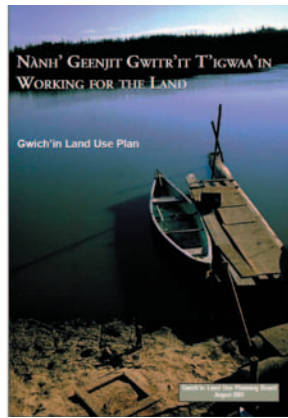


Gwich'in Lands

The Gwich'in Comprehensive Land Claim Agreement was signed in 1992. The Gwich'in own approximately 22,330 km² of land in the Northwest Territories, and 1,554 km² in the Yukon. The Gwich'in are currently negotiating a self-government Agreement Principle.




Gwich'in Land Use Plan

The CLCA calls for in Land Use Planning Board to be established, to develop a land use plan for the Gwich'in settlement area. The purpose of the plan is to avoid land use conflicts and negative impacts on people or the environment, while allowing opportunity for resource development.

The Land Use Planning Board was formed soon after the agreement was signed, and was officially established by the

Mackenzie Valley Resource Management Act in 1998.

The Planning Board developed a Land Use Plan for the Gwich'in Settlement Area that provides for the conservation, development and utilization of land, water and resources. The plan is particularly devoted to the needs of the Gwich'in, while considering the needs of all residents and other Canadians.

The plan took six years to develop. The Planning Board consulted extensively with Gwich'in communities and organizations, territorial and federal government departments, industry groups and environmental non-government organizations. The Plan is based on existing traditional and scientific knowledge about the region, and provides background information and establishes land use zones in the Settlement Area. The land use plan also identifies outstanding environmental issues and recommends actions to be taken by the appropriate agencies in addressing the issues. 

Measuring Success - Evaluating Land Claims Implementation

The Government of Canada remains committed to strengthening the economic self-reliance of Aboriginal people through the successful implementation of land claims and self-government agreements, as well as national policy initiatives. To support this, a number of evaluations have been done to determine the status and effectiveness of implementation activities to date. INAC is working with other government departments to address specific concerns.

INAC Audit and Evaluation Report

An internal INAC audit and evaluation report, "Impact Evaluation of Comprehensive Land Claim Agreements," presented findings on the impacts of comprehensive land claim agreements (CLCAs) or modern treaties, and on the extent to which the objectives for the CLCAs have been achieved.

A number of recommendations were made and the department has already undertaken measures to address many of them. The evaluation concluded that the basic elements of the agreements are in place with land and financial transfers completed on schedule, and that Agreements have:

- Brought clarity and certainty to the settlements areas in terms of land ownership, access and regulatory requirements for development.
- Contributed to a positive environment for investment
- Enabled Aboriginal groups to position themselves to take advantage of development.
- Positively impacted the role of Aboriginal people in the economy of the settlement areas and their relations with industry.


- Provided Aboriginal groups with a meaningful and effective voice in decision making on land and resource management.

Office of the Auditor General – 2007 Report Recommendations

In 2007 the Office of the Auditor General (OAG) released a report on the status of the implementation of the Inuvialuit Final Agreement. The OAG recommended that Canada improve in the area of land transfers, contracting and procurement activities, communication amongst federal government departments, and economic development opportunities. To date, INAC has made significant progress in the implementation of these recommendations, which has improved the relationship between Canada and the Inuvialuit.

Standing Committee on Public Accounts – 2009 Evaluation Report

The Standing Committee on Public Accounts (SCOPA) evaluation report presents findings on the impacts of comprehensive land claim agreements (CLCAs), and on the extent to which CLCA objectives have been achieved.

Overall, the evaluation report found that Canada has fulfilled the terms and objectives of the four Agreements it reviewed (the Inuvialuit Final Agreement, The Gwich'in CLCA, the Sahtu Dene and Metis CLCA, and the Northeaster Quebec Agreement with the Naskapi) with respect to the transfer of funds, rights to land recognized, and the establishment of management bodies as agreed to under the Agreements. 

Where can you find more information?

All parties interested in and affected by land claims implementation—beneficiaries, governments and others—have a responsibility to get involved and informed on obligations and rights under Comprehensive Land Claim Agreements Canada's modern treaties. Here are some links to resources to get you started.

