



Sperling Associates Inc.

N-7370-0

55 WHITEMARL DRIVE, SUITE 12, OTTAWA, ONTARIO K1L 8J9 • (613) 746-2569

**REQUIREMENTS STUDY FOR THE
FEDERAL IMPLEMENTATION SECRETARIAT**

Prepared for Indian and Northern Affairs Canada

- Northern Affairs Program -

AUGUST, 1991

E92
.S63
1991
c. 1



Sperling Associates Inc.

55 WHITEMARL DRIVE, SUITE 12, OTTAWA, ONTARIO K1L 8J9 • (613) 746-2569

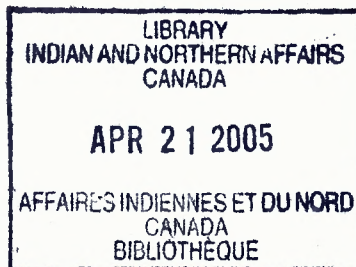
563
1991

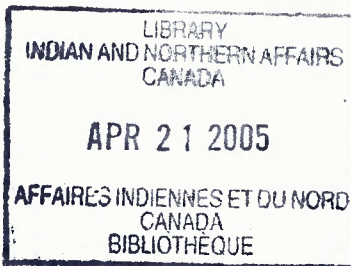
**REQUIREMENTS STUDY FOR THE
FEDERAL IMPLEMENTATION SECRETARIAT**

Prepared for Indian and Northern Affairs Canada

- Northern Affairs Program -

AUGUST, 1991





Sperling Associates Inc.

TABLE OF CONTENTS

	Page
1. STUDY OBJECTIVES	1
2. STUDY METHODOLOGY	2
3. STUDY FINDINGS	4
3.1 Background Context	4
3.2 Role of the Secretariat	5
3.3 Importance of the Secretariat	6
3.4 Perceived Effectiveness of the Secretariat	7
3.5 Many Questions about Authorities	8
3.6 Information Needs	12
3.7 Annual Report	13
3.8 When to Start	14
3.9 Where to Locate Secretariat Personnel	14
3.10 Required Skills	16
3.11 The Challenges to be Met	17
4. RECOMMENDATIONS	19
4.1 Relevance and Importance of the Secretariat	19
4.2 Applying the K.I.S.S. Principle	19
4.3 The "Real" Role of the Secretariat	20
4.4 Making the Secretariat Effective	21
4.4.1 Relationship to the Tripartite Panel	21
4.4.2 Acquiring the Necessary Skills	21
4.4.3 Seeing and Being Seen	22
4.5 Monitoring	23

TABLE OF CONTENTS

	Page
4.6 Project Management	24
4.6.1 Planning	24
4.6.2 Controlling	25
4.6.3 Making it Work	26
4.7 Dealing with Problems	26
4.7.1 Problem Handling	26
4.7.2 Problem Logging	27
4.8 Reporting	27
4.9 Establishing and Expanding the Secretariat	27
4.10 Dealing with an Imperfect World	29

APPENDICES:

- A: List of Interviewees
- B: List of Main Documents Reviewed
- C: Draft Definition of Secretariat Role

REQUIREMENTS STUDY FOR THE FEDERAL IMPLEMENTATION SECRETARIAT

1. STUDY OBJECTIVES

This report is the product of an assignment for the Constitutional Development and Strategic Planning Branch of the Northern Affairs Program of the Department of Indian Affairs and Northern Development.

The purpose of the assignment was to look at the responsibilities to be assumed by a secretariat to be established in support of federal aspects of the implementation of comprehensive claims obligations, and to recommend management practices, processes and structures offering the best prospects for an effective and efficient functioning of this secretariat.

Direction for the subjects addressed was taken not only from the terms of reference but also from certain needs or concerns expressed by participants in the course of the research phase.

2. STUDY METHODOLOGY

The main thrust of this project consisted of interviews with a number of individuals whose work will impact and/or be affected by the duties of the Federal Implementation Secretariat. This was supported by review of a considerable volume of reports, manuals, correspondence and other documentation relating to the subject.

