

Devolution

NWT Lands and Resources Devolution

An update for the people of the Northwest Territories

The decision to start this Devolution process was made at the first meeting of the Intergovernmental Forum (IGF) in May 2000, when Aboriginal, territorial and federal government leaders identified lands and resources Devolution as a priority.

All agreed that such a transfer would promote self-sufficiency and prosperity for the NWT by reducing reliance on federal funding.

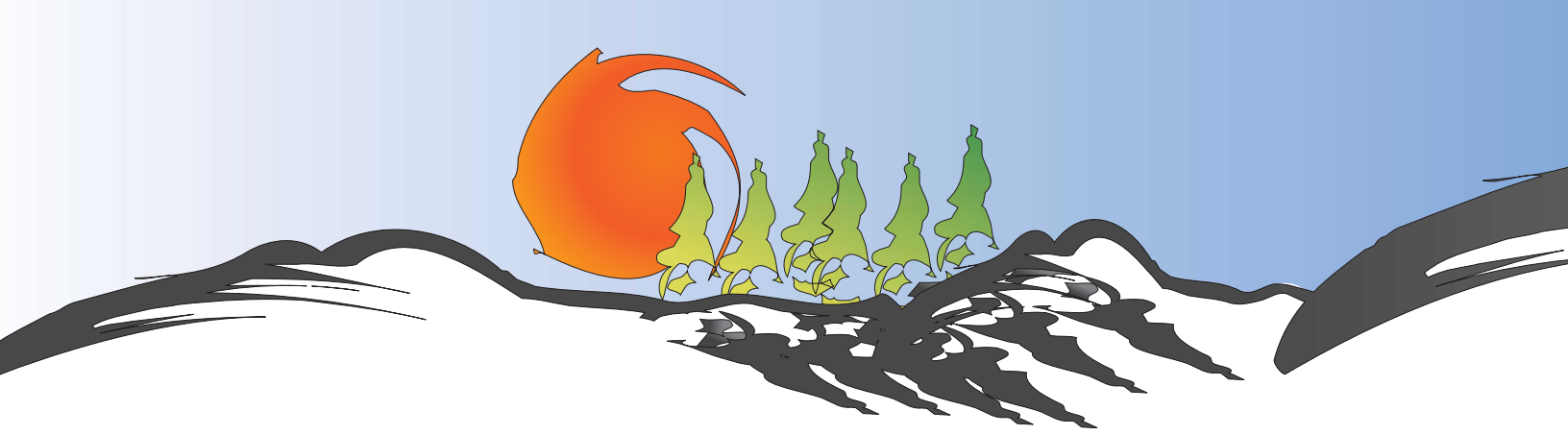
Devolution negotiations are under way to transfer administration and control of public lands and resources in the Northwest Territories.

This will change who makes decisions about how natural resources, such as land, water, oil and gas, and minerals are used and developed. Devolution will place decision-making powers in the hands of those most affected: the people of the NWT.

Transfers of provincial-type responsibilities from the federal government to the NWT have occurred before, including: delivery of health care, social services, education, administration of airports, and forestry management.

The IGF brings together the Government of Canada, the Government of the Northwest Territories, and NWT Aboriginal governments (through the Aboriginal Summit) to discuss a range of mutual issues from a territorial perspective. The IGF represents a new approach to intergovernmental relationships within the Northwest Territories.





A Government-to-Government-to-Government Process

The negotiation of lands and resources devolution involves three Parties. The Aboriginal Summit, the Government of Canada, and the Government of the Northwest Territories (GNWT) are at the negotiation table.

The Aboriginal Summit is a caucus of NWT regional Aboriginal government leaders. The Members of the Aboriginal Summit are:

- Akaitcho Territory Government
- Gwich'in Tribal Council
- Inuvialuit Regional Corporation
- North Slave Métis Alliance
- Northwest Territory Métis Nation
- Sahtu Dene Council/Sahtu Secretariat Inc.
- Tlicho First Nation

The Deh Cho First Nations have chosen to observe.

Currently, authorities over NWT lands and resources rest primarily with the Minister of DIAND, who is responsible for the associated legislative powers and programs. This responsibility is administered throughout the DIAND Northern Affairs Program (NAP) offices in Ottawa and NWT.

What Will Be the Result of Lands and Resources Devolution?

Devolution will result in transferring the authorities over lands and resources, including the collection of revenues.

This encompasses the Department of Indian Affairs and Northern Development's (DIAND's) responsibilities for the management, administration and control of land, water, minerals, oil and gas, the environment, and archaeological resources, as well as certain functions of the National Energy Board and of other federal departments.

The GNWT and the Aboriginal Summit members will determine how these revenues and responsibilities will be shared.



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NWT Lands and Resources Devolution Framework Agreement A Road Map

In May 2003, negotiators for the three Parties completed a Framework Agreement and recommended it to their leaders. The Government of the Northwest Territories, the Government of Canada, and members of the Aboriginal Summit are currently reviewing the Framework Agreement to ensure it meets their expectations.

Reaching a Framework Agreement is an important step in the process. It means the Parties agree to how the negotiations will take place, the scope of negotiations and the target dates. The NWT Lands and Resources Devolution Framework Agreement includes many elements.

Subject matters for negotiation:

- Transfer of administration and control of public lands and waters;
- Post-devolution resource management arrangements;
- Oil and gas and co-ordination between the offshore and onshore management regimes;
- Responsibilities for waste sites;
- Human resources;
- Federal properties, assets, contracts and records;
- Transitional and on-going funding required to implement and deliver the transferred responsibilities;
- Amount of net fiscal benefit for the NWT;
- Resource revenue sharing;
- Pre-devolution and post-devolution transition and implementation matters, required to ensure a smooth, efficient and effective transition;
- Determination of the Parties to the agreements; and
- General provisions related to:
legislative authority; relationship to Aboriginal and Treaty rights; indemnities; appropriation of funds; jurisdiction of courts; dispute resolution; benefit plans/agreements; obligations and benefits from national and international agreements; and obligations pursuant to Aboriginal lands and resources agreements, treaties, land claims agreements or self-government agreements.

Relationship to other NWT negotiations:

The Parties will address the relationship between Devolution and Aboriginal negotiation processes. Devolution must be consistent with land claim agreements, self-government agreements, Treaty entitlement, and similar negotiations.

Existing third-party rights:

The Parties will address how existing third-party rights will be respected.

While the recommended Framework Agreement does not contain concrete commitments, it is a road map for negotiations. To view the Framework Agreement, visit any of the noted web sites.



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From Start to Finish: On the Road to a Final Devolution Agreement: Stages of Negotiation

May 2001:

Memorandum of Intent (MOI) - IGF commitment to discussions on a formal process for negotiations.

September 2002:

The Parties appoint negotiating teams - the formal process begins.

May 2003:

Negotiators recommend a Framework Agreement - the process, timeline and subjects for negotiation are established.

2004:

Agreement-In-Principle - a general agreement on substantive matters for a Final Devolution Agreement and target dates for completion.

2005:

Final Devolution Agreement - a detailed agreement on all issues that enables implementation of the transfer.

2006:

Effective Date - on this day, all provisions of the Agreement will apply and the transfer will be implemented.

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