

# The Treasury

## Release of Submissions: Mixed Ownership Model Consultation with Māori

### Release Document

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In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.

*Mixed Ownership Model: Consultation with Māori*

## Submission of Objection and Grievance

From Maryanne Mathews

[1]

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 Any Mixed Ownership created within New Zealand must involve and require the consent of Maori whom have rights entrenched in the legal documents.

a) He Whakaputanga O Te Rangatiratanga O Niu Tireni

That reads as follows

1. KO MATOU, ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka wakaputa i te Rangatiratanga o to matou wenua a ka meatia ka wakaputaia e matou he Wenua Rangatira, kia huaina, Ko te Wakaminenga o nga Hapu o Nu Tireni.
2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga, a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni, ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei matou i to matou huihuinga.
3. Ko matou ko nga tino Rangatira ka mea nei kia huihui ki te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga, kia mau pu te rongo kia mutu te he kia tika te hokohoko, a ka mea hoki ki nga tauwi o runga, kia wakarerea te wawai, kia mahara ai ki te wakaoranga o to matou wenua, a kia uru ratou ki te wakaminenga o Nu Tireni.
4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawe atu i to matou aroha nana hoki i wakaae ki te Kara mo matou. A no te mea ka atawai matou, ka tiaki i nga pakeha e noho nei i uta, e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.

KUA WAKAAETIA katoatia e matou i tenei ra i te 28 Oketopa, 1835, ki te aroaro o te Reireneti o te Kingi o Ingarani.

## English Translation

### Declaration of Independence of New Zealand

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty, the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28 day of October, 1835, in the presence of His Britannic Majesty's Resident.

(Here follows the signatures or marks of thirty-five Hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.)

English witnesses:

(Signed) Henry Williams, Missionary, C.M.S.

George Clarke, C.M.S.

James C. Clendon, Merchant.

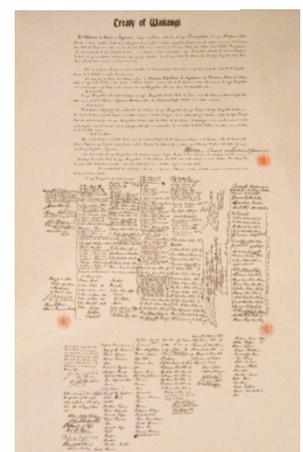
Gilbert Mair, Merchant.

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the chiefs.

(Signed) JAMES BUSBY, British Resident at New Zealand.



b) Te Tiriti O Waitangi



It is sad to say that the Government of today and of the past have always demonstrated their want and need **“to evade the most solemn obligation** within governorship of this country.”

- ✍ This solemn obligation is to **“ Honour The Treaty”** named **“Te Tiriti O Waitangi”**.
- ✍ The Crown in fact **“gives to others that of which it cannot dispossess itself without abrogating the Treaty of Waitangi”**.
- ✍ The Crown with its letters of Patent towards “Kawanatanga” Governorship, stated the following
- ✍ It therefore follows that **“Her Majesty may properly be invited to provide by letters patent that the laws enacted by the legislature of the colony should not extend to the native territory; and that the native laws, customs, and usages, modified as might be thought desirable, should prevail therein, to the exclusion of all other law.” In other words, that the powers granted to the Queen by section 71 of the New Zealand Constitution Act, 15 and 16 Vict., cap. 72.”**
- ✍ To compel Maori to prove his claim in a Land Court or any Court was clearly never contemplated by the Treaty, and it is mere sophistry to urge that it is optional with Maori to take advantage of these courts, seeing that Maori who neglects to prosecute his claim in these courts is certainly liable to be placed in the false position of a counter-claimant, nay, even to entirely lose his land or possessions through the artifices of a mere pretender. Reason and justice alike proclaim that they as tribes themselves are the true arbiters of ownership. The "full, exclusive, and undisturbed" possession of their lands, guaranteed by the Treaty of Waitangi.
- ✍ disturbed by any *ex post facto* legislative enactments of the Imperial Government of past itself, much less of any Colonial Legislature.

