



Intergovernmental Council
of the Northwest Territories

IGC SECRETARIAT ANNUAL REPORT 2015 - 2016

October 21, 2016

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IGC Secretariat 2015 – 2016 Annual Report

Introduction:

This report has been prepared by the Intergovernmental Council (IGC) Secretariat and reports on activities that the Secretariat has undertaken during the period of September 2015 to the end of September, 2016

Background:

In February 2014, the Northwest Territories Intergovernmental Agreement on Lands and Resource Management (the “Agreement”) was signed by the 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). Acho Dene Koe First Nation (which includes the Fort Liard Metis Local #67), Salt River First Nation and Deninu Kué First Nation also signed onto this Agreement in May 2014. Kátł’odeeche First Nation signed onto this Agreement in March 2015. The purpose of the Agreement is to formalize the government to government relationships among GNWT and the Aboriginal governments for cooperative and coordinated Management of Lands and Resources. This Agreement is part of the Devolution Agreement.

Through the Devolution Agreement, Canada agreed to provide each party with funding for post devolution responsibilities, including the government to government relationship between GNWT and the participating Aboriginal Governments for the coordination and cooperation with respect to the management of Public Lands and Settlement Lands and rights in respect of Waters. The Aboriginal Parties who signed onto the Devolution Agreement were collectively provided up to \$3,000,000 annually for obligations under devolution including their participation in the Intergovernmental Council. This is in addition to other program funding provided by the GNWT relating to land and resource management.

Administration:

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. The Secretariat’s roles and responsibilities are outlined in the Terms of Reference which were approved by the Intergovernmental Council in September 2014.

As per the approved Terms of Reference, a Secretariat Coordinator was also hired to provide administrative support to the IGC Secretariat. This position is housed within the Aboriginal Consultation and Aboriginal Relations division of the Department of Aboriginal Affairs and Intergovernmental Relations. That position has been working closely with the IGC Secretariat on the following activities:

- The logo was approved by the Intergovernmental Council at their second Annual Meeting held on September 3rd, 2015. All documents generated through the Intergovernmental Council Secretariat including minutes of meetings and information items now include the logo on the letterhead. The logo is also part of the website which was officially launched on October 9th, 2015. The website provides a communications tool for the Intergovernmental Council to share information on their activities. The website includes a site for members only where documents for distribution are downloaded for access by members. The members only site, which can be accessed by members using a password, contain documents for distribution such as minutes of meetings, follow up summary tables, information items provided by departments, etc. Because of the volume of material provided to members, this members' only site is a good idea, particularly when dealing with broadband issues in the communities. Site access by members can also be tracked and monitored. The IGC Secretariat Coordinator manages the site.
- The IGC Secretariat has been meeting on a regular basis which has generated an increase in volume of information material being distributed. In order to track this, an information distribution log has been developed to track what information is distributed to the members, either directly or through the website.
- All documents, including minutes, information items and correspondence are housed in the GNWT's Digital Integrated Information Management System (DIIMS). Documents for distribution are also downloaded onto the website for access by members.
- The IGC Secretariat Coordinator developed a work plan that outlines proposed activities to fulfill the position responsibilities along with a plan of action on how to provide administrative support to the IGC Secretariat in carrying out the priorities set by the Intergovernmental Council. The annual work plan was provided to the IGC Secretariat and downloaded onto the website for members' access.
- A PowerPoint Presentation was developed that explains the role and responsibilities of the the Intergovernmental Council. This presentation will be used to share information with GNWT departments about the role and responsibilities of the Intergovernmental Council and the Secretariat and can be used in presentations to community groups, if requested. An invitation has been extended to the IGC Secretariat to participate in these presentations, as their schedules permit. The presentations to key departments will begin in the fall of 2016.