Negotiations and Agreements in the NWT
www.ainc-inac.gc.ca/ai/sct/nt/na/index-eng.asp

Claims and Amendments and Annual Reports
www.ainc-inac.gc.ca/al/lde/ccl/fagr/nwt-eng.asp

INAC Implementation Branch
www.ainc-inac.gc.ca/al/lde/ccl/ipt/index-eng.asp
819-994-6149

Aboriginal and Territorial Relations, INAC/NT Region
www.ainc-inac.gc.ca/ai/sct/nt/na/int/index-eng.asp
867-669-2602

Tłı̨ch̨o First Nation
www.tlcho.ca
867-392-3000

Inuvialuit Regional Corporation
www.irc.inuvialuit.com/
867-777-2737

Gwich'in Tribal Council
www.gwichin.nt.ca/
867-777-7900

Sahtu Secretariat
www.sahtu.ca/
867-589-4719

Government of the Northwest Territories
www.gov.nt.ca/
867-873-7500

Got something to tell us?

Here's who to contact:
INAC, Communications and Public Affairs
PO Box 1500, Yellowknife, NT X1A 2R3
Phone: (867) 669-2576
Fax: (867) 669 2715
Email: NTCommunications@inac-ainc.gc.ca

Our Vision

The NWT region of INAC is a respected partner in a strong and healthy Northwest Territories. We strive for:

- respectful, effective relationships with Aboriginal people;
- creating and enhancing opportunities for all Northerners;
- responsible resource development in

On the Web

Government of Canada programs and services
www.gc.ca
INAC - NWT Region
nwt.inac.gc.ca

Plain Talk on Land and Self-government is produced by the Department of Indian Affairs and Northern Development in the NWT to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. It is not a legal document.

- healthy ecosystems;
- northern control over northern resources;
 - responsive and accountable northern government as partners; and
 - national initiatives that reflect the interests of all Northerners.

Youthbuzz on the NWT
nwt-tno.inac-ainc.gc.ca/yb/yb-0-eng.asp
Agreements
nwt-tno.inac-ainc.gc.ca/atr/ent-agr-eng.asp
Plain Talk on the web
nwt-tno.inac-ainc.gc.ca/atr/fp-pt-eng.asp




Implementation - An Evolving Relationship

Have you ever wondered what happens after a land claim or self-government agreement is signed?

It takes years for the parties to negotiate a final agreement and, once it is signed, many more years for some of the key commitments of the agreement to be fulfilled. Fulfilling commitments and putting the agreement to work is called "implementation". During the negotiations phase, the parties set out a plan that lays out how they will work together to implement the agreement. The plan sets out how the parties will put in place the many actions and changes the agreement calls for in renewing relationships between the federal government, the Aboriginal group and the territorial government.

In the case of a comprehensive land claim agreement, the implementation work begins with fulfilling specific one-time obligations, such as the survey and transfer of land, cash compensation and funding arrangements, and the creation of boards. In the case of a self-government agreement, the work begins with establishing the new bodies that will provide governance and operational capacity. These are major, complex undertakings that require the cooperation of experts on all sides.

While a comprehensive land claim or self-government agreement defines the rights and responsibilities of each party, the implementation plan and accompanying documents—for example, financial transfer agreements—describe how the parties work together on a day-to-day basis, interpreting how the agreement applies to real situations.

All parties—federal, Aboriginal and territorial—must combine their efforts to make an agreement work, using the roles provided by the Agreements and implementation plans to guide all of their activities. 



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Historic Treaties and Modern Treaties

In areas of the NWT where "modern" treaties (also known as comprehensive land claims) have not yet been reached, there are original, or "historic" treaties in place signed by the Dene between 1899 and 1922—Treaties 8 and 11. These historic treaties and the rights outlined in them are constitutionally recognized and protected, just as are rights in the modern treaties.

In these areas, the Crown must rely on the original treaties to guide its consultations, actions and relationships with Aboriginal people in the Deh Cho and South Slave areas. Implementation of historic treaties is an ongoing process guided by Canada's Aboriginal policies, the Indian Act and the ongoing balance of Aboriginal and non-Aboriginal interests and rights through legislation, regulation and policy.

Treaty: A negotiated agreement between a First Nation and the Crown, (represented by the federal and provincial or territorial governments) that spells out the rights of the First Nation with respect to lands and resources and may also define rights.

The purpose of our newsletter is to keep you informed on the progress of land and self government negotiations in the Northwest Territories, and to provide some answers to frequently asked questions. We also feature the people and communities involved in negotiations, celebrate milestones, and announce upcoming events. On behalf of Indian and Northern Affairs Canada (INAC), we hope you will find our newsletter informative and easy to read.

