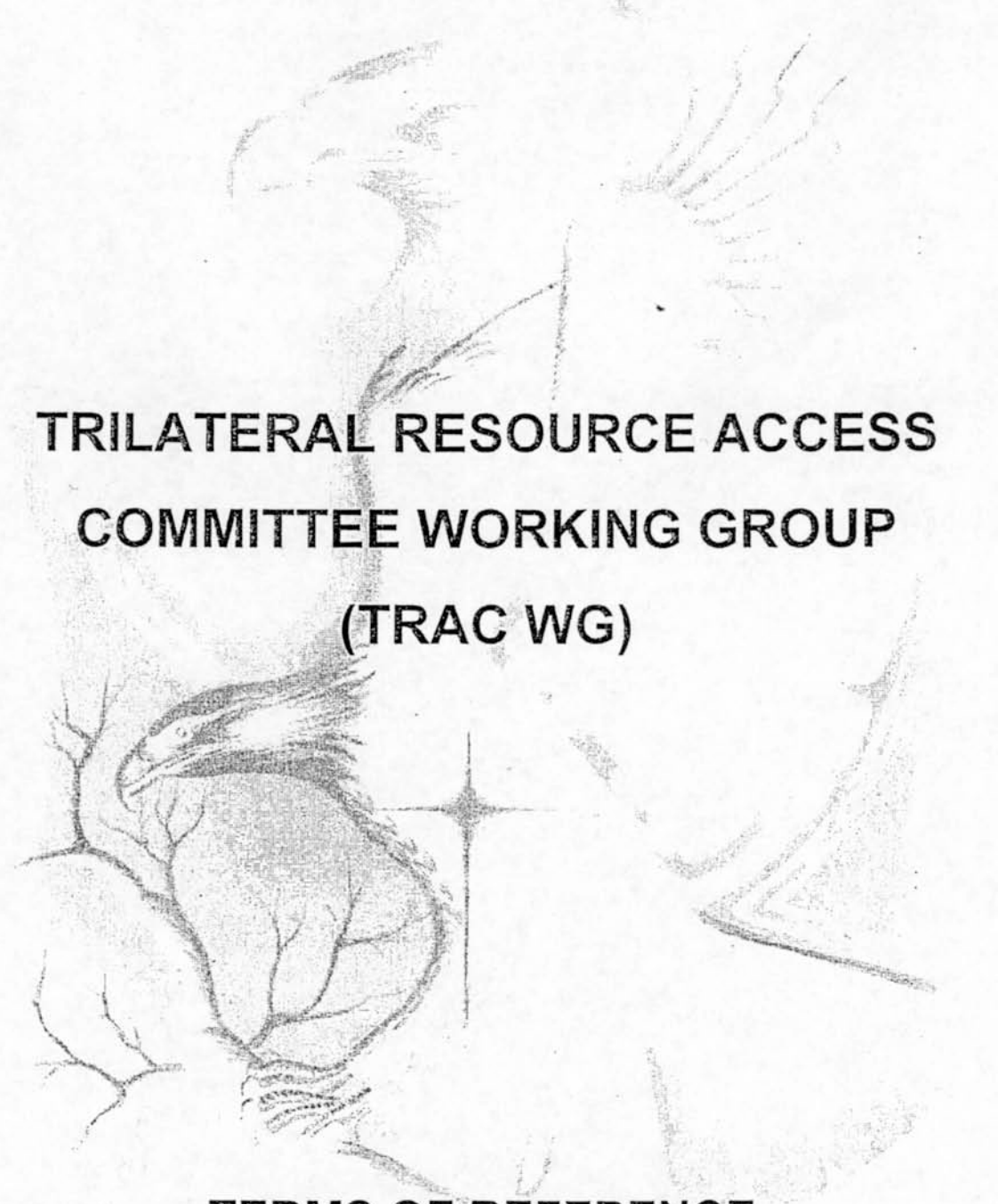


Assembly of Manitoba Chiefs

Government of Canada

Province of Manitoba



**TRILATERAL RESOURCE ACCESS  
COMMITTEE WORKING GROUP  
(TRAC WG)**

**TERMS OF REFERENCE**

February 2, 2006

**TERMS OF REFERENCE  
FOR TRILATERAL RESOURCE ACCESS COMMITTEE**

**WHEREAS:**

- A. AMC, Canada and Manitoba share the objective of fostering the increased rate of development of sustainable, stable First Nations' economies in order to generate the jobs, opportunities and wealth needed to meet and support the needs of a growing population and achieve First Nations self-reliance through a committed partnership by all stakeholders: the Government of Canada, the Government of Manitoba, private sector, First Nations and others.
- B. Canada, Manitoba and the AMC recognize that First Nations' are particularly interested in participating in opportunities relating to natural resources in order to assist in meeting this objective;
- C. The First Nations in Manitoba experience a substandard lifestyle with little opportunity for improvement due to the poor socio-economic conditions prevailing in the First Nations communities.
- D. In order to assist in the development of sustainable, stable First Nations' economies, the AMC, Canada and Manitoba have agreed to pursue the establishment of a Trilateral Resource Access Committee in accordance with these Terms of Reference.

**The Terms of Reference for the establishment of a Trilateral Resource Access Committee Working Group are as follows:**

**Section 1 – Five Year Commitment**

- 1(1) The AMC, Canada and Manitoba are committed in accordance with these Terms of Reference to the establishment of a Trilateral Resource Access Committee Working Group ("TRAC WG") for a five year period.
- 1(2) Despite 1(1), any party may withdraw from the TRAC WG by providing one year notice in writing to the other Parties.

**Section 2 – Establishment of TRAC WG**

- 2(1) Canada, Manitoba and the AMC hereby establish a Tri-Lateral Resource Access Committee Working Group ("TRAC WG") in accordance with these Terms of Reference.

**Section 3 – Objective of TRAC WG**

- 3(1) The objective of TRAC WG is to provide advice to Canada, Manitoba and AMC about ways of enhancing the participation of First Nations' people in opportunities relating to natural resources in Manitoba, including partnership opportunities for First Nations.