- The IGC Secretariat Coordinator along with Ms. Blondin-Andrew, Chair of the Sahtu Secretariat and several members of the IGC Secretariat (Bob Simpson, IRC and Bertha Rabesca Zoe, Tłı̄ch̄ Government) were invited to participate in a panel discussion on the Intergovernmental Council at the IPAC Northern Governance Conference held on March 1st – 3rd, 2016 in Yellowknife. The feedback from participants was positive and helped generate interest in the Intergovernmental Council. The panel presentation can be viewed on the IPAC site at: <http://podiumlive.com/nt-governance-2016-archive#day-three-working-level-intergovernmental-ig-relations>
- Research was undertaken on funding sources for training purposes. This is reported on in more detail under the Aboriginal Government Capacity Working Group – see page 6 of this report.
- For all meetings of the Intergovernmental Council that are held, including the Secretariat and Working Groups, minutes are prepared along with a follow-up summary table of action items. The summary table outlines what is to be done, by whom and by when. These summary tables are updated regularly and reported on in subsequent meetings. This helps the Secretariat monitor the progress made on action items. As noted previously, the minutes and the follow-up summary table are also downloaded onto the website for easy access by the members.
- The first resource revenue sharing payment for 2014-2015 was issued on July 31, 2015. A second payment of the Retained Amounts was issued in August 2015, a third payment was issued early in November 2015 and the fourth payment was issued in early February 2016. The latter payment applies to the 2015 year. The formula for the calculation of the resource revenue payments was developed by the Finance Working Group and approved by the IGC Secretariat. The calculation takes into consideration population and cost of living differentials. The first resource revenue sharing payment for 2015-2016 was issued in early August 2016. As in previous year, subsequent payments will also be issued based on a payment schedule.

Intergovernmental Council:

The second annual meeting of the Intergovernmental Council took place on September 3rd, 2015 in Yellowknife. This meeting included a reporting on the work undertaken on the previous year's outcomes and an acceptance of recommendations going forward. The following Outcomes were agreed to:

- Leaders accepted the presented annual report and agreed that it will be made public at the appropriate time and put on the website.
- Leaders accepted the logo for the Intergovernmental Council.

- Leaders directed the Aboriginal Government Capacity Working Group to continue with their mandate for the upcoming year.
- Leaders directed the IBA Working Group to continue with their efforts and to report to the Intergovernmental Council in 2016 and include a focus on socio economic agreements.
- Leaders directed the IGC Secretariat to plan and hold a facilitated strategic planning workshop to develop a long term plan that addresses the following:
 - Aboriginal Government Capacity
 - Priority Legislation Review
 - Water Management and Planning
 - Land Use Sustainability Framework – review and planning
 - Preparing work for the review of the Devolution Agreement provisions related to the MVRMA
- The Intergovernmental Council agreed to have an invitation extended to the Chair of the Standing Committee on Priorities and Planning to attend future meetings as a member of the GNWT delegation.

The 2016 annual meeting of the Intergovernmental Council is scheduled for October 21st to be held in Yellowknife.

IGC Secretariat:

The IGC Secretariat was set up in the early part of 2014 to provide support to the Intergovernmental Council. The Terms of Reference for the IGC Secretariat were approved by the Intergovernmental Council at the September 19, 2014 meeting.

The Terms of Reference calls for the appointment of one senior official from the Government of the NWT and one from each of the respective Aboriginal Government who are a party to the Agreement. A copy of the approved Terms of Reference was downloaded onto the website.

The following IGC Secretariat meetings were held:

- August 20, 2015
- September 2, 2015
- October 8, 2015
- October 22, 2015
- February 4, 2016
- June 16, 2016
- September 15, 2016

Minutes of all the meetings are prepared and a summary table of the Follow up/Action Items is prepared and distributed. Status reports are provided regularly on the Follow

up/Action Items. A copy of the meeting minutes along with the corresponding Follow up/Action Items summary tables are also available to the members on the website.

In addition to the above meetings, a two day Strategic Planning Workshop was held on November 18th and 19th, 2015 in Yellowknife. The workshop was facilitated by a local consultant and the agenda for the workshop was developed in cooperation with the IGC Secretariat. The results of that workshop are reported on below.

IGC Working Groups:

As was noted previously, the Intergovernmental Council directed that two Working Groups be established - a Finance Working Group and an Aboriginal Government Capacity Working Group. These Working Groups were set up in early 2015 and consisted of the IGC Secretariat members. The Terms of Reference for these Working Groups were approved at the April 29, 2015 Working Group meetings. Direction was also given to set up an Impact Benefit Agreement/Benefit Plans Working Group. This latter Working Group was set up in June 2015 and the Terms of Reference for that Working Group was approved at the February 4th, 2016 IGC Secretariat meeting. The approved Terms of Reference were posted on the website.