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Spring 2010

Canada 

The CLCA Path - From Negotiations to Implementation... and Beyond



Members of the Inuvialuit Implementation Committee celebrate the 25th anniversary of the Inuvialuit Final Agreement in Edmonton, October 2009.

Comprehensive Land Claims Agreements (CLCAs)

CLCAs are negotiated in areas of the country where Aboriginal rights and title have not been addressed by historic treaties or other legal means, or where there remains outstanding disagreement around the terms of those treaties.

In the NWT, CLCAs are modern treaties between Aboriginal groups, Canada and the territorial government. They are negotiated to deal with the uncertainties and disagreements that exist around the original historic Treaties. In areas where both a historic treaty and a modern treaty exist, some rights from the historic treaty are maintained, while others are exchanged for rights in the modern treaty. This is clearly described in the modern treaty.

While each CLCA is unique, these agreements usually include such things as land ownership and management, money, wildlife harvesting rights, participation in land, resource, water, wildlife and environmental management, and measures to support economic development and protect Aboriginal culture.

Agreements may also include provisions relating to Aboriginal self-government, or provide for future negotiations of self-government.

Implementation Plan

An implementation plan is a detailed action plan that describes what each party must do to put the Final Agreement into effect, and when and how they will do it.

The implementation plan is developed by the parties to an agreement at the same time as the final agreement is being negotiated.

Implementation plans are reviewed and renewed every few years. Implementation plans are guides and can be changed by the representatives of the parties when needed to ensure the Agreement is working well.

Implementation Committee

The parties to a CLCA agree to form an implementation committee. The implementation committee is where the parties meet and talk about how best to work. It is a fundamental part of the partnership between the parties and allows the parties to discuss issues, work on joint solutions to problems as they arise, and find improved ways of working together.

The implementation committee is also responsible for reviewing the implementation plans and updating them, and for various types of communications activities.

Implementation committee members are appointed to represent each party – federal, Aboriginal and territorial. The committees generally meet two or three times per year.

Role of Canada

All departments have a responsibility to make sure the obligations and rights in the Agreement are respected. For some departments, this means working on completing specific obligations for Canada as set out in the Agreement. For others, it means making sure that they

conduct government business in a way consistent with the rights and obligations set out in the Agreement.

Role of INAC

Indian and Northern Affairs Canada (INAC) has a coordinating role on land claim and self-government agreement implementation for the Government of Canada, and acts as the link to other government departments. INAC provides advice to the departments, and represents Canada on the implementation committee.

Managing implementation within the federal government

Federal implementation obligations are fulfilled by various departments and agencies, covering a wide range of subject matter in the agreements. Activities related to implementation are carried out in the regions and at a national level. Across Canada, the importance of clear communication and discussion of both federal obligations, roles and relationships related to these agreements continues to be recognized.

Canada is working to improve communication and discussion of the federal role in treaty implementation, to ensure it fulfills its responsibilities under modern treaties in a coordinated and consistent manner. Central and regional caucuses are being explored as a tool that would assist federal departments to more easily exchange information, and allow for quick action on issues.

Relationships beyond implementation

While there are set objectives, deliverables and milestones that must be achieved once a land claim or self-government agreement is signed, the work of implementation continues past the tasks outlined as part of the implementation plan, and becomes a new way for Aboriginal people and governments to work together going forward. 🐾

The real outcome of implementation is the evolution of the relationship between governments and Aboriginal people, as well as other affected groups, such as developers.

Investment and Economic Growth

In addition to building strong partnerships between Aboriginal people and governments, the implementation of modern treaties creates a positive and stable climate for investment and economic growth.

Implementing modern treaties has a positive effect on economic and investment growth, by:

- Fostering sustainable resource development supported by local people
- Enhancing land claim participants' ability to establish businesses that benefit beneficiaries
- Supporting political, human resource and capacity development

Here in the NWT, implementation of modern treaties has contributed to the successes of the Inuvialuit, Gwich'in, Sahtu, and Tłı̨chǫ in business development and resource industry participation, and has a positive influence for all on investment and development of the NWT.

What's Been Done So Far?

In the NWT, Canada has completed almost all of its 'one-time' obligations outlined in settled claims, and continues to fulfill its recurring obligations and to work towards meeting the overall objectives under the claims. The implementation committees have been essential in implementation activity successes to date, and Canada is making efforts to encourage all parties to use the implementation committees to address implementation issues.