- 3(2) In order to achieve the objective in 3(1), the TRAC WG may provide advice and recommendations about:
  - a. changes to policies of Canada or Manitoba relating to natural resources;

- b. changes by Canada or Manitoba in legislation or regulations or new legislation or regulations relating to natural resources;
- c. ways to strengthen the capacity of First Nations and First Nations' people to partner and participate in natural resources development opportunities;
- d. ways to increase access of First Nations and First Nations' people to natural resources;
- e. ways to increase economic and employment opportunities associated with natural resources in Manitoba;
- f. ways for Canada, Manitoba and First Nations in Manitoba to improve consultation about natural resources matters;
- g. ways to enhance the use of traditional knowledge of First Nations in decisions relating to use and management of natural resources;
- h. ways to integrate First Nations' values, language and culture in decisions relating to use and management of natural resources; and
- i. the implications of the *Natural Resources Transfer Agreement (1930)*.

#### **Section 4 – The TRAC Working Group**

4(1) The TRAC Working Group will consist of:

- (a) two principal representatives of the AMC;
- (b) two principal representatives of Canada (initially from INAC);

- (c) two principal representatives of Manitoba (initially being representatives of each of the Departments of Aboriginal and Northern Affairs, and Conservation).

4(2) In addition to the principal representatives of the Parties, other representatives of any party may participate in the TRAC WG as required.

#### **Section 5 – Senior Officials Steering Committee**

5(1) The TRAC WG will perform its activities in accordance with general directions from a Senior Officials Steering Committee ("SOSC") consisting of:

- (a) the Executive Director of the AMC, on behalf of AMC;
- (b) the Regional Director General of the Department of Indian Affairs and Northern Development, on behalf of Canada; and
- (c) the Deputy Minister of Aboriginal and Northern Affairs, on behalf of Manitoba.