When the Working Groups were established, all IGC Secretariat members sat on the Working Groups, which resulted in some overlap and confusion regarding the role and responsibilities of the respective Working Groups. At the June 4th, 2015 IGC Secretariat meeting, it was agreed that this needed to be clarified and a more cohesive approach developed in terms of how the Working Groups are structured and their function. This approach was adopted with the Aboriginal Government Capacity Working Group and the Impact Benefit Agreement/Benefit Plans Working Group, which is reported on below.

The following IGC Working Group meetings have been held to date:

- Finance Working Group
 - No meetings were held during this reporting period as there were no issues that required attention.

- Aboriginal Government Capacity Working Group
 - May 05, 2016
 - September 13, 2016

- IBA Working Group
 - January 21, 2016
 - February 02, 2016
 - June 14, 2016
 - September 14, 2016

Minutes of all the meetings are prepared with Follow up/Action Items clearly outlined and status reports provided regularly. A copy of the Working Group meeting minutes along with the corresponding Follow up/Action Items summary tables are also available to the members on the website.

Report on the Intergovernmental Council's Priority Items:

The following is a reporting on the actions taken on the Outcomes set by the Intergovernmental Council at their September 3rd, 2015 annual meeting:

- ❖ **Leaders accepted the presented annual report and that it will be made public at the appropriate time and put on the website.**

Progress Report

A copy of the annual report was posted on the website. The annual report is also made available when requested.

- ❖ **Leaders accepted the logo for the Intergovernmental Council.**

Progress Report

As noted above, the website was finalized and launched on Oct. 9th, 2015. The IGC Secretariat Coordinator has also started using the logo on all IGC related documents requiring letterhead including minutes of meetings, agendas and information items. The PowerPoint presentation that was developed for presentation to the GNWT departments also is done using the template developed using the logo representation.

- ❖ **Leaders directed the Aboriginal Government Capacity Working Group to continue with their mandate for the upcoming year.**

Progress Report

At the November 18th- 19th Strategic Planning Workshop mentioned above, it was agreed that Aboriginal Government Capacity cannot be a stand-alone initiative and that capacity has to be taken into consideration and be part of a built in process when developing work plans. However, it was also agreed that there is a need to continue to address the issue of capacity concerns.

Leading up to the November 18th – 19th Strategic Planning Workshop, the IGC Secretariat Coordinator researched funding programs available for training purposes. The research findings indicated that there are a number of funding programs available through the federal government and the GNWT. The funding programs vary from program to program and in most cases, are for short term projects. Funding available through foundations was also identified. A matrix outlining the results of that research

was developed and provided to the IGC Secretariat and has been downloaded onto the website for members access.

A teleconference call meeting of the Aboriginal Government Capacity Working Group was held on May 5th, 2016 and at that meeting it was agreed that this Working Group needs to be restructured and downsized. The proposed restructuring plan was approved at the June 16th, 2016 IGC Secretariat meeting. The following member organizations agreed to participate on this Working Group: Gwich'in Tribal Council, Inuvialuit Regional Corporation, Tlicho Government and Kát'odeeche First Nation. The Working Group was also directed to identify priority areas for the Working Group to work on in the coming year.

The first meeting of the restructured Aboriginal Government Capacity Working Group was held on Sept. 13th, prior to the September 15th IGC Secretariat meeting. At that meeting, the Working Group identified the following priorities they wanted to work on:

- The development of a certificate training program on lands and resource management to be offered in a modular format. The training program can include generic/base level courses then branch off to focus on specific regional needs such as land claim requirements. The training program should be geared towards addressing First Nations and Aboriginal governments' needs in terms of developing capacity so that they can effectively manage their Land and Resources.
- Need to do a scoping exercise to identify what training initiatives are currently in place, what needs exist, the training bodies available and how GNWT can provide support. The latter can include providing support to the Aboriginal governments to put systems in place, help to build capacity and offer staff to staff support. This can include developing mentoring type programs. Working together will also ensure everyone understands the systems they work under and that systems developed are done in a coordinated manner.
- There is also a need to develop increased communication between the parties and GNWT. Early participation means the Aboriginal governments can help influence budget allocations and approvals.

The IGC Secretariat Coordinator was directed to undertake a scoping exercise as outlined above. When identifying training programs available, the matrix that was developed on funding programs available for training will be taken into consideration. The research on existing programs will also look into other jurisdictions like Nunavut, Saskatchewan, etc. The results of the scoping exercise will be reported back to the IGC Secretariat in November.

