

How the right to housing enables a just transition: A comparative analysis of Lisbon and Melbourne

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Abstract

This research paper stems from IHRB's research and visioning project "Building for today and the future: Advancing a Just Transition in the Built Environment" (IHRB, 2022). Through case studies in 8 global cities, the project seeks to understand the political, economic, and social aspects that allow or hinder social justice and human rights in built environment-related climate actions. This is the second paper in a series of four comparative analyses between pairs of cities in this research project. This paper focuses on the research findings in Lisbon, Portugal (IHRB, forthcoming a) and Melbourne, Australia (IHRB, forthcoming b). Results are presented and contrasted with a focus on the risks and opportunities for the right to housing. The state of the just transition, and the marginality of people, places and values, in both contexts is analysed through the peripheral gaze model. This paper argues that a human (social) rights approach to urban development projects is key to address housing unaffordability, and that the protection and respect for the right to housing is essential for a just transition in the built environment.

Keywords

Human rights, built environment, just transition, Lisbon, Melbourne, housing

1. Introduction

The built environment are the places people live, work, and interact and therefore, have a direct impact on quality of life. Harmonious and sustainable urban development requires a coexistence between the built and the natural environment, which is currently difficult to achieve. The most pressing urban challenges are socio-spatial inequality and unfair economic dynamics, both contributing to the causes and impacted by the effects of climate change (García-Lamarca, M. et al. 2022, Long J. and Rice J.L 2021).

These are multidimensional and multidisciplinary challenges that require collective action to concurrently address social and environmental issues. One of the most pressing ones, both globally and in the two case studies presented here, is addressing housing unaffordability whilst increasing social justice and resilience in the built environment. This is the focus of this paper, which analyses the approach to housing taken by Lisbon and Melbourne and identifies key risks and opportunities.

This paper is structured as follows: background research providing an overview of the main theoretical frameworks and the problem statement, a brief section on methodology, then the results of both case studies, followed by the main discussion of their comparison, and lastly, overarching conclusions and recommendations.

2. Background Research

The social dimension of sustainability is founded on three interrelated concepts: (1) **Justice** that is distributive –concerned with distribution of costs and benefits– (McCauley & Heffron, 2018), procedural – fair access to decision-making procedures–, and recognition–acknowledgement of diverse values, perspectives, and knowledge– (Jenkins et al., 2016); (2) **marginality**: the disregard or disadvantaged treatment or position of a group, which is multidimensional and interdependent on power relations (Park 1928); and lastly (3) **power**: possessing, or having opportunities/access to, resources, relations, and hence, having agency (Avelino & Rotmans, 2011).

Within this framing, a ‘**just transition**’ can then be achieved through climate actions that **fulfil both environmental and social purposes**: on one hand, a transition to an ecological-conscious model that allows societal development within planetary boundaries, and, on the other, that ensures the benefits of that shift are spread equitably throughout the population, and that its costs are not borne by traditionally excluded/marginalised groups.

Then, a just transition is: “participatory” and “respects the fundamental rights of all involved, in particular the most vulnerable...” (IHRB 2020); “inclusive... to everyone concerned, creating decent work opportunities and leaving no one behind” and “maximises the social and economic opportunities of climate action, while minimising and carefully managing any [social] challenges” (ILO). Just Transition is “a principle, a process and a practice that builds economic and political power to shift from an extractive to a regenerative economy” (CJA). Hence, a “just transition offers the opportunity to solve three key challenges at once: Climate change, growing inequality and social inclusion” (JTC).

Problem Statement:

Policies and actions, especially in regards to housing, by governments and businesses should lead to socially and environmentally sustainable environments. This implies a reduction of socio-economic inequalities, equity in distribution of benefits, improved quality of life, and respect for human rights. However, what many cities are experiencing (to varying degrees) is growing social inequality and housing unaffordability for most city dwellers. There are multiple and varied attempts by governments to address these issues, but these have been ineffective so far. This study, through its two case studies, found evidence that this is a key problem in both Lisbon and Melbourne, that is being tackled in different ways (with potentially very different results for its inhabitants). These parallel situations offer fertile ground for comparison and to draw relevant lessons for each context and for other cities worldwide.

