

COUNCIL OF ELDERS TERMS OF REFERENCE

FOREWORD

The Nuclear Waste Management Organization (NWMO) recognizes that stored within Indigenous Elders is the wisdom that connected their peoples to all creation since the Creator placed them here on Turtle Island. The NWMO also acknowledges that Elders carry an understanding of Mother Earth that constitutes traditional science which enabled their ancestors to live in harmony with nature. The NWMO further respects that Elders are the custodians of traditions, customs and values of their respective societies and form a link between the past and the future.

There are many teachings of the Indigenous people here on Mother Earth. One of these teachings speaks of the Peoples of Mother Earth and how they have all been given different gifts and tasks to do. The Peoples must work together in balance like the four legs of a table to work effectively here on Earth.

There are also Seven Universal Teachings that need to be acknowledged as decisions are made. These teachings are Love, Trust, Sharing, Honesty, Humility, Respect and Wisdom. All conduct of the people should be done with these teachings being the basis of all interaction.

The Elders have much traditional knowledge to share with others and one of their roles is in aiding in decision making based on this ancient knowledge. The NWMO has been honored to have received the counsel of Elders over the past several years and therefore seeks to enhance this relationship of mutual support and respect as it continues to implement its corporate mission in harmony with the traditional teachings of the Indigenous peoples. The NWMO sought the counsel of Elders in the development of its Aboriginal Policy, (See Appendix 'B', page 6).

MISSION STATEMENT

Through its advice to the NWMO, the Council of Elders will protect and preserve all creation: air, land, fire, water, plants, medicines, animals and human kind - guided by the Seven Universal Teachings of Love, Trust, Sharing, Honesty, Humility, Respect and Wisdom.

PURPOSE

The Council of Elders is an advisory body to the NWMO management that provides counsel on the application of Indigenous Knowledge in the implementation of Adaptive Phased Management. In addition, the Council of Elders provides advice on issues that could enhance the development and maintenance of good relations with Aboriginal communities.

WORKING ARRANGEMENTS

It is expected that there will be three meetings of the Council of Elders and NWMO management per year with additional meetings as required.

The NWMO management will allocate and manage, in accordance with its policies, an annual budget for the Council of Elders. The NWMO management and the Council of Elders will meet from time to time to discuss the budget and its requirements, and to monitor expenditures.

The Council of Elders will be supported by NWMO staff and will be briefed regularly by NWMO management on matters pertaining to Adaptive Phased Management.

NWMO will provide a recorder/rapporteur for all meetings of the Council of Elders. The record of each meeting will be reviewed and approved by the Council of Elders at their next meeting and will be made public through the NWMO website.

SELECTION PROCESS

The selection process will be open and fair. Aboriginal organizations will be asked to submit a list of Elders as potential candidates to sit on the Council of Elders. The NWMO will then appoint the members to the Council of Elders, based on input from Aboriginal Organizations and other expert sources.

While seeking a Council of Elders that is as broad in representation as possible of cultural and linguistic diversity among the Aboriginal peoples in Canada, the NWMO will also seek to balance other considerations such as gender, diversity in areas of expertise, geographical and treaty representation.

Best efforts will be made to ensure that candidates for the Council of Elders are:

- Willing and able to travel
- Known to be effective in their traditional roles as Elders
- Known for their kindness, respectfulness, and positiveness
- Representative of the cultural values of their people
- Supportive of the work and mandate of the Council of Elders and the collaborative development of a community-driven process of decision-making in the Adaptive Phased Management of the NWMO.

Members of the Council of Elders are not expected to represent the views or positions of any Aboriginal organization or community. Members are independent Elders representing their own perspectives.

The NWMO does not expect members of the Council of Elders to represent, or to speak on behalf of, the NWMO.

Members are expected to be well versed in the work of the NWMO in order to provide appropriate advice.

COMPOSITION AND DURATION OF TERM

The membership of the Council of Elders is ten people.

Membership on the Council of Elders is for a term of four years. This term may be extended to a further four-year term if it is deemed to be in the best interests of the Council of Elders and the NWMO. The desirability of having continuity through various steps of the APM implementation will help guide these decisions.

Elders joining the Council of Elders will be provided with an orientation to the work of the NWMO.

RENEWAL AND EXTENSION OF TERM

A member may express consideration for a second four-year term by notice to the President & CEO of the NWMO at least three months before the expiration of his/her term.

The President & CEO of the NWMO may invite a member to serve another four-year term.

REPLACEMENT

As it becomes necessary to replace members of the Council of Elders the NWMO will seek the input from the sitting members when considering potential candidates from sources including Elders suggested by Aboriginal organizations.

