health and structural hazard. This is are regulated by ABCi whom are Authority in Brunei for building constructions.

For housing in Brunei Darussalam especially in Government housing those group that required special attention e.g. disabilities group is also being considered in the design of the housing such as provision of lift at apartment buildings etc.

Brunei Darussalam housing does not cut off any employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.

In terms of Cultural Adequacy, it does respect the cultural identity and also modernization in housing development.

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 are no different in urban and rural areas

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.

Those who have low to none income. They cannot afford to buy their house nor they able to feed their children due to loss of jobs, disabled and unemployment. However, Brunei Darussalam does have a Governing Body that is helping these people which is JAPEM.

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 event of climate crisis, e.g flood occurrence, NDMC will trigger the response teams to act immediately and evacuate the flood victims to a safer ground and also provision of temporary accommodation and food supplies.

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?

Brunei Darussalam Government does step up its effort in helping those people affected by provision of temporary accommodation (PWD Vacant Housing), hospital treatments and food supplies

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 so lutions?

The Brunei Government allocates large amounts of funds for disaster recovery and mitigation plans, and it offers financial and material assistance for reconstruction.

In terms of housing, there is also insurance plan in-case of natural disasters for housing which help in the damages or loss in the housing in the event of natural disaster. It does help with the compensation for the damages.

The effective solution is internal migration i.e. migrate the people to a safer ground. However, some of the individuals reluctant to migrate due to precious memorable value and also its quite expensive to demolish and rebuild e.g. floods, there is a need to raise the ground level by doing landfill activities etc then construct the house.

1. Please indicate any key rul ings 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?

So far there is no key ruling. However, there is government body that helps in adequate housings. Brunei Darussalam Government does step up its effort in helping those people affected by provision of temporary accommodation (PWD Vacant Housing),

' Under intemati onal law. the right to adequate housing is more than having four wails and a roof. It is essentially the right to live in a place in peace. security and dignity. Housing adequacy covers the toll owing seven essenti a1 elements: legal security of teli ure;. ava i lability of serv’ices, materials. facilities and infrastructure; affordability; habitability ; accessi bility; location; and cultural adequacy. For organizations and stakeholders that ir ay not he as *trim* iI iar 'ith the right to adequate housing in international human rights law, please consult Genel-al Comment No. 4 of the US Comin ittee on Econoin ic, Social and Cultural Rights. available hel-e.

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?

In terms of Energy Efficiencies, there have been efforts in encouraging for consumers to buy energy efficient appliances/ goods. Recently in 2021, Standard Labelling Order was introduced where there will be no importation of non-energy efficient appliances are available in Brunei Darussalam.

Green urban planning is currently being implemented so as to have reduce the CO2 emissions in Brunei Darussalam such as solar PV installation.

In terms of climate mitigation and adaptation policies, Brunei Darussalam is taking steps in reducing its emissions towards a net zero. In Brunei National Climate Change Policy, it does help people to reduce the consumption of electricity, have awareness and education through climate promotions, reduction in emission as well as adaptation and resilience.

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

NDMC ensures the safety and well-being of the people by being responsible for all aspects of disaster management. This includes prevention, mitigation, preparedness, response and recovery through policies, strategies and practices which are guided by the international, regional and national drivers. Prior to the establishment of NDMC, national response to disasters was on an ad-hoc basis where committees were formed to manage various disasters.

The government of Brunei is the main provider of assistance and support for its own people when they are affected by a disaster. The establishment of the NDMC provided the authority to assist the victims of disaster. Being financially stable has given Brunei the resources necessary to cope with disasters at the national level, and they will also have disaster funds allocated in the event of a disaster. The Brunei Government allocates large amounts of funds for disaster recovery and mitigation plans, and it offers financial and material assistance for reconstruction.

Brunei has a Community Based Disaster Risk Management Program (CBDRM) which was launched in 2010. The CBDRM includes training for an education program, primarily focused on teachers. It operationalizes the Strategic National Action Plan (SNAP) for Disaster Risk Reduction 2012-2025.

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?

* Increase in cost of housings
* lack of modern efficient public transportations and its intergration on other development such as Electric Trains or Electric Tram and Electric Buses. (Accessibility)

*Impact of* ***ho*u*sing*** on *climate change*

1. How does the housing sector in rural and urban areas contribute to climate change? It may be helpfiul to think in terms of.
   * energy consumption for heating, cooling, cooking, lighting of housing;

In terms of Energy Consumption, we are looking in to residence to use energy efficient appliances at home as well as create awareness and education on the lighting of the housing.

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

There are issues on commuter traffic especially during the early morning and the end of the afternoon. In which gives impact to the carbon emissions from transportations.

In BNCCP, it is encouraged people in Brunei Darussalam to use Electric Vehicle to reduce the carbon emission from transportation.

* + increase of average per capita living space;
  + water use;

» emission of pollutants;

The emission of pollutants is expected to increase due to heavy usage of Internal combustion engine cars

* + climate impact of construction and used construction materials:

The need to dispose at the Government approved disposable ground.

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

In BNCCP, Strategy 2 is part of forest cover. There is an initiative being done which is “Tebang 1 Tanam 1” where number of trees being cut down need to be re planted back at a designated forest rehabilitation area.

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

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?

* This year we are doing trials on implementation of solar system for government housing sector. We are targeting 50 tenants to be abled to implement solar system at their own housing.
* Non-compliance of Energy efficiencies standard for electrical appliances.

The programme is currently on going. And the measurement of success are still in progress.

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

* Middle to low income people because of insufficiency of budget.

# Towards adjust transition to a rightful I.s-compliant. climate-resilient and carbon-neutral

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 housings for all, without discrimination?

* Under BNCCP, it is encouraged for residential areas to install solar PV at their vicinity as well as having green financing to support the purchase of the solar PV and its installation.

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?

In terms of solar, ideally to have it in residential area. With the help of green financing, it can continue affordability of housing. No subsidies are available.

1 6. 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 have similar tools like The Brunei Accredited Green Unified Seal (BAGUS) for housing development.

1. How are different interest groups, inc hiding marginalized communities, homeowners and tenants, being consulted, and able to participate in the design, implementation, monitoring and evaluation of:
   * leg•islation, policies, or programmes been adopted that provide for specific measures to ensure the realization of the right to adequate housing in the face of the climate crisis;
   * natural disaster preparedness, response and reconstruction, as well as in mitigation and adaptation efforts;
   * measures to reduce and eliminate the adverse impacts of the housing sector on climate.

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

* To create awareness and education
* To create a sustainable high-quality living in Brunei Darussalam
* Corporate Social Responsibility – In kind.
* Finding ways to minimize cost of the green technologies
* Embarking on Brunei Darussalam Business Spinoff opportunities and increase in Brunei sales both domestically and exports. (To reduce the high cost)

1. What are the main barrier to achieving such a list transition?
   * The high cost in implementing renewable energy
   * High cost in importation of Electric Vehicle and charging stations

*Other issues*

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

Submission instructions Deadline: 31 **July 2022**

Email: Please return this questionnaire to: ohchr-srhousin,yHun. org; ohchr-

registi j i ljn .orp•

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 inc hide references to reports, academic articles, policy documents, text of legislation and judgements, statistical information with hyper1 inks to their full text or source or attach them to your subni ission (please respect total fi le size limit of 20 MB to ensure that it can be received)

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