

COUNCIL OF ELDERS & YOUTH 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 enables their nations to thrive in rich civilizations. The NWMO further respects that Elders are the custodians of their Indigenous Knowledge systems, and form a link between the past and empower the youth now for coming generations.

There are many teachings of the Indigenous peoples on Turtle Island. One of these teachings speaks of how they have all been given different duties and responsibilities to protect all beings within creation.

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 activities of the NWMO and the Council of Elders and Youth should be guided by these teachings as the basis for interaction.

The NWMO has been honoured to have received the guidance of the Council of Elders and Youth over the past several years, and therefore, it 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.

PURPOSE

The Council of Elders and Youth is an independent advisory body to the NWMO that provides guidance on the application of Indigenous Knowledge systems to the NWMO's corporate mandate. In addition, the Council of Elders and Youth provides advice on issues supporting the enhancement for the development and care of good relations with Indigenous communities.

MISSION STATEMENT

The Council of Elders and Youth will provide advice to the NWMO that will help protect and preserve all creation: air, land, fire, water, plants, medicines, animals, and humankind – guided by the seven universal teachings of love, trust, sharing, honesty, humility, respect, and wisdom.

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 may request the Council of Elders and Youth members to participate in additional NWMO-related activities as required.

The NWMO management will allocate and manage, in accordance with its policies, an annual budget for the Council of Elders.

The Council of Elders will be supported by NWMO staff and will be briefed regularly by NWMO management on matters pertaining to the progression of the NWMO's corporate mandate.

The NWMO will provide a recorder and record of discussion 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. Indigenous organizations/communities will be asked to nominate potential candidates to sit on the Council of Elders and Youth. The NWMO will then make a selection from the nominations and appoint the members to the Council of Elders and Youth.

The NWMO will seek a Council of Elders and Youth that represents cultural and linguistic diversity, gender balance, geographical considerations, and diversity in areas of expertise among the Indigenous peoples in Canada.

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

- Known to be effective in their traditional roles as Elders;
- Known to be effective in their leadership roles as youth;
- Known for their kindness, respectfulness and positivity;
- Representative of the cultural values of their people;
- Supportive of the purpose and mission of the Council of Elders and Youth; and
- Willing and able to travel according to the guidelines of NWMO Expense Policies.

Members (Elders and youth) are not expected to represent the views or positions of any Indigenous organization or community. Members are independent and represent their own perspectives.

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

Members may speak to their role and advice provided by the Council of Elders and Youth.

Members are expected to be well-versed in Indigenous Knowledge and the NWMO's corporate mandate in order to provide appropriate advice to the NWMO.

COMPOSITION AND DURATION OF TERM

The membership of the Council of Elders and Youth is up to 12 Elders and eight youth.

Membership on the Council of Elders and Youth is for a term of four years. At the end of a four-year term, the NWMO President and Chief Executive Officer has the discretion to extend or invite a member to serve another four-year term.

The desirability of having continuity, balanced with new members, will help guide the decision-making process.

New members joining the Council of Elders and Youth will be provided with an orientation on the work of the NWMO.

INDUCTION AND COMPLETION OF TERM

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

CO-CHAIRS

One Elder will be designated from the membership by the Elders to serve as co-chair. One youth will be selected as co-chair. For all meetings, there will be an Elder co-chair and youth co-chair. The Elder co-chair will serve a two-year term, and he or she may be reconfirmed or changed by the Elders. The youth co-chair term will be for two meetings. The youth will randomly select the youth co-chair. When random selection takes place, the youth will also select the youth co-chair for the next two-meeting term, as well as an alternative to ensure that there will always be a youth co-chair available for the meeting. Once a youth member serves his or her term, he or she will no longer be considered for a term until all the youth have served a co-chair term to ensure that all the youth have an equal opportunity to serve as co-chair.

The co-chairs will preside over meetings of the Council of Elders and Youth and will share the duty to maintain orderly conviviality and decorum, and to ensure that proceedings are respectful and timely. The co-chairs will determine consensus when it has been reached.

