

N W T

# Plain Facts

On Land and Self-government



Indian and Northern  
Affairs Canada

Canada

## The Negotiation Process

### *How does it work?*

In the Northwest Territories, the federal and territorial governments are involved in both land and self-government negotiations with certain Aboriginal groups. This is the most practical, effective, and efficient way of negotiating workable and harmonious intergovernmental arrangements.

When settling claims through the negotiation of modern-day treaties, governments and Aboriginal groups strive to reach agreement on issues such as:

- what rights to lands and resources the Aboriginal group will have and what their duties will be;
- what rights and duties governments - federal, territorial, and Aboriginal - will have;
- what rights and duties other Canadians will have on land the Aboriginal groups will own;
- how lands and resources will be managed by governments and Aboriginal groups; and
- what self-government powers the Aboriginal groups will have and how this will be harmonized with the powers of other governments.

### *Stages of negotiation*

Negotiations usually involve three parties: the Government of Canada, the Government of the Northwest Territories, and the Aboriginal group making a claim. The goal of negotiators is to balance the range of concerns and needs expressed by all those involved. Each negotiation is unique, and reflects the needs, desires, and processes of those at the table. However, most negotiations proceed through several distinct stages.

*Submission of claim:* The Aboriginal group prepares a description of its claim that identifies the general geographic area of its traditional territory.

*Acceptance of claim:* The Government of Canada reviews the claim and advises the Aboriginal group whether Canada is prepared to open negotiations. If the answer is no, reasons are provided in writing. If the answer is yes, the claim is accepted, and the process proceeds to the next step.

*Framework Agreement:* At the first stage of negotiation, the groups involved agree on issues to be discussed, how they will be discussed, and on deadlines for reaching an Agreement-in-Principle.

*Agreement-in-Principle:* This is the stage that the parties negotiate the issues set out in the Framework Agreement. Reaching an Agreement-in-Principle (commonly called an 'AIP') often takes longer than any other stage in the negotiation process. The AIP should contain all the major elements of the eventual Final Agreement.

*Final Agreement:* A Final Agreement is the outcome of successful land claim negotiations. It details agreements reached between the Aboriginal group, the territory, and Canada on all issues at hand, including resources, financial benefits, self-government, and land ownership. (Where the federal government has not yet settled land claims, the government's current policy is to negotiate land claims and self-government together.) The Final Agreement must be ratified by the parties, and signed by the principals. The federal government then passes settlement legislation that gives effect to the Final Agreement and renders it valid.

*Implementation:* An implementation plan, developed by the three parties, is put in place to ensure that what the parties agreed to, is, in fact, done. The implementation plan is monitored and managed by a tripartite committee.

## *More background*

Web pages:

Comprehensive Claims in Canada: [www.inac.gc.ca/pubs/information/treaty.html](http://www.inac.gc.ca/pubs/information/treaty.html)

Comprehensive Claims Policy & Status of Claims: [www.inac.gc.ca/subject/claims/comp/briem.html](http://www.inac.gc.ca/subject/claims/comp/briem.html)

Specific Claims: [www.inac.gc.ca/pubs/information/info121.html](http://www.inac.gc.ca/pubs/information/info121.html)

Fact sheets:

Advantages of Land and Self-government Negotiations

Comprehensive Land Claims in the NWT

Specific Claims

Status of Land and Self-government Negotiations

## *Fact sheets and publications are available by contacting*

Communications Directorate

Department of Indian and Northern Development, NWT Region

(867) 669-2576