REVIEW PROCESS

From time-to-time, the number of and the diversity of expertise of members will be re-visited by the NWMO and the Council of Elders in its best efforts to ensure the membership is representative of the regions, diversity, and issues reflected in the work of the NWMO.

CO-CHAIRS

Two co-chairs will be designated from the membership jointly by the Council of Elders and the NWMO to serve as Co-chairs. One will be female and one will be male.

The Co-Chairs will each serve a two-year term and they each may be reconfirmed or changed jointly by the NWMO and the Council of Elders.

The Co-Chairs will preside over meetings of the Council of Elders and will share the duty to maintain orderly conviviality and decorum, and to ensure that proceedings are respectful and timely.

The Co-Chairs may be asked to attend meetings or speak on behalf of the Council of Elders from time to time.

INDUCTION AND COMPLETION OF TERM

Members as selected will be inducted into the Council of Elders in a traditional ceremony to be arranged by the NWMO. Each member will also be honoured in a traditional ceremony upon completion of the term.

CODE OF CONDUCT AND STANDARDS OF PERFORMANCE

A code of conduct and standards of performance (code and standards) will be developed jointly by the Council of Elders and the NWMO. The code and standards will be jointly reviewed annually and amended as mutually agreed. The code and standards will be based on the values of the NWMO (See Appendix 'A', page 5) and the Council of Elders and will include the Seven Universal Teachings cited in the Mission Statement of the Council of Elders. The code and standards will form part of these terms of reference.

Members of the Council of Elders will be accountable and responsible to one another for adherence to the code and standards.

Members of the Council of Elders will uphold the honour and dignity of the traditional role of Elders and will ensure that the principle of respect is maintained at all times with everyone including the staff of the NWMO.

REMUNERATION AND COVERAGE OF EXPENSES

Members of the Council of Elders will receive honoraria of \$600.00 per day for each day in attendance at meetings of the Council of Elders. When a member of the Council of Elders is asked by the NWMO to attend other work-related meetings, the member will be paid an honorarium of \$600.00 per day. Reasonable travel costs including air travel, mileage, meals and hotel stay will also be paid according to NWMO travel policy.

Honorarium or travel costs will be paid only when approved in advance by the NWMO.

The NWMO will not pay an honorarium for members of the Council of Elders to participate on Elders Councils/Forums for other Corporations or Organizations.

A member of the Council of Elders is not an employee or contractor or agent of the NWMO and may not be considered as such at any time for any purpose.

The NWMO is not responsible for withholding any taxes, or CPP and EI contributions, or making any remittances to the Canada Revenue Agency on behalf of any member of the Council of Elders. Each member remains solely responsible for all tax and related matters that may arise in relation to the compensation they receive from the NWMO.

YOUTH

The Council of Elders and the NWMO recognize the importance of youth involvement in their work and deliberations. Accordingly, joint planning for youth participation with the Council of Elders specifically and the NWMO generally will be a high priority.

AMENDMENTS TO THE TERMS OF REFERENCE

The Council of Elders and NWMO management will meet on an annual basis to determine if any changes to the Terms of Reference are required. Recommended changes will be forwarded to the CEO for his/her consideration and agreement, as the case may be.

APPENDIX "A"

Nuclear Waste Management Organization

Vision

Our vision is the long-term management of Canada's nuclear waste in a manner that safeguards people and respects the environment, now and in the future.

Mission

The purpose of NWMO is to develop and implement, collaboratively with Canadians, a management approach for the long-term care of Canada's used nuclear fuel that is socially acceptable, technically sound, environmentally responsible and economically feasible.

The NWMO is guided by five fundamental values:

Integrity

We will conduct ourselves with openness, honesty and respect for all persons and organizations with whom we deal.

Excellence

We will pursue the best knowledge, understanding and innovative thinking in our analysis, engagement processes and decision-making.

Engagement

We will seek the participation of all communities of interest and be responsive to a diversity of views and perspectives. We will communicate and consult actively, promoting thoughtful reflection and facilitating a constructive dialogue.

Accountability

We will be fully responsible for the wise, prudent and efficient management of resources, and be accountable for all our actions.

Transparency

We will be open and transparent in our process, communications and decision-making, so that the approach is clear to all Canadians.