5(2) The Senior Officials Steering Committee will be responsible for:

- (a) overseeing the activities of TRAC WG;
- (b) approving TRAC WG work-plans and objectives;
- (c) financial accountability and funding of the Secretariat;
- (d) monitoring the activities of the TRAC WG;
- (e) ensuring that each of the Parties provide adequate briefings to their political leadership and to seek direction from the political leadership where necessary;
- (f) resolving any issues that cannot be resolved by consensus by the members of TRAC WG;
- (g) providing direction on recommendations received from the TRAC WG and delivering them to the Parties.



5(3) in addition, the Parties recognize that some issues may require consideration at a political level.

#### **Section 6 – Chairperson of TRAC Working Group**

6(1) The members of the TRAC WG will select by consensus one of the principal representatives to serve as Chairperson and a principal representative of one of the other Parties to serve as Vice-Chair.

6(2) The Chairperson and Vice-Chair will serve one-year terms but may be reappointed.

6(3) Where the TRAC WG is not able to select a Chairperson or Vice Chair by consensus the SOOSC shall select the Chairperson or Vice Chair.

6(4) The Chairperson shall preside over meetings of the TRAC WG and shall, in consultation with the other members of the TRAC WG, ensure that records are properly maintained by the Secretariat and that the work plan of TRAC WG is effectively performed.

6(5) The Vice-Chair shall assume the responsibilities of the Chairperson where the Chairperson is absent or otherwise unable to perform the responsibilities of the Chairperson.

#### **Section 7 - Secretariat of TRAC WG**

7(1) The Assembly of Manitoba Chiefs has agreed to host the Secretariat of the TRAC WG in accordance with this Section.

7(2) The Secretariat will consist of:  
(a) Project Coordinator;

- (b) Researcher; and
  - (c) Administrative Assistant.
- 7(3) The Secretariat is responsible for facilitating and coordinating the operations of the TRAC WG and the SOSC, while ensuring the following:
- (a) implementing work plans;
  - (b) identifying potential research projects;
  - (c) managing or conducting research projects undertaken as part of a work plan;
  - (d) providing assistance to meetings of TRAC WG, SOSC and any subcommittees;
  - (e) ensuring that the administrative responsibilities for meeting planning and arrangements are met and that the received direction from the TRAC WG Chairperson or Vice-Chair is actioned;
  - (f) preparing and distributing any reports required by TRAC WG;
  - (g) preparing and distributing minutes and records of the meetings to members of TRAC WG;
  - (h) preparing and distributing agendas and reports to members of TRAC WG for consideration at meetings;
  - (i) providing monthly financial reports to the TRAC WG and quarterly financial reports to the SOSC;
  - (j) doing any other things for the purposes of the TRAC WG as directed by the TRAC WG.

### **Section 8 – Meetings of TRAC Working Group**

- 8(1) The TRAC WG will meet as often as the members of the TRAC WG consider as necessary (at least quarterly) to meet the objectives of the TRAC WG.

- 8(2) All principal representatives of the TRAC WG will endeavour to attend each meeting, facilitate a common and continuing understanding of the issues and ensure timely responses to those issues. If a principal representative is unable to attend a meeting, that person may send an alternate representative from that member's organization familiar with the issues being considered to participate at the meeting on behalf of the principal representative.
- 8(3) The TRAC WG may establish subcommittees as it considers desirable to assist with meeting its objectives. Subcommittees will take direction from and report to the TRAC WG. The Secretariat will provide assistance to any Subcommittees.
- 8(4) All *advice and recommendations* made by the TRAC WG are to be made by consensus of principal representatives of all Parties. If consensus is not reached, please refer to 5.2 (f).

### **Section 9 – Annual Work Plan and Budget**

- 9(1) In each year the TRAC WG will prepare an annual work plan and budget for the following year for review and approval by SOSC.
- 9(2) A draft work plan for Year 1 is attached as Schedule "A". The draft work plan is subject to further review and revision by the TRAC WG and to review and approval by the SOSC in accordance with 9(1).
- 9(3) The annual budget for Year 1 is attached as Schedule "B".



