

Annex G Supporting Essay from Anthony Ravlich, Author and Chairperson, New Zealand Human Rights Council

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Neoliberalism, the globally dominant ideology which is also pursued by New Zealand, involves many human rights omissions to accommodate the IMF's neoliberal economic agenda of economic globalization i.e. a global free market.

I have written a number of articles in relation to Christchurch describing an ethical human rights, development and globalization, which includes a 'bottom-up' approach development, to replace the extreme 'top-down' control of neoliberalism (see appendix).

New Zealand has constantly ignored (in 1995, 2002, and 2010) the recommendations of the UN Human Rights Committee to include the many omitted civil and political rights in the New Zealand Bill of Rights Act 1990 (see "Hope in Chch rebuilding and ethical human rights despite all attempts to crush potential", <http://www.guerillamedia.co.nz/content/hope-chch-rebuilding-ethical-huma...>).

In the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights the Committee recommends that New Zealand 'adopt a human rights approach to [Christchurch] reconstruction efforts' (Section 21) but it also states that it is concerned that 'economic, social and cultural rights are not recognized in the Bill of Rights' and 'urges' New Zealand 'to incorporate economic, social and cultural rights into the 1990 Bill of Rights' (Section 10) (see Committee on Economic, Social and Cultural Rights, 48th Session, E/c.12/NZL/CO/3, 30 April to 18 May 2012, <http://www.converge.org.nz/pma/E-C.12-NZL-CO-3.pdf>).

My articles (see above) and my book, 'Freedom from our social prisons: the rise of economic, social and cultural rights' (Lexington Books, 2008), which was recommended on the UN website for about two years, show that the IMF's policies require a focus on the human rights and development of the 'middleclass, professional sector' and the Corporations.

Apart from permitting the IMF's agenda the State uses the latter 'middle class' sector to execute extreme 'top-down' control (see 'Hope in Chch rebuilding...', cited above and appendix)). The IMF's policies amount to social class discrimination because human rights should first address the worse-off.

Such social class discrimination was permitted by the exclusion of non-discrimination on the grounds of social origin (described as inherited social status, UN General Comment No.20, 24) from the New Zealand Bill of Rights Act 1990 (BORA). Its exclusion permits both social class and socio-economic (wealth) discrimination. While the exclusion of equal rights from the BORA meant that unequal rights were permitted and consequently there is no 'bottom-line' for such

discrimination.

However, Article 4(1) of the International Covenant on Civil and Political Rights states that even in times of 'public emergency' there can be no derogation from such discrimination as non-discrimination with respect to social origin.

In my view, the New Zealand government has exploited the Christchurch earthquakes to further neoliberalism's 'top-down' control.

The latter is described in other parts of this submission. It includes the creation of a red zone restricting people's independence by largely excluding the market. These people now seem very largely solely dependent on the State e.g. Canterbury Earthquake Recovery Authority, the Canterbury Earthquake Recovery Act 2001 which enables land to be acquired by compulsory means as well as the Christchurch City Council and the Corporations.

I had experienced first-hand how the State 'crushed and isolated' those at the bottom of the scale over a period of 20 years. In my court appearance on 28 June 2010, after making a stand on principle, I described what I called the New Zealand Tragedy attributing it to social class discrimination.

The Auckland High Court Judge, Lyn Stevens (now on the Court of Appeal) believed my account asking me why I had not informed New Zealand society earlier (see my submission to the court, 'Freedom is not an impossible dream', www.hrc2001.org.nz).

This experience and my knowledge of the human rights omissions made me very concerned about the rebuilding following the earthquakes in Christchurch and I made three trips there warning people about the bill of rights as well as promoting a 'bottom-up' ethical human rights, development and globalization to replace 'top-down' neoliberalism.

Nearly two years after the first earthquake party leader, David Shearer, of the major opposition party the NZ Labour Party at their conference in November 2012 announced a 'bottom-up' rebuilding of Christchurch i.e. 'from the grassroots up, not the Beehive down' (Labour Speech: New Zealand – A new direction, David Shearer, Nov 18, 2012, <http://www.labour.org.nz/news/speech-new-zealand-a-new-direction>).

It is well-known that neoliberalism has created under classes around the world.

