

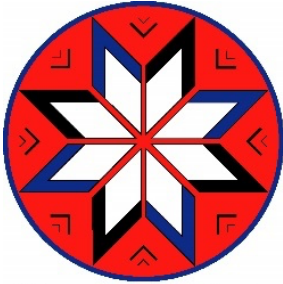
Orientation Check List

- Copy of your letter of appointment
- Orientation guide on Tripartite Forum
- Last 2 copies of the committee's minutes
- Last 2 copies of the committee's agendas
- Review of "Roles & Responsibilities" as a member
- Committee membership lists
- Contact List for Administration and Liaison personnel.
- Review "Policies & Procedures" of the Tripartite Forum
- Code of Conduct and Code of Ethics: review, and sign forms.
- Terms of Reference

Please sign and date that you have reviewed everything on the checklist.

Signature: _____

Date: _____



Mi'kmaq • Nova Scotia • Canada
TRIPARTITE FORUM

Mi'kmaq-Nova Scotia-Canada – Tripartite Forum

CONFEDERACY OF MAINLAND MI'KMAQ
52 Legends Avenue
Millbrook, NS B6L 1G5
Phone: 902-332-4853

UNION OF NOVA SCOTIA MI'KMAQ
90 San'tele'sew Awti
Membertou Place, Suite 201
Membertou, NS B1S 0A5
Phone: 902-539-4107

[Date]
[Name]
[Address]

Dear [Name of candidate],
Appointed as [Name of designation]

We are pleased to inform you that the Mi'kmaq-Nova Scotia-Canada Tripartite Forum is offering you the position of [name of designation] effective from (insert date) under the following terms and conditions:

- To provide Tripartite Forum Co-Chairs with direction on determining committee membership.
- To define the various types of involvement in committee business.

Welcome aboard! We are looking forward to a wonderful collaboration.

Best wishes,
Mi'kmaq-Nova Scotia-Canada Tripartite Forum

ABOUT THE TRIPARTITE FORUM

The Mi'kmaq-Nova Scotia-Canada Tripartite Forum was formed in 1997 as a partnership between the Nova Scotia Mi'kmaq, the Province of Nova Scotia, and the Government of Canada, to strengthen relationships and to resolve issues of mutual concern affecting Mi'kmaq communities. It is a strong vehicle in addressing issues that affect the lives of all Mi'kmaq living in Nova Scotia.

The Forum is comprised of the following committee levels: *Executive, Officials, and Working Committees*. Each level has representation from each of the three parties: *the Nova Scotia Mi'kmaq, the Province of Nova Scotia and the Government of Canada*.

All parties agree to work together without prejudice and by consensus to discuss and resolve issues of mutual concern.

EXECUTIVE COMMITTEE

The Executive Committee is the highest level in the decision-making process in the Tripartite Forum. Final decisions are made at this level with consensus from all members. Decisions can overrule present policy, change future policy, initiate and provide input to legislative change if necessary. All Tripartite committees require approval from the Executive Committee in their formation, mandate and resolutions.

Composition:

Voting members:

- 13 Nova Scotia Mi'kmaq Chiefs
- Regional Director General – Indigenous Services Canada (ISC)
- Chief Executive Officer – Nova Scotia Office of L'nu Affairs (NSOLA)

'Ex Officio' Members:

- Executive Directors of Confederacy of Mainland Mi'kmaq (CMM), Union of Nova Scotia Mi'kmaq (UNSM), and the Nova Scotia Native Women's Association (NSNWA)
- President of NSNWA
- Kji-Saqmaw of the Mi'kmaq Grand Council
- District Chiefs (CMM and UNSM)

OFFICIALS COMMITTEE

The Officials Committee receives options and recommendations from the Working Committees and offers decisions within its authority and policy. The Officials Committee approves the Working Committees' mandates and provides direction as stated by the Executive Committee.

Composition:

Voting members:

- Two Chiefs (selected at each Tribal Council's boards)
- Representatives of CMM, UNSM, NSNWA
- Senior Official – ISC
- Senior Official – NSOLA

WORKING COMMITTEES

The Tripartite Forum includes seven (7) Working Committees. Each committee discusses issues, develops solutions, and suggests actions to resolve issues of mutual concern for Nova Scotia Mi'kmaq. Issues are identified through research and community concerns.

Composition:	Working Committees:
<ul style="list-style-type: none">• Mi'kmaw representatives	<ul style="list-style-type: none">• Culture and Heritage
<ul style="list-style-type: none">• Provincial representatives	<ul style="list-style-type: none">• Economic Development
<ul style="list-style-type: none">• Federal representatives	<ul style="list-style-type: none">• Health
	<ul style="list-style-type: none">• Education
	<ul style="list-style-type: none">• Justice
	<ul style="list-style-type: none">• Social
	<ul style="list-style-type: none">• Sports and Recreation

TRIPARTITE FORUM SECRETARIAT

The Tripartite Forum Secretariat comprises:

1. **Two Administrators:** One based at CMM and one at UNSM. These individuals oversee the operations of the Secretariat and ensure its smooth functioning.
2. **Two Communications Officers:** One is stationed at CMM and the other at UNSM. These officers handle communication strategies, media relations and internal communications within their respective organizations.
3. **Three Liaisons:** One each at CMM, NSNWA and UNSM. These individuals play a crucial role in bridging the gap between the Tripartite Forum Secretariat and the CMM, the NSNWA and the UNSM, ensuring effective collaboration and alignment of efforts towards common goals.
4. **Project Fund Coordinator:** This role involves managing any funding allocated to projects undertaken by the Working Committees or related entities.

PROJECT FUND FOR SOCIAL & ECONOMIC CHANGE

The Project Fund was established with the intent to support projects and initiatives from the Working Committees' work plans that do not have access to other funding. The committee meets at least twice per year to review project proposals, make recommendations to the Officials Committee and respond. Its membership includes all three (3) liaisons, a representative from the Province of Nova Scotia and a representative from the Government of Canada. The Communications Officers from the CMM and UNSM, as well as the Project Fund Coordinator are non-voting members.

To approve funding of a project, a quorum of five (5) voting members must be present. For the committee to reach quorum, a designated alternative can be utilized in voting.

Process for Developing and Submitting a Project Proposal

Development Stage:

1. The Working Committee will complete and update its Work Plan.
2. The Working Committee will select an initiative that aligns with its Work Plan.
3. The Tripartite Fund Coordinator will provide project management training to the Working Committee.
4. The Working Committee will work closely with the Project Fund Coordinator to complete the project proposal form.

- The potential Project Lead will discuss the project and project obligations with their employer to determine if their organization can lead the project.
 - The Working Committee will work closely with the Communications Officer to develop their project's Communications Plan.
 - If the Working Committee plans to hire an independent consultant to support the project, a request for proposals using the Tripartite Forum Request for Proposal (RFP) template should be used at this stage of the development cycle. This should be completed prior to proposal submission.
5. When the proposal is complete, the Working Committee will pass a motion in support of the submission of the proposal.
 6. The Working Committee Co-Chairs will sign the proposal and the Project Lead will submit it to the Project Fund Coordinator.
 7. The Project Fund Coordinator will scrutinize the proposal and score it using a rubric and submit the proposal, along with a brief, to the Proposal to the Project Fund Oversight Committee for review and approval. This step is accomplished by sending the proposal to the Oversight Committee, and the Liaisons will then forward the proposal to their respective boards for approval from the board members and Chiefs.

