**Ministry of Foreign Affairs, Regional Integration and International Trade**

**(Human Rights Division)**

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

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

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. The Effects of climate crisis on the enjoyment of the right to adequate housing

One of the main effects of climate change crisis has been the occurrence of more frequent flash floods and landslides, thereby making available sites unsuitable for the development of housing projects. Accordingly, consultation are held with Land Drainage Authority (LDA) to identify flood prone areas prior to securing any sites for housing project.

Climate crisis occasionally causes water supply shortages. For new housing units, the National Housing Development Corporation (NHDC Ltd) is providing a water storage tank of a capacity of up to 1m3. Moreover, the Central Water Authority (CWA) is providing grants for purchase of new water tanks and pumps.

The Social Integration Division of the Ministry of Social Integration, Social Security and National Solidarity provides facilities for the victims of fire, flood and other natural calamities

This scheme comprises upgrading works such as the extension of housing unit to provide for a toilet or a kitchen, or for minor repairs to the housing unit of household/individual found eligible under the SRM, or for repair of the housing unit (made of corrugated iron sheet) of a victim of fire, flood, or natural disaster, up to a maximum of MUR 130,000.

Undoubtedly, as a Small Island Developing States (SIDS) as Mauritius, shares characteristics that increases its vulnerability to climate change and poses greater risks for its population, especially since it is subject to a fast-changing tropical climate resulting in extreme weather events. In the past years, Mauritius has known more intense and frequent cyclones, storm surges, and torrential/heavy rainfall- which caused flash floods and other hazards that affected the enjoyment of the right to adequate housing.

Climate change related disasters may affect the most vulnerable populations who live in precarious conditions, where their temporary housing structures may be partly or completely damaged by extreme conditions, and may result in them having to seek shelter elsewhere.

Climate-induced impacts on:

1. **Security of tenure:** Often following heavy rain/flood, those living in temporary structures or illegally squatting certain premises are compelled to leave the housing because of increased vulnerability and disaster risks. These families are provided temporary shelter in Community Welfare Centres, Social Welfare Centres, and/or Cyclone Relief Centres;
2. **Availability:** During extreme weather events, those individuals who do not have any adequate housing or are without a fixed shelter/living on the streets, find refuge in any form of shelter, including Community Welfare Centres, Social Welfare Centres, Cyclone Relief Centres.
3. **Habitability:** During climate related disasters structures may suffer damages and temporary shelters used by vulnerable groups that are usually made from corrugated iron sheets, wood and other materials may deteriorate.
4. **Location:** Repetitive flooding, land/mudslides may cause some households to seek alternative locations to ensure adequate housing;
5. **Cultural adequacy of housing:** Most households provided to the Social Register of Mauritius beneficiaries under the schemes of the SID are culturally adapted to provide for the households settled thereat;
6. **Climate-crisis displacement:** Displacement of vulnerable individuals rarely happens due to a lack of adequate housing.

**The National Housing Development Company Ltd**

The National Housing Development Company (NHDC) Ltd which is the executive arm of the Ministry of Housing and Land Use Planning (MHLUP), builds housing for low and middle income households. In line with the budget measures 2020/2021, the Government has initiated actions for the construction of 12,000 residential units over the next 3 years for Mauritian families with a monthly income of up to Rs 60,000. In this respect, the New Social Living Development Ltd has been incorporated as a company to cater for the construction of 12,000 housing units with all necessary infrastructure and amenities.

 **Social Housing Schemes under the Social Register of Mauritius (SRM)**

The Ministry of Social Integration, Social Security and National Solidarity has also come up with a Social Housing Scheme which aims to improve the living conditions and environment for vulnerable families eligible under the Social Register of Mauritius (SRM). Those families registered under the SRM and who are owners of a plot of land but without the means for building a house can benefit from the Fully Concrete Housing unit and reimburse only 25% of the cost over a period of 15 to 20 years.

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 no difference between provision of housing in urban and rural areas. Houses are constructed taking into consideration the demand in that area and the proximity of the sites to existing facilities such as kindergartens, schools and the health centres amongst others.

Flash floods in urban areas can be accentuated due to drains which causes streams/canals crossing through an urban area to overflow.

In rural areas, landslides/mudslides in villages located close to a mountain range, and storm surges in coastal villages may affect housing.

Another phenomenon brought on by climate change is microclimates which can be observed throughout the island. In one locality it could be raining heavily and a few kilometers from that location, it could be completely different sunny weather.