## **Section 10 - Meetings of SOSC**

10(1) The SOSC will meet at least once per year, and will in addition meet as often as the members of the SOSC consider necessary to meet the objectives of the SOSC.

## **Section 11 - Communication**

11(1) Public communication by any of the Parties regarding activities of the TRAC WG will be as agreed by the Parties.

## **Section 12 - Amendment of Terms of Reference**

12(1) The members of the SOSC may amend the Terms of Reference by consensus as noted in writing.

12(2) The TRAC WG may advise the SOSC on behalf of the Parties of any proposed amendment of these Terms of Reference that it believes may be desirable.

12(3) The Terms of Reference will be reviewed by the TRAC WG on an annual basis at the beginning of each fiscal year.

## **Section 13 - Costs**

13(1) Subject to (2), (3) and (4), each party is responsible for the costs of their own representatives on TRAC WG and SOSC.

13(2) The Department of Indian Affairs and Northern Development (Canada) may provide financial assistance to AMC to assist AMC in participating in

the TRAC WG, subject to terms and conditions of the funding arrangement and budgetary appropriations.

13(3) Manitoba may provide some assistance to AMC to assist AMC in participating in the TRAC WG.

13(4) The AMC may provide assistance in kind to enable the Secretariat to fulfill its responsibilities under these Terms of Reference.

#### **Section 14 – Evaluation of TRAC WG Process**

14(1) TRAC WG will conduct an evaluation of its activities during the fourth year of its activities under these Terms of Reference to determine if the objectives of the TRAC WG are being met. The evaluation will be completed at least six months before the end of the term of these Terms of Reference.

14(2) As a result of the evaluation the Parties will determine:

- (a) if the process will be continued beyond the end of the term of these Terms of Reference; and
- (b) if so, any necessary changes to the TRAC WG or processes under these Terms or Reference to improve the effectiveness of the process; and
- (c) any reasonable funding requirements for the process.

14(3) Starting in the first year work plan, the TRAC WG will develop the criteria and methodology for the evaluation of the effectiveness of TRAC WG in meeting its objectives.

**Section 15 – Rights not affected**

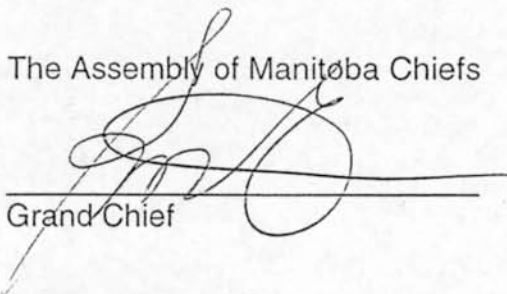
15(1) Nothing in these Terms of Reference is intended to affect any legal rights, obligations, or interests of any of the Parties.

**Section 16 - Other Activities and Projects not affected**

16(1) Nothing in the activities occurring under these Terms of Reference, or the Terms of Reference alone, will affect any other initiatives of Canada or Manitoba in relation to opportunities, for First Nations in Manitoba, involving natural resources.

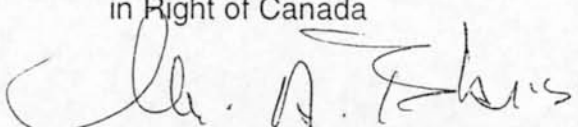
**These Terms of Reference have been approved by the Parties on the dates noted below:**