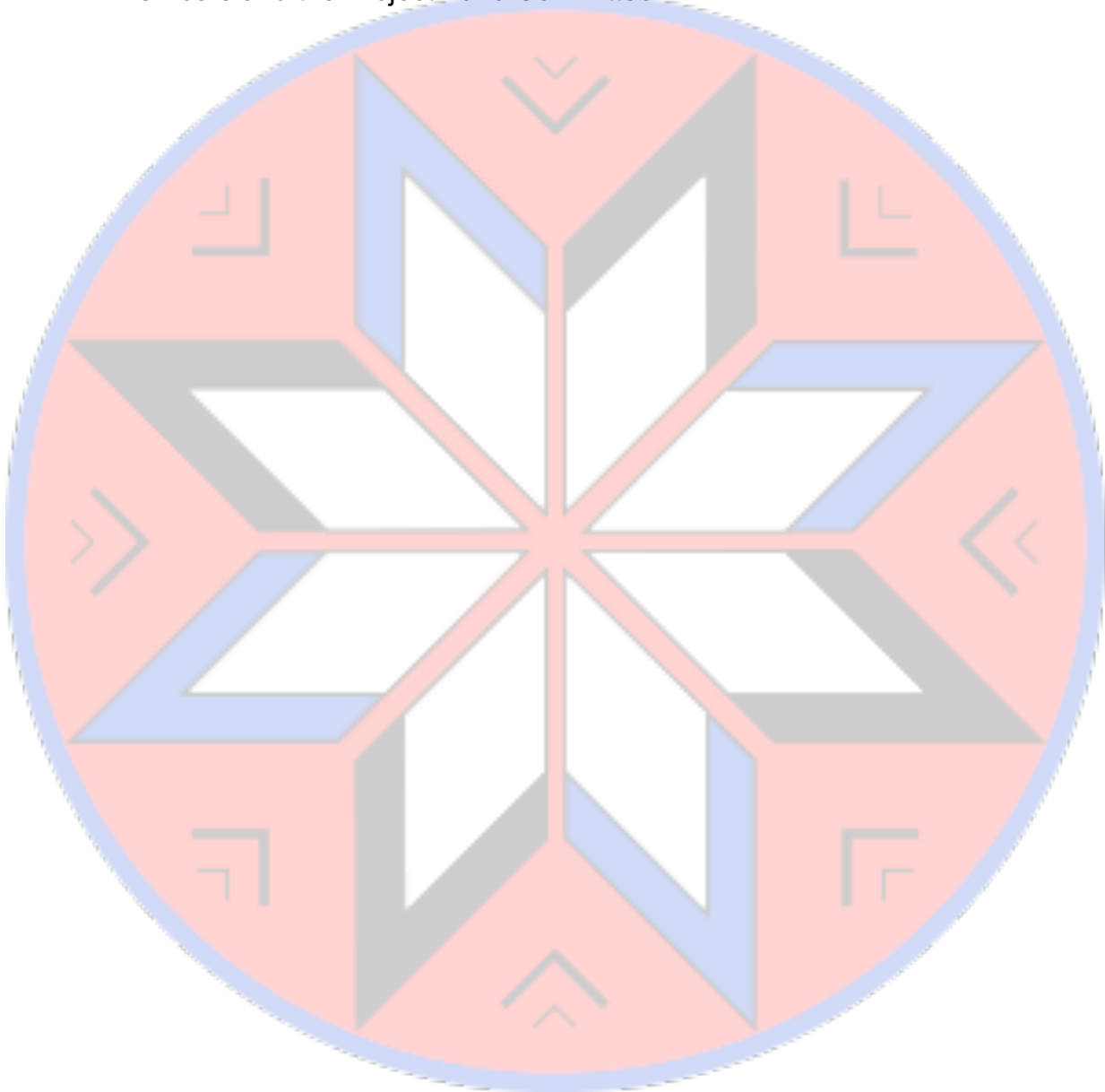
Project Fund Oversight Committee Review of Proposals Received:

1. Once the project proposal is reviewed by the Oversight Committee, they will set a date for the Project Lead to present a brief synopsis of the proposed project and answer any questions the Oversight Committee may have.
2. After the project presentation to the Oversight Committee, the Project Fund Coordinator and the Communications Officer will provide recommendations to the Oversight Committee on project specifics.
3. The Oversight Committee will then score the project using a rubric and attempt to recommend approval to as many qualifying projects as possible keeping in mind the amount of available funds.
4. The Project Fund Coordinator will provide these recommendations to the Flow Through Organizations Liaisons to be submitted to their respective Boards of Directors/The Nova Scotia Mi'kmaq Chiefs for final approval.
5. The Project Fund Coordinator will notify all applicants of the results of the proposal review.
 - If the proposal is not approved the Project Fund Coordinator will be able to provide feedback from the committee.

After Approval:

1. Congratulations are in order. Your proposal was approved! Now is the time to request that the Project Fund Coordinator provide Project Management training to anyone involved with the project who has not already received it.
2. The Project Fund Coordinator will work closely with the Flow Through Organizations, the project lead, and any other relevant parties to establish the Agreement of Service which will govern the project.
3. If the proposal that was submitted included an independent consultant, the Project Leads Organization should set up the Agreement of Service with the consultant at this time.
4. As each stage of the project is completed, project updates should be prepared to share at Working Committee meetings.
 - Project Leads, relevant staff, and Working Committee members may be requested to participate in progress check-in meetings with the Project Fund Coordinator.
 - These check-in meetings can help ensure project milestones are being completed in sync with the project timeline. They also provide an opportunity to discuss ways the Project Fund Coordinator can support project management and the ways the Communications Officer can support the Project's communications plan.
5. Should the project need an extension and/or amendment, the Project Leads is responsible for submitting a written request using the "Request an Amendment or Extension Letter Template" to the Project Fund Coordinator, who will bring it to the Project Fund Oversight Committee for approval.
 - This letter should include:
 - i. An amended timeline and justification for the request.
 - ii. The approval of the Working Committee Co-Chairs.
6. Together with their Finance Department personnel, Project Leads should submit project invoices directly to the Project Fund Coordinator in accordance with the completion of project deliverables as outlined in the Agreement of Service.
 - Accompanying the invoice, the Project Lead should also submit an updated Financial Statement using the Financial Statement and End of Project Summary Template and all related receipts, travel claims demonstrating actual project costs. The Project Fund Coordinator will request additional documentation as required.
7. Upon completion of the project, the Project Lead should complete the Financial Statement and End of Project Summary template, which includes the End of Project Summary and Final Financial Statement and submit them along with the final Project invoice for the administrative fee and any other final reports or project documentation, to the Project Fund Coordinator.

- The Project Lead will be expected to share the results/outcomes/deliverables of the Project with your Working Committee and the Project Fund Coordinator.
- The Project Fund Coordinator will also share the results/outcomes/deliverables of the Project with the Communications Officers and the Project Fund Committee.



ROLES AND RESPONSIBILITIES

Co-Chairs

- Responsible for the operation of the Working Committee.
- Report to the Officials Committee.
- If instructed by the Officials Committee, Co-Chairs also report to the Executive Committee.

