



**Intergovernmental Council**  
of the Northwest Territories

# Secretariat to the Intergovernmental Council on Lands and Resources Management

Terms of Reference and Procedures

## **Table of Contents**

1	Intergovernmental Council on Lands and Resource Management .....	2
1.1	Purpose and Objectives.....	2
1.2	Council Organizational Structure .....	4
2	Secretariat to the Intergovernmental Council on Land and Resource Management .....	5
2.1	Purpose .....	5
2.2	Objectives.....	5
2.3	Membership .....	5
2.4	Working Groups .....	6
2.5	Reporting Relationships .....	6
3	Secretariat Members .....	6
3.1	Roles and Responsibilities .....	6
4	Secretariat Chairperson .....	7
4.1	Roles and Responsibilities .....	7
5	Secretariat Coordinator .....	8
5.1	Roles and Responsibilities .....	8
5.2	Additional Support .....	9
6	Secretariat Meetings.....	9
6.1	Meetings - General.....	9
6.2	Decision-Making.....	9
6.3	Standard Agenda Items.....	10
6.4	Secretariat Members Expenses.....	10
7	Distribution of Documents to the Secretariat .....	11
7.1	Meeting Materials .....	11
7.2	Secretariat Documents.....	11
7.3	Information Items .....	11
7.4	Other Materials .....	11
8	Conflict of Interest/Disclosure .....	11
9	Communications .....	12
10	Joint Communications .....	12
11	Periodic Review of the Terms of Reference .....	13

## **1 Intergovernmental Council on Lands and Resource Management**

The *Northwest Territories Land and Resources Devolution Agreement* (2014) fundamentally alters the way that land, water and resources are managed in the Northwest Territories. As part of its negotiation and through a schedule to the *Devolution Agreement*, the Government of the Northwest Territories and Aboriginal Parties to the Devolution Agreement agreed to engage in a government-to-government relationship.

The *2014 Northwest Territories Intergovernmental Agreement on Lands and Resources Management* ("IGA") is a schedule agreement to the *Devolution Agreement*, and established the Intergovernmental Council on Land and Resource Management (IGC). The IGC is a key feature of the *Devolution Agreement* and provides an important opportunity for both public and Indigenous governments to cooperate and collaborate on matters related to lands and resources management across jurisdictions, while respecting the autonomy and authority of each government.

Parties to the IGA include the following governments:

1. Government of the Northwest Territories (GNWT),
2. Gwich'in Tribal Council (GTC),
3. Inuvialuit Regional Corporation (IRC),
4. Northwest Territory Métis Nation (NWTMN),
5. Sahtú Secretariat Incorporated (SSI),
6. Tłıchǫ Government (TG),
7. Acho Dene Koe First Nation (ADKFN),
8. Denínu Kúé First Nation (DKFN),
9. Kátł'odeeche First Nation (KFN),
10. Salt River First Nation (SRFN).

### **1.1 Purpose and Objectives**

The purpose of the IGC is to promote the development of a system, for management of lands and resources, that advances the purpose and objectives outlined in section 2.1 of the IGA:

- a) Public lands, waters and resources in the Northwest Territories should be managed in accordance with settlement agreements, and in keeping with the honour of the Crown including any requirement for consultation and if appropriate, accommodation;
- b) Public lands, waters and resources in the Northwest Territories should be managed under a system of policies and legislation that reflects regional and Aboriginal Parties' approaches and decision-making;
- c) Settlement lands and other lands, waters and resources subject to the jurisdiction of Aboriginal governments should be managed in accordance with the settlement agreements and self-government agreements for the benefit of Aboriginal peoples by the applicable Aboriginal government or other organizations;

d) The management of lands and resources is fundamentally important to the people of the NWT and should be carried out in an integrated manner; and

e) The Parties, in carrying out their responsibilities for the management of lands and resources, should:

- i. respect Aboriginal and treaty rights,
- ii. allow for mutual consultation in respect of the management of lands and resources;
- iii. provide for a meaningful participation in decision-making in the management of lands and resources;
- iv. promote the harmonization of legislation, policy and programs in areas of common interest;
- v. encourage sustainable development of lands and resources;
- vi. build capacity of the GNWT and Aboriginal governments to carry out their jurisdictions and authorities;
- vii. develop employment, training, and business development opportunities for Aboriginal people in resource development at the local and regional levels;
- viii. take into account opportunities for strategic development of lands and resources in the NWT;
- ix. take into account the desire for land and resources management systems to be affordable, effective, coordinated, and economically competitive; and
- x. consider other ways to cooperate to achieve efficiency and effectiveness.

