

LEGISLATIVE ASSEMBLY OF THE

NORTHWEST TERRITORIES

8TH ASSEMBLY, 66TH SESSION

TABLED DOCUMENT NO. 11-66

TABLED ON Oct. 18, 1978

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
AND
THE COMMISSIONER OF THE GOVERNMENT OF THE NWT (GNWT)
ON
THE ROLE OF THE GNWT IN THE CLAIMS PROCESS

WHEREAS the Federal Government has the primary responsibility with regard to the resolution of land claims;

WHEREAS it is recognized that the GNWT has jurisdiction over certain matters of a provincial nature;

WHEREAS it is desirable that the GNWT be represented at all discussions and negotiations related to the resolution of land claims in the Northwest Territories; and

WHEREAS it is expedient that the GNWT participate fully in the formulation of policy to guide the negotiations on land claims in the Northwest Territories;

THEREFORE, it is agreed that the interface of the Federal Government and the GNWT in the claims process shall be defined as follows:

Establishment and Role of GNWT Claims Secretariat

The Commissioner shall establish a Claims Secretariat within the GNWT for which the function and responsibilities will in most respects parallel those of the Federal Office of Native Claims.

- The Claims Secretariat shall be under the direction of an Executive Committee member appointed by the Commissioner. It shall be responsible for the research and analysis of claims, the identification of policy issues, the development and presentation of policy options on matters within the jurisdiction of the NWT, and the provision of advice on such matters to the Executive Committee.
- The Claims Secretariat shall provide the focus within the GNWT for all matters relating to native claims.
- The Claims Secretariat shall arrange or provide for GNWT representation at claims negotiation and other subsidiary meetings as members of the joint government negotiating team.

Role of the Minister

- The Minister shall ensure that a Claims Policy Committee, chaired by the Deputy Minister of Indian and Northern Affairs, is in place to focus on claims issues and strategies and, as far as possible, to resolve problems put forward by members for consideration.
- Where issues arise that go beyond the limits of the federal mandate as established by Cabinet, the Minister may submit a Memorandum to Cabinet for consideration. The preparation of such Memoranda shall be carried out in consultation with the GNWT Executive Committee through its Claims Policy Committee representative.

Role of the Commissioner

- The Commissioner shall be a member of the Claims Policy Committee, as shall the Executive Member responsible for Land Claims. As appropriate, the Commissioner may appoint an alternate representative for meetings.
- The Commissioner shall ensure GNWT participation in the discussion and resolution of policy issues relating to claims which have a bearing on the NWT.

Claims Policy Committee (CPC)

- It is understood that the CPC is a working committee which deals with claims matters throughout Canada. Therefore, GNWT attendance will be requested at all meetings when items involving claimants within the NWT are to be discussed. Notice of meetings shall be communicated to the Coordinator, NWT Land Claims Secretariat, with a copy to the GNWT Ottawa office at the earliest possible time, although it is recognized that on occasions it may not be possible to provide more than three days' notice.
- Any problems which cannot be resolved between the Office of Native Claims and the GNWT Claims Secretariat shall be considered at the CPC.
- In the event that a policy issue involving the mandate of the GNWT cannot be reconciled to the satisfaction of the GNWT at the CPC, the matter will be submitted to the Minister for consideration.

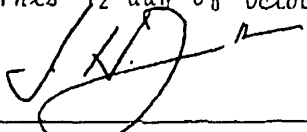
Negotiations

In the interests of keeping the claims negotiations as apolitical as possible, elected members of the Territorial Executive Committee may only attend when a federal Minister or other MP attends. If no federal political representative is to attend, an elected member of the Territorial Executive Committee may attend formal negotiation meetings only with the concurrence of the Minister. In the absence of the Minister, it is understood that the Senior Negotiator appointed by the Minister is always responsible for the conduct of, and is chief spokesman for the joint Government team.

Consultation

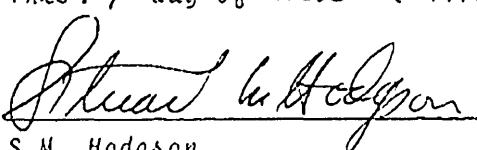
IT IS FURTHER UNDERSTOOD AND AGREED that the aforementioned does not in any way preclude officials of the Territorial Government from meeting with claimants. Furthermore, subject to whatever constraints may be placed by the Minister from time to time on disclosure of pertinent facts, it is acknowledged that the GNWT has the primary responsibility to consult with and inform interested parties on claims matters relating to NWTG jurisdiction. It is taken for granted that GNWT officials will represent the views and concerns of different parties in the NWT so that these may be taken into account by CPC when determining claims policies and strategies.

Dated at Ottawa
This 12 day of October 1978



J. Hugh Faulkner
Minister

Dated at Yellowknife
This 17 day of October 1978



S.M. Hodgson
Commissioner