



Intergovernmental Council  
of the Northwest Territories

# ANNUAL REPORT IGC SECRETARIAT

## 2021 – 2023

April 14, 2023

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## **1.0 Introduction**

The Secretariat to the Intergovernmental Council (IGC) presents this activity report to the IGC for the period of November 2021 to April 2023.

## **2.0 Background**

The following parties are signatories to the *Northwest Territories Intergovernmental Agreement on Lands and Resource Management* (the Agreement):

- Inuvialuit Regional Corporation,
- Northwest Territory Métis Nation,
- Sahtu Secretariat Incorporated,
- Gwich'in Tribal Council,
- Tlicho Government,
- Denínu Kúé First Nation,
- Acho Dene Koe First Nation,
- Salt River First Nation,
- Kát'odeeche First Nation, and
- Government of the Northwest Territories (GNWT).

The Agreement is a schedule to the 2014 *Devolution Agreement*, with a purpose to formalize “the government to government relationships among GNWT and the Indigenous governments for cooperative and coordinated Management of Lands and Resources.”

## **3.0 Administration**

The Agreement established the IGC Secretariat (IGCS), and mandates that it possess appropriate technical, professional, and administrative expertise and capacity to fulfill its duties. The IGC approved the Secretariat's Terms of Reference in 2014, which further outlines IGCS roles and responsibilities and created the position of IGCS Coordinator.

The IGCS Coordinator position provides administrative support to the IGC and IGCS, and currently has a home in the Aboriginal Consultation and Aboriginal

Relations division of the GNWT's Department of Executive and Indigenous Affairs.

## 4.0 Activities

Since November 2021, the Secretariat advanced the following activities:

- Approved the first legislative initiative of the IGC Legislative Development Protocol, for the Ts'udé Nil̨né Tuyeta Regulations (TNTR) under the *Protected Areas Act* (in Sahtu region).
- Reviewed the IGC Strategic Plan to identify complete, in-progress and future IGCS actions, as well as to prioritize action items in the plan.
- Held 22 videoconferences to conduct IGCS business.
  - This included 6 discussions with the Clerk of the Legislative Assembly regarding potential enhancements to Legislative Assembly processes that involve lands and resources bills.
- Conducted 55 meetings for five legislative initiatives (maximum of four per month) across three departments.
- For lands and resources issues, discussed:
  - Metal and Diamond Mining effluent regulations
  - Oil sands tailings effluent
  - Securities and surety bonds
  - Critical minerals
  - Land lease policy.
- Wrote to the Clerks of the Legislative Assembly, to address IGC Indigenous Government participation in SCEDE briefings when collaborative legislative initiatives are implicated (directly through invitation or participation in Ministerial briefings).
- Arranged for **disbursement of \$5.66 million in regular resource revenues** under the *Intergovernmental Resource Revenue Sharing Agreement*, as well as for the **disbursement of \$1.17 million in Retained Amounts** (for 2020-21).
  - Deferred discussion on population enumeration for resource revenue sharing.
- Invited and received a briefing on Project Finance for Permanence from the Indigenous Leadership Initiative.

- Accepted an invitation to brief SCEDE directly on the ***Mineral Resources Act regulations*** (MRAR).
- Approved the *Forest Act* legislative initiative to proceed for introduction in the Legislative Assembly.
- Negotiated the final draft of the Consensus Government Process Convention for Lands and Resources Legislation.

## 5.0 Intergovernmental Council

The eighth meeting of the Intergovernmental Council took place on November 16, 2021 in Yellowknife. The IGC heard a summary of work in the preceding year, and gave recommendations for future work by approving the following meeting outcomes:

- 1. The Intergovernmental Council approves the 2020–2021 IGC Annual Report.**
- 2. The Intergovernmental Council approves the final draft Intergovernmental Council Strategic Plan (Plan) and directs the Intergovernmental Council Secretariat to implement the Plan.**
- 3. The Intergovernmental Council agrees to postpone a review of the current, original draft of the ‘NWT Intergovernmental Agreement on Lands and Resources Management’ for a one-year period and that this matter be brought back to the IGC in 2022.**
- 4. The December 2, 2020 Intergovernmental Council Meeting had the following recommended internal outcome, which remains to be addressed after an offshore accord is reached:**

**“It is recommended that the Intergovernmental Council directs that once an offshore accord is reached with Canada, that the GNWT will work with Aboriginal Parties to the**

*Devolution Agreement to develop a formula for sharing any revenue the GNWT collects from the offshore.”*

5. The Intergovernmental Council directs that a Working Group be struck to provide a forum for discussion regarding the review, as referenced in paragraph 5.1(g) of the *NWT Intergovernmental Agreement on Lands and Resources Management*. IGC members of the Working Group will consider the current discussions among the Tłıchǫ Government, Sahtu Secretariat Inc. Gwich'in Tribal Council, Canada and the GNWT when developing the review framework.
6. The Intergovernmental Council directs that once a draft Terms of Reference is reached with Canada through the Transitional Review Working Group, that these draft Terms of Reference be provided through the Intergovernmental Council Secretariat to Intergovernmental Council leadership for review and approval.
7. IGC directs that the IGC Secretariat start discussions with the Legislative Assembly on how to create true partnership in law-making for resource management law in the NWT.

These discussions should recognize the unique relationship between Public Government and Indigenous Governments in the NWT, commitments to reconciliation, and the shared responsibility for land and resources.

## 6.0 IGC Secretariat

The Agreement creates the IGC Secretariat (IGCS) to support the IGC and operates under the **IGCS Terms of Reference**. The Terms mandate that the Secretariat consists of one senior official from each IGC member government.