The structure of the UDHR and ICCPR, with a preamble and thirty-one articles, divided into five parts.<sup>[7]</sup>

**Part 1** (Article 1) recognises the right of all peoples to [self-determination](#), including the right to "freely determine their political status",<sup>[8]</sup> pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognises a [negative right](#) of a people not to be deprived of its means of subsistence,<sup>[9]</sup> and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.<sup>[10]</sup>

**Part 2** (Articles 2 – 5) establishes the principle of "progressive realisation" – see below. It also requires the rights be recognised "without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".<sup>[11]</sup> The rights can only be limited by law, in a

manner compatible with the nature of the rights, and only for the purpose of "promoting the general welfare in a democratic society".<sup>[12]</sup>

**Part 3** (Articles 6 – 15) lists the rights themselves. These include rights to

- work, under "just and favourable conditions",<sup>[13]</sup> with the right to form and join trade unions (Articles 6, 7, and 8);
- [social security](#), including [social insurance](#) (Article 9);
- family life, including paid [parental leave](#) and the protection of children (Article 10);
- [an adequate standard of living](#), including adequate [food](#), clothing and [housing](#), and the "continuous improvement of living conditions" (Article 11);
- health, specifically "the highest attainable standard of physical and mental health" (Article 12);
- education, including free universal primary education, generally available secondary education and equally accessible higher education. This should be directed to "the full development of the human personality and the sense of its dignity",<sup>[14]</sup> and enable all persons to participate effectively in society (Articles 13 and 14);
- participation in cultural life (Article 15).

Many of these rights include specific actions which must be undertaken to realise them.

**Part 4** (Articles 16 – 25) governs reporting and monitoring of the Covenant and the steps taken by the parties to implement it. It also allows the monitoring body – originally the [United Nations Economic and Social Council](#) – now the Committee on Economic, Social and Cultural Rights – see below – to make general recommendations to the [UN General Assembly](#) on appropriate measures to realise the rights (Article 21)

**Part 5** (Articles 26 – 31) governs ratification, entry into force, and amendment of the Covenant.

[\[edit\]](#)Core provisions

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[\[edit\]](#)**Principle of progressive realisation**

**Article 2** of the Covenant imposes a duty on all parties to

*take steps... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.*<sup>[15]</sup>

This is known as the principle of "progressive realisation". It acknowledges that some of the rights (for example, the right to health) may be difficult in practice to achieve in a short period of time, and that states may be subject to resource constraints, but requires them to act as best they can within their means.

The principle differs from that of the ICCPR, which obliges parties to "respect and to ensure to all individuals within its territory and subject to its jurisdiction" the rights in that Convention.<sup>[16]</sup> However, it does not render the Covenant meaningless. The requirement to "take steps" imposes a continuing obligation to work towards the realisation of the rights.<sup>[17]</sup> It also rules out deliberately regressive measures which impede that goal. The Committee on Economic, Social and Cultural Rights also interprets the principle as imposing minimum core obligations to provide, at the least, minimum essential levels of each of the rights.<sup>[18]</sup> If resources are highly constrained, this should include the use of targeted programmes aimed at the vulnerable.<sup>[19]</sup>

The Committee on Economic, Social and Cultural Rights regards legislation as an indispensable means for realising the rights which is unlikely to be limited by resource constraints. The enacting of anti-discrimination provisions and the establishment of enforceable rights with judicial remedies within national legal systems are considered to be appropriate means. Some provisions, such as anti-discrimination laws, are already required under other human rights instruments, such as the ICCPR.<sup>[20]</sup>

### [\[edit\]](#) **Labour rights**

*Main article:* [Labor rights](#)

**Article 6** of the Covenant recognises the [right to work](#), defined as the opportunity of everyone to gain their living by freely chosen or accepted work.<sup>[21]</sup> Parties are required to take "appropriate steps" to safeguard this right, including technical and vocational training and economic policies aimed at steady economic development and ultimately [full employment](#). The right implies parties must guarantee equal access to employment and protect workers from being unfairly deprived of employment. They must prevent discrimination in the workplace and ensure access for the disadvantaged.<sup>[22]</sup> The fact that work must be freely chosen or accepted means parties must prohibit [forced](#) or [child labour](#).<sup>[23]</sup>

The work referred to in Article 6 must be [decent work](#).<sup>[24]</sup> This is effectively defined by **Article 7** of the Covenant, which recognises the right of everyone to "just and favourable" working conditions. These are in turn defined as fair wages with equal pay for equal work, sufficient to provide a decent living for workers and

their dependants; [safe working conditions](#); equal opportunity in the workplace; and sufficient rest and leisure, including limited working hours and regular, paid holidays.

