

DISCUSSION PAPER



FIRST PEOPLES' HERITAGE, LANGUAGE AND CULTURE COUNCIL

A Proposal to Amend the First Peoples' Heritage, Language and Culture Act

Proposed Amendments

The First Peoples' Heritage, Language and Culture Council (FPHLCC) wants your opinion on a proposal to improve its governing legislation.

FPHLCC wants to be able:

- to include representation from all B.C. First Nations language groups on its Advisory Committee
- to have more control over its operations in line with best practices for other crown corporations
- to be able to adapt to governance changes as they occur in First Nations communities
- to enhance its credibility among First Nations, with governments, funders and other partners

What is the First Peoples' Heritage, Language and Culture Council?

FPHLCC is a unique First Nations-directed crown corporation, established under the 1990 *First Peoples' Heritage, Language and Culture Act* to:

- preserve, restore and enhance First Nations heritage, language and culture
- increase understanding and sharing of knowledge within both the First Nations and non-First Nations communities
- heighten appreciation and acceptance of the wealth of cultural diversity among all British Columbians

What does the Council do?

FPHLCC:

- creates, provides funding for and oversees the management and delivery of B.C. First Nations arts, cultural and language programs, such as the B.C. Language Initiative, the Aboriginal Language Initiative, the Aboriginal Arts Development Awards and FirstVoices.com
- works with a wide range of B.C. artists, language champions, leaders and key organizations such as Cultural Centres, Language Authorities and Elders Groups' to develop resources and provide training
- advises government on the preservation and fostering of First Nations heritage, arts, languages and culture
- works in partnership with First Nations communities to revitalize First Nations cultures and archive and restore literacy and fluency in First Nations languages to ensure that no First Nations language becomes extinct

For more information, go to www.fphlcc.ca.

Why change the current legislation?

Ensure inclusiveness

- To ensure that all B.C. First Nations language groups are represented in the work of FPHLCC

The current legislation does not allow for the inclusion of all B.C. First Nations language groups on the FPHLCC Advisory Committee and in its governance processes.

When the Act was brought into force, most First Nations languages were represented by a tribal or area council. Over the course of the next 18 years, some First Nations became independent and no longer affiliated with a tribal council; others expanded to add a second tribal council. Increasingly, some First Nations groups are choosing not to use the tribal council model and have evolved into other models of governance such as treaty groups and independent First Nations.

Given the current wording of the Act, those First Nations using different models of governance are no longer able to nominate a representative to the First Peoples' Advisory Committee, while other language groups with more than one tribal council have gained additional representation.

Only 18 of the 32 First Nations language groups in British Columbia are currently represented (see Appendix A).

Clarify purpose

- To clarify that the term ‘culture’ includes the arts
- To reflect accurately the activities of FPHLCC
- To provide sufficient flexibility for FPHLCC to evolve to meet changing program priorities in collaboration with First Nations governing organizations

The current Act does not reflect the understanding among First Nations that heritage, language and the arts are all interdependent components of culture. Nor does it reflect FPHLCC’s engagement with a wide range of B.C. artists, language champions, leaders, communities and organizations to develop programs to revitalize First Nations language, heritage, arts and culture.

Modernize governance

- To bring the Board and Advisory Committee appointment process into line with modern best practices which allow crown corporations flexibility to determine their own structure and governance
- To provide FPHLCC with more control over its operations
- To increase FPHLCC’s ability to adapt to changing circumstances within First Nations communities

The current governance model outlined in the Act is outdated. It does not reflect how First Nations govern themselves nor does it allow FPHLCC flexibility to adapt to governance changes within First Nations communities.

In addition, current legislation is unnecessarily restrictive as to how appointments to both the FPHLCC Advisory Committee and Board should be made. This is inconsistent with modern best practices that allow crown corporations flexibility to determine their own structure and governance processes.

This lack of modern, flexible organizational and governance provisions is a detriment to FPHLCC’s ability to function effectively as well as to its credibility among funders and other partners. Appropriate legislation would provide for a streamlined and simplified process more able to adapt to change as necessary.

What amendments are being proposed?

Structure

Advisory Committee:

Membership would be expanded to include one representative from each First Nations language group in B.C.

The role of the Advisory Committee would be to provide advice, guidance, comment and feedback on the direction, planning, program development, program implementation and current programming of FPHLCC.

Membership on the Committee would increase from 20 to approximately 32 people.

Board:

Membership would remain at 12 people, but the provincial government member would be non-voting to avoid the possibility of tie votes.

The role and responsibilities of the Board would be to provide corporate governance direction, planning and due diligence oversight of the Council.

Rather than the current situation in which Board members are selected from among the members of the Advisory Committee, Board appointments would reflect the range of skills, knowledge and experience needed to oversee a provincial crown corporation as well as any special skills required by the Board. These skills would include such things as organizational, financial and human resource management, communications and marketing, board experience, etc. Community leadership in First Nations heritage, language, arts and culture would be one of the many necessary skills sought in Board members as a whole.

Selection criteria, reflecting best practices, would be established by the Governance Committee in consultation with stakeholders.

Nomination, Selection and Appointment:

Members of both the Advisory Committee and the Board would be sought through an open nomination process, developed and managed by the Governance Committee of the Board.

An open nomination process means that any B.C. First Nations individual, organization or community could nominate a person or persons for membership.

Tribal councils currently represented on the Advisory Committee would be able to nominate members, as would tribal groups and other governing bodies not currently represented, such as language authorities, cultural centres, etc.

