

Agenda Item 6: Future Work of the Permanent Forum

Afternoon Thursday 22 May 2003

Presented by: Mrs T Whare

1. Thank you Mr Chair.
2. At the outset, I apologise to the translators. I have been unable to provide written copies of my intervention beforehand to the secretariat. I will speak slowly and clearly.

RECOMMENDATIONS:

3. First, that the Permanent Forum monitors the work of Charter and Treaty bodies to ensure that the jurisprudence is consistent with indigenous peoples' human rights.
4. Second, that the Permanent Forum request that states, in the spirit of partnership, consult with indigenous peoples prior to presenting their periodic reports to the Charter and Treaty bodies.

Charter and Treaty Bodies:

5. Charter and Treaty bodies have already canvassed indigenous peoples and self-determination when considering states periodic reports and individuals' communications. For example, the Human Rights Committee has made comments on self-determination when considering Canadian periodic reports (Doc CCPR/C/79/Add.105). It is crucial that the Permanent Forum remains abreast of these developments and the comments that issue from such bodies. It is useful for the Permanent Forum to monitor the United Nations Charter and Treaty bodies.

States Periodic Reports:

6. The New Zealand government has just made a periodic report to the Committee on Economic, Social and Cultural Rights. The New Zealand government failed to sufficiently consult with Maori prior to presenting this report. Accordingly, the New Zealand government breached its legal obligation to consult with Maori. This is disappointing.
7. We urge the Permanent Forum to request states to consult with indigenous peoples prior to presenting their periodic reports and to inform indigenous peoples when such reports are due to be presented. Such an exercise would improve relations between states and indigenous peoples and uphold the principles of consultation and transparency.
8. Thank you Mr Chair.