3. Methodology

The **research questions** are based on critical realism theory (Bhaskar 2008) inquiring in three realms:

- *The empirical* –observable experiences– To what extent are housing policies considering human rights and the social dimension?
- *The actual* –context of social reality– What are the political, economic, social conditions that allow or hinder this?
- *The real* –the potential– how can the ‘right to housing’ enable social justice/a just transition in the built environment?

(Rivera 2021)

Action research and a **qualitative research methodology** is used, with multiple-case studies as **strategy of inquiry**. The **case** is the status of the just transition in housing, and the **units of analysis** are the housing policies and strategies in each city. The **methods** used were semi-structured in-depth interviews with local stakeholders. Stakeholder mapping was done through a penta-helix approach (Calzada, 2017) ensuring participation from multiple sectors: governments, businesses, academia, non-governmental organisations (NGOs), and civil society organisations (CSOs); and multiple levels: local, state, and national. A total of 28 interviews were conducted: 13 in Lisbon and 15 in Melbourne (IHRB forthcoming a, b).

The case studies: Lisbon and Melbourne were chosen for several reasons. The different contexts, and historical pathways in terms of society, politics, and culture, help identify the key determinants of success for a just transition. It is also useful to test the universality of human rights approach and social justice to the issue of housing. Within their respective national contexts, Lisbon and Melbourne present the same core issue: growing unaffordability of housing exerting pressure on existing socio-economic inequalities. In both cases, the issue can be traced to global causes like the commodification and financialisation of housing and the massive influence of foreign capital in domestic real estate markets.

Such a comparison required a **multi-level analytical framework**, mindful of the different social and historical contexts. The cases are compared, contrasted and analysed in three ways: (1) political context: the national system of governance, policies, and urban regimes; (2) risks and opportunities on the right to housing; and (3) a focus on marginality to examine the state of the just transition in their built environments.

4. Results

4.1. Case study 1: Lisbon, Portugal

The Lisbon Metropolitan Area (“*Área Metropolitana de Lisboa*” or AML) has approximately 3.1 million inhabitants (WPR 2023a) in an area of 3,015 km². It encompasses 18 municipalities, with Lisbon Municipality as the economic epicentre. Since 2011, the government’s overarching macroeconomic growth strategy has been to increase tourism and foreign investment. However, since the liberalisation of short-term rental registration in 2014¹, housing prices have increased significantly, posing a challenge for local housing affordability. Furthermore, Lisbon’s building stock is in poor condition due to lack of renovations, and for the use of cheap and low-quality materials to cut costs. Energy inefficiency and energy poverty are also significant issues (IHRB forthcoming a).

In respect to the right to housing, this study found various risks and opportunities. There are three main risks: (1) touristification and short-term rentals which have an inflationary effect on housing prices and the rental market, (2) the golden visa programme that attracted foreign real estate investors who also raised rental prices seeking fast return on investments –the government has now proposed the closure of this programme –, and (3) expensive new developments (often privately-led and profit-driven) tailored to high-income families.

There are also various opportunities, and steps being taken, to protect the right to housing. In January 2023, the Portuguese government created the Ministry for Housing² to address the lack of social and of public housing, unaffordability of housing, buildings performance, etc. In May 2023, the Parliament approved the ‘More Housing’ Programme to “promote investment in affordable rentals, reinforce

¹ Decreto-Lei (DL) n.º 128/2014, de 29 de Agosto (followed by Decreto-Lei n.º 63/2015, de 23 de abril)

² Housing affairs were previously under the Ministry of Infrastructure. Housing has typically been handled by different bodies within the government over time, often shifting based on the current needs and political context. There was a Ministry of Housing between 1975-1978.

confidence in the rental market and mobilise available assets to allocate them to housing” (PTGov 2023). The research found that a key opportunity is to increase the public housing stock, which is currently only 2% of residential buildings in Lisbon (Housing Europe 2019), as well as support existing housing cooperatives.