CODE OF CONDUCT AND STANDARDS OF PERFORMANCE

The performance and conduct during the Council of Elders and Youth meetings will be based on the values of the NWMO (see Appendix A, page 4).

Members of the Council of Elders and Youth will uphold the honour and dignity of the traditional role of Elders and youth 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

Council of Elders and Youth members will be compensated in accordance to NWMO policy.

YOUTH

The age group of youth will be between the ages of 18 and 35 years old.

AMENDMENTS TO THE TERMS OF REFERENCE

The NWMO and the Council of Elders and Youth may review the Terms of Reference to determine if any changes are required. Recommended changes will be forwarded to the NWMO President and Chief Executive Officer for his or her consideration and agreement.

APPENDIX A NWMO

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 the 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 NWMO was established in 2002 in accordance with federal legislation, the *Nuclear Fuel Waste Act (NFWA)*, 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 (APM), as Canada's approach for the long-term management of used nuclear fuel. The NWMO is now implementing this approach. In May 2010, the NWMO launched a nine-step process to identify a safe location, and an informed and willing host for a deep geological repository and an associated Centre of Expertise. The objective of the process is to arrive at a single location that will ensure safety, security and protection of people and the environment over the long term.

APM has as its technical end point 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 impact on Aboriginal rights, treaties, and land claims resulting from the implementation of APM, and how Aboriginal peoples should be accommodated as a result of any impact. The NWMO needs to ensure effective consultation with Aboriginal peoples and that all those affected have the opportunity for inclusive and meaningful involvement.

Aboriginal and western world views and knowledge systems are each unique; however, the interweaving of these two world views in the implementation of APM 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 Council of Elders, and through the NWMO's 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 in the spirit of partnership together with the NWMO.

The NWMO recognizes, honours and supports the belief that Aboriginal peoples have a special relationship with the natural environment, and have unique stewardship responsibilities that are part of this relationship and are guided by the seven teachings.¹

Consideration for the safety and security of future generations is integral to the Aboriginal world view and fundamental to decision-making processes of Aboriginal peoples, and is the responsibility of all people to future generations.

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 Indigenous Knowledge, and recognizes that Indigenous Knowledge is essential and integral to decision-making.

Policy

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

The NWMO acknowledges, respects and honours that Aboriginal peoples – Indian, Métis and Inuit peoples of Canada – have unique status and rights as recognized and affirmed in Section 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 that are to the mutual benefit of all parties, including the recognition for potential provision of economic benefits, providing the opportunity for employment, education, and capacity building, and ensuring that communities are involved in decisions affecting them.

Indigenous Knowledge can bring value to the decision-making process, and the NWMO will strive to interweave this knowledge with its work. The NWMO will ensure that traditional teachings and knowledge are protected as agreed with those who are carriers, ambassadors or stewards of the traditional teachings and knowledge in order to protect their intellectual and cultural property.

The NWMO will work with affected Aboriginal communities in implementing its mandate under the *NFWA*, and in the selection of a site as required by APM which was selected as Canada's plan for the long-term management of used nuclear fuel by the Government of Canada in 2007. 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, and in fulfilling the NWMO's obligations under the *NFWA*. All NWMO work will be guided by its commitment to collaborative planning and decision-making.

Implementation

The NWMO will strive to provide affected Aboriginal communities the needed resources and expertise to support capacity building, involvement and collaborative planning in decisions affecting them.

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 peoples to review terms, and assess them against their own needs, community vision, and aspirations.

The NWMO recognizes that Aboriginal peoples have governments, which include traditional practices and laws, and that they work in partnership with other forms of government. The NWMO will work in a co-operative and respectful manner with these governments.

Elders will continue to be an integral source of advice to the NWMO throughout implementation of APM.

The NWMO will conduct ongoing cultural education programs and opportunities for the NWMO staff and decision-makers in order to facilitate communication across western science and Indigenous Knowledge.

¹ As referenced in the NWMO Council of Elders Mission Statement which states, “protect and preserve all creation: air, land, fire, water, plants, medicine, animals, and humankind – guided by the seven universal teachings of love, trust, sharing, honesty, humility, respect, and wisdom.”