



First Nations Leadership Council – DRAFT Terms of Reference

1. Background

- 1.1. Aboriginal Title, Rights and Treaty Rights are held at the Nation level. Each Nation has the authority to make decisions to suit the unique circumstances of their particular Nation and the right to a government-to-government relationship with the Crown. Individual Nations are the proper Aboriginal Title, Rights and Treaty Rights holders.
- 1.2. The BC Assembly of First Nations (BCAFN) represents the 203 Nations in the region, and works to advance the Aboriginal Title and Rights, including Treaty Rights and other interests of Nations in BC, restore and enhance the relationship among Nations in BC, the Crown and the people of Canada, and to ensure that the interests of Nations are advocated nationally through the AFN Executive.
- 1.3. The First Nations Summit (FNS) represents First Nations participating in, or supportive of, the treaty negotiation process in BC and provides a forum for those First Nations to address issues related to treaty negotiations as well as other issues of common concern.
- 1.4. The Union of BC Indian Chiefs (UBCIC) is an organization of First Nations in BC, founded in 1969, dedicated to promoting and supporting the efforts of First Nations to affirm and defend Aboriginal Title and Rights. It is the goal of UBCIC to help First Nations exercise their inherent rights by holding the Crown to its obligation to honour and respect those rights.
- 1.5. Over the years the BCAFN, FNS, and UBCIC have developed a relationship through information sharing and exchange, dialogue and respect for and recognition of each organization's mandate and direction.
- 1.6. On March 17, 2005 the political executives of the BCAFN, FNS, and UBCIC signed a *Leadership Accord*.
- 1.7. The purpose of the *Leadership Accord* is to affirm mutual respect amongst the three organizations and to formalize a cooperative working relationship to:
 - Address issues of common concern;
 - Develop strategies and actions to bring about significant and substantive changes to government policy that will benefit all First Nations in BC;
 - Create space and opportunity for First Nations to engage directly with Governments on their priority issues; and

- Engage in advocacy on behalf of First Nations to achieve these objectives.
- 1.8. The BCAFN, FNS, and UBCIC work under the *Leadership Accord* as the First Nations Leadership Council (FNLC). The FNLC is not an independent political entity or organization, but is a collaborative political working partnership among the three organizations, with the aim of advancing the interests of Nations in British Columbia..
- 1.9. The FNLC is not a Nation, and is therefore does not hold Aboriginal Title, Rights or Treaty Rights; and, the FNLC acknowledges that any government-to-government relationship is between individual Nations and the Crown.
- 1.10. The Crown’s duty to consult is with individual Nations and not with the FNLC.

2. Mandate Statement

- 2.1. The mandate and work of the FNLC is collectively directed by Nations’ governments through resolutions of the three political organizations, and through resolutions passed at All-Chiefs’ Assemblies.
- 2.2. In addition to the mandates provided by Nations’ governments through resolutions, the FNLC is authorized by participating Nations who sign on to these Terms of Reference, to do the following:
- Work as an “advocacy body,” meaning to provide a strong and cohesive voice (regionally, nationally and internationally), for the purpose of:
 - Vigorously pursuing the implementation, exercise, recognition and advancement of Aboriginal Title, Rights, Treaty Rights and facilitating and supporting discussions on the inherent jurisdiction and sovereignty of the Proper Title, Rights and Treaty Rights holders;
 - Creating space and opportunity for Nations to engage directly with governments on their priority issues of common concern;
 - Supporting Nations to achieve their goals and priorities set at All-Chiefs Assemblies; and,
 - Improving the quality of life for Indigenous Peoples in British Columbia;
 - Undertake analysis at the provincial level on issues of common concern and importance to Nations;
 - Foster effective communications and information-sharing amongst Nations in British Columbia;
 - Uphold and support the unconditional implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;
 - Develop and foster unity among Nations as well as among the Nations’ three provincial organizations (BCAFN, FNS, and UBCIC); and,
 - Ensure that the purpose, principles and values of the *Leadership Accord* are upheld, supported and realized.
- 2.3. Consultation with the Crown and decision-making occurs at the Nation level.

2.4. The FNLC may from time to time advocate for individual Nations upon their request, provided that the request is not inconsistent with any existing mandates of any one of the three organizations or direction provided by the All-Chiefs' Assembly.

