



1. Statement of Policy

Participation by the Government of the Northwest Territories in the Aboriginal land claims process will be guided by a commitment to the fair resolution of outstanding claims in the interest of residents of the Northwest Territories.

2. Principles

The Government of the Northwest Territories will adhere to the following principles when implementing this Policy:

- (1) The Aboriginal people of the Northwest Territories have Aboriginal rights which are being defined, recognized and protected in a variety of forums, including Aboriginal land claim agreements.
- (2) The interest of residents of the Northwest Territories will be best served by a negotiated resolution of outstanding Aboriginal land claims based on Aboriginal rights.
- (3) The Government of the Northwest Territories should represent the Northwest Territories public interest in Aboriginal land claims.
- (4) The resolution of Aboriginal land claims should enhance the ability of the Government of the Northwest Territories to attain further province-like jurisdiction from the federal government.
- (5) Public government initiatives, including devolution, should be coordinated with land claims negotiations and implementation.
- (6) Aboriginal land claims settlements should aid Aboriginal people in the preservation and enhancement of their cultures and economies.
- (7) Aboriginal land claims settlements should accommodate regional and cultural differences and aspirations.
- (8) Aboriginal land claims settlements should result in certainty and predictability with respect to the ownership, use, access, management and disposition of lands and resources in the settlement area.



- (9) Land protection initiatives will be pursued and supported by the Government of the Northwest Territories where they will expedite the land claims negotiation process.
- (10) Implementation of Aboriginal land claim agreements should not adversely affect the current levels of programs and services provided by the Government of the Northwest Territories to residents of the Northwest Territories.

3. Scope

This Policy applies to all Government of the Northwest Territories departments, agencies and employees engaged in and affected by the Aboriginal land claims negotiation and implementation process.

4. Definitions

The following terms apply to this Policy:

Aboriginal Land claims - land claims based on interests in land traditionally occupied or used by Aboriginal peoples of the Northwest Territories, in the renewable and non-renewable resources on this land, and such other interests or rights as are claimed by the Dene, Metis, Inuit and Inuvialuit and which are filed and form the basis of final agreements. In this Policy, the term "an Aboriginal land claim" means the land claim or claims of a particular Aboriginal people.

Agreement-in-Principle - the provisional agreement on the settlement of an Aboriginal land claim, recommended by negotiators subject to approval-in-principle by the negotiators' respective principals. The main elements of the final agreement will be contained in the agreement-in-principle.

Deputy Head - the deputy minister of a department, the chief executive officer of a public committee, board or council or such person as may be appointed as deputy head.



Final Agreement - the agreement concluded between all parties to a negotiation on the settlement of an Aboriginal land claim subject to formal ratification by the beneficiaries and enactment by the Parliament of Canada. For the purposes of this Policy, the term “final agreement” includes any amendments made to it.

Negotiating Mandate - a statement establishing the broad goals of negotiations that acts as a set of instructions to the Government of the Northwest Territories negotiator for an Aboriginal land claim.

Negotiating Position - a statement, based on the negotiating mandate, establishing the objective of negotiations on a specific topic or set of related topics.

Pre-implementation - the implementation of some provisions of a land claims settlement prior to the conclusion of a final agreement. This will be done with the agreement of the parties, usually for the purpose of ensuring that the provision in question is workable or to provide immediate protection of the parties' interests in the face of proposed development.

Sub-Agreement - the provisional agreement concluded between all parties to a negotiation on a specific topic or set of related topics recommended by the negotiators to their respective principals subject to negotiation of an overall agreement-in-principle.

5. Authority and Accountability

(1) General

This Policy is issued under the authority of the Executive Council. The authority to make exceptions and approve revisions to this Policy rests with the Executive Council. Authority and accountability is further defined as follows:

(a) Minister

The Minister of Executive and Indigenous Affairs (the Minister) is accountable to the Executive Council for the implementation of this Policy.



(b) Deputy Minister

The Deputy Minister of Executive and Indigenous Affairs (the Deputy Minister) is accountable to the Minister and responsible to the Minister for the administration of this Policy.

(2) Specific

(a) Executive Council

The Executive Council may:

- (i) set priorities and approve policies for the negotiation of Aboriginal land claims and implementation plans;
- (ii) approve negotiating mandates and revisions to negotiating mandates;
- (iii) approve agreements concerning the roles of parties to negotiations, the negotiating process, or other related matters; and
- (iv) approve, on behalf of the Government of the Northwest Territories, agreements-in-principle and final agreements.

(b) Financial Management Board

The Financial Management Board may:

- (i) make recommendations to Executive Council on any aspect of land claims that have financial implications; and
- (ii) approve land claim settlement implementation budgets.



(c) Committees of the Executive Council

A Committee of the Executive Council may review and make recommendations to the Executive Council on any matter concerning negotiation and implementation of Aboriginal land claims referred to the Committee by the Minister.