Liaisons

- Update respective boards of directors (BODs) and present their priorities to the Forum.
- Liaise with the lead Officials, Chiefs, the NSNWA President and Tribal Council boards as necessary.
- Communicate and work together.
- Liaise with Working Committees.
- Share workload among Liaisons.
- Support Executive and Officials committees and the Secretariat.
- Meet monthly to coordinate priorities, administrations, communications, accountabilities, etc.

Admins

- Communicate and work together.
- CMM and UNSM Secretariat and Administration staff will be assigned working committees and travel to meeting locations as scheduled.
- CMM and UNSM to organize booking venues, catering, develop agenda with Co-Chairs, distribute agenda and previous minutes with meeting notices, record minutes and then distribute in timely manner to their assigned Working Committees.

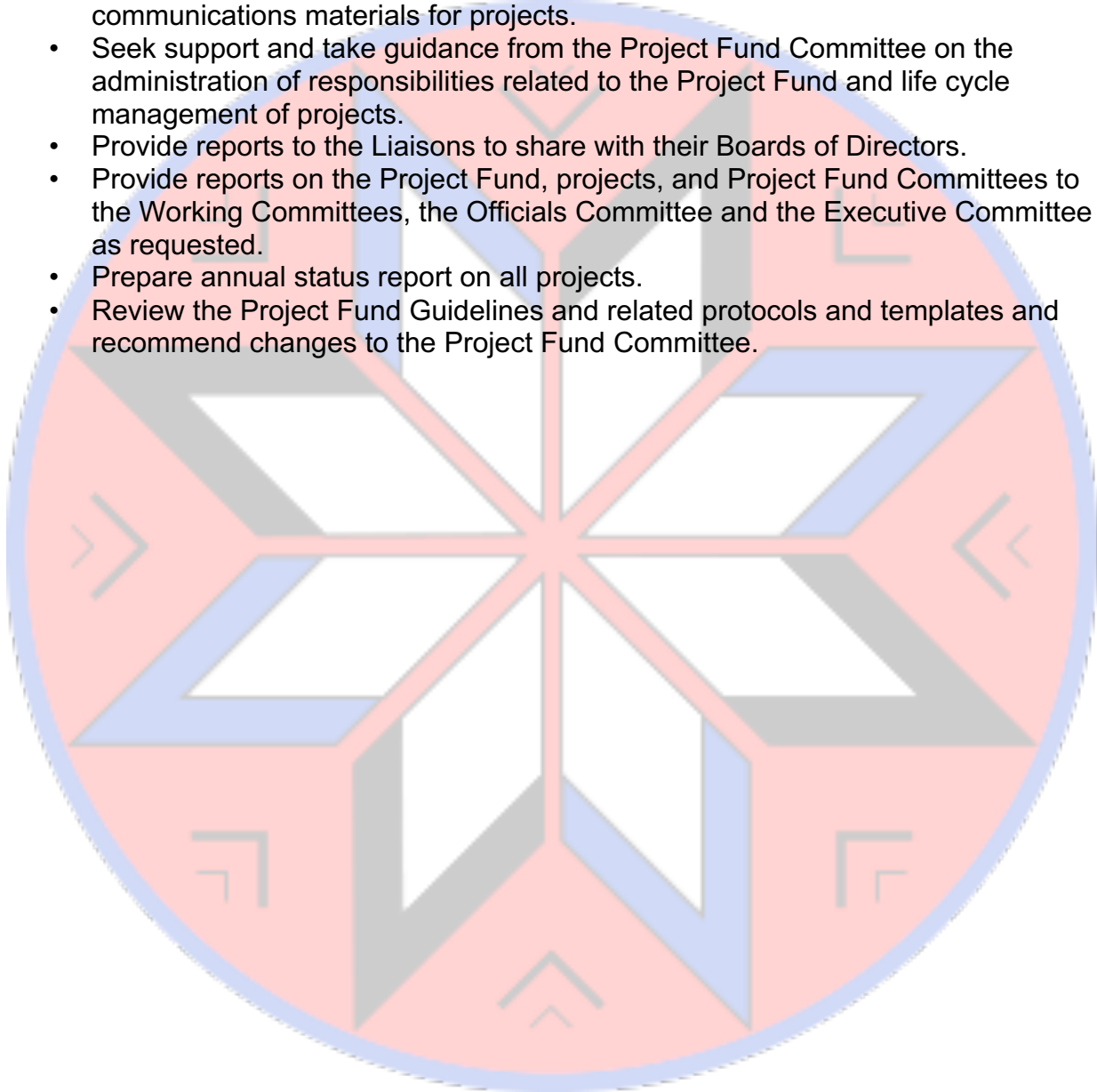
Communications Officers

- Communicate and work together.
- Create communication strategies.
- Collaborate on communications materials.
- Jointly develop Annual Report.
- Common briefings and community notes.
- Joint Tripartite Committees' communications as needed.

Project Fund Coordinator

- Use the Project Fund Guidelines to manage the Project Fund.
- Provide advice, support, and training to Working Committees on the development and implementation of projects through participation in project planning sessions and Working Committee meetings.

- Coordinate the Project Fund Committee (*pending Committee approval.*)
- Administer and coordinate the Project Fund proposal review process.
- Negotiate resources for projects, monitor life cycle project progress and provide reports to the Project Fund Committee.
- Create and maintain all project documentation.
- Liaise with Communications Officers regarding the development of communications materials for projects.
- Seek support and take guidance from the Project Fund Committee on the administration of responsibilities related to the Project Fund and life cycle management of projects.
- Provide reports to the Liaisons to share with their Boards of Directors.
- Provide reports on the Project Fund, projects, and Project Fund Committees to the Working Committees, the Officials Committee and the Executive Committee as requested.
- Prepare annual status report on all projects.
- Review the Project Fund Guidelines and related protocols and templates and recommend changes to the Project Fund Committee.



SECRETARIAT PERSONNEL

Jewl Stevens
Tripartite Administrator
Union of Nova Scotia Mi'kmaq
Tel: 902-563-6871
Email: jewlstevens@unsm.org

Sam Trites
Tripartite Administrator
Confederacy of Mainland Mi'kmaq
Tel: 902-895-6385
Email: sam.trites@cmmns.com

Peter Christmas
Tripartite Liaison
Union of Nova Scotia Mi'kmaq
Tel: 902-919-6704
Email: pchristmas@unsm.org

xxxxxxx
Tripartite Liaison
Confederacy of Mainland Mi'kmaq
Tel: xxx-xxx-xxxx
Email: xxxxx.xxxxx@cmmns.com

Jessica Christmas
Tripartite Communications Officer
Union of Nova Scotia Mi'kmaq
Tel: 902-565-7320
Email: pchristmas@unsm.org

Sam MacDonald
Tripartite Communications Officer
Confederacy of Mainland Mi'kmaq
Tel: 902-890-2915
Email: sam.macdonald@cmmns.com

Dawn McDonald
Tripartite Liaison
Nova Scotia Native Women's Association
Tel: 902-893-7404
Email: tripartite@nsnwa.net

Brad Sullivan
Project Fund Coordinator
Confederacy of Mainland Mi'kmaq
Tel: xxx-xxx-xxxx
Email: brad.sullivan@unsm.org

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MEMBERSHIP POLICY

Policy Statement

The Mi'kmaq-Nova Scotia-Canada Tripartite Forum is committed to resolving issues of mutual concern among the three (3) parties to the Forum. Committee membership should be reflective of the three Mi'kmaw organizations (*The Confederacy of Mainland Mi'kmaq, Union of Nova Scotia Mi'kmaq and Nova Scotia Native Women's Association*) and the staff of Federal and Provincial departments and agencies. In addition, committees should ensure that the appropriate level of expertise is brought to committee discussions on a particular subject area.