The research was conducted with the intention of:

- (i) gaining an understanding of the context in which the secretariat will operate,
- (ii) getting an in-depth appreciation of the intended role of the secretariat,
- (iii) pinpointing the management activities required to carry out this role,
- (iv) identifying authorities, information and processes (ie: infrastructure) now available to support such work, and
- (v) flagging any gaps or deficiencies relating thereto.

The in-depth interviews, which required about one hour on average, were conducted within the framework of a discussion guide which had been prepared by the consultant and accepted by the client.

The survey respondents, who represented DIAND, other federal departments, territorial governments and native parties, were chosen to yield a cross-section of relevant perspectives. The participants were frank and thorough in their responses, and it is felt that they have made an important contribution to this project. A list of the interviewees is presented in Appendix A.

A record of the main items of documentation reviewed is tabled in Appendix B.

The results of the research were then analyzed to identify the key requirements for a successful secretariat and to propose broad action recommendations to satisfy same. This latter exercise again drew heavily on ideas and suggestions advanced by the DIAND (and other) survey respondents, as well as concepts from the Sperling Associates knowledge base derived from similar work with a variety of public and private sector clients.

The results of the research are presented in the next section of this report. Recommendations are advanced in part 4.

3. STUDY FINDINGS

3.1 Background Context

The proposed Federal Implementation Secretariat will provide day-to-day working level support to the senior federal representative on the Tripartite Panel to be established to monitor and report on progress against a plan to satisfy the obligations of each comprehensive claim. The intent is to help ensure that promises made in connection with claims settlements are effectively met.

The secretariat and the tripartite panel are manifestations of attempts by the federal government to apply the lessons learned from prior experiences with claims settlements. The intended work of these organisms is tied to a decision that each comprehensive agreement must now be accompanied by an implementation plan spelling out all activities required to implement obligations, assigning responsibilities and making estimates of timing and costs.

It is assumed that the territorial government and native party representatives on the tripartite panel will also be assisted by secretariats - and that in reality (as the formal panel will meet only infrequently) the "real work" of monitoring against the implementation plan and of effecting appropriate course corrections will be handled through these secretariats.

3.2 Role of the Secretariat

The consultant asked all of the interviewees to describe the purpose and role of the Federal Implementation Secretariat. The intent was to get a sense of what interested persons expected of the secretariat and how comfortable they were with that.

In those cases where there was not believed to be a high level of appreciation of this matter (eg: in the interviews with representatives of other government departments), respondents were provided with a description lifted from a draft role definition and asked to comment. A copy of this draft role definition is presented in Appendix C.

Study participants had no difficulty in associating the role of the secretariat with the responsibility for ensuring that the federal government meets its obligations under the claims agreement and the related implementation plan.

"You need to keep implementation of the agreements on track."

"It must provide focus to ensure that everything happens when planned."

how?

"The secretariat will need to ensure that each department is keeping records and demonstrating that it is performing to commitments."

how?

Representatives of the other federal government departments who were interviewed were also insistent that the secretariat function as a "hot seat" to assist them with any difficulties arising with the claimant groups.

i.e. efforts to deflect difficult issues onto the Secretariat?

"The departments are going to view the secretariat as the focal point for any problems."

Representatives of the native groups projected an expectation that the secretariat would serve as a vehicle for getting through the "red tape" to get things done.

"Both the federal and territorial systems are full of regulations. We need people who can get through the system."

Several respondents were quite insistent that a monitoring role did not simply entail sitting back and seeing what happens. They cited proactive requirements in terms of:

- educating all concerned about what the government must do to meet its claims obligations ✓
- bringing any problems to a head - so that they do not fester *diffinet*
- anticipating developments and keeping the federal government representative on the tripartite panel fully briefed.

3.3 Importance of the Secretariat

The interviewer sensed two streams of opinion with respect to the importance of the Federal Implementation Secretariat.