**Article 8** recognises the right of workers to form or join trade unions and protects the right to strike. It allows these rights to be restricted for members of the armed forces, police, or government administrators. Several parties have placed reservations on this clause, allowing it to be interpreted in a manner consistent with their constitutions (China, Mexico), or extending the restriction of union rights to groups such as fire-fighters (Japan).<sup>[1]</sup>

### [\[edit\]](#) **Right to social security**

*Main article:* [Social security](#)

**Article 9** of the Covenant recognizes "the right of everyone to [social security](#), including [social insurance](#)."<sup>[25]</sup> It requires parties to provide some form of social insurance scheme to protect people against the risks of sickness, disability, maternity, employment injury, unemployment or old age; to provide for survivors, orphans, and those who cannot afford health care; and to ensure that families are adequately supported. Benefits from such a scheme must be adequate, accessible to all, and provided without discrimination.<sup>[26]</sup> The Covenant does not restrict the form of the scheme, and both contributory and non-contributory schemes are permissible (as are community-based and mutual schemes).<sup>[27]</sup>

The Committee on Economic, Social and Cultural Rights has noted persistent problems with the implementation of this right, with very low levels of access.<sup>[28]</sup>

Several parties, including France and Monaco, have reservations allowing them to set residence requirements in order to qualify for social benefits. The Committee on Economic, Social and Cultural Rights permits such restrictions, provided they are proportionate and reasonable.<sup>[29]</sup>

### [\[edit\]](#) **Right to family life**

*Main articles:* [Children's rights](#), [Fathers' rights](#), [Mothers' rights](#), and [Reproductive rights](#)

**Article 10** of the Covenant recognises the family as "the natural and fundamental group unit of society", and requires parties to accord it "the widest possible protection and assistance."<sup>[30]</sup> Parties must ensure that their citizens are free to establish families and that marriages are freely contracted and not [forced](#).<sup>[31]</sup> Parties must also provide [paid leave](#) or adequate social security to mothers before and after childbirth, an obligation which overlaps with that of Article 9. Finally, parties must take "special measures" to protect children from

economic or social exploitation, including setting a minimum age of employment and barring children from dangerous and harmful occupations.<sup>[32]</sup>

### [\[edit\]](#) **Right to an adequate standard of living**

*Main articles: [Right to food](#), [Right to water](#), and [Right to housing](#)*

**Article 11** recognises the [right of everyone to an adequate standard of living](#). This includes, but is not limited to, the right to adequate food, clothing, housing, and "the continuous improvement of living conditions."<sup>[33]</sup> It also creates an obligation on parties to work together to eliminate world hunger.

The **right to adequate food**, also referred to as the [right to food](#), is interpreted as requiring "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture."<sup>[34]</sup> This must be accessible to all, implying an obligation to provide special programmes for the vulnerable.<sup>[35]</sup> The right to adequate food also implies a [right to water](#).<sup>[36]</sup>

The **right to adequate housing**, also referred to as the [right to housing](#), is "the right to live somewhere in security, peace and dignity."<sup>[37]</sup> 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."<sup>[37]</sup> 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>[38]</sup>

### [\[edit\]](#) **Right to health**

*Main article: [Right to health](#)*

**Article 12** of the Covenant recognises the right of everyone to "the enjoyment of the highest attainable standard of physical and mental health."<sup>[39]</sup> "Health" is understood not just as a right to be healthy, but as a right to control ones own health and body (including reproduction), and be free from interference such as [torture](#) or medical experimentation.<sup>[40]</sup> States must protect this right by ensuring that everyone within their jurisdiction has access to the underlying determinants of health, such as clean water, sanitation, food, nutrition and housing, and through a comprehensive system of healthcare, which is available to everyone without discrimination, and economically accessible to all.<sup>[41]</sup>

**Article 12.2** requires parties to take specific steps to improve the health of their citizens, including reducing infant mortality and improving child health, improving environmental and workplace health, preventing, controlling and treating epidemic diseases, and creating conditions to ensure equal and timely access to medical services for all. These are considered to be "illustrative, non-exhaustive examples", rather than a complete statement of parties' obligations.<sup>[42]</sup>

The right to health is interpreted as requiring parties to respect women's' [reproductive rights](#), by not limiting access to [contraception](#) or "censoring, withholding or intentionally misrepresenting" information about sexual health.<sup>[43]</sup> They must also ensure that women are protected from harmful traditional practices such as [female genital mutilation](#).<sup>[44]</sup>

### [\[edit\]](#) **Right to free education**

*Main article: [Right to education](#)*

**Article 13** of the Covenant recognises the right of everyone to free education (free for the primary level and "the progressive introduction of free education" for the secondary and higher levels). This is to be directed towards "the full development of the human personality and the sense of its dignity",<sup>[14]</sup> and enable all persons to participate effectively in society. Education is seen both as a human right and as "an indispensable means of realizing other human rights", and so this is one of the longest and most important articles of the Covenant.<sup>[45]</sup>

**Article 13.2** lists a number of specific steps parties are required to pursue to realise the right of education. These include the provision of [free, universal and compulsory](#) primary education, "generally available and accessible" secondary education in various forms (including technical and vocational training), and equally accessible higher education. All of these must be available to all without discrimination. Parties must also develop a school system (though it may be public, private, or mixed), encourage or provide scholarships for disadvantaged groups. Parties are required to make education free at all levels, either immediately or progressively; "[p]rimary education shall be compulsory and available free to all"; secondary education "shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education"; and "[h]igher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education."