To conclude, the (un)affordability of housing in Lisbon derives from the domestic macroeconomic growth strategies encouraging tourism and foreign investment, in combination with the global trend of the financialisation of, and speculation with, real estate, that has increased housing prices exponentially; all this whilst salaries have not nearly increased at the same rate or scale. Although tourism and foreign investment can benefit the local economy, their accumulation can create a dynamic of dependence, which has shown to have the opposite effect, becoming the main underlying cause of an unsustainable economy—many low and middle-class families are now unable to pay rent or access credit to buy a house in Lisbon. Also, the Covid-19 crisis has shown that such a dependency is untenable in the long term and diversification in the economy is needed to safeguard against global economic shocks. Nonetheless, it is encouraging to note that the government is already attempting to address the issues of ‘touristification’ and short-term rentals, the golden visas scheme and expensive new builds, with the new ‘More Housing’ Programme, which “aims to design an overarching strategy to solve the housing crisis” (PTGov 2023).

4.2. Case study 2: Melbourne, Australia

Greater Melbourne has 32 local government councils in an area of 10,000km (ABS 2018). It has 5.2 million residents (WPR 2023b) and is projected to have between 5.9 and 6.2 million residents by 2027 (ABS 2023). This population growth drives rapid urbanisation, increasing housing demand (mostly in the renting scheme) and housing prices, impacting housing affordability (City of Melbourne 2020). Other major factors driving housing unaffordability include the financialisation of the housing market and real estate speculation, and a complex landscape of land-use and taxation policies. In 2020, the Victorian State Government committed AUD \$5.3 billion to social and affordable housing under the ‘Big Housing Build’ Programme (VSG 2020), which proposes to build 12,000 homes by 2024, but also to demolish many social housing blocks.

Within this political and economic framework, this study found three main risks to the right to housing. (1) Australia does not have a Bill of Rights, relying only on the Constitution and legislations by the Commonwealth Parliament or State/Territory Parliaments, resulting in a patchy and disjointed commitment to the right to housing. (2) Social inequalities are growing due to the unaffordability of housing, with a decrease in home-ownership and an increase in the demand for social housing (Gurran et al. 2021). (3) The As a side effect, the Big Housing Build Programme is replacing public housing stock with privately-sold/owned apartments (VSG 2020). This privatisation process increases housing and rental prices and erodes the city government’s capacity to shape urban planning.

This research found five strategic opportunities to strengthen social justice in Melbourne’s housing landscape. (1) Refurbishing: Small-scale improvements seeking to reduce carbon emissions from building processes and recognising housing as a basic human right like the Retain, Repair, Reinvest (RRR) Framework (Office Architects 2022); (2) retrofitting in an inclusive way e.g. offering financial support to home owners and renters to retrofit, while ensuring that this is accessible to low-income households; (3) densifying along public transport corridors and studying the *ideal degree of density*, land use mix and connectivity for Melbourne; (4) diversification of tenure models that are between government-funded housing and developer-led in the private market (Fergus 2019); and (5) investing in reskilling, protecting and respecting the rights of all construction workers.

In summary, housing in Australia is in short supply, unaffordable, and not energy nor resource efficient. As part of a global trend, housing in Australia is viewed as a commodity that is financialised. Those who are unable to afford a home rely on the private rental market, which is increasingly expensive, or social housing³, putting more pressure on the public or non-profit provision of housing.

Responses from the state like the Big Housing Build Programme (VSG 2020) remain insufficient in terms of *quantity* (building 12,000 homes by 2024 when growth projections are in the millions), *affordability* (replacing low-priced social housing stock with high-priced private developments), and *innovation* (remaining within the box of the 'demolish and build' approach). There are opportunities to evaluate the existing stock, refurbish and repurpose, through innovative ownership and management models, that seek to maximise occupation and activity in the existing built environment –reducing cost, emissions, and the risks and liabilities of the 'demolish and build' approach.