Advisory Committee and Board members would be recommended by the Governance Committee of the Board based on transparent selection criteria and processes, developed in consultation with stakeholders.

The Minister would continue to confirm all Board appointments by Ministerial Order.

Legislation would enable FPHLCC to govern and maintain operations without prescribing how. This model would provide FPHLCC with flexibility similar to that of other crown corporations, while enabling the organization to maintain a special First Nations perspective.

This model would also provide FPHLCC with a wider range of representation than is currently the case and provide increased opportunities for more First Nations to participate on both the Advisory Committee and the Board.

Role Clarification:

The roles of the Advisory Committee and Board would be clearly delineated through the Council's by-laws rather than legislation, allowing FPHLCC to adapt to changing needs.

The Advisory Committee would provide guidance on programming.

The Board would be responsible for good corporate governance.

The Board would provide advice to government based on the input of the Advisory Committee, supported by information gained from additional sources such as online forums, regional language gatherings, Peer Review Committees*, etc.

*Note: While participation on the Advisory Committee and the Board provides an opportunity for input into programming and governance, neither of those bodies is involved in decisions around the distribution of community-based grants. Those decisions are made by the Peer Review Committees to ensure objective assessment by experts. This will not change with any legislative amendment.

Clarification of FPHLCC's purpose

Inclusion of the arts

The current legislation makes no reference to the arts. The revised legislation will ensure that the purpose of the organization as outlined in the legislation explicitly reflects the understanding of First Nations that the term 'culture' includes the arts and that, in fact, heritage, language and the arts are all interdependent components of culture.

Accurate reflection of existing activities

The revised legislation will accurately reflect FPHLCC's engagement with a wide range of B.C. artists, language champions, leaders, communities and organizations to develop programs to revitalize First Nations language, heritage, arts and culture.

Flexibility

The revised legislation will provide FPHLCC with sufficient flexibility to enable it to evolve to meet changing program priorities as determined by First Nations governing organizations.

What will these changes mean?

All First Nations language groups will have the opportunity to be represented on the Advisory Committee and in the work of FPHLCC. (First Nations individuals who specialize in First Nations languages, whether as fluent speakers, language champions and/or language advocates, are likely to have knowledge of First Nations heritage and arts issues. As such, they are uniquely qualified to provide invaluable advice to FPHLCC on these matters.)

Tribal councils currently represented on the Advisory Committee will still have the opportunity to nominate an individual from their language group. Other governing organizations and language groups not currently represented will now have the same opportunity to nominate members.

The support of a nation-wide governing organization would be an important factor to be considered by the Governance Committee.

Board appointments will reflect special skills required by the Board at any particular time as well as an emphasis on skills, knowledge and experience in corporate governance. Community leadership in First Nations heritage, language, arts and culture would be one of the many necessary skills sought in Board members as a group.

There will be increased opportunity for a diversity of First Nations language groups to be considered for Board appointments.

The new legislation will reflect the reality of FPHLCC's extensive role working with a broad range of B.C. artists, language champions, leaders, communities and organizations to develop programs to revitalize First Nations language, heritage, arts and culture.

FPHLCC will have greater flexibility both to adapt its programming to meet changing program priorities as determined by First Nations governing bodies and to adapt to governance changes within First Nations communities.

The involvement of all language groups and more First Nations will provide FPHLCC with enhanced credibility among First Nations as well as with governments, funders and other partners.

What do you think?

FPHLCC wants your input.

Do you agree with the objectives of:

- inclusiveness?
- clarity of purpose?
- modernized governance?

Do you agree that the Advisory Committee should include a representative of each B.C. First Nations language group?

Do you agree with the proposed governance model proposed for the Advisory Committee and the Board?

Do you support an open nomination process for both bodies and selection by the Governance Committee of the Board? Or do you prefer an appointment process and, if so, by whom? e.g. by tribal group? language authority? some other organization?

Do you have other suggestions that might help FPHLCC better achieve its objectives?

Are there other issues that should be included in the revised legislation?

Next steps

We urge you to provide your comments on the proposed legislative changes **no later than July 17, 2009**, in order to achieve the minister's approval for inclusion in the Province's 2010/2011 Legislative Package.

Public report

A public report will be posted on FPHLCC's website with the results of this feedback in September 2009.

How to make your voice heard

1. Fill out the Feedback Form on the website at www.fphlcc.ca by July 17, 2009
2. Contact us by email: feedback@fphlcc.ca

For more information or to discuss this proposal please call 250-652-5952 and ask for Leah Jesse at extension 213.

Whatever your views, we want to hear from you.

Please get in touch by July 17, 2009.

THANK YOU for your interest in this important initiative.

APPENDIX A

LANGUAGE GROUPS:

Represented:

Nuxalk	Gitsenimx̣	Ktunaxa
Nteʔkepmxcín	Secwepemc	Carrier – Dakelh
ᑭaaydaa Kil	Halkomelem	Dane–Zaa
Státimc	Nuučaan̓uł	Hailhzaqvla
Kwaᑭwala	Nisga'a	Oowekyala
Kaska	Nsyilxcən	Dene Tha

NOT represented:

Tāłtān	Diitiidʔaatx̣	Southern Tutchone
Wet'suwet'en	SENĆOŦEN	Sᑭwᑭwú7mesh sníchim
Tse'khene	Łingít	Sliammon – Éy7á7juuthem
Sm̓algyax	Haisla	She shashishalhem
Tsilhqot'in	Tagish	

*Please note, the above lists do not include all 59 dialects found in BC