**Articles 13.3 and 13.4** require parties to respect the educational freedom of parents by allowing them to choose and establish private educational institutions

for their children, also referred to as [Freedom of education](#). It also recognises the right of parents to "ensure the religious and moral education of their children in conformity with their own convictions".<sup>[46]</sup> This is interpreted as requiring public schools to respect the freedom of religion and conscience of their students, and as forbidding instruction in a particular religion or belief system unless non-discriminatory exemptions and alternatives are available.<sup>[47]</sup>

The Committee on Economic, Social and Cultural Rights interpret the Covenant as also requiring states to respect the [academic freedom](#) of staff and students, as this is vital for the educational process.<sup>[48]</sup> It also considers [corporal punishment](#) in schools to be inconsistent with the Covenant's underlying principle of the dignity of the individual.<sup>[49]</sup>

**Article 14** of the Covenant requires those parties which have not yet established a system of free compulsory primary education, to rapidly adopt a detailed plan of action for its introduction "within a reasonable number of years."<sup>[50]</sup>

#### [\[edit\]](#) **Right to participation in cultural life**

*Main article:* [Right to science and culture](#)

*Main article:* [Right to development](#)

*Main article:* [Right to public participation](#)

**Article 15** of the Covenant recognises the right of everyone to participate in cultural life, enjoy the benefits of scientific progress, and to benefit from the protection of the moral and material rights to any scientific discovery or artistic work they have created. The latter clause is sometimes seen as requiring the protection of intellectual property, but the Committee on Economic, Social and Cultural Rights interprets it as primarily protecting the [moral rights](#) of authors and "proclaim[ing] the intrinsically personal character of every creation of the human mind and the ensuing durable link between creators and their creations".<sup>[51]</sup> It thus requires parties to respect the right of authors to be recognised as the creator of a work. The material rights are interpreted as being part of the right to an adequate standard of living, and "need not extend over the entire lifespan of an author."<sup>[52]</sup>

Parties must also work to promote the conservation, development and diffusion of science and culture, "respect the freedom indispensable for scientific research and creative activity",<sup>[53]</sup> and encourage international contacts and cooperation in these fields.

[\[edit\]](#) Reservations

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A number of parties have made reservations and interpretative declarations to their application of the Covenant.

**Algeria** interprets parts of Article 13, protecting the liberty of parents to freely choose or establish suitable educational institutions, so as not to "impair its right freely to organize its educational system."<sup>[1]</sup>

**Bangladesh** interprets the self-determination clause in Article 1 as applying in the historical context of [colonialism](#). It also reserves the right to interpret the labour rights in Articles 7 and 8 and the non-discrimination clauses of Articles 2 and 3 within the context of its constitution and domestic law.<sup>[1]</sup>

**Belgium** interprets non-discrimination as to national origin as "not necessarily implying an obligation on States automatically to guarantee to foreigners the same rights as to their nationals. The term should be understood to refer to the elimination of any arbitrary behaviour but not of differences in treatment based on objective and reasonable considerations, in conformity with the principles prevailing in democratic societies."<sup>[1]</sup>

**China** prohibits labour rights in Article 8 in a manner consistent with its constitution and domestic law.<sup>[1]</sup>

**Egypt** accepts the Covenant only to the extent it does not conflict with Islamic [Sharia](#) law. Sharia is "a primary source of legislation" under Article 2 of both the suspended [1973 Constitution](#) and the [2011 Provisional Constitutional Declaration](#).<sup>[1]</sup>

**France** views the Covenant as subservient to the [UN Charter](#). It also reserves the right to govern the access of aliens to employment, social security, and other benefits.<sup>[1]</sup>

**India** interprets the right of self-determination as applying "only to the peoples under foreign domination"<sup>[1]</sup> and not to apply to peoples within sovereign nation-states. It also interprets the limitation of rights clause and the rights of equal opportunity in the workplace within the context of its constitution.<sup>[1]</sup>