Where there are human rights omissions the State rather than admitting responsibility instead blames the victim e.g. they are uninsured, with other parts of this submission describing the denying of equal compensation to uninsured red-zone residents with the latter indicating socio-economic discrimination. It states:

"Most residents who hold no private insurance are the most vulnerable- the elderly, retired people, young families, and people under financial stress. In all cases their home is the single largest asset they own. The home provides security of housing for the most vulnerable. After decades of hard work paying off mortgages, it is the only certainty in their maintaining adequate living standards".

Also, the State shows very little respect for the feelings of the people it blames despite many having gone through traumatic and life-threatening experiences often involving their family.

For example, in relation to those residents who refuse to accept the government's offer other parts of this submission states: "The government has used coercive language consistently. It stated life-supporting infrastructure will not be maintained and eventually removed in the RRZ".

In addition, in another submission (not the present one), Kaiapoi red zone residents also seem to describe discrimination according to socio-economic status in their complaint to the United Nations:

"We have been denied seeing information about why our undamaged land is not suitable to live on therefore we must assume it is because our land is at the lower end of the scale in terms of price range and therefore judged not necessary to remediate" (see Article 2, the United Nations Submission Template.doc, Wider Earthquake Communities Action Network or 'WE CAN', www.wecan-nz.com).

The purpose of such 'top-down' control, in my view, can be seen from history and is described as 'the State versus individual rights'. It led to the Magna Carta, the UK Bill of Rights, the American Bill of Rights and later the adoption of civil and political rights by many countries.

However, I see today's world as involving an ideological globalization with decisions made in distant international bodies, most particularly the United Nations, which I also see as captured by neoliberalism (see my recent articles on anthony ravlich's blog, guerilla media).

So today it is not just 'the State versus individual rights' but rather 'the World versus individual rights (including, in my view, after a period of enforced dependency, also eliminate individual economic and social rights).

And, in my view, as has also been the case in history, it involves 'class interests'. The latter involves the politicization of human rights to further the interests of a left-middle class, 'tribal' elite chosen largely on the basis of social origin.

That the bill of rights, which was passed by only 36% of MPs and was 'by and for' a left-middleclass 'tribal' minority is virtually undeniable. This is described, with the voting patterns of MPs, in full in the article cited above 'Hope in Chch rebuilding...'

The latter article also describes how the bill of rights involves a 'partnership' between the above 'tribal' elite and the Corporations with the parallel economic dimension provided by Rogernomics.

And, in addition, it is a 'bi-cultural' elite, involving Maori, with the exclusion of non-discrimination on the grounds of birth. The latter includes descent i.e. family lineage or whakapapa (see UN General Comment 20 (2)).

In my view, the above 'tribal' elite justify their hegemony (which, in my opinion, they very effectively conceal) because they do not use direct violence against their people as in authoritarian regimes.

However, their human rights omissions have created a growing under class where if people are not killed due to gross neglect, in the words of Samuel Coleridge, '...die a death so slow that none will call it murder' (Religious Musings, 1796). It finds its most extreme form in the caste system which is, of little doubt, a major 'crime against humanity'.

The failure to include non-discrimination on the grounds of social origin in the New Zealand Bill of Rights Act 1990 was raised by the UN Human Rights Committee during New Zealand's review in March 2010.

Committee member Ms Zonke Majodina, who, on 14 March 2011, was elected as the new Chair of the Committee, stated: "On the specific question of whether New Zealand law currently prohibited discrimination on the full range of Covenant grounds, the written replies seem to concede that discrimination on the basis of social origin and property was still not expressly prohibited (Human Rights Committee ninety-eighth session, Summary record of the 2697th meeting, 16 March 2010, 33).

The NZ Human Rights Commission now considers non-discrimination on the grounds of social origin a matter of concern (Human Rights in New Zealand 2010, New Zealand Human Rights Commission, <http://www.hrc.co.nz/human-rights-environment/human-rights-in-new-zealan...>

Also, the NZ Human Rights Commission now recommends as one of its thirty priorities to: "Incorporating a specific reference to equality in the Bill of Rights Act and the Human Rights Act" (Human Rights in New Zealand 2010, New Zealand Human Rights Commission, <http://www.hrc.co.nz/human-rights-environment/human-rights-in-new-zealan...>).

The ethical approach to human rights, development and globalization (briefly, global ethical human rights) described below is universal, includes all the human rights, but, realistically, emphasizes first addressing the most serious violations which is a commonsense interpretation of the declaration.

