



Intergovernmental Council
of the Northwest Territories

ANNUAL REPORT IGC SECRETARIAT 2023 – 2024

November 19, 2024

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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 April 2023 to November 2024.

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,
- Tłıchǫ Government,
- Denínu Kúé First Nation,
- Acho Dene Koe First Nation,
- Salt River First Nation,
- Kátł'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 Indigenous Intergovernmental Relations division of the GNWT's Department of Executive and Indigenous Affairs.

4.0 Activities

Between April 2023 And November 2024, the Secretariat advanced the following activities:

- Approved the second legislative initiative of the IGC Legislative Development Protocol and the first to receive assent under the Legislative Assembly's *Process Convention* for legislation drafted in collaboration with the IGC for the *Forest Act*.
- Held 15 videoconferences to conduct IGCS business.
- Collaboratively developed a list of lands and resources priorities for the 20th Assembly to inform discussion at the IGCS table in combination with the priorities of the Legislative Assembly.
- Conducted 28 meetings for five legislative initiatives (maximum of four per month) across three departments.
- For lands and resources issues, discussed the:
 - Approach on traditional use cabins;
 - *Mineral Resources Act regulations*;
 - Harmonization of land and resource management roles;
 - Participation of Department of Justice drafters in lands and resources legislative initiatives in the context of the Legislative Development Protocol;
 - North of 60 Critical Minerals Tax Exemption;
 - Project Finance for Permanence (PFP); and
 - *Public Lands Act Regulations*.
- Arranged for disbursement of \$5.27 million in regular resource revenues under the *Intergovernmental Resource Revenue Sharing Agreement*, as well as for the disbursement of \$1.69 million in Retained Amounts (for 2021-22 and 2022-23).
- Met multiple times with SCEDE over the 2023 summer months in the context of the implementation of the new Legislative Assembly's *Process Convention* for legislation drafted in collaboration with the IGC for the *Forest Act*.

5.0 IGC Secretariat

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

The Secretariat held (or attempted) 15 videoconferences during the reporting period, on:

- May 19, 2023
- June 23, 2023
- July 21, 2023
- October 6, 2023
- November 17, 2023
- December 8, 2023
- January 19, 2024
- February 16, 2024
- April 19, 2024
- May 17, 2024
- August 2, 2024
- August 16, 2024
- September 20, 2024
- October 18, 2024
- November 15, 2024

In addition to the above meetings, the IGCS also participated in another 28 videoconferences to advance lands and resources legislative initiatives under the IGC Legislative Development Protocol.

6.0 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), and
- Education, Culture and Employment.

These departments remain jointly responsible for developing or amending lands and resource management legislation. For the 20th Legislative Assembly

(2023-2027), these departments are planning to advance the following legislative initiatives:

Environment and Climate Change

- *Forest Act Regulations.*
- *Waters Act and Regulations.*
- *Thaidene Nënë Protected Area Regulations* under the *Protected Areas Act.*
- *Public Land Act Regulations.*
- *Northwest Territories Lands Regulations*

Industry, Tourism and Investment

- *Mineral Resources Act Regulations.*
- *Tourism Act.*
- *Freshwater Fish Marketing Act.*
- *Petroleum Resources Act and Oil and Gas Operations Act Regulations.*

Education, Culture and Employment

- *Heritage Resources Act.*

7.0 IGC Working Groups

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

- Finance Working Group
 - No meetings were held during this reporting period as there were no issues that required attention.
- Impact Benefit Agreement/Benefit Plans (IBA/IBP)
 - No meetings were held during this reporting period as there were no issues that required attention.¹
- Aboriginal Government Capacity Working Group
 - No meetings were held during this reporting period as there were no issues that required attention.

¹ GNWT' department of Industry, Tourism and Investment regularly discusses impact benefits and related issues within its *Mineral Resource Act* regulations legislative initiative meetings.

- 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
 - This working group met in July 2023 and committed to co-developing the review's Terms of Reference during the 20th Northwest Territories Legislative Assembly.
- 7-Year Review Working Group
 - Terms of reference were developed and approved by the IGCS. No meetings have been held to date.

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 circulated to members after meetings.

9.0 Report on the Intergovernmental Council's Priority Items

The ninth meeting of the Intergovernmental Council took place on April 14, 2023 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. The following list outlines the outcomes from the April 14, 2023 IGC meeting and progress where applicable:

1. The Intergovernmental Council approves the 2021–2023 IGC Annual Report.

Update: The report was posted to the IGC website.

2. 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: Canada’s moratorium on oil and gas activities throughout the Arctic Ocean remains in place; the GNWT has not yet collected any resource revenues from the offshore, and work on developing a formula for sharing these revenues has not been initiated.

- 3. It is recommended that 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: The Working Group for review of section 3.18 of the Devolution Agreement met in July 2023 and committed to co-developing the review’s Terms of Reference during the 20th Northwest Territories Legislative Assembly.

- 4. IGC members endorse the Legislative Assembly Process Convention regarding legislation drafted in cooperation with the IGC. IGC members sign the Convention to indicate IGC support for the continued collaborative processes being developed between members of Public and Indigenous Governments.**

Update: On March 8, 2023, the NWT Legislative Assembly adopted a Process Convention regarding legislation drafted in cooperation with the IGC. The process was used successfully for the Forest Act.

- 5. It is recommended that the Intergovernmental Council agree to continue to postpone a review of the current, original draft of the ‘NWT Intergovernmental Agreement on Lands and Resources Management,’ and that this matter be brought back to the IGC at its next annual meeting.**

Update: The IGCS approved guidelines (equivalent to terms of reference) that outline the scope and how to conduct the 7-year review, including indicators of completion. No meetings have been held to date.

6. It is recommended that the GNWT continue to engage in the PFP negotiations and update the IGC again ahead of the signing of the PFP Framework Agreement.

Update: Indigenous governments and GNWT collaborated and, after consideration at a meeting of the IGCS, followed the spirit and intent of the Legislative Development Protocol to develop draft legislation that supports the PFP. This legislation, which establishes a legislative trust to receive financial contributions that will support Indigenous-led land stewardship initiatives, received assent On November 1, 2024.

7. It is recommended that the Intergovernmental Council direct the IGC Secretariat to continue to collaboratively develop IGC recommended lands and resources priorities for IGC approval by or before early July 2023. This material will then be used for communication to external audiences near the 2023 NWT general election.

The IGCS is also directed to ensure that this material explicitly recognizes the non-binding nature of the recommendations in order to respect the nature of post-election dialogue between the legislative and executive branches of public government.

Update: Senior officials collaborated for over a year to produce a listing of lands and resources priorities for the 20th Assembly and were proud to reach agreement by February 2024. The IGCS wishes to report that although the timing of the conclusion of this initiative was significantly affected by the 2023 wildfire season, as was the ability to produce this list to the IGC, the priorities list continues to inform discussion at the IGCS table in combination with the priorities that the Legislative Assembly produced.

10.0 Conclusion

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

Our collaborative government-to-government relationships remain strong and our successes are the 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.