This policy is consistent with the Tripartite Forum's Terms of Reference.

Policy Objective

- (a) To provide Tripartite Forum Co-Chairs with direction on determining committee membership and;
- (b) To define the various types of involvement in committee business.

APPLICATION

This policy applies to the following committees of the Tripartite Forum:

- Culture and Heritage
- Economic Development
- Education
- Health
- Justice
- Social
- Sport and Recreation

DEFINITIONS

Committee Member - *Standing member of a committee nominated by one of the parties to the Tripartite Forum.*

Resource Person - *Individual with a particular expertise that can add value and provide advice to the committee's decision-making in a particular subject area.*

Observer - *An individual with an interest in a topic or subject area.*

Official Party – *An Official Party to the Tripartite Forum is defined as the Government of Canada (as represented by Indian and Northern Affairs Canada), the Province of Nova Scotia (as represented by the Office of Aboriginal Affairs) and the Mi'kmaq of Nova Scotia (as represented by the 13 Mi'kmaq Chiefs.)*

POLICY DIRECTIVES

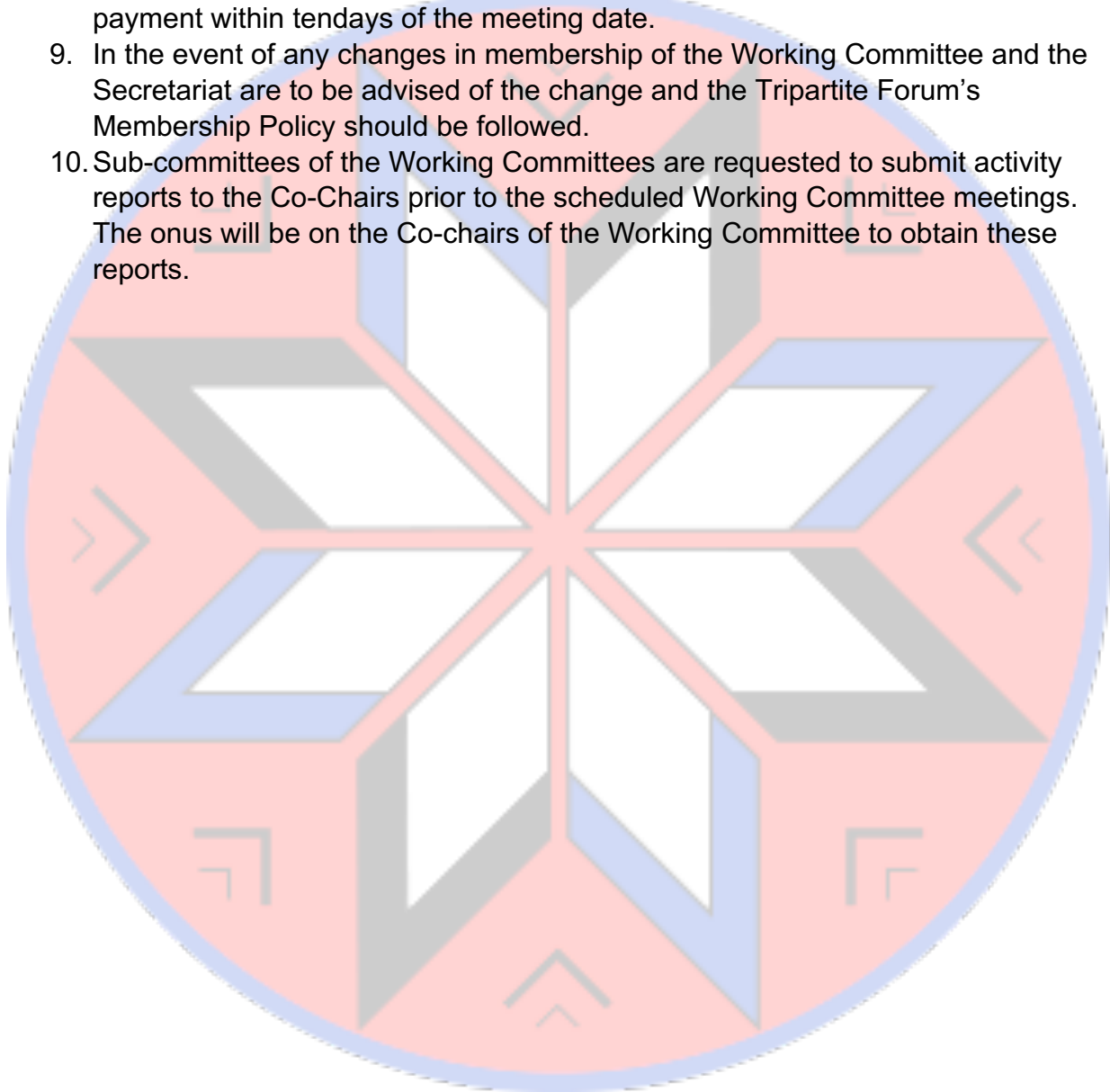
Membership

- a) **Representation** - There must always be at least one member from the Federal Government, the Provincial Government, the Union of Nova Scotia Mi'kmaq, the Nova Scotia Native Women's Association and The Confederacy of Mainland Mi'kmaq.
- b) **Expertise** - Each committee member should be selected for their expertise in a particular subject area or their decision-making authority or influence in effecting change.
- c) **Continuity** - Committee members are encouraged to attend all committee meetings.
- d) **Voting** - A committee member is entitled to vote while resource people and observers are not. Working Committees are encouraged to establish agreed to decision-making or voting protocols for the operation of their meetings.

WORKING COMMITTEE GUIDELINES

1. A proposed meeting schedule for the year should be made available to the Secretariat immediately following the first Working Committee meeting of the new fiscal year. There should be a minimum of two (2) meetings per year. Once to prepare a Work Plan (prior to the Officials meeting), and another to report on the progress. Other meetings will be scheduled at the discretion of Co-Chairs.
2. Co-chairs are requested to draft an expenditure plan with the Secretariat Administrator, outlining a proposed schedule of spending of the \$10,000 budget and the Administrator to expense funds accordingly.
3. It is not necessary to have all three (3) Co-Chairs in attendance to convene a meeting however, there must be a quorum.
4. A quorum consists of a representative from each party and 50% + 1% of the membership, but ultimately will be a decision of the Co-Chairs to determine if the members present have the necessary resources to move the agenda items forward.
5. Notices of meetings are to be sent to committee members and the Secretariat Administrator, at least two (2) weeks prior to the proposed meeting date.

6. Notice of cancellation of a Working Committee meeting must be given to the Secretariat Administrator at least five (5) days prior to the proposed meeting date.
7. Committee members should send RSVPs to the Secretariat, at least five (5) days in advance of the meeting date.
8. Travel claims for committee members should be submitted to the Secretariat for payment within ten days of the meeting date.
9. In the event of any changes in membership of the Working Committee and the Secretariat are to be advised of the change and the Tripartite Forum's Membership Policy should be followed.
10. Sub-committees of the Working Committees are requested to submit activity reports to the Co-Chairs prior to the scheduled Working Committee meetings. The onus will be on the Co-chairs of the Working Committee to obtain these reports.