5. Discussion:

Melbourne is roughly double the size of Lisbon. The Portuguese capital's 18 municipalities comprise 3.1 million people in an area of 3,000 km², while Melbourne's 32 local government councils comprise 5.2 million people in an area of 10,000 km². **Both cities are experiencing growing housing unaffordability due to the same underlying causes (*laissez-faire* financialisation of housing without basic social protections for all), which are exacerbated in different ways:** in Lisbon through the macroeconomic growth strategy focused on tourism and foreign investment, resulting in short-term rentals and extractive real estate investments increasing housing prices; and in Melbourne by population growth, urbanisation demands, and its approach to housing provision.

Government approaches to the provision and affordability of housing, as reflected in their main housing plans, are fundamentally different. On one hand, the 'More Housing' Programme by the Portuguese government explicitly seeks to combat speculation and increase public housing stock (PTGov 2023): a step in the right direction. On the other hand, the approach of the 'Big Housing Build' Programme (VSG 2020) by Victoria State is to demolish and build, while partly replacing public with private stock: a step in the wrong direction.

The risks to the right to housing include both singularities and commonalities in the two case studies. Portugal, and Lisbon specifically, have the challenge of touristification and the associated short-term rentals (Melbourne to a lesser degree), as well as the negative effects of the soon-to-be ended golden visas programme. So, the flow of foreign capital and people are particularly influential in this case. In terms of commonalities, both cities experience privatisation of existing and new buildings, which is often profit-driven and tailored to high-income tenants/purchasers. This in turn increases housing prices, exacerbating their unaffordability for low- and middle-income people.

This research study found various opportunities in each city to uphold the right to housing and hence strengthen the justice aspect of their green transitions. The comparative exercise highlights the strategies applied to address similar housing challenges: affordability and decaying building stock. The main strategies of the Portuguese's 'More Housing' Programme (aim to increase the supply of public housing and rental housing, simplify licensing procedures, combat speculation, and ensure social protections for families) could be considered and adapted by Melbourne to meet affordable housing demands, take actions against speculation, and prioritise public investments.

³ Social housing is provided by a not-profit social housing association and public housing is provided by the government.

Likewise, Lisbon could benefit from most of the strategic opportunities found in Melbourne, especially in regards to refurbishing and retrofit strategies, like the 'Retain, Repair, Reinvest (RRR)' Framework (Office Architects 2022) which seeks to *retain* existing communities by not relocating residents, *repair* existing buildings to reduce environmental impacts of construction, and *reinvest* savings to improve comfort and upgrade public housing. This approach could be adopted in Lisbon' to update its building stock, maximise space in an already-dense city, and make more units available/liveable, all in line with the objectives of the 'More Housing' Programme.

State of the just transition in the built environment: A peripheral system gaze

As shown in this paper, social justice in the built environment is expressed in the government and businesses' attitude towards the right to housing, and the degree to which it is upheld. Recalling the theoretical framework, the social dimension of sustainability is founded on three interrelated concepts: justice, marginality and power. This section of the comparative analysis focuses on the concept of marginality to examine social justice and the state of the just transition in Lisbon and Melbourne.

Marginality is defined as the disregard or disadvantaged treatment or position of a group, which is multidimensional and interdependent on power relations (Park, 1928). A useful tool to examine marginality is the 'peripheral system gaze' model (Figure 1) as it allows to "embrace a multiplicity of marginal situations and processes, be aware of systemic inclusion and exclusion, and reflect on the central focus and its assumptions" (DRIFT, 2023). The model is an invitation to recognise and place in the centre of predominant actors, preferences, and/or the privileged position of certain people, places, or paradigms within a system, and also to evaluate which others are pushed to the margins, or to the 'unseen'.