The IGA also sets out that, subject to the required financial appropriations of the Parties, the Council shall establish a Secretariat with the appropriate technical, professional, and administrative expertise and capacity to fulfill its duties.

## 1.2 Council Organizational Structure

Figure 1 below illustrates the organizational structure of the IGC.

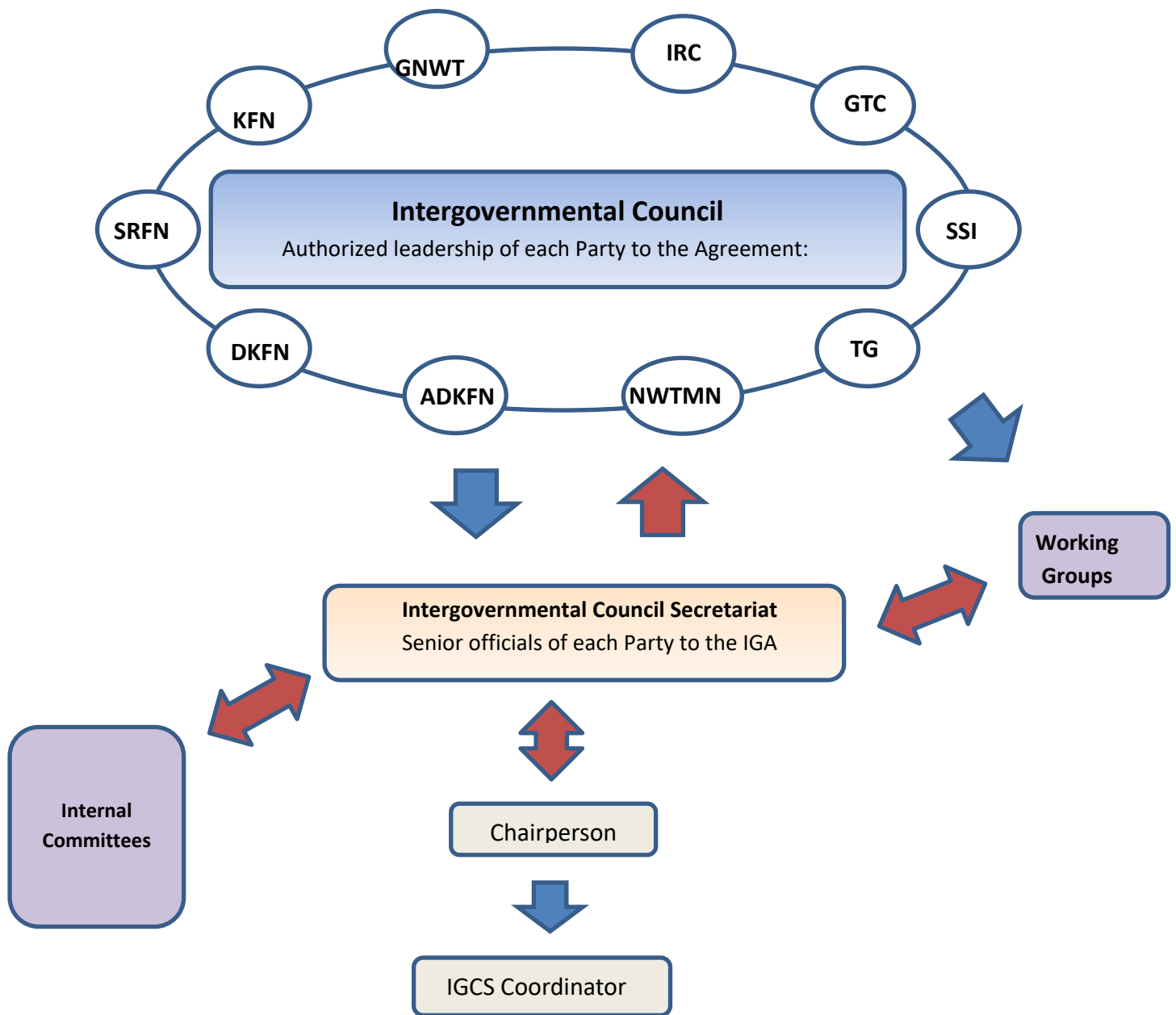


Figure 1. Organizational Structure of the Northwest Territories Intergovernmental Council on Lands and Resource Management

## **2 Secretariat to the Intergovernmental Council on Land and Resource Management**

### **2.1 Purpose**

The Secretariat to the Intergovernmental Council on Land and Resource Management (the “Secretariat”) is established in accordance with section 4.7 of the IGA under the direction and authority of the Intergovernmental Council. It is responsible for providing administrative and planning support to the Council in order to assist the Parties in achieving the purpose and objectives set out in section 2.1 of the IGA.