CODE OF CONDUCT AND CODE OF ETHICS

The Mi'kmaq-Nova Scotia-Canada Tripartite Forum was established in 1997 as a vehicle to strengthen relationships and provide the Nova Scotia Mi'kmaq, the Province of Nova Scotia and the Government of Canada a place to resolve issues of mutual concern affecting Mi'kmaw communities. Representatives of each of the participants to this process meet on a regular basis to fulfill this purpose.

It is the responsibility of any organization or Government that is a listed Participant to the Tripartite Forum to oversee the conduct of its employee(s) or representative(s) in relation to their participation on Forum committees and/or involvement in the Forum activities. The following Code of Conduct Guidelines serve as a guide for the general conduct expected of all participants in Forum committees and/or activities.

It is important that all Tripartite Forum participants are aware of their responsibilities to other participants and guests as representatives of their respective Governments and Organizations. Therefore, all participants are encouraged to comply with the following guidelines pertaining to the Conduct and Ethics when participating on Tripartite committees and/or Tripartite activities.

While the Tripartite Forum Code of Ethics and Conduct may not cover every situation, it will serve as a guide to the general conduct of types of interaction whilst conducting Tripartite functions on committees and/or in activities, which is expected of all Tripartite Participants.

1. Participants committed to Tripartite Forum committees and sub-committees must devote themselves to their responsibilities at their respected tables; be prompt and courteous in their performance and adhere to the policies and procedures outlined in the Terms of Reference related to their respective committee.
2. Participants must carry out the duties conscientiously, loyally and honestly, remembering that the primary task is to strengthen relationships and to resolve issues of mutual concern, affecting the Mi'kmaq of Nova Scotia.
3. Participants must respect the integrity and dignity of the Tripartite Forum, its programs, Participants and other affiliated organizations.
4. Participants must use all information obtained for the Tripartite Forum for its intended purpose only, and not for their personal interests or those of other organizations.
5. Participants must confirm attendance within a reasonable timeframe and be punctual for each meeting, unless there is a valid reason for absence and tardiness.
6. Participants must use the resources available to them to find ways of doing the work of the Tripartite Forum efficiently, economically and effectively.
7. Participants must follow Tripartite Forum committee protocols as required and cooperate with their Co-Chairs. If a disagreement arises, it must be moved to the Officials Committee for resolution.

8. Participants must not engage in public criticism of other participants and/or Tripartite Forum policies.
9. Participants may recommend to their Co-Chairs changes to Tripartite Forum policies that they believe to be appropriate. These should then be referred to the Officials Committee.
10. Participants must not be intoxicated or under the influence of substances during Tripartite Forum meetings.
11. Participants must respect the confidentiality of all records, materials and communications generated at Tripartite meetings and commit to only disclosing information when all participants agree.
12. Participants must serve their respective Governments and Organizations with loyalty, determination and in a professional manner, always.
13. Participants must not participate in, or allow any behavior that is intended to degrade, humiliate, intimidate or cause fear to any other participant of the Tripartite Forum.
14. Participants must respect the culture, traditions and teachings of the Mi'kmaq First Nation and act accordingly.
15. Bullying, harassing or the abuse of authority will not be tolerated within the Tripartite Forum. This includes all forms of discrimination and disrespect to gender or sexual orientation, race, ethnicity or religious beliefs, socio-economic or marital status, or any other personal status or characteristic that is not directly relevant to their participant in the Tripartite Forum.

I, _____, understand that I must adhere to the Tripartite Forum Code of Conduct and Code of Ethics, as adopted by the Executive Committee of the Tripartite Secretariat. By my signature, I hereby acknowledge that I have read and understand the Tripartite Forum Code of Conduct and Code of Ethics and agree to abide by the prescribed conduct set forth in this document.

Signature: _____

Date: _____

Print Name: _____

**MI'KMAQ - NOVA SCOTIA - CANADA
TRIPARTITE FORUM
TERMS OF REFERENCE**

THE MI'KMAQ OF NOVA SCOTIA, as represented by the Thirteen Mi'kmaq Saqmaq
(Chiefs) (the "Mi'kmaq of Nova Scotia")

-and-

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA, as
represented by the Minister of L'nu Affairs ("Nova Scotia")

-and-

HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as represented by the Minister of
Indigenous Services Canada ("Canada")

Collectively referred to as "the Parties"

WHEREAS the Parties entered into a Mi'kmaq-Nova Scotia-Canada Tripartite Forum Memorandum of Understanding ("MOU") on July 2, 1997, which was amended on June 19, 1998. The MOU provides that the Parties affirm a Terms of Reference for the Tripartite Forum, which is attached as Appendix "A" to the MOU dated July 2, 1997. The Parties also agreed that the Terms of Reference may be amended from time to time by agreement by the Parties;

AND WHEREAS the Parties entered into an Umbrella Agreement on June 7, 2002, in which they recognized there are outstanding issues among the Parties including the inherent right to self-government, Aboriginal rights, including assertions of title, and treaty issues;

AND WHEREAS the Parties agreed in the Umbrella Agreement to work together in good faith to resolve mutual issues drawing upon three distinct elements of their relationship being the Tripartite Forum, a broad negotiation process to consider constitutionally protected rights of the Mi'kmaq of Nova Scotia, and a consultation process as a vehicle to achieve this commitment;

AND WHEREAS in conjunction with the restructuring of the Tripartite Forum in 2019 through to 2021, the Parties agree to amend the Terms of Reference for the Tripartite Forum;

NOW THEREFORE the Parties agree as follows:

1.0 DEFINITIONS

- 1.1 "*Code of Conduct and Code of Ethics*" refers to the guideline documents that outline principles of conduct for all participants in the Tripartite Forum attached as *Appendix A*.
- 1.2 "*Ex officio*" means a non-voting representative of the Executive Committee who will not be counted for the purpose of determining a quorum of the Executive Committee.
- 1.3 "*Mi'kmaq*" is inclusive of all members who are represented by the Thirteen Mi'kmaq Saqmaq of Nova Scotia, as documented within their respective Band lists.
- 1.4 "*Resource Person*" means a person who provides knowledge or expertise to any Working Committee and does not have a vote for any purposes of a Working Committee and does not constitute a representative for the purpose of determining a quorum of a Working Committee.
- 1.5 "*Tripartite Forum*" means the Mi'kmaq-Nova Scotia-Canada Tripartite Forum.

2.0 OBJECTIVES

- 2.1 The Tripartite Forum is intended to strengthen relationships among the Parties and to resolve issues of mutual concern affecting Mi'kmaq communities in a manner that respects the needs of the Mi'kmaq of Nova Scotia.