❖ **Leaders directed the IBA Working Group to continue with their efforts and to report to the Intergovernmental Council in 2016 and include a focus on socio economic agreements.**

Progress Report

The Impact Benefit Agreement/Benefit Plans Working Group is comprised of three IGC Secretariat members along with members who have technical expertise. This approach has proven productive. The following members are represented on this Working Group: Sahtu Secretariat, Acho Dene Koe First Nation, NWT Métis Nation and Tlicho Government. The Department of Industry, Tourism and Investment (ITI) also attends the meetings of the Working Group.

The IBA Working Group did a presentation at the Feb. 4th meeting of the Secretariat. The presentation outlined the proposed Principles that would guide the negotiation of impact benefit agreements/ benefit plans, the triggers that would be taken into consideration for entering into an agreement, the type of industry this would apply to, the financial considerations, the types of agreements, the role of the GNWT and who would be parties to the agreements. What would go into an agreement was also discussed along with what should be taken into consideration for inclusion when developing legislation for this.

Based on the presentation, the IBA Working Group was directed by the IGC Secretariat to continue with the work they started. The Department of Industry, Tourism and Investment also agreed to table with the Working Group, a document that provides a timeline and process for development of legislation related to resource development including Mineral Resource Act and Petroleum Resource Act. The Working Group also noted that ITI should indicate how they plan to undertake engagement activities.

The Department of Industry, Tourism and Investment submitted a Critical Path for the development of a Mineral Resource Act to the Working Group in September. The Critical Path was tabled at the September 15th IGC Secretariat meeting. At that meeting, the members expressed concerns that according to the Critical Path provided, the IGC does not get involved until the development work has been undertaken. They stressed that they need to be collaborately involved in the early stages, helping to set common goals and objectives and identifying what they want to be involved in. They asked that information about a Petroleum Resource Act also be provided. It was agreed that the IBA Working Group should continue to work on this initiative.

- ❖ **Leaders directed the IGC Secretariat to plan and hold a facilitated strategic planning session to develop a long term plan that addresses the following:**
 - **Aboriginal Government Capacity**
 - **Priority Legislation Review**
 - **Water Management and Planning**
 - **Land Use Sustainability Framework – review and planning**
 - **Preparing work for the review of the Devolution Agreement provisions related to the MVRMA**

Progress Report

As noted above, a Strategic Planning workshop was held on Nov. 18th & 19th, 2015 in Yellowknife. Officials from key departments were also invited to participate in the workshop. A report was prepared and reviewed by the Secretariat. In the report, it noted that the Secretariat recommended focusing on four areas for each priority. These four broad areas are:

- Vision
- Legislation
- Relationships
- Capacity

The discussion in the workshop session focused on the latter three areas. As a result of the discussions, a preliminary matrix was developed that looked at the following:

- Foundational - what needs to be done first? What building blocks must be put in place in order to develop land and resource management systems?
- Support developing systems – what can all Parties do to support new systems as they are developed?
- Coordination and cooperation – How can the Parties work together to ensure that systems work well and achieve objectives.

The participants in the workshop agreed that in order to achieve this, they need to develop a comprehensive understanding of the current structures and strategies and perform a gap analysis, review available resources and identify efficiencies in areas of coordination and cooperation. It was also agreed that capacity is an ongoing and critical issue and that it cannot be regarded as a stand-alone issue and that when developing strategic plans, capacity should be an integrated process.

At the February 4th, 2016 IGC Secretariat meeting, the report and its findings were discussed. It was agreed that further work needs to be done to develop a Strategic Plan. At the June 16th, 2016 IGC Secretariat meeting, a discussion document was presented that outlined the factors that have to be taken into consideration when developing the Strategic Plan. The factors include the following:

- It is critical to acknowledge the uniqueness of each of the parties to the Devolution Agreement (Agreement) and the challenges these differences create in developing a strategic plan. To fully develop a strategic plan, it is necessary to have a full understanding of each party.
- The state of land claims across the NWT is complex and varies with respect to states of completion, regional or community agreements, and those including self-government, or only lands and resources.
- Parties to the Agreement all have different administrative structures and processes for managing lands – no two are alike. Some have dedicated lands departments or management units, whereas, others do not. And in a lot of instances, it is an additional responsibility of an SAO or Band Manager.