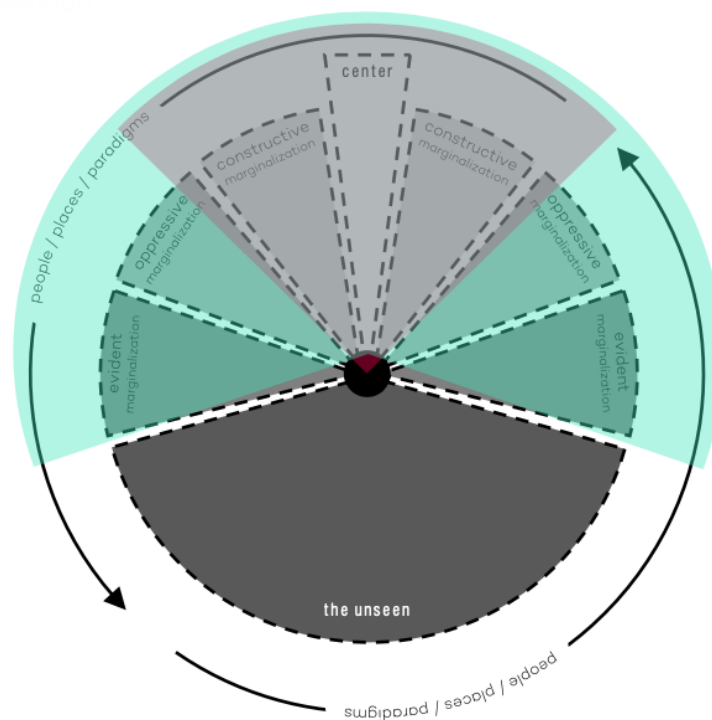


Figure 1 - The peripheral system gaze. Source: Dutch Research Institute for Transitions (DRIFT), Just Sustainability Transitions Course, 2023

In the case of housing, marginality can be seen in multiple dimensions, each with a clear centre and various degrees of marginalisation (Figure 2). Three dimensions were analysed:

- **Marginality of people** (blue): (specifically defined by income) from high-income (usually owners and investors) in the centre, to middle-income tenants, and low-income people in social/public housing in the periphery.
- **Marginality of places** (red): in the centre are affluent and prime areas of the city e.g. central business districts (CBDs), in the spatial periphery the middle-class neighbourhoods, and further away the working-class suburbs, usually far from the city centre.
- **Marginality of values** (green): both cases also show a clear prioritisation (placing in the centre) of economic value, followed by the growing understanding of the importance of environmental sustainability, and social value is unfortunately currently relegated to the margins. The placement of these dimensions of marginality is similar in Lisbon and Melbourne, however, social value in Lisbon is less marginalised, as the More Housing Programme includes strategies that prioritise social protections over economically-driven development.