It was suggested that the monitoring role would demonstrate to all parties that the federal government was taking its claims responsibilities seriously. Thus, there was an expectation that the secretariat would prove to be an important instrument to "keep the government out of trouble". *how?*

One respondent suggested that the new management of the Assembly of First Nations would be watching the performance of the tripartite panel and secretariat with great interest.

On the other hand, it was evident that some study participants felt that the secretariat was just another element of bureaucracy that would prove to offer more "show" than substance. There was suggestion of the "cry wolf" phenomenon. When every new piece of legislation and every new organizational enterprise is presented as being particularly important, that emphasis may eventually lose its credibility.

3.4 Perceived Effectiveness of the Secretariat

Respondents cited a number of general concerns which they felt might undermine the effectiveness of the secretariat.

Several appeared to feel that the "unproven" idea of reinforcing claims agreements with implementation plans might not work as well in practice as theory might suggest. *✓ agreed!*

"I am still far from convinced that the implementation plan will achieve the level of detail that will ensure full certainty."

"The natives' expectations may be too high."

"Implementation planning will help, but things never work out as planned."

"You will be winging it in the first few years."

Some respondents also felt that the monitoring role placed the secretariat in a position of playing "Big Brother" which would not be welcomed by other governments and other government departments - particularly if this related to how they spent their money.

At least one interviewee expressed a concern that the secretariat could end up being a referee between warring parties. *Meat in the sandwich is more like it. The focus for all ^{the} parties hostility.*

3.5 Many Questions about Authorities

Several DIAND respondents pointed out that the secretariat will derive its authority to monitor and seek correction from the claims legislation from the fact the federal government is committed to meet its obligations.

"There will be a lot of new authorities stemming from the claim and the ratified plans. You are dealing with 'must do' obligations."

It appears that considerable importance is also attached to an expectation that the requirement for conduct of an implementation planning effort in support of each claim

will substantially reduce downstream problems. In other words, the plan will be seen and accepted as "authority".

" A lot of authority problems may be solved by a good implementation plan."

"If the role of implementation planning is done well, the secretariat will have fun."

However, it became clear in the course of the interviews that considerable emotion surrounds the question of the authority which the secretariat will really bring to the fulfillment of its role. Theory aside, many seemed to be saying, can the secretariat really work effectively?

Representatives of other federal government departments expressed concerns that the secretariat would attempt to assume inappropriate responsibilities, particularly relative to budgetary issues.

"I can't see anyone in DIAND telling (other departments) what to do."

"We would be wary of DIAND having a 'thou shalt' capability with our plans and resources."

"We see a problem with the first paragraph on page 2 (of the draft role definition provided). That is auditing, and that will not be popular with other departments. One department policing another will be a sore point."

"There's going to be friction if the secretariat is given authority to tell other departments how to spend their money."

However, a number of other respondents took a rather diametrically opposed position that the Federal Implementation Secretariat will lack sufficient "teeth" to do its job.

They saw the secretariat as an organism charged with responsibility to be accomplished by persuasion - and questioned whether other parties would respond to simple persuasion. *clearly no!*

Much of this concern related to either:

- (i) a feeling that DIAND, itself, is not perceived as a department carrying sufficient "weight" to gain the respect/adherence of others, or
- (ii) a belief that the secretariat will not be given enough status (eg: salary classification of staff) to convey a sufficient aura of authority.

"It would be easy for (another government department) to tell DIAND to go to hell."

"Who is Northern Affairs to tell anyone what to do?"

"I am concerned about how they will get other bodies to do what they are supposed to do. You need at least an EX-1 running the secretariat."

"They are not going to impress people with relatively junior employees."

"The Indians recognize that (the secretariat staff) are just messenger boys. There are already too many examples of DIAND not being able to deliver."

Some respondents questioned the secretariat role being within DIAND and suggested that it would gain greater visibility and respect if placed with a central agency.

Several other respondents suggested that a federal secretariat (and the concept of each tripartite panel member having a secretariat) should be scrapped in favour of one collective monitoring entity.

"Why not a joint secretariat? There is need for a watchdog, but an ideal watchdog would be more independent of any one party."