2.5. The FNLC will achieve these purposes by:

- Focusing its efforts at the political level, not at the technical or service level;
- Holding regular All-Chiefs' Assemblies to support unity and communications, and to receive direction from Nations;
- Undertaking media relations and campaigns to raise awareness about Nations, and issues of importance to Nations in British Columbia;
- Clearly, regularly and effectively communicating with, and providing information to, Nations on activities of the FNLC and other issues of concern;
- Engaging and advocating with governments, industry, and other organizations at international, national and regional levels to create space and opportunity for Nations to achieve their priorities; and,
- Undertaking policy monitoring and analysis on issues that impact Nations in British Columbia.

3. Membership

3.1. The FNLC is composed of: seven members, who are the active Political Executives as elected by each organization's (BCAFN, FNS, UBCIC) respective membership:

- One (1) representative from the BCAFN comprising the BC Regional Chief;
- Three (3) representatives from the FNS comprising the Task Group Members; and
- Three (3) representatives from the UBCIC comprising the President, Vice-President and Secretary-Treasurer.

3.2. The members of the FNLC may be replaced as determined by each organization's (BCAFN, FNS, UBCIC) respective membership in accordance with their respective Constitution and bylaws or other process as determined by their membership.

4. FNLC Relationship with Councils, Working Groups, Committees and Partner Organizations

4.1. The Chiefs-in-Assembly, through resolutions of the BCAFN, FNS and UBCIC have established a number of councils, working groups and committees to address a range of sectoral issues, in addition to working with existing partner organizations. These councils, working groups, committees and partner organizations are accountable to, and receive direction from, Nations in BC through their respective internal processes and as set out in Section 4.4, and are accountable to the individual governing structures established by each organization.

4.2. The FNLC is committed to working with these councils, working groups, committees and partner organizations in a collaborative and mutually supportive manner, in order to coordinate political and technical strengths towards the objectives of: advancing Aboriginal Title and Rights, and Treaty Rights; promoting the dignity and well-being, and improving socio-economic conditions of Nations; and to support any other priorities of Nations in British Columbia.

- The FNLC recognizes that councils, working groups, committees and partner organizations have respective mandates to uphold;
 - The FNLC will communicate with respective councils, working groups, committees and partner organizations on relevant key emerging issues.
- 4.3. As directed by the Chiefs-in-Assembly, the FNLC will ask the Board of Directors or other governance structure for each council, working group, committee or partner organization to:
- Adopt these Terms of Reference which include the Accountability Framework appendix;
 - Enter into memoranda of understanding or protocols with the FNLC that set out the respective roles and responsibilities of each party in addressing sectoral issues and priorities identified by Nations.
- 4.4. The roles and responsibilities of the councils, working groups, committees and partner organizations is to work in partnership with the FNLC on the following:
- The FNLC will have primary responsibility for engaging in advocacy on behalf of Nations in accordance with Section 2.2;
 - Where directed to do so by Nations or agreed to by the FNLC, the FNLC will involve authorized representatives of a council, working group, committee or partner organization in engaging in advocacy on behalf of Nations;
 - The FNLC and the councils, working groups, committees and partner organizations will meet at least once per year to:
 - Identify and recommend priority issues for Nations to address collectively;
 - Develop work plans for addressing priority issues;
 - Obtain feedback and assistance in developing agendas for All-Chiefs' Assemblies; and,
 - Identify any potential disagreement or conflict and address the dispute immediately through open, honest and respectful dialogue.
 - Monitor and keep informed of emerging issues and federal/provincial policy and legislative initiatives that have the potential to adversely impact the Aboriginal Title, Rights and Treaty Rights of BC Nations or impede progress on quality of life issues;
 - At the request of the FNLC and as required, within their capacity, the councils, working groups, committees and partner organizations will conduct research, analysis and options for consideration on sectoral issues, including federal/provincial policy and legislative issues as required;
 - Councils, working groups, committees and partner organizations provide technical support to FNLC members while engaged in advocacy on behalf of Nations as required; and
 - In addition to the various communications mechanisms already in place on the part of member organizations of the FNLC, and on the part of the various councils, working groups, committees and partner organizations; coordinating and ensuring regular communications and reporting to Nations on progress in addressing priority issues through:
 - All-Chiefs' Assemblies as required;
 - Meetings of the BCAFN, FNS and UBCIC as required; and
 - FNLC regular information bulletins.

4.5. The FNLC member organizations (BCAFN, FNS and UBCIC) will make every effort to engage with respective councils, working group, committee or organization when undertaking analysis, action or resolutions which relate to the mandate of one of the councils, working groups, committees or partner organizations.

5. Decision-making

5.1. The FNLC does not have authority to make decisions on behalf of individual Nations; the FNLC is not a Nation and therefore not the Aboriginal Title, Rights and Treaty Rights holders.