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

All applications for the different services offered to the public are treated equally by the NHDC. The applicants should however meet the eligibility criteria. The NHDC Ltd does not collect any information on the religion, race and community of its applicants and beneficiaries of housing units, as during the application and interview stage, the prospective beneficiary of a housing unit is not required to disclose his or her community or ethnic group.

Households living in absolute poverty are the most vulnerable, as in most cases, they do not have access to adequate housing and sometimes land, and either illegally occupy locations, seeking refuge on a daily basis in a different location.

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 Government through the MHLUP has exceptionally considered the seriousness of the landslide threat at Quatre-Soeurs and has subsequently taken a decision to relocate 11 landslide victims at Quatre-Soeurs at NHDC Camp Ithier housing estate in year 2017.

In terms of those who are internally displaced by the climate crisis, following an extreme event, individuals/households who report not having a shelter/adequate housing, may seek refuge in one of the temporary shelters provided by Government authorities. Different Ministries provide appropriate support and advices to thehouseholds. The National Empowerment Foundation (NEF) also assists individuals by advising them to get registered under the Social Register of Mauritius, so that they may benefit from all the empowerment support schemes and programmes.

The National Social Inclusion Foundation (NSIF) also provides non-financial support to the households through NGOs.

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?**

 Roof Slab Grant and the Purchase of Building materials Grant Schemes

The MHLUP provides financial assistance for casting of roof slabs and purchase of building materials for households who own a plot of land but cannot afford to complete construction of their house which has reached up to beam level and for households who own a plot of land but cannot afford to start construction of a housing unit. Further information pertaining to roof slabs grant and the purchase of building materials grant schemes is found at **ANNEX I.**

During heavy rainfall events the flooding of rainwater drains on existing housing estates sometimes impact mobility of inhabitants. Moreover, during cyclonic weather, the affected population is relocated to community shelters and is paid allowances from the Ministry of Social Security, National Solidarity and Reform Institutions. The affected population may also be eligible for financial assistance provided by the NHDC Ltd for the reconstruction of their house either through the purchase of building materials or the Roof Slab Grant, if found eligible under the scheme.

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?**

Although it is not the policy of the MHLUP to provide houses to landslide victims, the Government has exceptionally considered the seriousness of the landslide threat at Quatre-Soeurs and has subsequently taken a decision to relocate 11 landslide victims at Quatre-Soeurs to 11 serviced lots at NHDC Camp Ithier housing estate in year 2017. Pending the completion of infrastructural works on site at that time, the families were each provided with rental to enable them to move to a rented accommodation.

During cyclonic weather, the affected population is relocated to community shelters and is paid allowances from the Ministry of Social Security, National Solidarity and Reform Institutions. The affected population may also be eligible for financial assistance provided by the NHDC Ltd for the reconstruction of their house either through the purchase of building materials or the roof slab grant, if found eligible under the scheme.

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?**

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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?**

It is important to note that neither the MHLUP nor the NHDC Ltd practise any form of discrimination towards a particular community and that all applications for the different services offered to the public are treated equally. The applicants should however meet the eligibility criteria. The NHDC Ltd does not collect any information on the religion, race and community of its applicants and beneficiaries of housing units, as during the application and interview stage, the prospective beneficiary of a housing unit is not required to disclose his or her community or ethnic group.

Housing units are constructed with necessary utilities (Water supply and Electricity Supply are already provided in the housing units).

In order to encourage sustainability in the housing sector, regulations and green building norms must be introduced and promulgated at a national level. These will help in promoting the adoption of eco-friendly culture among stakeholders with particular focus on sustainable design, water and energy efficiency, recycled construction materials, efficient waste management and productive landscaping. It has transpired that passive design (building orientation, natural ventilation and lighting) can be a cost-effective approach. Civic education on sustainable practices can be introduced in school curriculums to raise awareness.

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

The National Disaster Risk Reduction & Management Centre is mainly responsible for any disaster preparedness and the MHLUP is consulted as and when required.

The National Disaster Risk Reduction Management Centre (NDRRMC) acts as the main institution in Mauritius for coordinating and collaborating with all relevant stakeholders so that disaster risk reduction and management becomes an integral objective of environment-related policies and plans, sound land use planning, natural resources management, education and social development plans, economic and sectoral policies, as well as infrastructure through enforcement of building codes (section 9). The NDRRMC coordinates with stakeholders to ensure that risk reduction and preparedness planning is included at all levels of the country, from individuals and communities, institutional to Government policy and strategy.