- 2.2 The focus of the Tripartite Forum will be on building a foundation for prosperous and vibrant Mi'kmaq communities, which will be accomplished by having the Parties work together. The Parties will jointly discuss, investigate, design, and implement solutions that will assist in the resolution of such matters.
- 2.3 The Tripartite Forum exists as one of three distinct elements of the "Made-in-Nova Scotia" process as described in the 2002 Umbrella Agreement between the Mi'kmaq government and the Federal and Provincial governments. As such, the Tripartite Forum is not intended to initiate or discuss constitutional section 35(1) aboriginal or treaty rights or the issues arising thereunder. Nor is the Tripartite Forum a substitute for "consultations" of those issues. Rather, the Tripartite Forum exists to discuss, and repair service delivery gaps and other issues found to exist within the current "status quo" paradigm within the identified spheres of the Tripartite Forum working committees.

3.0 STRUCTURE

- 3.1 The organizational structure of the Tripartite Forum shall be as follows:

- Executive Committee
- Officials Committee
- Working Committees
- Tripartite Forum Secretariat
- Tripartite Forum Fund for Social and Economic Change Committee

4.0 EXECUTIVE COMMITTEE

- 4.1 The Executive Committee shall consist of the following representatives:

- (a) The Mi'kmaq of Nova Scotia, represented by:
- (i) the Thirteen Mi'kmaq Saqmaq (Chiefs) of Nova Scotia; and,
 - (ii) the *ex officio* representatives are the Kji-saqmaw (Grand Chief) of the Mi'kmaq Grand Council; the Executive Directors and District Chiefs of the Confederacy of Mainland Mi'kmaq and the Union of Nova Scotia Mi'kmaq; and the President of the Nova Scotia Native Women's Association.
- (b) Canada, represented by a senior official at the Regional Director General level from the relevant department responsible for the issues of mutual concern being discussed, investigated, or assessed;
- (c) Nova Scotia, represented by a senior official at the Deputy Minister level from the relevant department responsible for the issues of mutual concern being discussed, investigated, or assessed.

- 4.2 The Executive Committee shall mandate the agenda, issues, parameters, and direction of the Tripartite Forum.
- 4.3 The Executive Committee shall have the final decision-making authority for the Tripartite Forum.
- 4.4 The Executive Committee has sole and exclusive authority to recommend the amendment of the Memorandum of Understanding dated July 2, 1997, including any subsequent amendments to the Memorandum of Understanding or the Terms of Reference.
- 4.5 The Executive Committee shall make all decisions based upon the consensus of the Parties.
- 4.6 The Executive Committee shall address all issues referred to it by the Officials Committee.

- 4.7 The Executive Committee has the authority to authorize participation at the Officials Committee and has sole discretion to amend the list of organizations that are eligible to become permanent members of the Officials Committee as contained in Article 5.1.
- 4.8 A Mi'kmaw First Nation Band that has withdrawn its participation from the Tripartite Forum may request to re-enter the Tripartite Forum by submitting a letter in writing signed by the Saqmaw/Saqma'skw (Chief) to the Executive Committee for consideration.
- 4.9 After receiving the letter referred to in Article 4.8, the Executive Committee may consider the application by the Saqmaw/Saqma'skw to participate in the Tripartite Forum and may establish the terms and conditions on which the Saqmaw/Saqma'skw (Chief) will participate and which must include:
- (a) a resolution duly passed and signed by the band council of the Saqmaw/Saqma'skw (Chief) which accepts all terms and conditions established by the Executive Committee on which the Saqmaw/Saqma'skw (Chief) will participate; and,
 - (b) a term and condition which specifies the date or event on which the participation of the Saqmaw/Saqma'skw (Chief) may commence.
- 4.10 After the Executive Committee receives the band council resolution referred to in paragraph 4.9(a) it may approve the participation of the Saqmaw/Saqma'skw (Chief) subject to compliance with and fulfillment of all of the terms and conditions established by the Executive Committee.
- 4.11 The Executive Committee shall meet no less than once per calendar year or by the request of the Officials Committee.

5.0 OFFICIALS COMMITTEE

- 5.1 The Officials Committee shall consist of the following representatives:
- i. Two Nova Scotia Mi'kmaw Saqmaq (Chiefs or their proxies), one from each respective Tribal Council.
 - ii. Mi'kmaw organizations which currently include:
 - (i) The Union of Nova Scotia Mi'kmaq, Executive Director;
 - (ii) The Confederacy of Mainland Mi'kmaq, Executive Director; and
 - (iii) The Nova Scotia Native Women's Association, Executive Director.
 - iii. A representative of Indigenous Services Canada (Federal)
 - iv. A representative of the Office of L'nu Affairs (Provincial).
 - v. Other Mi'kmaw organizations approved by the Executive Committee, if any. Other Mi'kmaw organizations wishing to join the Officials Committee shall submit a written request to the Executive Committee for consideration. Participation of a Mi'kmaw organization as a representative on the Officials Committee is separate and distinct from participation on the Executive Committee.
- 5.2 The Officials Committee shall establish Working Committees based upon specific issues identified at the Executive Committee for further discussion and resolution.
- 5.3 The Officials Committee shall coordinate and provide strategic direction to the Working Committees by identifying specific items from the strategic plan of each Working Committee as priorities for the upcoming fiscal year, setting out the specific work plan, timeframes, manner of discussion, investigation, and resourcing for each Working Committee.

- 5.4 The Officials Committee shall review the work from all of the Working Committees and make recommendations based on these reports to the Executive Committee for ratification, resolution, or clarification.
- 5.5 The Officials Committee shall make all decisions based upon majority vote, so long as the majority conforms to the following:
- (a) either Canada or Nova Scotia votes yes; and
 - (b) a majority, composed of the Saqmaq (Chiefs), Mi'kmaw organizations referred to in paragraph 5.1(ii) and other Mi'kmaw organizations approved in accordance with paragraph 5.1(v), if any, who participate by attending at the time that the decision is made, and who vote yes.
- 5.6 All representatives of the Officials Committee who have voted against a decision made by the Officials Committee may prepare and present a dissenting argument to the Executive Committee by tabling the dissenting opinion within thirty (30) days to the Executive Chair identified in Article 9.1.
- 5.7 The Officials Committee shall meet no less than four times per calendar year.

6.0 WORKING COMMITTEES

- 6.1 Each Working Committee shall have three of co-chairs, with one representative designated by the Mi'kmaq of Nova Scotia, Canada, and Nova Scotia. The co-chairs shall be responsible for the operation of the Working Committee and shall report to the Officials Committee and, if so, instructed by the Officials Committee, shall report to the Executive Committee.
- 6.2 In addition to the three of co-chairs referred to in Article 6.8 each Working Committee shall be comprised of an organization liaison (listed in 5.1 (ii)) who will be non-voting, and at least one representative from each of:
- (i) the Mi'kmaw organizations referred to in paragraph 5.1(ii);
 - (ii) the Mi'kmaw organizations approved in accordance with paragraph 5.1(v) if any;
 - (iii) Nova Scotia; and
 - (iv) Canada.
- 6.3 Each Working Committee shall provide the Officials Committee with reports and recommendations to fulfill the directions given by the Officials Committee within the mandate adopted by the Executive Committee.
- 6.4 Each Working Committee shall prepare an annual work plan and, a submission for the Tripartite Forum annual report, all to be ratified by the Officials Committee.
- 6.5 Each Working Committee shall follow the voting and dissent procedure consistent with procedure outlined in Articles 5.5 and 5.6 except that the dissenting argument must first be presented to the Officials Committee.
- 6.6 The co-chairs of each Working Committee shall adopt procedures to ensure compliance with these Terms of Reference and The Tripartite Forum Code of Conduct Guidelines..
- 6.7 Within an existing budget allocation a Working Committee may create one or more sub-committees or to seek the assistance of a Resource Person to assist in carrying out its work and the sub-committee or Resource Person shall report directly on all matters to that Working Committee.
- 6.8 The quorum requirements for a Working Committee to conduct a meeting are as follows:

Committee Co-Chair at least one (1) committee co-chair must be present

Provincial Committee Representative (any department) if the Province chairs the meeting 1

Federal Committee Representative (any department) if Canada chairs the meeting 1

Mi'kmaw Committee Representatives at least 50% of the voting Committee Representatives which can include the Co-Chair as long as the Co-Chair is not chairing the meeting must be Mi'kmaq

6.9 In the event that a quorum as specified in Article 6.8 is not present then a meeting may proceed but only for information purposes.