### **2.2 Objectives**

The Secretariat will be responsible for planning, coordinating and providing other administrative support to the Council within the framework set out in these Terms of Reference. Its primary functions will include:

- Implementing the instructions of the Council;
- Arranging agendas and briefing materials and providing logistical support for Council meetings;
- Assisting with drafting of meeting documents, including minutes and decision documents;
- Establishing and maintaining records of Council meetings and correspondence;
- Facilitating the exchange of information among the Parties to the Council;
- Designing and implementing communications strategies on behalf of the Council;
- Providing direction and guidance to working groups established by the Council, including approval of work plans and guidelines developed by working groups and reviewing reports from these working groups;
- Providing direction to and reviewing the activities of contractors hired by the Council;
- Developing work plans to guide the activities of the Secretariat on an annual basis for the consideration of the Council.

### **2.3 Membership**

The Secretariat will be comprised of all signatories to the IGA Members, including:

- one senior official appointed by the Government of the Northwest Territories;
- one senior official appointed by each of the Aboriginal Parties of the Agreement.

A Chairperson will be chosen amongst the Secretariat Members. The role of the Chairperson will alternate amongst the Members every two years.

Each Party shall notify the Secretariat in writing of their appointed senior official and if any changes are made to the appointed senior official.

Each Party will also identify an Alternate representative who can replace Members in situations where they are unable to attend a Secretariat meeting.

Members and Alternates are to be fully briefed and informed on Council initiatives and issues. In order to be effective, the Secretariat must be led by Members who are knowledgeable about the purpose and objectives of the Council. Consistency in representation is essential to achieving this goal. Alternates are considered replacements for Secretariat Members; therefore Alternates share the same roles and responsibilities as the Secretariat Members.

The composition of the Secretariat may change if other Indigenous governments become a Party to the *Devolution Agreement*.

## **2.4 Working Groups**

Working groups may be established by the Council to address specific tasks or issues. The Secretariat will provide direction and guidance to working groups established by the Council.

The Council Members may each designate one or more officials to participate in any working groups established by the Council. Non-member Indigenous governments and organizations may participate in working groups at the invitation of the Council.

It is understood that any working group that is established will be accountable to the Council. For greater certainty, working groups do not have any decision-making authority.

Notably, Technical Working Groups struck under the IGC Legislative Development Protocol are distinct from the above Working Groups.

## **2.5 Reporting Relationships**

The Secretariat will report on its activities at several levels:

- The activities of the Secretariat will be reported to the Council. Reporting to the Council will be facilitated by the Secretariat's Chair and/or Coordinator; and
- The Members of the Secretariat will report on meetings and activities to their respective Council Member.

In addition, a communication plan will be developed by the Secretariat to define further how the Council activities will be communicated internally and externally. Part of this plan may include the use of a website to facilitate exchange of information.

# **3 Secretariat Members**

## **3.1 Roles and Responsibilities**

The Members of the Secretariat will:

- Participate consistently, have an appropriate level of knowledge and authority, and have a commitment to the success of the process;
- Present their organization's information and opinions;
- Participate in and contribute to the development of the Secretariat;
- Participate in the development, review and implementation of the Secretariat's work plans consistent with the direction of the Intergovernmental Council;
- Request briefings from the Coordinator when required;
- Report back to their respective Council Members in a timely and comprehensive manner;
- Endeavour to meet the agreed-upon schedules for various activities; and
- Agree to Chair the Secretariat meetings for a two year period and rotate this responsibility amongst the Members of the Secretariat.

With respect to periodic meetings of the Secretariat, Members will:

- Attend meetings in person or virtually,
- Advise the Coordinator in advance if circumstances will not allow attendance. In such cases, it is expected that their Alternate will attend on their behalf;
- Review draft agendas and background materials prior to meetings to ensure best use of meeting time;
- Verify meeting summary notes/action items produced for the meetings;
- Explicitly provide direction and guidance to the Coordinator;
- Provide opinions and perspectives on behalf of their Council Member; and
- Respect the range of opinions and viewpoints of others on the Secretariat, acknowledging that differences may exist.

## **4 Secretariat Chairperson**

### **4.1 Roles and Responsibilities**

A Member of the Secretariat is selected to take on the responsibilities of Chairperson for a two-year term. The role of the Chairperson will rotate between the current Members of the Secretariat. The Chairperson will:

- Chair the Secretariat's meetings with the assistance of the Secretariat's Coordinator;
- Ensure that all Members of the Secretariat are given the opportunity to participate in discussions;
- Review draft agendas prepared by the Coordinator, with input from all Secretariat Members;
- Assist the Secretariat Members in terms of time management at their meetings, focusing on and coming to closure on specific agenda items, and identifying agenda items for the next meeting;



- Ensure that the Secretariat meeting process is fair and productive;
- Ensure that the work done by the Secretariat is within the scope of the purpose and objectives of the Council;
- Sign Secretariat correspondence; and
- Report to the Council on progress and outcomes of working groups.