(d) Minister

The Minister:

- (i) may make recommendations to the Executive Council on any matter concerning negotiation and implementation of Aboriginal land claims;
- (ii) may refer for the consideration of a Committee of the Executive Council any matter concerning negotiation and implementation of Aboriginal land claims;
- (iii) may approve negotiating positions which do not require revisions to negotiating mandates;
- (iv) will direct the Deputy Minister in the preparation of draft Government of the Northwest Territories negotiating mandates, positions and strategies; and
- (v) will keep Ministers informed on the progress of Aboriginal land claims negotiations and implementation.

(e) Deputy Minister

The Deputy Minister will:

- (i) advise the Minister on Aboriginal land claims positions and strategies;
- (ii) coordinate departmental, board and agency input into and participation in Aboriginal land claims negotiations;



- (iii) coordinate, under the Minister's direction, the preparation of draft Government of the Northwest Territories negotiating mandates, positions and strategies; and
 - (iv) coordinate the fulfilment of Government of the Northwest Territories responsibilities pursuant to final agreements.
- (f) Deputy Heads

The Deputy Heads (or designates):

- (i) will review position papers received from the Ministry of Executive and Indigenous Affairs and develop departmental positions and responses as required;
- (ii) may, with the approval of their Minister, participate in negotiations under the general direction of the Government of Northwest Territories negotiator;
- (iii) may participate in interdepartmental committees on Aboriginal land claims negotiations and implementation; and
- (iv) will keep their respective staff informed of land claims negotiations and implementation.

6. Provisions

(1) Negotiation Process

- (a) The Government of the Northwest Territories will formulate its own negotiating positions in the following manner:
 - (i) Under Ministerial direction, the Deputy Minister will coordinate the preparation of draft Government of the Northwest Territories negotiating mandates, positions and strategies.



- (ii) The Deputy Minister shall ensure that all relevant departments and agencies are consulted in the preparation of draft negotiating mandates and positions.
 - (iii) The Minister may recommend negotiation mandates and revisions to negotiation mandates for the approval of the Executive Council.
 - (iv) The Minister may approve negotiating positions which do not require revisions to negotiating mandates.
 - (v) The Minister shall ensure that both the federal and the Aboriginal viewpoints, as well as the public interest generally, are considered in Executive Council decisions on negotiating mandates, positions and strategies.
- (b) The Government of the Northwest Territories will conduct negotiations in the following manner:
- (i) Government of the Northwest Territories positions will be presented by the Government of the Northwest Territories negotiator.
 - (ii) Deputy heads (or designates) may participate in negotiations at the discretion of the Government of the Northwest Territories negotiator.
 - (iii) Negotiating mandates will include direction to negotiators about Government of the Northwest Territories participation in implementation, resulting from consultation with affected departments. Each of the active land claims shall include an implementation agreement. This agreement shall clearly set out the role, responsibilities and costs of all parties to implement the completed land claim.



- (iv) The initialling of a sub-agreement, agreement-in-principle or final agreement by the Government of the Northwest Territories negotiator indicates only that the negotiator recommends the agreement to the Minister.
- (c) Sub-agreements will be reviewed in the following manner:
 - (i) The Minister will submit sub-agreements for Executive Council and Financial Management Board consideration.
 - (ii) The Deputy Minister will ensure that sub-agreements are considered by the appropriate government officials prior to Executive Council and Financial Management Board review.
- (d) Agreements-in-principle will be reviewed in the following manner:
 - (i) The Minister will submit agreements-in-principle for Executive Council and Financial Management Board consideration. The Deputy Minister will ensure that appropriate information is circulated to all departments and agencies before agreements-in-principle are submitted for Executive Council and Financial Management Board consideration.
 - (ii) The Minister will table the agreement-in-principle in the Legislative Assembly after it has been approved for release by all parties to the negotiations. Input received from the Legislative Assembly will be taken into consideration in the negotiation of the final agreement.
- (e) Final agreements will be reviewed in the following manner:
 - (i) The Minister will submit final agreements for Executive Council approval. The Deputy Minister will ensure that appropriate information is circulated to all departments and agencies before final agreements are submitted for Executive Council consideration.



- (ii) Following passage of the federal bill enacting the final agreement and a review of Northwest Territories legislation, the Minister will sponsor a bill or bills in the Northwest Territories Legislative Assembly enacting any required amendments to Northwest Territories statutes.

(2) Implementation

- (a) The Deputy Minister will coordinate the fulfilment of Government of the Northwest Territories responsibilities pursuant to final agreements.
- (b) The Government of the Northwest Territories will only consider pre-implementation when an agreement is made with the federal government and the Aboriginal group regarding roles, funding and legislation.
- (c) The Government of the Northwest Territories will require that an agreement between the territorial and federal governments on responsibility for incremental implementation costs be secured prior to the commencement of substantive negotiations.

7. Prerogative of the Executive Council

Nothing in this Policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action with respect to Aboriginal land claims outside the provisions of this Policy.

Premier and Chairman of the
Executive Council