The NDRRMC has a network in place at local government level to support preparedness and response in situation of extreme weather events and they include a list of vulnerable people in respective regions. Additionally, the Ministry of Social Integration, Social Security and National Solidarity has a list of most vulnerable people who are provided with various support including refuge in emergency shelters, payment of cyclone and refugees allowances, flood allowances, fishermen allowances as well as other ad hoc allowances as appropriate.

The NDRRMC has prepared several Contingency Plans to deal with any disaster event in flood prone areas. A list of the Contingency Plans is at **ANNEX II.**

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?**

Scarce land availability and high cost of construction:

Designs of housing estates require constant improvement on drainage of storm water and waterproofing works on building that may often require considerable funding and acquisition of additional land for drainage works.

***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.**

Views of relevant stakeholders are sought prior to acquiring land for construction of NHDC housing units. For instance, if the forestry department found that the land identified for housing units may contain endemic trees or plants, their views may be unfavourable and as such another plot will have to be identified. The Land Drainage Authority (LDA) is responsible to identify flood prone areas prior to securing any sites for housing project.

Rapid and unplanned urbanization and infrastructure development have increased the frequency of flash floods, causing destruction of housing and infrastructure and affecting mostly the vulnerable groups. The country is experiencing an increasing number of cases of flooding and landslide occurrences, which are worsened by deforestation, and bad land use planning e.g. consecution on slope, close to rivers, etc.

While issuing Building and Land Use Permit for regular development and building construction, local authorities now impose new elements in relation to climate change such as the required setback for new development at vulnerable sites. A Toolkit for Climate Change Vulnerability Assessment and Identification of Adaptation options for the Municipal Council of Vacoas-Phoenix was developed in collaboration of the Ministry of Environment in 2014. The toolkit lays emphasis on vulnerability assessment and identification of adaptation options in the area falling under the jurisdiction of the local authority. In 2015, the Ministry of Environment, in collaboration with the Local Authorities developed a Climate Change Charter for Local Authorities to harness their commitment towards initiating and upscaling actions on adaptation to adverse impacts of climate change and mitigation of greenhouse gases emissions at their respective councils as well as at community level.

For most large scale construction and infrastructure projects, Part IV of the Environment Protection Act (EPA) 2002, as amended in 2008, provides for issuance of an Environment Impact Assessments (EIA) license. Under the latter legislation, concerned authorities/departments assess EIA report for these types of projects and effect joint inter-ministerial site visit for an assessment of the site and the environmental implications of the proposed development on the surrounding environment.

It is to be noted that new approaches in relation to climate change such as green space in new morcellement, encouraging use of renewable energy, rainwater harvesting, smart cities etc. are being mainstreamed in the development planning process when issuing a BLUP or EIA license.

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?**

Small scale electricity generation from Photo Voltaic cells are being encouraged as well as rainwater harvesting.

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

The upfront cost of green transition in the housing sector is very high and prohibitive.

***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?**

The Government of Mauritius has set priority adaptation actions for all the strategic sectors for the country's economy. Protection of infrastructure is among one of the priorities which will be enhanced against climate change calamities. The National Climate Change Adaptation Policy Framework (NCCAPF) of the Republic of Mauritius recommends the following adaptation policy options and measures around the infrastructure sectors:

1. Enhance knowledge base related to climate change risks to coastal ecosystems and communities;
2. Mainstream climate change in the sectoral policies/strategies/plans;
3. Enhance disaster preparedness and response mechanisms and implementing risk reduction measures;
4. Improve the governance to build resilience in an uncertain future;
5. Reduce vulnerability to natural disaster risks; and
6. Increase resilience of human-led activities whilst preserving ecosystem functions

In terms of insfrastructural risks, the following key institutions have responsibilities on areas pertaining to climate change adaptation:

1. Ministry of National Infrastructure and Community Development - Green buildings; landslide management and drainage programme.
2. Ministry of Housing and Land Use Planning - Land Use Planning, including along the coastline; and Development Planning policy.
3. Ministry of Local Government and Disaster Risk Management: Disaster Risk Reduction & Management - Coordinating body of the Ministry for the planning, organizing, coordinating and monitoring of disaster risk reduction and management activities at all levels; and provision of timely and accurate weather reports, climate services and warnings for hydro-meteorological hazards and tsunamis.
4. Ministry of Social Security and National Solidarity: Promotion and enhancement of social protection and national solidarity; and empowerment of local communities to enhance their quality of life.