The Secretariat held (or attempted) 22 videoconferences during the reporting period, on:

- January 21, 2022
- February 18, 2022
- March 18, 2022
- June 3, 2022
- June 29, 2022
- July 15, 2022
- July 22, 2022
- August 5, 2022
- August 15, 2022
- August 18 2022
- August 19, 2022
- August 22, 2022
- September 16, 2022
- October 21, 2022
- November 18, 2022
- December 5, 2022
- December 15, 2022
- January 20, 2023
- January 20, 2023
- February 17, 2023
- February 20, 2023
- April 4, 2023.

In addition to the above meetings, the IGCS also participated in another 56 videoconferences to advance lands and resources legislative initiatives under the IGC Legislative Development Protocol.

## 7.0 GNWT Lands and Resources Legislative Initiatives

The GNWT's three lands and resources departments are:

- Industry Tourism and Investment (ITI),
- Environment and Climate Change (ECC)<sup>1</sup>, and
- Education, Culture and Employment.

These departments remain jointly responsible for developing or amending lands and resource management legislation. For the 19<sup>th</sup> Legislative Assembly (2019-2023), these departments have advanced the following legislative initiatives:

#### Environment and Climate Change

- *Forest Act*
- Thaidene Nënë Protected Area Regulations under the *Protected Areas Act*
- Ts'udé Niliné Tuyeta Regulations under the *Protected Areas Act*
- *Public Land Act* Regulations.

#### Industry, Tourism and Investment

- *Mineral Resources Act* Regulations
- *Oil and Gas Operations Act* Regulations.

## 8.0 IGC Working Groups

To advance multilateral progress on specific IGC-member-government issues, the four Working Groups have been established, including for:

- Finance Working Group
  - Two meetings of the Finance Working Group were scheduled during the reporting period, though they did not meet quorum.
- Impact Benefit Agreement/Benefit Plans (IBA/IBP)
  - No meetings were held during this reporting period as there were no issues that required attention.<sup>2</sup>

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<sup>1</sup> Environment and Climate change is a new department, formed from the April 2023 merger of the GNWT's Department of Lands and Department of Environment and Natural Resources.

<sup>2</sup> GNWT' department of Industry, Tourism and Investment regularly discusses impact benefits and related issues within its *Mineral Resource Act* regulations legislative initiative meetings.



- Aboriginal Government Capacity Working Group
  - No meetings were held during this reporting period as there were no issues that required attention.
- IGC Legislative Development Protocol Working Group
  - No meetings were held during this reporting period as there were no issues that required attention.
- Working Group for review of section 3.18 of the Devolution Agreement
  - No meetings were held during this reporting period.

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

## 9.0 Report on the Intergovernmental Council's Priority Items

The following list outlines the outcomes from the December 2020 IGC meeting and progress where applicable:

### 1. The Intergovernmental Council approves the 2020–2021 IGC Annual Report.

**Update:** The report was posted to the IGC website.

### 2. The Intergovernmental Council approves the final draft Intergovernmental Council Strategic Plan (Plan) and directs the Intergovernmental Council Secretariat to implement the Plan.

**Update:** The plan was posted to the IGC website, and the IGC Secretariat used the plan to conduct a prioritization exercise in spring 2022.

3. The Intergovernmental Council agrees to postpone a review of the current, original draft of the 'NWT Intergovernmental Agreement on Lands and Resources Management' for a one-year period and that this matter be brought back to the IGC in 2022.

**Update:** At the April 2023 IGC meeting, the IGC will consider whether or not to continue to postpone the review.

4. The December 2, 2020 Intergovernmental Council Meeting had the following recommended internal outcome, which remains to be addressed after an offshore accord is reached:

**"It is recommended that the Intergovernmental Council directs that once an offshore accord is reached with Canada, that the GNWT will work with Aboriginal Parties to the *Devolution Agreement* to develop a formula for sharing any revenue the GNWT collects from the offshore."**

**Update:** The four parties achieved a negotiator's draft accord in 2022. Pending review by Elected Leaders and their agreement, a signing ceremony could occur as soon as summer 2023.

5. The Intergovernmental Council directs that a Working Group be struck to provide a forum for discussion regarding the review, as referenced in paragraph 5.1(g) of the *NWT Intergovernmental Agreement on Lands and Resources Management*. IGC members of the Working Group will consider the current discussions among the Tẖcẖ Government, Sahtu Secretariat Inc., Gwich'in Tribal Council, Canada and the GNWT when developing the review framework.

**Update:** Work on this review is anticipated to restart in spring 2023.

6. The Intergovernmental Council directs that once a draft Terms of Reference is reached with Canada through the Transitional Review Working Group, that these draft Terms of Reference be provided through the Intergovernmental Council Secretariat to Intergovernmental Council leadership for review and approval.

**Update:** Work on this review is anticipated to restart in spring 2023.

**7. IGC directs that the IGC Secretariat start discussions with the Legislative Assembly on how to create true partnership in law-making for resource management law in the NWT.**

**These discussions should recognize the unique relationship between Public Government and Indigenous Governments in the NWT, commitments to reconciliation, and the shared responsibility for land and resources.**

**Update:** The IGCS successfully collaborated with the Legislative Assembly to develop the Consensus Government Process Convention on Lands and Resources Legislation.

## **10.0 Conclusion**

The Intergovernmental Council and its member governments continue to show leadership in collaborative lands and resources management in Canada.

This union remains strong, and its successes are a result of the hard work, cooperation, and willingness of all Devolution partners to build and maintain the framework for a bright and prosperous future for the Northwest Territories.