"Why not a neutral secretariat outside of anyone's fiefdom?"

One may sum up attitudes with respect to the Federal Implementation Secretariat by suggesting that there is agreement on the need to monitor against claims obligations, but divergent views with regard to what monitoring should entail and how it should be carried out.

The author suggests that most would agree with the following advice from one of the study respondents:

"Everyone needs to know the secretariat's mandate. Other departments and governments will not give their full support unless this mandate is known."

3.6 Information Needs

The research has pointed to information needs in support of the work of the secretariat which can be rather conveniently classified into three categories:

(i) Base Information

There is a need for in-depth basic knowledge about each agreement, about the related legislation and about what has to be implemented. There must be a clear appreciation of intent.

There is a need for a sensitive understanding of the roles and expectations of all players.

There is a need for general understanding of how government works.

Who knows that?

(ii) Monitoring Information

The requirement here is for data permitting a measuring of performance against milestones - to address what and when - to answer the question "Are we doing what we said we'd do?".

Several sources indicate that the implementation plans may not be sufficiently detailed to permit effective monitoring - for example, the plans will not always provide an appropriate breakdown of work elements with critical start dates.

(iii) Financial Information

Financial information in the implementation plans will be structured on an annual basis. There will be no dollar estimates relating to shorter periods.

These annual financial budgets will have been agreed to by the other federal departments and other governments as part of the development and finalization of the implementation plans. The various players will then manage their respective shares through their own financial systems. As several respondents stressed, the secretariat's interest or intervention in these financial systems will not be welcomed.

"The secretariat should not get involved in the nitty-gritty of tracking dollars. Leave that to the departments."

3.7 Annual Report

It is expected that the secretariat will be obligated to produce an annual report on each implementation plan being monitored with particular reference to financial accountings. This is seen as a straightforward exercise of requesting, collecting and assembling appropriate information from the federal bodies involved.

3.8 When to Start

There was general agreement that the secretariat needs to be officially launched and staffed in time to ensure that it benefits from an in-depth understanding of the nature and intent of the implementation plans to be monitored. Some even suggested that it would be a good idea to have the planning work vetted by the secretariat.

For certain respondents, the challenge of transition from the planning team to the secretariat required the earliest possible formal establishment of the Federal Implementation Secretariat. They argued that any secretariat personnel assigned to the Gwich'in claim should be on board now. *Yes!*

Other interviewees, while also seeing a need for advance preparation, suggested that assignment of secretariat personnel to a given claim could wait until that claim was ratified as there would still be a further delay of 3 to 6 months before the related legislation was in place. *The critical issue is the ^{immediate} availability of the resources*

3.9 Where to Locate Secretariat Personnel

Passionate arguments by the study participants have left little room but to conclude that the federal implementation secretariat must be present in both Ottawa and the field.

An Ottawa presence is regarded as necessary because:

- the federal government representative(s) on the tripartite panels will be located in Ottawa,

- there will be an important and ongoing need to interface with other federal departments and central agencies, and
- the key decisions will be made here.

A regional presence is viewed as essential because:

- the secretariat needs the strongest possible links with the people it serves - the natives will expect a field presence,
- there is a need to be "on the scene" - to get information - to really see what is happening,
- there will be a requirement to deal with the secretariats of the other panel members - and these other secretariats will be in the field, and
- most federal departments will actually be running their implementation efforts out of their own regional offices.

Some reservations were expressed with respect to each of the location options. Ottawa was described as "not being in the real world". Location of secretariat personnel in the field was described as exposing them to the danger of being "captured" by the claimant groups, while also risking the appearance of a "Big Brother" image.

3.10 Required Skills

Respondents were almost univervally agreed on a requirement that staff of the secretariat possess two basic skill sets:

- (i) pertinent job knowledge and
- (ii) interpersonal communications skills.

The job knowledge need was particularly expressed in terms of knowing government practices and of knowing the context and substance of plans to be monitored.

