

**UN Human Rights  
Office of the High Commissioner  
Geneva, Switzerland**

**November 21, 2022**

**Re: Expert workshop on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council (HRC)**

**Topic: Venues of participation**

**H.E. Ms. Tine MØRCH SMITH, Ambassador and Permanent Representative of Norway: Co- Facilitator (State)**  
**Ms. Mariam WALLET ABOUBAKRINE: Co-facilitator (Indigenous Peoples)**

Good afternoon Mesdames Co-facilitators:

INTRODUCTION:

I am, Celeste Haldane, the Chief Commissioner for the British Columbia Treaty Commission (the “Treaty Commission”) located in Vancouver, British Columbia, Canada.

The Treaty Commission welcomes this opportunity to present to this expert panel on “venues of participation”.

I want to acknowledge the remarks and submissions made by the Indigenous experts. And the Treaty Commission supports the venues and views highlighted by Indigenous experts Les Malezer and Kenneth Deer on specific venues. We also support and reiterate the reference to Indigenous Peoples representative institutions, as mentioned by Andrea Carmen, and consistent with the UN Declaration on the Rights of Indigenous Peoples.

The Treaty Commission was established 30 years ago in 1992 by parallel federal and provincial government legislation and by resolution of the Indigenous Peoples represented by the First Nations Summit, which is a province wide Indigenous body.<sup>1</sup>

<sup>1</sup> The Treaty Commission was established in 1992 by agreement among the governments of Canada and British Columbia and the First Nations Summit [collectively referred to as the “Principals”], with the signing of the British Columbia Treaty Commission Agreement, 1992 [the “BCTC Agreement”].

The Treaty Commission is an *independent* mechanism with a Chief Commissioner and 4 Commissioners, appointed respectively by the Principals to the BC Treaty Commission Agreement.<sup>2</sup>

The Treaty Commission is the only tripartite *statutory* body in Canada to support reconciliation through negotiations<sup>3</sup>. As such the Treaty Commission has gained extensive knowledge and experience in the resolution of disputes relating to lands, territories, and resources, and with respective governmental jurisdictions and authorities and representative institutions.<sup>4</sup>

One of the Treaty Commission's mandates is to *facilitate*, through good faith negotiations between State parties and Indigenous Peoples through their own representative institutions, the *reconciliation* of Indigenous land, territories, and resources.

The Treaty Commission facilitates Indigenous rights and titles as constitutional rights and internationally recognized and affirmed human rights. Also, through this facilitation role the Treaty Commission supports the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

From the Treaty Commission's perspective and experience as an *independent* mechanism, Indigenous Peoples are full and effective partners in negotiations, implementation, and recognition of rights. As well, if collaborative processes are co-developed between States and Indigenous peoples and/or their own representative institutions this then enables a thorough vetting of issues, which generally leads to mutually beneficial outcomes.

The Treaty Commission supports enhancing Indigenous participation in all UN bodies and have the following recommendations.

#### RECOMMENDATIONS:

1. While the scope of this discussion is Indigenous Peoples participation in the work of Human Rights Council, consistent with Indigenous Peoples recommendation in the Alta Outcome Document, it should be without prejudice to Indigenous Peoples participation in all UN bodies where there are issues affecting them.

<sup>2</sup> Federal and provincial legislation was enacted to further strengthen the basis for the Treaty Commission. These Acts not only form the legal foundation for the BCTC, but also ground the BC treaty negotiations process. See the federal British Columbia Treaty Commission Act, S.C. 1995, c.45, and the provincial Treaty Commission Act [RSBC 1996] c. 461.

<sup>3</sup> <https://www.bctreaty.ca/negotiation-processes>

<sup>4</sup> <https://www.bctreaty.ca/policies/stage-1-filing-statement-intent-negotiate-treaty>

2. Consistent with Article 18, 41 and 42 of the UN Declaration on the Rights of Indigenous Peoples, Indigenous Peoples should have the rights to participate fully and effectively in the Human Rights Council and all its subsidiary bodies.
3. The current Indigenous specific venues of Indigenous Peoples participation including UN Permanent Forum on Indigenous Issues, Expert Mechanism on the Rights of Indigenous Peoples, Special Rapporteur of the Rights of Indigenous Peoples, and the UN Voluntary Fund should continue undiminished.