- Geographic differences often dictate the type and extent of land and resource development that takes place within a given region so priorities are not consistent across the regions but are all equally important.
- Two distinct resource management regimes for the regulation of land and water exist in the NWT. Inuvialuit Settlement Region (ISR) is governed under the *Canadian Environmental Assessment Act, 2013* (CEAA) which flows from the Inuvialuit Settlement Agreement, whereas, the *Mackenzie Valley Resources Management Act, 1998* (MVRMA) applies in the remainder of the Northwest Territories.
- Regions and communities also have varying capacity issues as well as differences in access to resources (financial, human and infrastructure).

The document also noted that much of the future work of both the Aboriginal governments and the GNWT can be classified either as “operational” or “strategic”. The document noted that the IGC is likely best served by focusing on the strategic areas. The GNWT departments and Aboriginal governments can use existing processes to work together on operational initiatives.

It was also noted that because there are initiatives that are already underway it would be better to let those initiatives continue but that regular briefings be provided to the IGC Secretariat. An example of this is the NWT Water Strategy which is currently managed by the Department of Environment and Natural Resources and involves the participation of Aboriginal governments.

The document also stated that in order to develop a cooperative and coordinated approach to managing land and resources it is proposed that the Secretariat to the Intergovernmental Council on Land and Resource Management (IGC Secretariat) consider developing goals and objectives to assist the members in contributing to the success of the Intergovernmental Council. This latter approach will give ownership to all involved in making this work.

In August 2016, the Department of Aboriginal Affairs and Intergovernmental Relations allocated additional funding to hire a contractor to work on developing a Strategic Plan Framework for presentation to the Intergovernmental Council. It is anticipated that this Strategic Plan Framework will not be a fully detailed Strategic Plan but will provide the structure and available content from which a detailed Plan can be further developed. The Framework will include recommendations for activities that will have to be undertaken in order to further develop the Strategic Plan, including having a gap analysis done. A local contractor was hired at the beginning of September to prepare the Strategic Plan Framework. The contractor has experience in developing strategic plans and has extensive experience working with Aboriginal governments, community groups and organizations. The intent is to table this Strategic Plan Framework at the October 21st Intergovernmental Council meeting for review and discussion.

Recommendations:

The following recommendations are presented for the Intergovernmental Council's review and direction:

- Approve the 2015 – 2016 IGC Secretariat Annual Report
- Direct the Aboriginal Government Capacity Working Group to continue with their mandate for the upcoming year and to report back to the Intergovernmental Council in 2017 on the work undertaken with the priorities presented in this report.
- Direct the IBA Working Group to continue with their mandate for the upcoming year and to report back to the Intergovernmental Council in 2017 on progress made with the development of related legislation.
- Direct the IGC Secretariat to continue with the development of a detailed Strategic Plan based on the Strategic Plan Framework. The long term plan should include timelines, indicators and required resources. The detailed Strategic Plan will be tabled at the 2017 Intergovernmental Council Meeting.
- Direct the Government of the Northwest Territories to instruct the senior officials from the key departments to commit to participating in the IGC Secretariat meetings.
- Direct the IGC Secretariat to work on formalizing a government to government working relationship with the Government of the Northwest Territories.
- Direct the Department of Aboriginal Affairs and Intergovernmental Relations to set up a budget for the IGC Secretariat Coordinator to undertake activities that support the IGC Secretariat. This will help when planning the work to be undertaken.

Conclusion:

The IGC Secretariat has tackled some difficult issues and concerns over the past year. And though all the priorities set before them may not have been completed, progress has certainly been made. A better understanding of the complexity of the role and responsibilities of the Intergovernmental Council and the IGC Secretariat, both by the Aboriginal governments and the GNWT, is one of the by-products of working on the priorities together. As was noted in last year's report, there is a willingness around the table to work together. That may sometimes mean working through an issue to develop an appreciation for another party's perspective. If the intent of the Northwest Territories

Intergovernmental Agreement on Lands and Resource Management is to be fully realized, it is imperative that the parties continue to work with each other.

One of the recommendations presented by the IGC Secretariat is to get a commitment from the Government of the Northwest Territories to have senior officials from the key departments participate in the IGC Secretariat meetings regularly. To be consistent with the purpose and objectives of the Northwest Territories Intergovernmental Agreement on Lands and Resource Management, it is important that all parties to the Agreement commit to participating in and providing input into the implementation of that Agreement. We have a vast territory, rich in resources and possibilities. It may not happen overnight but by working together, the full potential can be realized. We just need to continue to work together.