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***Secretariat to the Intergovernmental Council  
on Lands and Resource Management***

***Terms of Reference and Procedures***

*September 19, 2014*

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The Terms of Reference and Procedures for the Secretariat to the Intergovernmental Council on Land and Resources Management ( the “Secretariat”) have been organized into the following sections:

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

### **1.1 Background**

The Northwest Territories Land and Resources Devolution Agreement fundamentally alters the way that land, water and resources are managed in the Northwest Territories. As part of the negotiations, the Government of the Northwest Territories and Aboriginal Parties agreed to engage in a government to government relationship and to provide mechanisms for coordination and cooperation with respect to the management of public lands and settlement lands and rights in respect of water.

In February 2014, the Northwest Territories Intergovernmental Agreement on Lands and Resource Management (the “Agreement”) was signed by the following Parties: Government of the Northwest Territories (GNWT), Inuvialuit Regional Corporation (IRC), Northwest Territory Métis Nation (NWTMN), Sahtu Secretariat Incorporated (SSI), Gwich’in Tribal Council (GTC) and the Tłı̨chǫ Government (TG). The Agreement allows for other Aboriginal organizations to become a party to the Agreement.

In March 2014 the *Northwest Territories Intergovernmental Agreement on Lands and Resource Management Act* was approved and received assent. It is included as a schedule to the Northwest Territories Land and Resource Devolution Agreement.

### **1.2 Purpose and Objectives**

To formalize this government to government relationship the Agreement establishes the Intergovernmental Council on Land and Resource Management (the “Council”). The purpose of the Council 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 Agreement:

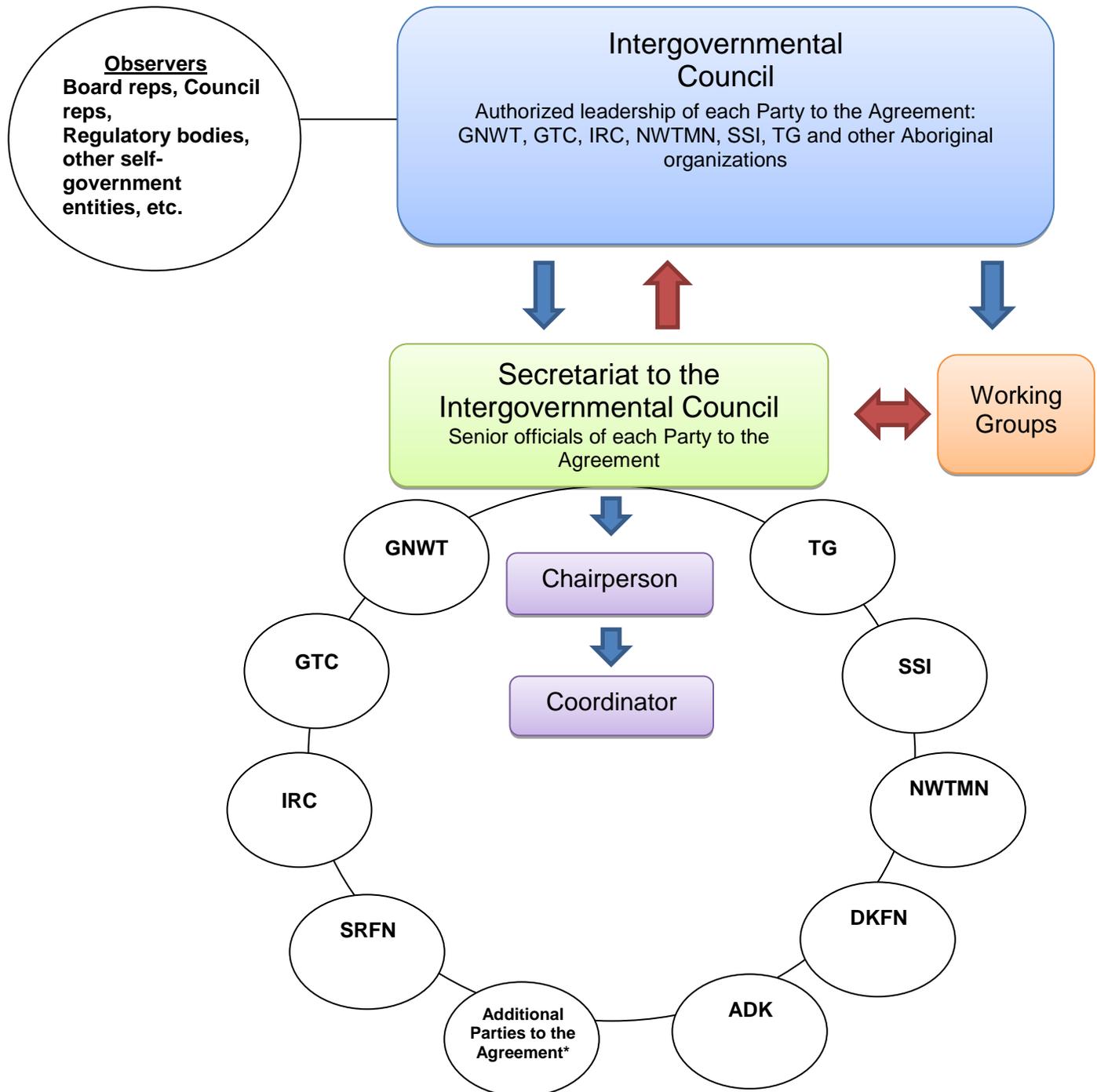
- a) Public lands, waters and resources in the Northwest Territories should be managed in accordance with settlement agreements, and in keeping with the honour of the Crown including any requirement for consultation and if appropriate, accommodation;
- b) Public lands, waters and resources in the Northwest 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 Agreement 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.

