



## Do Justice

*"Do justice, love kindness and walk humbly with your God." Micah 6:8*

### A Newsletter on Social Justice Issues

Welcome to the September edition of Do Justice as we continue to discuss issues of social justice from a Christian perspective. *Please note: This edition was drafted before the national Alert Level 4 lockdown on 17 August.*

#### Housing and social justice

The Diocesan Social Justice Group has been involved in housing issues for several years. Members of the group have been active in various action groups calling for significant changes in housing policy and practice. Of all the issues presently facing Aotearoa New Zealand, housing is probably the most complex.

The complexity comes from the segmentation of the issue into several separate but individually important issues, from emergency housing for the homeless, to affordable housing either provided by the State or other providers, to the difficulties that young and not so young families have in buying a family home. In addition, there are issues around the quality of many houses, particularly those for rent.

There also appears to be a reluctance to move beyond 'market' solutions to the crisis. Deal with the supply side, i.e. build more houses; deal with the demand side i.e. restrict immigration and limit investors. It appears that the only difference between the Government and Opposition parties on housing is how to apply 'market principles'.

Hence, it was refreshing to read a new paper from the Human Rights Commission, *Framework Guidelines on the right to a decent home in Aotearoa*,<sup>1</sup> that appears to cut across much of complexity of housing, applies a Te Tiriti perspective and enables a focus on the key issue – adequate housing for all. The Commission lists at least six international declarations and conventions that New Zealand has signed which include the right to adequate housing. The UN Declaration on Human Rights starts its preamble with the following:

*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...*

And Right 25.1 states: *Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*<sup>2</sup>

Regrettably, most of the nations of the world who have signed and ratified the UN Declaration of Human Rights, have failed to live up to the intent and spirit of the Declaration. New Zealand was one of the 48 countries that signed the Declaration in 1948.

New Zealand has upheld much of the Declaration on Human Rights, particularly article 25.1, until the 1980s when the market driven reforms, led by Roger Douglas during the 1984-1990 Labour Government, started the erosion of many of these rights including the right to adequate housing.

The 1966 UN Covenant on Economic, Social and Cultural Rights builds on and clarifies many of the rights in the 1948 Declaration. On housing it talks about the right to adequate housing, defined as follows:

*"... the right to live somewhere in security, peace and dignity." It requires "adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities – all at a reasonable cost." Parties must ensure security of tenure and that access is free of discrimination, and progressively work to eliminate homelessness. Forced evictions, defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection," are a prima facie violation of the Covenant.*<sup>3</sup>

New Zealand signed the Convention on 12 November 1968 but took until 28 December 1978 to ratify it. Whilst ratification of the Convention places a moral obligation to uphold all the provisions of the Convention, it does not require the Government to enact legislation requiring the

<sup>1</sup>[https://www.hrc.co.nz/files/7416/2784/4778/Framework\\_Guidelines\\_on\\_the\\_Right\\_to\\_a\\_Decent\\_Home\\_in\\_Aotearoa\\_FINAL.pdf](https://www.hrc.co.nz/files/7416/2784/4778/Framework_Guidelines_on_the_Right_to_a_Decent_Home_in_Aotearoa_FINAL.pdf)

<sup>2</sup> [Universal Declaration of Human Rights | United Nations](#)

<sup>3</sup> [International Covenant on Economic, Social and Cultural Rights - Wikipedia](#)

Convention to be followed in detail. In 1993, the New Zealand Parliament passed the Human Rights Act. The only mention of housing is in Section 53 and this focuses on discrimination and does not mention the right to adequate housing.