**Indonesia** interprets the self-determination clause (Article 1) within the context of other international law and as not applying to peoples within a sovereign nation-state.<sup>[1]</sup>

**Ireland** reserves the right to promote the [Irish language](#).<sup>[1]</sup>

**Japan** reserved the right not to be bound to progressively introduce free secondary and higher education.<sup>[1]</sup>

**Kuwait** interprets the non-discrimination clauses of Articles 2 and 3 within its constitution and laws, and reserves the right to social security to apply only to Kuwaitis. It also reserves the right to forbid strikes.<sup>[1]</sup>

**Mexico** interprets the labour rights in Article 8 within the context of its constitution and laws.<sup>[1]</sup>

**Monaco** interprets the principle of non-discrimination on the grounds of national origin as "not necessarily implying an automatic obligation on the part of States to guarantee foreigners the same rights as their nationals",<sup>[1]</sup> and reserves the right to set residence requirements on the rights to work, health, education, and social security.

**New Zealand** reserved the right not to apply Article 8 (the right to form and join trade unions) insofar as existing measures (which at the time included compulsory unionism and encouraged arbitration of disputes) were incompatible with it.<sup>[1]</sup>

**Norway** reserves the right to strike so as to allow for compulsory arbitration of some labour disputes.<sup>[1]</sup>

**Pakistan** has a general reservation to interpret the Covenant within the framework of its constitution.<sup>[1]</sup>

**Thailand** interprets the right to self-determination within the framework of other international law.<sup>[1]</sup>

**Trinidad and Tobago** reserves the right to restrict the right to strike of those engaged in essential occupations.

**Turkey** will implement the Covenant subject to the UN Charter. It also reserves the right to interpret and implement the right of parents to choose and establish educational institutions in a manner compatible with its constitution.<sup>[1]</sup>

**United Kingdom** views the Covenant as subservient to the UN Charter. It made several reservations regarding its overseas territories.<sup>[1]</sup>

**United States** – [Amnesty International](#) writes that "The United States signed the Covenant in 1979 under the Carter administration but is not fully bound by it until it is ratified. For political reasons, the Carter administration did not push for the necessary review of the Covenant by the Senate, which must give its "advice and consent" before the US can ratify a treaty. The Reagan and George H.W. Bush administrations took the view that economic, social, and cultural rights were not really rights but merely desirable social goals and therefore should not be the object of binding treaties. The Clinton Administration did not deny the nature of

these rights but did not find it politically expedient to engage in a battle with Congress over the Covenant. The George W. Bush administration followed in line with the view of the previous Bush administration."<sup>[54]</sup> The [Heritage Foundation](#), a critical conservative think tank, argues that signing it would oblige the introduction of policies that it opposes such as [universal health care](#).<sup>[55]</sup>

[\[edit\]](#)Optional Protocol

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The [Optional Protocol to the International Covenant on Economic, Social and Cultural Rights](#) is a side-agreement to the Covenant which allows its parties to recognise the competence of the Committee on Economic Social and Cultural Rights to consider complaints from individuals.<sup>[56]</sup>

The Optional Protocol was adopted by the UN General Assembly on 10 December 2008.<sup>[57]</sup> It was opened for signature on 24 September 2009,<sup>[58]</sup> and as of October 2011 has been signed by 39 parties and ratified by 4.<sup>[59]</sup> It will enter into force when ratified by 10 parties.<sup>[60]</sup>

[\[edit\]](#)Committee on Economic, Social and Cultural Rights

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*Main article:* [Committee on Economic, Social and Cultural Rights](#)

The **Committee on Economic, Social and Cultural Rights** is a body of human rights experts tasked with monitoring the implementation of the Covenant. It consists of 18 independent human rights experts, elected for four-year terms, with half the members elected every two years.<sup>[61]</sup>

Unlike other human rights monitoring bodies, the Committee was not established by the treaty it oversees. Rather, it was established by the Economic and Social Council following the failure of two previous monitoring bodies.<sup>[31]</sup>

All states parties are required to submit regular reports to the Committee outlining the legislative, judicial, policy and other measures they have taken to implement the rights affirmed in the Covenant. The first report is due within two years of ratifying the Covenant; thereafter reports are due every five years.<sup>[62]</sup> The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

 **BONA FIDE WARNING: ASSETS GOVERNMENT DECLARE AS HAVING MIXED OWNERSHIP OR STATE OWNED STATUS HOLDS THE STATUS OF 'NGA TAONGA KATOA' HELD BY MAORI UNDER 'TE TIRITI O WAITANGI'**