"There should be people in the secretariat who understand legislation and procedures, in order to be able to talk knowledgeably when requesting information or discussing issues, and to be able to see through any 'snow jobs'"

Identification of a requirement for interpersonal communications capabilities obviously reflected an expectation that the secretariat will have to really accomplish much of its work by persuasion rather than by the force of delegated authority. Respondents spoke of a need for:

"people possessing a lot of diplomacy - who can do things in a nice way to get the necessary cooperation",

"a generalist, with good people skills and an ability to negotiate",

"someone with a consensus building approach",

"individuals who are sensitive, who listen, who can build trust".

3.11 The Challenges to be Met

At the end of all of the interview sessions, respondents were asked to suggest what could go wrong with the work of the secretariat. They responded with (what the interviewer believes to be) some particularly insightful observations.

These suggestions about "what can go wrong" can be readily transposed into "what should go right" to thereby form a sort of wish list for the conduct of the secretariat.

Specifically, respondents suggested that realization of the expected benefits could be undermined by the secretariat:

- performing a role that is not understood and accepted,
- working with a plan that is not sufficiently clear and complete,
- not being able to sufficiently focus on the job to be done (due to mandate confusion),
- not being able to gain the respect and cooperation of other departments and governments,

- being "stolen" by the claimants,
- not getting the information needed - losing touch with reality,
- not being able to "get through the system" to get the job done - not being able to deliver,
- losing the trust of the natives and/or the other parties
- having "less-than-complete" support from the territorial governments, and
- not having the "right" people for the kinds of responsibilities to be addressed by the secretariat.

*Yes! esp.
G NWT*

4. RECOMMENDATIONS

4.1 Relevance and Importance of the Secretariat

Given the evidence of some ambiguity with respect to the importance and potential effectiveness of the Federal Implementation Secretariat (see 3.3 and 3.5), it is essential that senior management at DIAND agree on just how important this particular secretariat is, on what support they are prepared to provide to the secretariat, and then ensure that this level of commitment is communicated to all interested parties.

The foregoing proposal may seem almost banal, but in the experience of the Sperling Associates consultants many good intentions have fallen into difficulties because of a perceived lack of "corporate will". In the case of the proposed Federal Implementation Secretariat, some people appear to view it as just another piece of bureaucracy, or as "toothless" (and, hence, not really important). If senior management really believes in this secretariat, it must say so and do this forcefully.

4.2 Applying the K.I.S.S. Principle

The information which has been obtained suggests that there is (i) substantial potential for the secretariat to get involved in all sorts of activities relating to realization of implementation plans and (ii) considerable risk that the secretariat could thereby get embroiled in work and responsibilities more appropriately handled elsewhere.

It is suggested that the Secretariat should not take on any of the responsibilities properly belonging to other departments or governments, that it should not serve as an advocate

for any particular party, and that it should not serve as a referee between parties in disagreement. *Claimant expectation will be that DIAND should represent their interests.*

To keep the work of the secretariat appropriate, it is suggested that its role be carefully proscribed, that incursions to have the secretariat do more be resisted by senior management, and that its resourcing be limited to just that required by the role definition. It may be useful to have the role definition spell out some of the activities which the secretariat is not to take on (see, for some suggestions, the previous paragraph).

4.3 The "Real" Role of the Secretariat

The Federal Implementation Secretariat really has one fundamental job. This came through time and time again in the interviews, and can be readily inferred from a review of the related documentation. But, this singularity of purpose does not come through in the draft role description for the secretariat dated 6 May, 1991.

It is recommended that the role of the secretariat be defined as that of monitoring progress against implementation plans, and seeking corrections where necessary, to ~~ensure that~~ federal obligations ^{being} are met. Any other responsibilities assigned to the secretariat should be subordinate to this one.

determine whether

4.4 Making the Secretariat Effective

4.4.1 Relationship to the Tripartite Panel

It is proposed that the secretariat have a direct (dotted line) relationship with the senior DIAND representative on the Tripartite Panel. This should prove particularly efficient in terms of providing information to the representative, and when problems arise which require his/her intervention.