### 1.3 Council Organizational Structure

## Northwest Territories Intergovernmental Agreement on Lands and Resource Management



## **2.0 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 Agreement 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 Agreement.

### **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 the Council Chairperson to draft 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 six Members, including:

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

A Chairperson will be chosen amongst the six Secretariat Members. The role of the Chairperson will alternate amongst the Members on an annual basis.

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 Aboriginal organizations become a Party to the 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-members 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.

## **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.

## **3.0 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 one-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 by teleconference, advising 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 organization; and
- Respect the range of opinions and viewpoints of others on the Secretariat, acknowledging that differences may exist.

## **4.0 Secretariat Chairperson**

### **4.1 Roles and Responsibilities**

A Member of the Secretariat is selected to take on the responsibilities of Chairperson for a one-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;
- Develop draft agendas for the Secretariat's meetings;
- 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;
- Supervise and manage the work of the Secretariat's Coordinator;
- 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.

## **5.0 Secretariat Coordinator**

### **5.1 Roles and Responsibilities**

The Secretariat Members will be supported by an Interim 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;
- 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 interested parties;
- 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. A communication plan will be developed by the Secretariat to define further how these issues will be communicated internally.
- Prepare reports/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 Members organizations or other organizations on an occasional basis as needed. The Coordinator will notify the Secretariat regarding formal requests from other 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.

## **6.0 Secretariat Meetings**

### **6.1 Meetings - General**

- The Secretariat will meet at least twice yearly at the call of the Chairperson, 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 if needed.
- Draft meeting agendas will be circulated via e-mail at least 30 days in advance of these meetings, and will be approved at the start of the meeting.
- The Coordinator will endeavour to provide the Members with a package of relevant meeting information in advance of each in-person 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; and
- Each Secretariat Member may invite up to three relevant observers and/or appropriate technical advisors to Secretariat meetings and working groups.

### **6.2 Decision-Making**

A quorum for Secretariat meetings will consist of the GNWT representative as well as a minimum of three of the representatives of the Aboriginal Parties (in person or via conference call). The quorum requirements may change if additional Parties sign on to the Agreement.

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 Remarks/Introductions/Opening Prayer
- 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. The use of video and audio conference technology will be encouraged to control costs.

## **7.0 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. In addition, 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, and indicate the timing of distribution of hard copies (if any).
- 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).

## **8.0 Conflict of Interest/Disclosure**

If a Secretariat Member, or their organization, 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.

**9.0    *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.