The recent Human Rights Commission paper explains that there is more to adequate housing than having a roof over one's head. The United Nations has defined adequate house as:

- *Security of tenure: Residents should be protected against forced eviction, harassment and other threats including predatory redevelopment and displacement.*
- *Habitability: Housing must provide residents with adequate space that protects them from cold, damp, heat, rain, wind, and other threats to health, structural hazards, and disease.*
- *Accessibility: Housing must be accessible to all, and disadvantaged and vulnerable groups – including the disabled – must be accorded full access to housing resources.*
- *Affordability: Housing costs should be at such a level so as not to compromise the attainment of other basic needs. For example, people should not have to choose between paying rent and buying food.*
- *Availability of services, materials, facilities and infrastructure: Housing must provide access to services essential for health, security, comfort and nutrition. This includes water and sanitation, power and other essential utilities.*
- *Location: Housing should not be built on polluted sites or in immediate proximity to pollution sources that threaten the right to health of residents. The physical safety of residents must likewise be guaranteed. Additionally, housing must be in a location which allows access to employment, health-care services, schools, child care centres, and other social facilities.*
- *Cultural adequacy: Housing and housing policies must guarantee the expression of cultural identity and diversity, including the preservation of cultural landmarks and institutions. Redevelopment or modernisation programs must ensure that the cultural significance of housing and communities is not sacrificed.<sup>4</sup>*

This is much more than the 'free market' can ever hope to supply. Hence the Government has a moral and legal responsibility to act.

Kāinga Ora – Homes and Communities, according to its website: "... contributes to thriving communities that provide people with good quality, affordable housing choices that meet diverse needs and good access to jobs, transport, amenities and services."<sup>5</sup>

This covers much of the UN definition of adequate housing, but Kāinga Ora is not providing nearly enough homes for the

people that need them. The waiting list for state houses has exploded in the last three years, and Kāinga Ora is nowhere near meeting the demand. Part of the problem is that Kāinga Ora is required to raise capital on 'the market' to build new houses. If the Government was really serious about solving the housing crisis, they could get Kāinga Ora to build enough houses to provide adequate housing for all, including those who presently would like to buy their own home, and in past years could afford to, but now have to rent. This would bring rents down and probably bring down the price of houses. For those homeowners with only the home they live in, who could be adversely affected by this policy and because they could no longer pay off their mortgage, Kāinga Ora could be required to buy the property and rent it back to the owners under a rent-to-buy scheme.

Of course, if such a policy was implemented by the Government, there would be an outcry from all those people who had 'invested' in houses, renting them out and waiting to collect the capital gain. House prices could well drop and the 'market' for rental houses could also reduce significantly as Kāinga Ora provides more and more houses that meet the standards of adequacy that the country agreed to by signing and ratifying the UN Convention on Economic, Social and Cultural Rights. But it is worth remembering that the 'market' recognises that prices can go down as well as go up and that there is no sure bet in any investment.

### **Electricity supply**

In the August 2021 edition of Do Justice we ended the section on 'Dirty coal and sustainability' with: "*The major impediment to achieving 100 percent renewable electricity generation appears to be the privatised generators and retailers, hence the Government needs to look carefully at returning the whole sector to government ownership.*"

On the evening of 9 August 2021 there were a number of power cuts in the Waikato region when two of the electricity generating companies failed to start up generators for 'commercial reasons'.<sup>6</sup> That night the sixth IPCC report was released, saying that if we (the world) did not immediately start to reduce greenhouse gases, global temperatures would continue to rise with more forest fires, floods, heatwaves and rising sea levels.

This is yet another example of the failure of 'the market' as it allows a small minority to profit excessively at the expense of the rest of the population. The electricity market is artificial; electricity is generated in many power stations scattered throughout the country. Each power station supplies the national grid which transmits the electricity to local retailers who sell the electricity to the consumer. Some electricity generating companies also own the organisations that provide the electricity to the consumer. Other 'retailers' buy electricity from generators either on contract or by paying a 'spot price' based on the most expensive generation calculated every half an hour. Is this really a market? Government action is urgently required to buy back the electricity industry, for both climate crisis and social justice reasons.

<sup>4</sup> [2017 07 25 - Right to housing flyer - updated.pdf \(hrc.co.nz\)](#)

<sup>5</sup> [Kāinga Ora – Homes and Communities | New Zealand Government \(www.govt.nz\)](#)

<sup>6</sup> [Power outages: Market clearly not working for NZers on Monday - Megan Woods | RNZ](#)