It gives people a choice. Being universal I regard global ethical human rights as a far more authentic interpretation of the UDHR whereas neoliberalism is political, requiring many human rights omissions.

In my view, and where it can be perhaps best understood by people not familiar with human rights, ethical human rights can be seen to equate with the Golden Rule which the major religions

believe in (in fact, it may even be the origins of the UDHR)

The Golden Rule states: “One should treat others as one would like to be treated oneself” (‘The Universality of the Golden Rule in the World Religions’, Teaching Values.com, 6 April, 2013, <http://www.teachingvalues.com/goldenrule.html>).

According to global ethical human rights if you do not have, at the very least, the ethical core minimums of the human rights in the Universal Declaration of Human Rights you would be living in a situation of extreme violence (this includes extreme poverty) which equals slavery. So according to the Golden Rule if you do not want to be treated as a slave then you should not treat others as slaves.

However, while under global ethical human rights all individuals have duties, the State has the ultimate duty to ensure all within the country have their core minimums human rights although it is also prepared to help the global community, where necessary, to achieve theirs.

Global ethical human rights is described briefly as follows:

(1) An ethical human rights requires the core minimum (at least) of all the rights in Universal Declaration of Human Rights for all. This would entail survival with dignity PLUS the added dignity of self-help (including a voice in the mainstream, without any discrimination). This would be sufficient for the individual (and consequently the State and the World) to reach his/her full potential. The core minimum rights are ensured but higher levels need to be earned. Both ‘survival rights’ and ‘self-help rights’ are encapsulated in Article 22, UDHR, which states: “Everyone has the right to social security and is entitled to realization....of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”.

(2) There is an emphasis on an ethical ‘bottom-up’ development e.g. small social/ economic entrepreneurs, small/medium business, and new, original ideas to forge new paths into the future with such development of human knowledge (e.g. space travel may be necessary for human survival) to be based on the individual rather than determined ‘top-down’. This would, in my view, mean far greater employment.

For example, Article 2(1) of the Declaration on the Rights to Development describes ‘bottom-up’ development: “The human person is the central subject of development and should be the active participant and beneficiary of the rights to development”.

(3) An ethical globalization requires an ethical human rights 'bottom-line' for all States - to protect against extreme ‘top-down’ control by the State as well as ensuring fair competition without exploitation (e.g. China and India would not get an unfair competitive advantage by exploiting their workforce). Ethical globalization does not require regionalization so States do not have to forgo considerable national sovereignty.

[This is not a return to protectionism. For example, people can be informed e.g. labeling of goods, where imports are made, for example, with child or sweatshop labour. As well as ensuring no

such exploitation takes place it provides opportunities for domestic production.]

(4) There are also duties. Article 29(1) states: “Everyone has duties in which alone the free and full development of his personality is possible” i.e. all have duties including groups and associations, the Corporations, Public Bodies including Academia, as well as political, racial, religious groups etc.

In my opinion, a left-middle class ‘tribal’ elite has hijacked human rights in New Zealand in their own interests and consequently are virtually parasitic on the rest of the nation although the Labour Party has now ‘promised’ a ‘grassroots up, not Beehive down’ approach to the rebuilding.

New Zealanders, particularly those in Christchurch which desperately need progress to take place, need to decide whether they want people chosen on the basis of social class/whakapapa or do they want people chosen on the basis of their talents and hard work (which can often include character).

In other words, do they want to allow individuals (and society) to reach their full potential or are they happy with the current state of ‘arrested development’ (e.g. it is also understood the rebuilding has not yet properly started).

It’s a choice: Greatness or Mediocrity.

Appendix: ‘Top-down bureaucratic neoliberalism threatening Christchurch rebuild...’, 15 February 2012, <http://www.guerillamedia.co.nz/content/top-down-bureaucratic-neo-liberal...> and ‘Global ethical human rights culture to rebuild Christchurch’, 15 December 2011, <http://www.guerillamedia.co.nz/content/global-ethical-human-rights-cultu...>). Also, a more full description of the many human rights omissions are described in ‘New Zealanders must speak out about omitted rights or be reduced to ‘numbers’, 18 May 2011, <http://www.guerillamedia.co.nz/content/new-zealanders-must-speak-out-about-omitted-rights-or-be-reduced-numbers>