The Assembly of Manitoba Chiefs

  
Grand Chief

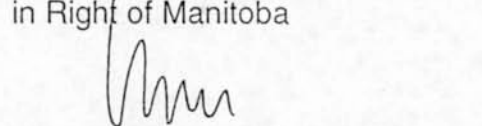
FEB 03 / 06  
Date

Her Majesty the Queen  
in Right of Canada

  
Regional Director General, DIAND

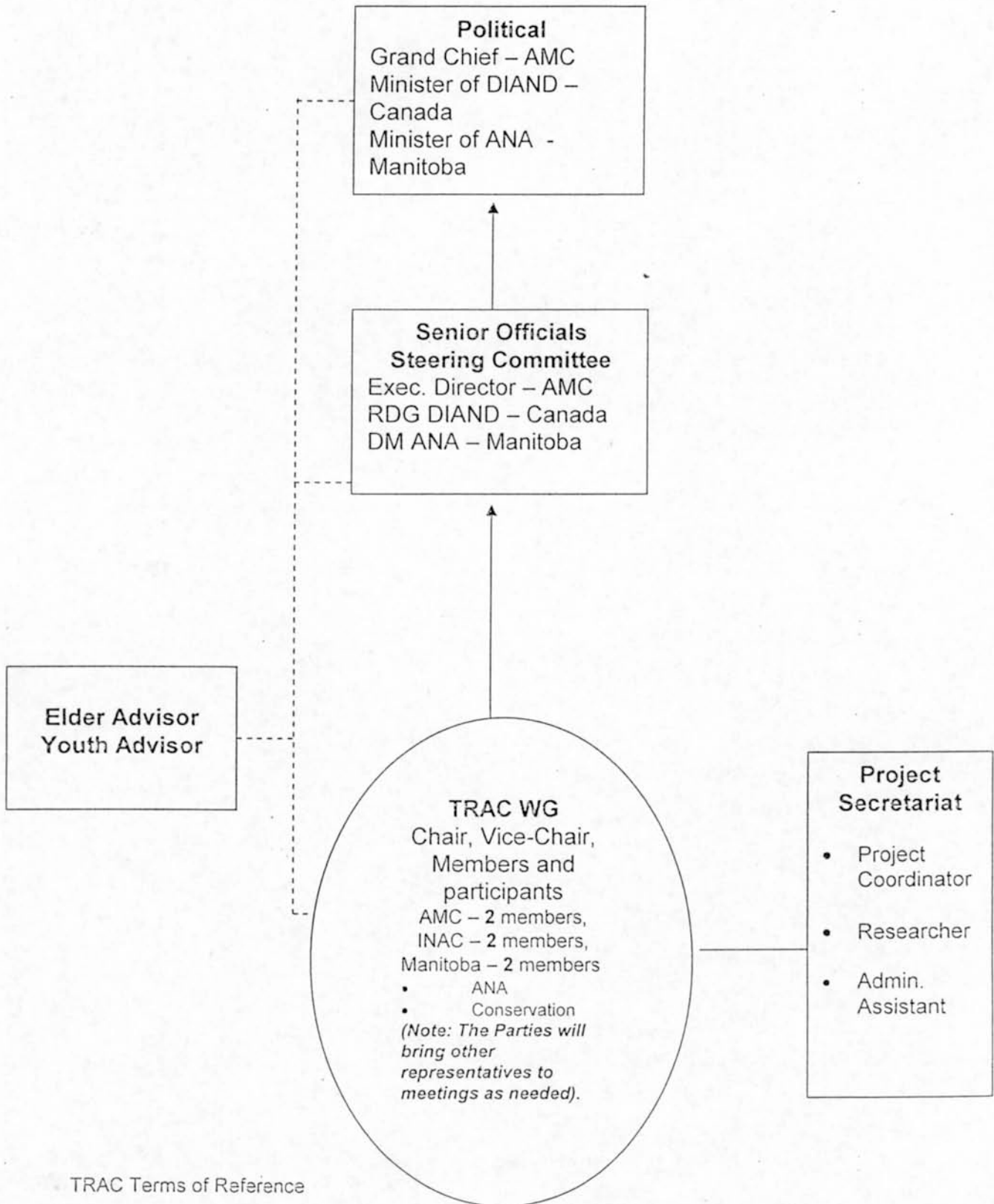
06.02.03  
Date

Her Majesty the Queen  
in Right of Manitoba

  
Minister,  
Aboriginal and Northern Affairs

Feb 03/06  
Date

**APPENDIX C: TRAC WG Organizational Flow Chart/Reporting Relationships**



Some quick facts for back up information.

