

the context of the relations between First Nations and states. It should therefore generally be used with caution.

I. THE LEGAL FRAMEWORK FOR CIVIL SOCIETY PARTICIPATION

In a broad sense, the idea of civil society participation in the process of reporting and monitoring the domestic implementation of international human rights derives from the UN Charter, and its lofty opening words: “We, the Peoples of the United Nations...”,¹⁰ which imply the existence of a world civil society, upon which the legitimacy of states is based. However, civil society is largely absent from the rest of the Charter, and from the text of most human rights treaties. Apart from the states themselves, international human rights instruments generally recognise as actors only the UN and its specialised agencies (as intergovernmental organisations), and the individual (as a potential provider of “communications” on alleged violations).

UN recognition of the need for civil society participation in reporting and monitoring exists in a number of policy statements. As noted above, the World Conference on Human Rights in 1993, recognising the work of NGOs, also called for dialogue between governments and NGOs on the subject of human rights.¹¹ Dialogue at the national level is specifically listed by the competent organ as one of the objectives to be pursued when preparing reports under the *International Covenant on Economic, Social and Cultural Rights*, a major instrument ratified by Canada.¹² According to the Committee on Economic, Social and Cultural Rights, reporting under the Covenant should provide opportunities for public assessment of national policies; it should also encourage the economic, social and cultural constituencies of civil society to participate in the drafting,

¹⁰ Charter of the United Nations, (1946-1947) *United Nations Treaty Series*, p. xvi (Preamble).

¹¹ *Vienna Declaration and Programme of Action*, para. 38.

¹² *Covenant on Economic, Social and Cultural Rights*, (1976) *United Nations Treaty Series* 13. Canada ratified the Covenant on 19 May 1976.