APPENDIX “B” NWMO Aboriginal Policy

Background

The Nuclear Waste Management Organization (NWMO) was established in 2002 in accordance with federal legislation, the *Nuclear Fuel Waste Act*, to study, recommend and implement an approach for the long-term management of used nuclear fuel in Canada. Used nuclear fuel is presently safely stored on an interim basis at licensed facilities at nuclear reactor sites. In 2005, the NWMO recommended that Canada proceed in a deliberate and collaborative way to contain and isolate the used fuel in a manner that safeguards people and respects the environment, now and in the future. In 2007, the Government of Canada selected the NWMO recommendation, Adaptive Phased Management, as Canada’s approach for the long-term management of used nuclear fuel. The NWMO is now implementing this approach.

Adaptive Phased Management has as its technical endpoint the containment and isolation of used nuclear fuel in a deep geological repository constructed in a suitable rock formation with ongoing monitoring and potential for retrievability over an extended period of time.

It is an important component of the NWMO’s work to understand the nature of any impacts on Aboriginal rights, treaties and land claims resulting from the implementation of Adaptive Phased Management and how Aboriginal peoples should be accommodated as a result of any impacts. The NWMO needs to ensure effective consultation with Aboriginal peoples and that all those affected have the opportunity for meaningful involvement.

Aboriginal and western worldviews and knowledge systems are each unique. However, the interweaving of these two worldviews in the implementation of Adaptive Phased Management can bring opportunities to strengthen this work as we learn from one another.

The development of this Policy has benefited from advice from the NWMO Elders Forum, the NWMO Aboriginal Working Group Niigani, and through our relationships with Aboriginal organizations at the national, provincial and regional levels.

Principles

The development of this Policy is guided by the following principles:

- Good decision-making among Aboriginal peoples regarding the NWMO’s work must be built on a foundation of knowledge to ensure that informed choices can be made by Aboriginal communities.
- The NWMO recognizes and honours that Aboriginal peoples have a special relationship with the natural environment and have unique stewardship responsibilities that are part of this relationship.
- Consideration for the safety and security of future generations is integral to the Aboriginal worldview and fundamental to decision-making processes of Aboriginal peoples.
- Open and honest relationships are built on a foundation of trust and sharing of knowledge and information.
- The NWMO acknowledges that Aboriginal peoples are holders of Aboriginal Traditional Knowledge and recognizes the value that Aboriginal Traditional Knowledge can bring to decision-making processes.

Policy

The NWMO recognizes and respects that Aboriginal peoples believe that all life is sustained by Mother Earth, and that in carrying out our work, we all have a stewardship responsibility to protect and preserve the earth for this and future generations guided by the seven teachings.

The NWMO acknowledges, respects and honours that Aboriginal peoples — Indian, Inuit and Métis peoples of Canada — have unique status and rights as recognized and affirmed in s.35 of the *Constitution Act* (1982). The NWMO is committed to respecting the Aboriginal rights and treaties of Aboriginal peoples. The NWMO also recognizes that there may be unresolved claims between Aboriginal communities and the Crown to be taken into account in relation to a proposed site.

The NWMO will build relationships with Aboriginal communities, groups and peoples on a foundation of respect for languages and customs, cultural protocols, and political, social, economic and cultural institutions. The NWMO recognizes and will honour the diversity of spiritual beliefs and practices of people within and among Aboriginal communities.

The NWMO will pursue agreements with affected Aboriginal communities which are to the mutual benefit of all parties, including the recognition for potential provision of economic benefits; provide the opportunity for employment, education and capacity building; and ensure that communities are involved in decisions affecting them.

Aboriginal Traditional Knowledge can bring value to the decision-making process, and the NWMO will strive to interweave this knowledge with our work as appropriate. The NWMO will ensure that intellectual property is protected as agreed with those that are owners of the intellectual property.

The NWMO will work with Aboriginal communities in implementing our mandate under the *Nuclear Fuel Waste Act*. The NWMO will work with the Crown regarding the Crown's duty to consult and accommodate as guided by decisions of the Supreme Court of Canada. All our work will be guided by our commitment to collaborative planning and decision-making.

Implementation

- The NWMO will strive to provide the needed resources and expertise to support capacity building and involvement in the sitting process.
- The NWMO will strive to ensure that members of the community, including Elders, youth and women, have been provided an effective opportunity to participate.
- The NWMO will ensure that agreements set out clear and understandable terms for the roles of all parties.
- Timelines will be developed in a reasonable manner to allow affected Aboriginal people to review terms and assess them against their own needs, community vision and aspirations.
- The NWMO recognizes that Aboriginal peoples have existing governments that work in partnership with other forms of government and will work in a cooperative and respectful manner with these governments.
- Elders will continue to be an integral source of advice to the NWMO throughout implementation of Adaptive Phased Management.
- The NWMO will conduct ongoing cultural education programs and opportunities for NWMO staff and decision makers in order to facilitate communication across western science and Traditional Knowledge.