Various policy measures, projects, legislations have been adopted to assess, prevent and mitigate the adverse effects of climate change in Mauritius. The Ministry of Environment promulgated the Climate Change Act 2020 which entered into force in April 2021, aiming to ensure compliance with international climate change agreements and set national objectives, goals, and targets. The main object of this Climate Change Act (CCA) is to implement, with a view to addressing the adverse effects of climate change and developing Mauritius into a greener economy, the obligations of Mauritius under the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change.

The CCA in Mauritius already lays the fundamentals for the roles and responsibilities of institutional stakeholders. It establishes the Inter-Ministerial Council on Climate Change (IMCCC) with the Prime Minister as the chairperson and relevant Ministers as members which shall inter alia "set national objectives, goals and targets with a view to making Mauritius a climate change-resilient and low emission country." This Council has a collaborative function at the highest level of decision making, and where the Ministers representing the relevant sectors have to take into account climate change policies in their process.

The CCA also makes provision for the Department of Climate Change to commission studies on climate change, taking into consideration, inter alia, human rights. Moreover, the CCA also provides for representatives of concerned stakeholders as members to the Climate Change Committee, which coordinates strategic planning and national policies relating to climate change as well as recommend approaches to monitor the adverse effects of climate change on human rights and vulnerable communities and their livelihood, amongst others.

It is to be noted that with the promulgation of the CCA, amendment has been made to the Planning and Development Act, which has to take into account climate change in relation to land development plans, policies and guidelines so as to maintain and enhance the natural and built environment. Moreover, consequential amendment has also been done to the State Lands Act so as not to alter or change any marsh, lake or sand dunes and mangroves of leased State land.

Besides the CCA 2020, the existing regulatory framework of the following climate change related legislations strengthen our objective to fight against climate change in relation to infrastructural risk:

1. National Disaster Risk Reduction and Management Act of 2016
2. Land Drainage Authority Act of 2017, and
3. Local Government (Amendment) Act, 2018.

The Ministry of Environment, Solid Waste Management and Climate Change is working on different fronts and reaching out to development partners to support the country in developing the enablers for climate change mitigation and adaptation. To this effect, under the Nationally Appropriate Mitigation Actions (NAMA) project, the National Climate Change Mitigation Strategy and Action Plan is being formulated to achieve low emission pathways and green economy in line with the Climate Change Act 2020. With a view to ensuring carbon neutrality in the energy sector by 2030, implementation of Solar PY scheme for residences under the SSDG and Home Solar Project targeting low income households are ongoing. Various energy projects and schemes are being implemented to encourage the use of renewable energy: eg Setting up of solar PY plant, increasing the capacity of the existing solar PY farm; Installing solar panels on houses of low income families; and Installation of rooftop solar PY to cater for public and residential buildings.

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?**

Tax incentives for investment in green technologies are being provided.

1. **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.)**

Some adaptation strategies include increasing resiliency of housing to withstand the adverse climatic conditions such as introducing regulations and green building norms at a national level. These will help in promoting the adoption of eco-friendly culture among stakeholders with particular focus on sustainable design, water and energy efficiency, recycled construction materials, efficient waste management and productive landscaping. It has transpired that passive design (building orientation, natural ventilation and lighting) can be a cost-effective approach.

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.**

Design of housing unit and infrastructure are adapted to guidelines from relevant Authorities regarding climate change. Planning of housing estate is being carried by integrating sustainable development such as recycling of waste, use of solar energy etc.

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

International bodies are requested to give special consideration and recognition to SIDs in view of our different national circumstances and capacities. The need for capacity building and technology transfer and development is crucial.

In this respect, assistance from the Commonwealth Secretariat is being provided to Mauritius through the Climate Finance Access Hub for developing project proposals concerning adaptation and mitigation for Mauritius as well as necessary resources required to develop climate change related projects.

With regard to assistance from international community, predictable finance is critical for Small Island Developing States. Supports from international agencies are being sought with a view to progress towards the setting up of more robust climate finance framework.

Grants or Line of Credit are obtained from foreign countries to facilitate implementation of projects. Foreign contractors and consultants are given the opportunity to bid for projects so as to bring their expertise and come up with innovative technologies for the design and planning of sustainable housing estates.

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

Financing the costs of the projects and adhering to the implementation timeframe.

***Other issues***

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

Nil.

**22.08.2022**