## **5 Secretariat Coordinator**

### **5.1 Roles and Responsibilities**

The Secretariat Members will be supported by a Secretariat Coordinator, as long as the responsibility for funding the Secretariat rests with the GNWT. The Coordinator will be a GNWT employee who will provide management and administrative services to the Secretariat on an ongoing basis. He or she will work closely with and under the direction of the Chairperson in performing these responsibilities. As directed by the Secretariat and as articulated in a detailed job description, the Coordinator may:

- Provide administrative and clerical support to the Secretariat and Working Groups of the Council;
- Prepare draft agendas for the meetings with input from the Secretariat Members;
- Organize logistics for meetings and prepare summary notes/action item lists;
- Maintain a schedule of meetings and list of contacts for the Secretariat and Working Groups;
- Distribute documents to all Council Members;
- Coordinate requests for technical advice and assistance;
- Facilitate access to specific expertise (for example, in the areas of research, project management, communications, or traditional knowledge) as required;
- Manage the Secretariat's website;
- Receive, record, forward and track all issues identified;
- Define how issues or outcomes will be communicated internally, based on the communications plan;
- Prepare reports and documentation at the request of the Secretariat;
- Undertake other activities agreed to by the Secretariat;
- Present information and recommendations in a timely and complete fashion;
- Ensure agreed-upon schedules applying to the Council/Secretariat are met;
- Facilitate reporting of Secretariat activities;
- Facilitate communication amongst the Secretariat Members;
- Provide briefings on the progress of the Secretariat to Council Members or other organizations on an occasional basis as needed;
- Maintain a current list of Secretariat Members and designated alternates;
- Notify the Secretariat regarding formal requests from other Indigenous governments or organizations; and
- Maintain a reference center of all Secretariat documentation.

## **5.2 Additional Support**

Secretariat Members will identify additional administrative support requirements as these arise.

Contractors with specific expertise may be retained by the Secretariat to perform specific tasks related to the purpose and objectives of the Council (e.g., preparation of studies/reports; workshops). Contracts will be managed and supervised by the Secretariat's Coordinator.

## **6 Secretariat Meetings**

### **6.1 Meetings - General**

- The Secretariat will meet regularly, at least quarterly, at the call of the Chairperson and after consultation with Secretariat Members.
- The date, location and agenda of Secretariat meetings will be decided by the Secretariat Members.
- Secretariat Members may join the meetings via video or audio conference technology, as appropriate.
- Draft meeting agendas will be circulated via e-mail 14 days in advance of these meetings, and will be approved at the start of the meeting.
- The Coordinator will provide the Members with a package of relevant meeting information in advance of each meeting, organized in terms of the meeting agenda;
- The Coordinator will prepare brief meeting summary notes (documenting decisions and key discussion) and action reminder summaries for each meeting;
- As necessary, the Secretariat will consider the establishment of internal Secretariat committees to facilitate timely action on issues and questions between full meetings
  - Internal Secretariat committees shall consist of two or more Secretariat Members who will report back to all Secretariat Members following completion of assigned tasking;
- Secretariat Members may invite relevant observers and/or appropriate technical advisors to Secretariat meetings and working groups where required and with advance notice to the other Members..

### **6.2 Decision-Making**

A quorum for Secretariat meetings will consist of the GNWT representative, and a minimum of 5 of the representatives of the Indigenous Parties (in person or via conference call). The quorum requirements may change if additional Parties sign on to the *Devolution Agreement*.

If the Secretariat Coordinator sends a draft document or a draft decision to Secretariat Members, that draft document (in its sent or most recent form) or draft decision will have been considered to be carried by Secretariat consensus so long as the following conditions are met:

- the GNWT and at minimum 5 of the Indigenous Members have explicitly agreed, and
- 14 calendar days (or other explicit time-period) have passed, and

- no explicit objections exist, and
- no disagreement(s) persist(s).

Consistent with these terms of reference, at their meetings, Secretariat Members may be asked to make recommendations or decisions:

- To the extent possible, consensus will be sought;
- If consensus is not possible, a vote will be taken; a summary of the discussion and the reasons for the decision and dissenting opinions will be recorded in the meeting summary notes; and
- If a decision is required of the Secretariat, the other invited organizations/observers in attendance will be asked to refrain from participating in the actual decision.