5.2. The FNLC acknowledges that government-to-government relationships are between individual Nations and the Crown, and that the Crown's duty to consult is with individual Nations and not with the FNLC.

5.3. The FNLC acknowledges that each First Nation has the right to make decisions for its own membership and in accordance with its own governance processes.

5.4. The FNLC, in accordance with Section 2.4 and 8.1 may from time to time advocate for Nations upon their request.

5.5. The FNLC will meet as required.

5.6. The FNLC will make decisions by consensus.

5.7. The FNLC will make decisions informed by outcomes and mandates from any All-Chiefs' Assemblies and each organization's (BCAFN, FNS, UBCIC) respective membership, mandate and resolutions.

5.8. The FNLC, when making any decision, shall take all reasonable steps to ensure that the decision is consistent with the advancement of Aboriginal Title, Rights and Treaty Rights.

5.9. Where the FNLC cannot reach consensus on a matter, each organization (BCAFN, FNS, UBCIC) has the right and responsibility to act upon the direction of its own constituents, mandates and resolutions with respect to that matter.

5.10. The FNLC recognizes that working together leads to greater strength, unity and trust. The FNLC anticipates that we may disagree from time to time, and considers a variance of views to be an opportunity for growth.

5.11. Where a disagreement arises between two or more of the organizations comprising the FNLC, the dispute will be immediately addressed through open, honest and respectful dialogue.

6. All-Chiefs' Assemblies

6.1. The BCAFN, FNS, UBCIC will combine their resources to host one All-Chiefs' Assembly per year.

6.2. In accordance with the Process Document for All-Chiefs' Assemblies, the purpose of All-Chiefs' Assemblies is for:

- High-level, strategic work on Title, Rights and Treaty Rights and jurisdiction, and not on funding or programs;
- Nations to set priorities and provide direction to the FNLC;
- Addressing emerging issues.

7. Cooperation, Communication and Partnership

7.1. The FNLC is committed to an ongoing process of open dialogue, coordination and communication among the three organizations (BCAFN, FNS, UBCIC) to develop common understandings, strategies and/or positions on identified issues of common concern.

7.2. The FNLC will openly share information and perspectives among the three organizations (BCAFN, FNS, UBCIC) and Nations to ensure that trust and forthright communication are central to the relationship.

7.3. The FNLC will communicate on activities, goals and focus areas, and provide information to Nations via All-Chiefs' Assemblies as set out in Section 6.2, as well as the Assemblies of the respective three organizations (BCAFN, FNS, UBCIC).

7.4. The FNLC will communicate on activities and provide information to Nations through a regular information bulletin.

7.5. The FNLC may form partnerships with other indigenous Nations' organizations to ensure maximum benefit to all Nations in BC, through entering into a Declaration and Protocol to establish a unity of purpose in improving the lives of Nations in BC and to formalize a working relationship to increase collaboration and expertise. A template Declaration and Protocol has been endorsed via resolution at each organization (BCAFN, FNS, UBCIC).

8. Emerging Issues/Emergency Mandates

8.1. Where an urgent issue arises and there is no opportunity for any of the organizations to seek mandates from their respective members, the FNLC may address the issue as an issue of concern, in accordance with Section 2.4, at the request of one or more Nations.

8.2. An "emergency mandate" indicates a mandate that is necessary beyond the provisions set out in Section 5.9.

9. Renewal, Review and Planning

9.1. At the direction of the Chiefs at All-Chiefs' Assemblies, the FNLC will periodically undergo a process of review, renewal and planning. This may include Strategic Planning, review of Workplans, review of Mandate and review of Terms of Reference and appendices.

10. Funding

10.1. Resourcing is required to support the collaborative efforts conducted through the FNLC.

10.2. The FNLC is responsible for developing a budget and workplan for its activities; however, because the FNLC is not an independent entity or organization, any resourcing received for its activities will be held and administered by one or all of the three organizations (BCAFN, FNS, UBCIC) upon their agreement and in accordance with their respective finance policies and procedures, including their respective audit or reporting requirements

Appendices:

- Leadership Accord – March '05
- Accountability Framework (Following Endorsement)
- Process Document for the All-Chiefs Assemblies (Following Endorsement)
- UN Declaration on the Rights of Indigenous Peoples – September '07
- UN Convention on the Rights of the Child
- All Our Relations – November '07
- Walking Together – January '08
- One Heart, One Mind: Statement of Solidarity and Cooperation – July '08
- List of Nations councils, working groups, committees and partner organizations