

9 February 2020

Topics and framing for the Special Rapporteur on the Human Right to Adequate Housing visit to Aotearoa February 2020

This paper connects the topics for investigation by the Special Rapporteur during the February visit to Aotearoa, and illustrates their framing alongside the scheduled engagements which offer a wide range of opportunities to engage with civil society at *iwi* (Tribe), community, provider, and sector levels. These engagements are many and geographically widely-spread.

Like many housing and human rights advocates in Aotearoa our aspirations are closely aligned with your direction setting. Several community advocates have suggested that there are two critical *kaupapa* (topics) for your visit: supporting the development of a Treaty of Waitangi and rights-based National Housing Strategy, and helping us militate against financialisation. Below we've set out our initial thoughts on how the Treaty can help frame both Strategy and Finance. Thus we thought it useful to consider first the Treaty and its relationship with the right to housing, and a second topic on how it connects to Strategy. Topic 3 addresses finance and financialisation.

As an outcome of the visit, we hope a picture can emerge of what a better housing future looks like when the right to housing is fully expressed in Aotearoa, and when financialisation is curbed.

Topic 1: Te Tiriti o Waitangi/The Treaty of Waitangi (Te Tiriti) and human rights in Aotearoa

Nga kaupapa me ngā korero (related issues, context and background)

- An invitation to consider the potentially unique constitutional framing of rights in Aotearoa through Te Tiriti o Waitangi, the Waitangi Tribunal, and the particular aspirations and rights of Māori
- Surfacing and articulating the right to housing for indigenous peoples (housing outcomes for Māori)
- Homelessness/houselessness (see note on this naming) as a human rights issue, and human rights based approaches to reducing and eliminating homelessness/houselessness
- How this will assist in making the right to housing become real for all New Zealanders

Topic 2: Making real the human right to adequate housing in Aotearoa

How effectively is the human right to housing expressed and achieved in Aotearoa?

Nga kaupapa me ngā korero

- An invitation to consider the state role in large scale developments nationally, the processes in play, and the human rights risks posed by displacement of residents
- Guidelines for the implementation of the human right to adequate housing (current process)
- National Housing Strategy (update on current process will be provided, proposed itinerary provides an opportunity to hear/support), including:
 - Protecting human rights through a stable explicit strategy which –
 - legitimises and optimises government, civil society and market interface with the sustainable production, maintenance, and support of a well-functioning system, &
 - ensures a long-term, resourced, data-led, and sustainable strategic approach
 - Examining the role of data-led decisions making, ensuring data is used consistently, effectively and systematically, and with respect to indigenous and community rights in data
 - Ihumatao – examining the impact of policy without strategy

- Examining where a Government Policy Statement on Housing could support achievement of the right to housing and curbing financialisation.
- Within the context of existing reports into the responsibilities of sub-national/local government, focused work is relevant in Aotearoa on examining the appropriate use of public land, the constraint placed on public entities by financialisation mechanisms requiring *best and highest value*, and the alienation of public land to generate revenue based on market rates
- Protecting/asserting rights following a natural disaster – examining the response to the housing crisis caused by the Christchurch earthquakes (proposed itinerary provides opportunities to explore)
- The right to housing of persons with disabilities and access to justice regarding housing rights.

Topic 3: Housing Finance, Wellbeing and Financialisation

Affordability: the opportunity to express and protect human rights through good housing finance

How effective are current regulatory & policy interventions in ensuring and securing and sustainable supply of housing which is accessible to low-income families and can support their aspirations including ownership?

Nga kaupapa me ngā korero

- Affordability: what role does affordability play in the right to housing, and how important is it?
- Housing financing for the poor/economically vulnerable
 - Promoting good finance and ensuring adequate housing for vulnerable people
 - Creating a market in which adequate housing is an affordable element of living costs
 - Creating a regulatory environment for socially responsible investment.

Financialisation: The risk to the rights of people and families in Aotearoa posed by financialisation

To what degree is financialisation apparent and real in Aotearoa’s housing system and market; what risks does this pose, and how might this impact on the right to adequate housing in the future?

Nga kaupapa me ngā korero

- Examining the risk posed by the ‘highest and best value’ doctrine which characterises government as an open market participant rather than as a market kaitiaki/steward.
- State-led large-scale development - is the methodology of large-scale development of housing a part of or contributing to the risk of financialisation in Aotearoa?
 - How could a national Urban Development Authority provide opportunities to protect rights in and to housing and structurally mitigate against marketisation and financialisation of housing?
- Ihumatao - an instance of regulatory intervention stimulating market forces (reduced community voice, altered development economics) as an *intended consequence of policy*, impacting heritage values
 - An outcome echoing issues of indigenous heritage destruction and rights to ancestral land, and the protection of national heritage against development and housing encroachment
 - A contemporary crisis of conscience for Aotearoa.

We look forward to an engaging conversation with the many people across the 10 days of visits, and the learning that we’ll all experience along the way.

- Brennan Rigby and Scott Figenshow, Wellington