7.0 **TRIPARTITE FORUM SECRETARIAT**

7.1 The Tripartite Forum Secretariat shall provide administrative and operational support to all committees of the Tripartite Forum, as directed through their respective organizations according to the collective organization's job descriptions, under the direction of the officials committee. The staff of the Tripartite Forum Secretariat shall include, but not be limited to two administrators and two communications' personnel. These positions are distributed between both tribal councils The CMM and UNSM and a project fund coordinator (to be housed at the organization closest to the successful candidate).

7.2 Staff of the Tripartite Forum Secretariat will report to and be paid by their respective tribal council. Funds to support the Tripartite Forum Secretariat shall be shared equally between Nova Scotia and Canada.

Each Tribal council will share the cost and reporting measures in regard to the Project Fund coordinator.

7.3 The Tripartite Forum Secretariat shall be responsible for taking and distributing minutes of the Executive Committee, the Officials Committee, and Working Committees.

8.0 **TRIPARTITE FORUM FUND FOR SOCIAL AND ECONOMIC CHANGE COMMITTEE**

8.1 The Tripartite Forum Fund for Social and Economic Change Committee shall consist of the following voting members:

- A representative from the Office of L'nu Affairs.
- A representative from Indigenous Services Canada,
- The Three Tripartite Forum Liaisons (The CMM, UNSM, NSNWA).

The Tripartite Forum Project Fund for Social and Economic Change Committee shall also consist of the following non-voting members: the Project Fund Coordinator and the Communications personnel hosted by The Confederacy of Mainland Mi'kmaq and The Union of Nova Scotia Mi'kmaq.

8.3 The Project Fund Coordinator will provide the Tripartite Forum Fund for Social and Economic Change Committee with project proposal summaries and preliminary assessments to assist the Tripartite Forum Fund for Social and Economic Change Committee in determining its recommendations based on the Guidelines for Tripartite Forum Fund for Social and Economic Change.

- 8.4 The Tripartite Forum Fund for Social and Economic Change Committee shall discuss, review, and provide recommendations on project proposals submitted by the Working Committees, as well as monitor progress and the guidance of projects.
- 8.5 The Tripartite Forum Fund for Social and Economic Change Committee will use a consensus-based decision to fund successful project proposals. The Committee has the option to utilize a majority vote in cases where consensus cannot be reached. In the event of a tie, rescore sections of an evaluation rubric after another round of deliberation.
- 8.6 The Tripartite Forum Fund for Social and Economic Change Committee shall meet quarterly, or as needed.

9.0 EXECUTIVE CHAIR

- 9.1 The Executive Chair will rotate among the three Parties on an annual basis.
- 9.2 The role of the Executive Chair, is to chair Executive meetings on an annual basis.
- 9.3 The Mi'kmaq shall exercise discretion on appointing an Executive Chair on their behalf when required.
- 9.4 The Executive Chair shall be chosen from the list of representatives as set out under Section 4.1.

10.0 FINANCES

- 10.1 The Parties agree to pursue the establishment of a multi-year funding arrangement for the Tripartite Forum.
- 10.2 In the interim, the operating costs of the Tripartite Forum shall be shared equally between Canada and Nova Scotia as set out herein. Expenditures under this funding may be subject to possible review.
- 10.3 Nova Scotia and Canada shall provide funding to the Mi'kmaq of Nova Scotia in support of the operation and administration of the Tripartite Forum:
- (a) This funding shall support the:
- Executive Committee;
 - Officials Committee;
 - Working Committees;
 - Aboriginal organizational capacity to participate and coordinate Tripartite Forum activity;
 - Tripartite Secretariat;
 - Tripartite Forum Fund for Social and Economic Change;
 - Executive Chair; and
 - Other aspects of the Tripartite Forum as determined by the Executive Committee.
- (b) Funding may be delivered through the following organizations:
- The Confederacy of Mainland Mi'kmaq;
 - The Union of Nova Scotia Mi'kmaq;
 - Nova Scotia Native Women's Association; and
 - Other organizations as authorized by the Executive Committee.
- 10.4 Canada's share of the costs of the Tripartite Forum funding, including costs arising from Articles 10.5 and 10.6 herein, shall be subject to annual appropriations by Parliament and approval of the Federal Treasury Board, and that of Nova Scotia shall be subject to annual appropriations by the Legislature.

- 10.5 Funding may be provided for research and demonstration projects designed to assess the provision of additional programs and services or to modify existing policies or procedures concerning the Mi'kmaw community in Nova Scotia. Unless otherwise specified, financial resources to support this element shall be shared equally between Nova Scotia and Canada.
- 10.6 Programs or services resulting from tripartite discussions or initiatives shall be funded by the appropriate agencies pursuant to whatever agreements the Parties may agree to.
- 10.7 Existing terms and conditions of funding shall apply with regard to accountability and become part of the arrangement with the Party or Parties to which funds are disbursed.
- 10.8 Specific arrangements with organizations, agencies, and individuals for project research funding shall also contain terms and conditions for funding accountability.
- 10.9 The fiscal year of the Tripartite Forum shall be from the period beginning April 1st of the current year to March 31st of the following year.
- 10.10 Financial arrangements within these Terms of Reference do not prejudice alternative financial arrangements which may result from initiatives mandated by the Tripartite Forum.

11.0 INTERPRETATION

- 11.1 In accordance with Article 10 of the Umbrella Agreement, the Terms of Reference for the Tripartite Forum stands as an independent arrangement that governs the Tripartite Forum and for greater certainty, sets out all of the provisions which will apply with respect to issues relating to without prejudice communications, confidentiality, and public information.
- 11.2 The Tripartite Forum and committees created pursuant to the Tripartite Forum, the Terms of Reference for the Tripartite Forum, and related discussions and documents shall not be construed as admissions of fact or liability, and shall not preclude and shall be without prejudice to:
 - (a) any other discussion, either tripartite or bilateral, between the Mi'kmaq of Nova Scotia, or individual Mi'kmaw First Nation Bands and Nova Scotia or Canada on matters of mutual concern, or between any organization and Nova Scotia or Canada on matters of mutual concern; and
 - (b) the positions of the Parties before any other forum or court.
- 11.3 Except for Articles 11.1 through 11.4, the Parties agree that the Terms of Reference is not legally binding and is intended as an expression of goodwill and as a political commitment to enter into discussions. It is not intended to create, define or affect legal rights or to be construed as an interpretive aid in the determination of any legal rights.
- 11.4 The Parties agree, for greater certainty, to the following:
 - (a) Except for the purpose of bringing this Article to the attention of a court, tribunal, or board, the Parties undertake not to tender or seek admission of the Tripartite Forum and committees created pursuant to the Tripartite Forum, the Terms of Reference for the Tripartite Forum or the specific content of meetings, discussions, initiatives and positions taken during the operation of the Tripartite Forum, the Terms of Reference for the Tripartite Forum and any committees formed pursuant to the Tripartite Forum, as evidence in a court of law or in any administrative or regulatory tribunal or board.
 - (b) Unless the Parties agree otherwise in writing, all meetings, discussions, minutes, audiotapes and videotapes created, documents generated, and positions taken during the operation of the Terms of Reference for the Tripartite Forum, the Tripartite Forum, and any of the committees formed pursuant to the Tripartite