### **6.3 Standard Agenda Items**

The following will be standard agenda items at Secretariat meetings:

- Opening Prayer/Opening Remarks/Introductions
- Review of Previous Meeting Minutes/Notes
- Review of Action Items from Previous Meetings
- Review of Meeting Agenda
- Member Statements and Status Reports
- Updates on Representation
- Discussion of Specific Agenda Items (as identified for each meeting)
- Conflicts of Interest
- Other Business
- Next Meeting Date
- Questions
- Adjournment/Closing Prayer

Each agenda item will be clearly identified as being provided for information purposes, Secretariat discussion, or Secretariat decisions.

### **6.4 Secretariat Members Expenses**

The costs associated with the participation of Secretariat Members will be borne by the Parties that they represent.

## **7 Distribution of Documents to the Secretariat**

### **7.1 Meeting Materials**

- Agendas, logistical details, and action reminder summaries (draft/final) for Secretariat meetings will be e-mailed to Secretariat Members in advance of the meetings.
- Materials will be organized to reflect the meeting agenda, and be categorized into items for information, discussion, and for decision.
- The Coordinator will inform the Secretariat Members by email of any documents to be distributed.
- The Secretariat's website will contain a password-protected area accessible by the Secretariat Members that will contain relevant documents.
- The Coordinator will clearly identify the category under which any distributed item falls (information, discussion, decision).
- The Coordinator will maintain a reference center of all the Secretariat documentation.

### **7.2 Secretariat Documents**

Documents developed by the Secretariat with the collaboration of the Secretariat Members include but are not limited to work plans and budgets, communications plans, task-related documents/reports, correspondence to/from the Secretariat/Member organizations, and comments from Secretariat Members on Secretariat documents.

### **7.3 Information Items**

Information items are directly relevant to the work of the Secretariat, but do not require the review or comment of Secretariat Members. Items will be provided to the Secretariat Members on a periodic basis as appropriate.

### **7.4 Other Materials**

The Coordinator will inform the Secretariat periodically of other documents that may be of interest to the Secretariat, but are not directly related to the development of the Council. The Coordinator will advise the Secretariat Members where to obtain such documents (website, phone and fax numbers, mailing address), and Members will be responsible for obtaining these documents themselves (in some cases, these documents may be available through the Coordinator).

## **8 Conflict of Interest/Disclosure**

If a Secretariat Member, or the government that they represent, has a direct or indirect pecuniary interest in a decision (e.g., for funding a proposal, or in the outcome of a decision), they are to declare such an interest or any other perceived or actual conflict of interest prior to discussion and

decision-making by the Secretariat as a whole. If a Member indicates a potential conflict, the other Secretariat Members will determine if the Member should participate in:

- 1) the discussion regarding a decision, or
- 2) the decision itself.

## **9 IGC Secretariat Information Sharing**

The Council and Secretariat Members agree to share information with respect to matters of mutual concern in an open and timely manner and agree to adhere to processes for effective communication between Members.

Formal correspondence between Council Members shall be shared between:

- Premier of the Northwest Territories
- All Council Members
- All Secretariat Members
- Senior officials of each Indigenous Party, if other than the Secretariat Members, respecting the protocols set out in the intergovernmental memorandums of understanding where available
- Principal Secretary
- Secretary to Cabinet/Deputy Minister of Executive and Indigenous Affairs
- Deputy Secretary, Indigenous and Intergovernmental Affairs, Executive and Indigenous Affairs.

## **10 Joint Communications**

The Council and Secretariat Members recognize the importance of issuing joint letters, press releases, statements, or other communications on matters related to the Council or of mutual interest and concern to Members ("Joint Communications").

Joint Communications include, but are not limited to, any communication, document or materials bearing the Council logo and letterhead or Council Members' logos.

Members recognize the importance of ensuring that any Joint Communications have been duly reviewed and approved by both Council and Secretariat Members prior to release or publication of the Joint Communication.

Issuance of any Joint Communication shall be based on direction from or agreed to by the Council.

Draft Joint Communications shall be shared at least 48 hours in advance, in writing, to the Secretariat Members.

The agreement of Secretariat Members to the issuance of any Joint Communications shall be given in writing by the Secretariat Members.

No Joint Communications shall be issued that have not followed, and been duly approved, pursuant to the above protocol.

## **11 Periodic Review of the Terms of Reference**

The Terms of Reference may be amended by decision of the Secretariat Members.

The operations of the Secretariat shall be reviewed after five years from the date of its first meeting.

The IGCS adopted this version of the IGCS Terms of Reference on **July 16, 2021**.