Land conveyance, or the formal transfer of title to lands, has been completed in the Inuvialuit, Gwich'in, Sahtu and Tłı̨chǫ settlement areas. All necessary surveys are done and land titles have been registered at the land titles registry.

Tłı̨chǫ Lands – Colomac Mine Remediation

The Tłı̨chǫ Land Claim and Self Government Agreement was signed on August 25, 2003 by the Tłı̨chǫ Government, the Government of the Northwest Territories and the Government of Canada. The agreement covers an area of 39,000 km² north of Great Slave Lake. The Tłı̨chǫ Agreement is a combined land and self-government agreement, the first agreement of its type in Canada.

Tłı̨chǫ Elders identified the Colomac Mine Site, a former gold mine, as a major concern early in the Tłı̨chǫ land claim negotiation process. One of the main concerns at Colomac was tailings water which contained, among other substances, cyanide—a chemical that was used to remove the gold from the ore.

The Colomac Remediation Plan was developed in partnership with the elders, who provided traditional knowledge and advice about caribou migration around the Colomac site and traditional land use in the Indin Lake area.



Ron Breadmore, INAC Project Manager, toasts Isadore Zoe with a cup of water from the tailings pond at Colomac Mine in July 2009.

Remediation of the former Colomac gold mine is in its final stages, and water at the site is now safe once again. Throughout the project, Tłı̨chǫ businesses have been involved in the project, either as primary or sub-contractors, bringing benefits to Tłı̨chǫ community members.

REMEDIATION: To remove, reduce, or neutralize waste or hazardous material from a site to prevent or minimize harm to the environment or public safety. In general, it means to clean-up a contaminated site.

Sahtu Settlement Area – proposed Nááts'ihch'oh National Park Reserve

The Sahtu Dene and Métis CLCA came into effect on June 23, 1994. The agreement recognizes Sahtu Dene and Métis ownership of 41,437 km² of land and allows for negotiation of self-government agreements on a community by community basis with the five Sahtu communities. These self-government negotiations are now under way.

In April 2008, the Government of Canada signed a Memorandum of Understanding (MOU) with designated Sahtú organizations (land corporations) established under the land claim agreement representing the Dene and Métis of the Tulita District. This is a critical step towards the creation Nááts'ihch'oh of National Park Reserve because it launched the negotiations towards an Impact and Benefit Plan, required under the Dene and Métis Comprehensive Agreement.

The Government of Canada provided the land corporations with a contribution agreement of \$500,000 over two years to assist them in negotiating the Impact and Benefit Plan that will lead to the establishment of the national park reserve. In addition, 7,600 km² of wilderness were temporarily protected through an interim land withdrawal while the Impact and Benefit Plan is being negotiated.



Christian Bucher Parks Canada Agency July 2009.

Nááts'ihch'oh (Mt. Wilson) in the proposed Nááts'ihch'oh National Park Reserve

Inuvialuit Final Agreement – Land Exchanges

The Inuvialuit Final Agreement (IFA) was signed in 1984. The agreement created the Inuvialuit Settlement Region (ISR) in Canada's western Arctic, spanning 906,430 km². Canada, the Government of the Northwest Territories and the Inuvialuit are making steady progress in self-government negotiations, as these matters were not addressed in the CLCA.

During the land selection process for the (IFA), Canada retained certain land for the creation of the Pingo Canadian Landmark, in exchange for replacement lands of equivalent value in the Western Arctic Settlement Region that would be suitable to the Inuvialuit. In 2009, the Government of Canada and the Inuvialuit reached an agreement in the exchange of Crown land for the Pingo Canadian Landmark, as required under the Inuvialuit Final Agreement. The administrative steps to finalize the exchange are being completed.

In the IFA, a number of sites were identified in "Annex R" for which ownership to the land was transferred to the Inuvialuit, and for which Canada retained a "reserved" interest to allow for the continued use and eventual reclamation of the land. The release of the lands has not taken place as quickly as either Canada or the Inuvialuit would like, however progress has been made over the last several years.

One of the sites, the Kittigazuit Military site near Kittigazuit Bay between Inuvik and Tuktoyaktuk, was used as a long-range navigation site (LORAN) by the military. Full remediation of the site was funded by Canada and completed by Inuvialuit Projects Incorporated in 2005. The work was jointly inspected and approved to the satisfaction of all parties, and the site has been released to the Inuvialuit, as per the final agreement.

Continued on the next page...



Remediation of the Kittigazuit Military site was completed in 2005.