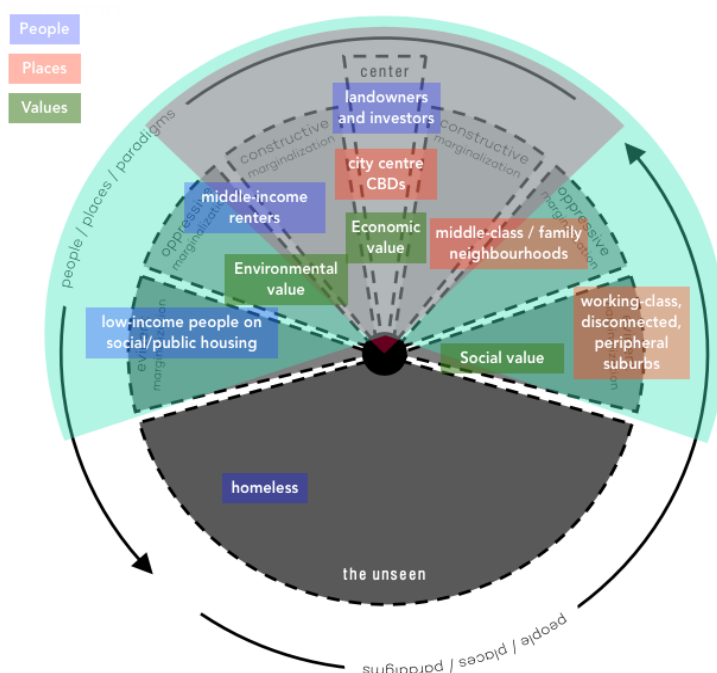


Figure 2 - The peripheral system gaze for the marginality of people, places and values based on the cases of Lisbon and Melbourne. Authors' elaboration based on Dutch Research Institute for Transitions (DRIFT), Just Sustainability Transitions Course, 2023.

It is important to note that marginality is dynamic and ever-evolving, and thus the placement of these dimensions on the 'peripheral system gaze' is relatively subjective. For example, there would be variants within a political spectrum and be influenced by personal values. There are also no clear boxes, nor boundaries between the different 'categories' of people, places, and values, so these should be thought of as a continuum of diversity, being mindful that these dimensions are juxtaposed in the urban space. Nonetheless, this tool is useful to describe the social reality of Lisbon and Melbourne, identifying what is being normalised and prioritised in the centre. It is also a normative tool to recognise what is being marginalised, or unseen, and should receive more attention e.g. the interests of low- and middle-income people and homeless, peripheral neighbourhoods and social value.

6. Conclusion and recommendations

Approaching the initial research questions through a critical realist framework (Bhaskar 2008) provides the following conclusions:

RQ1: Empirical (observable experiences): Housing policies in both Lisbon and Melbourne overlook human rights and the social dimension, to different degrees.

In Lisbon, it is observable how the encouragement of tourism and foreign investment, looking to reactivate the local economy, has lacked social protections to ensure this economic activity does not impact vulnerable groups. However, the More Housing' Programme shows the government recognises social risks and is taking concrete measures to mitigate those risks e.g. through closing the golden visas programme, explicitly seeking to combat speculation and increase public housing stock (PTGov 2023). In Melbourne, however, the observable experience is the 'demolish and build' approach of the 'Big Housing Build' Programme (VSG 2020) which disregards the environmental and social costs involved.

RQ 2: Actual (context of social reality): There are various political and economic conditions that hinder the consideration of human rights and the social dimension in the built environment.

Among the underlying causes, this study found the financialisation of the housing market as the main factor. It stems from the current political and economic paradigm that takes as premise and default goal, and encourages, the pursuit of economic growth. This thinking and its assumptions are embedded in the individuals who shape policies, and hence constrains the degree of social protections in housing policy. This, in turn limits the sustainable and just responses to housing shortages and housing high prices. These underlying conditions can be observed in both cases through the current policies that are aligned with perpetual growth and attraction of foreign capital, while struggling with the urban challenges of population increase.

RQ3: Real: (Potential): Protection and respect for the right to housing can enable social justice, and a just transition, in the built environment

Growing inequality and housing unaffordability can be addressed by acknowledging and actioning on the human right to housing, instead of treating it as a commodity, like any other good or service. In the words of former UN Special Rapporteur to the human right to housing, Leilani Farha: "There's a huge difference between housing as a commodity and gold as a commodity. Gold is not a human right, housing is" (2017).

Furthermore, the right to housing is an enabling right, meaning that once it is satisfied it enables people to access other rights such as education, work, and civic participation. Without fulfilling the right to housing, citizens are very seldom also able to enjoy their other rights. Hence, it is important to recognise the social function and social value of housing, besides its economic value.

This study found various examples of concrete actions that show how prioritising the right to housing can bring more social justice to the built environment. In Lisbon, this is done through the realisation of the negative effects of the golden visas programme and the action to close it, as well as the realisation of the need to increase public housing stock (to manage housing prices better at scale and to retain urban planning leverage). Also, examples from Melbourne include the Retain, Repair, Reinvest (RRR) Framework (Office Architects 2022) and discussing alternative housing models (Fergus 2019).

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