Forum leading up to its ratification of the Terms of Reference for the Tripartite Forum:

- (i) shall be on a “without prejudice” basis;
 - (ii) shall be deemed not to create, define, alter or affect the legal rights or positions of any of the Parties;
 - (iii) are not intended to examine specific Aboriginal or treaty rights, and are not intended to be consultation for the purpose of justification by Her Majesty for the infringement of any such rights under s. 35 of the *Constitution Act, 1982* or otherwise of the Mi’kmaq of Nova Scotia or any member of a Mi’kmaw First Nation Band; and
- (c) Notwithstanding any other provision of the Terms of Reference for the Tripartite Forum, any Party may refer to publicly and may lead evidence regarding the Parties, date of operation, existence, and purpose of this Terms of Reference for the Tripartite Forum and the frequency of any participation of meetings held pursuant to its operation before a court, regulatory tribunal, board or similar body.
- (d) The benefit of Article 11 shall accrue to, and the undertakings of the Parties shall apply in respect of all thirteen Mi’kmaw First Nation Bands and their governing Chiefs and Councils and membership, the Grand Council of the Mi’kmaq, the Mi’kmaw organizations referred to in paragraph 5.1(ii), as well as other Mi’kmaw organizations approved in accordance with paragraph 5.1(v) if any.

12.0 EFFECTIVE DATE

12.1 Effective as of the date of signing of these revised Terms of Reference for the Tripartite Forum:

- (a) the revised Terms of Reference for the Tripartite Forum shall replace and supersede any existing Terms of Reference among the Parties concerning the Tripartite Forum; and
- (b) the revised Terms of Reference for the Tripartite Forum will be appended to the Umbrella Agreement dated June 7, 2002, in accordance with Article 10 of the Umbrella Agreement.
- (c) Amendments to these Terms of Reference shall be approved at a duly convened Executive Committee Meeting by a majority vote.

SIGNED on behalf of the Parties this 12 day of MARCH, 2021.

SIGNED, SEALED, AND DELIVERED) **THE MI’KMAQ OF NOVA SCOTIA**
in the presence of:)
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) Per:
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Forum leading up to its ratification of the Terms of Reference for the Tripartite Forum:

- (i) shall be on a "without prejudice" basis;
- (ii) shall be deemed not to create, define, alter or affect the legal rights or positions of any of the Parties;
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- (c) Notwithstanding any other provision of the Terms of Reference for the Tripartite Forum, any Party may refer to publicly and may lead evidence regarding the Parties, date of operation, existence, and purpose of this Terms of Reference for the Tripartite Forum and the frequency of any participation of meetings held pursuant to its operation before a court, regulatory tribunal, board or similar body.
- (d) The benefit of Article 11 shall accrue to, and the undertakings of the Parties shall apply in respect of all thirteen Mi'kmaq First Nation Bands and their governing Chiefs and Councils and membership, the Grand Council of the Mi'kmaq, the Mi'kmaq organizations referred to in paragraph 5.1(ii), as well as other Mi'kmaq organizations approved in accordance with paragraph 5.1(v) if any.

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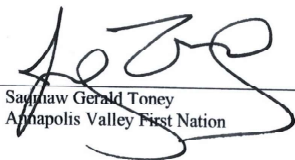
SIGNED on behalf of the Parties this day of _____, 2021.

SIGNED, SEALED, AND DELIVERED) THE MI'KMAQ OF NOVA SCOTIA
 in the presence of:)
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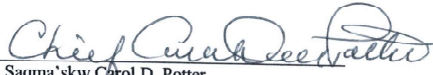
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Grand Council


Saqma'skw Diana Deborah Robinson
Acadia First Nation


Witness:

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Saqmaq Gerald Toney
Annapolis Valley First Nation

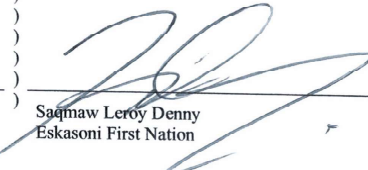
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Saqma'skw Carol D. Potter
Bear River First Nation


Witness:

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Saqmaq Wilbert Marshall
Pottotek First Nation

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Eskasoni First Nation

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Saqmaq Sidney Peters
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Saqmaw Terrance J. Paul
Membertou First Nation

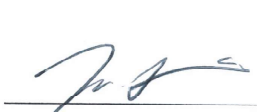
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Saqmaw Robert Gfoade
Millbrook First Nation

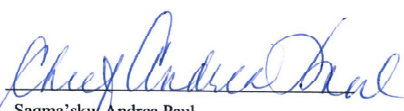
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Saqmaw Tma Francis
Paq'mkek Mi'kmaw Community

Witness:

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Saqma'sky Andrea Paul
Pictou Landing First Nation

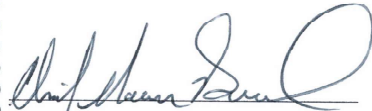
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Saqmaw Micheal Sack
Sipekne'katik First Nation

Witness:

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Saqmaw Norman Bernard
Wagmatcook First Nation

Witness: _____

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Saqma'skw Annie Bernard
We'koqma'q First Nation

) **HER MAJESTY THE QUEEN IN**
) **RIGHT OF THE PROVINCE OF NOVA**
) **SCOTIA**

) Per: _____

Witness: _____

Chief Executive Officer
Office of L'nu Affairs Nova Scotia

) **HER MAJESTY THE QUEEN IN**
) **RIGHT OF CANADA**

) Per: _____

Witness: _____

Regional Director General
Indigenous Services Canada

Witness:

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Terrance J. Paul

Saqmaw Terrance J. Paul
Membertou First Nation

Witness:

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Saqmaw Robert Gloade
Millbrook First Nation

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Saqmaw Tma Francis
Paq'tnkek Mi'kmaw Community

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Saqma'skw Andrea Paul
Pictou Landing First Nation

Witness:

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Saqmaw Micheal Sack
Sipekne'katik First Nation

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Saqmaw Norman Bernard
Wagmatcook First Nation

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Saqma'skw Annie Bernard
We'koqma'q First Nation

Witness:

) **HER MAJESTY THE QUEEN IN**
) **RIGHT OF THE PROVINCE OF NOVA**
) **SCOTIA**
)
) Per:
)

) Chief Executive Officer
) Office of L'nu Affairs Nova Scotia

Witness:

) **HER MAJESTY THE QUEEN IN**
) **RIGHT OF CANADA**
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) Per:
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) Regional Director General
) Indigenous Services Canada
)