A study done by Canada, called the Human Development Index (similar to a Quality of Life index), shows that the **widest gap in the whole country is here in Manitoba** between the First Nations people at the low end of the index compared to the rest of Manitobans.

Province of Manitoba states that:

- The employment rate of First Nations people is 38% which is only ½ of the Canadian average.
- Unemployment rate in Manitoba for First Nation college graduates is almost 20% while it is only 5.2% for non –native graduates.
- In Manitoba the average annual income for an Aboriginal person was \$13,000 during the 1990's compared to the Manitoba average of \$21,000.

Statistics Canada reports that:

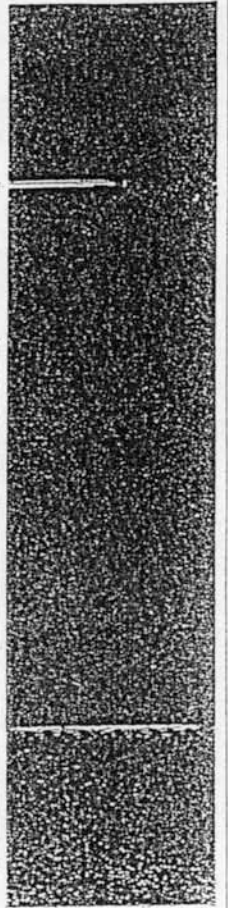
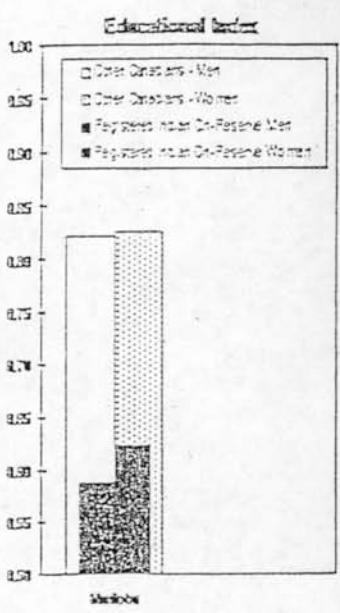
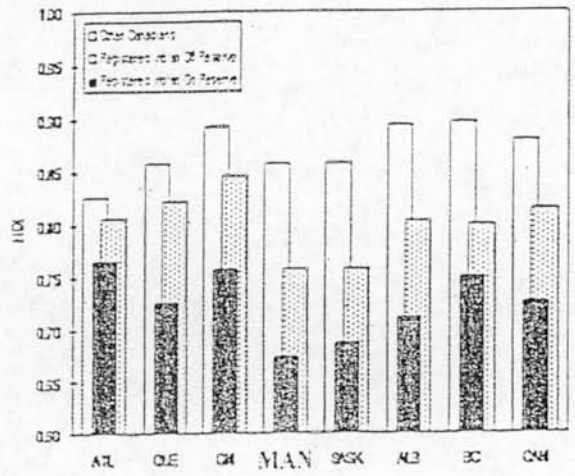
- First Nations people represent the only growing sector of Manitoba's population at 2% per year.
- In less than 15 years aboriginal people will make up 25% of the labour force in Manitoba.

The Royal Commission on Aboriginal Peoples (RCAP) in the section on 'Levers to Economic Change', states that:

“Transforming Aboriginal Economies from dependence to self-reliance will not be easy. The greatest boost for most nations will come from access to a fair share of lands and resources.”



# Human Development Index (HDI) Regional Breakdown, 2001



The quality of life on Manitoba First Nations is the lowest in Canada. These Human Development Index figures demonstrate that Manitoba First Nations not only have the lowest absolute HDI ratings, but the gap between Manitoba First Nations and the rest of Manitoba is the widest gap in the country.

Manitoba also holds the largest gaps in education, income and life expectancy.