4.4.2 Acquiring the Necessary Skills

The important knowledge and skill requirements for members of the secretariat are those flagged in section 3.10. These needs indicate that persons brought onto the staff of the secretariat should have a strong understanding of the claims and implementation planning process, possess a good general knowledge of government practices, and have a solid track record in terms of communications and leadership capabilities.

In order to further strengthen the skills of the secretariat it is suggested that new members of the secretariat should be provided with training in:

- Interpersonal communications/team building
- Project management techniques
- Negotiating practices

These courses relate to skills which are clearly important in the context of the role of the secretariat and can generally be assumed to offer the prospect of imparting useful new knowledge.

4.4.3 Seeing and Being Seen

The secretariat should be in frequent contact with, and always quickly available to, all of the parties involved with the implementation plan. Specifically:

- the secretariat should commit considerable effort in the near-term to meeting with all parties to explain its role and how this will be carried out, and
- the secretariat staff should establish and sustain a program of "walking around" - to get out and see the products of the implementation plan, and to maintain open communications with both the suppliers and users of those products. ?

Given that the Chief of the secretariat will be located in Ottawa, and given the need to maintain a good understanding of what is really happening, it is proposed that the secretariat personnel assigned to specific claims be located in the appropriate DIAND field office. These individuals should have a travel budget allowing frequent trips to Ottawa.

4.5 Monitoring

The primary monitoring responsibility of the secretariat should be carried out by tracking actual performance against the implementation plan in terms of two dimensions, ie:

- (i) time, and
- (ii) product.

Assessment of time (or schedule) performance relates to determining whether obligations are being fulfilled according to the plan schedule.

Tracking of product relates to establishing whether the deliverables are meeting promised standards as well as addressing the "softer" aspect of evaluating whether the deliverable is conveying the benefit that might reasonably have been expected.

Both the time and product parameters will apply to the "projects" under the implementation plan which involve the development and introduction of something new. Where the responsibility involves overseeing the ongoing operation of some entity already in place, only the product dimension can apply - in other words, the only applicable question relates to whether such entities are meeting reasonable expectations.

With one exception, it is not proposed that the secretariat monitor financial performance. It is the job of the secretariat to assess what has been done, not how things were done. The employment of financial resources is a "how" issue. If the

secretariat scrupulously restricts its monitoring to the what's and when's, it may anticipate a much better relationship with the other federal bodies.

The one exception relates to an apparently imposed obligation to provide yearly financial accountings from each federal body involved with the claim. It is expected that the secretariat would simply obtain this information from the federal bodies, and then consolidate and present same.

4.6 Project Management

As this is a proven methodology for tracking and adjusting work programs, it is recommended that the secretariat carry out its monitoring, insofar as possible, through the employment of project management concepts and techniques.

There are both planning and control implications:

4.6.1 Planning

Employment of a project management approach will involve taking the plans for all change activities (ie: projects) and fleshing them out in sufficient detail - showing start as well as end dates for work steps - to enable meaningful schedule tracking.

This will also require that all deliverables (products to meet the claims obligations) be described in the plan in sufficient detail to enable objective determination of when a responsibility can be signed off as having been met.

To the extent that the formal implementation plan prepared by the planning group is in a form which satisfies the above criteria, no further planning action would be required of the secretariat. However, a review of implementation plan examples and discussions with the planners suggest that the secretariat will have to build more detail into many of the plans (always working, of course, within the parameters already set).

4.6.2 Controlling

The secretariat will control by monitoring performance against plans - as proposed earlier, in terms of schedule performance and in terms of product performance.

The key to effective monitoring is the quality of the plan being controlled. If the planning is sufficiently detailed and clear, it should then be possible to know (at any point in time) whether or not a particular project is on track.

In good project management fashion, the controlling should concentrate on start rather than end dates for the project tasks being tracked. The right question is: "In order to complete X on time, activity Y must start now. Has this activity started?"

Also, within the project controlling system, there should be a process to clearly identify work completion (ie; products delivered) probably involving sign-offs of the parties directly concerned.

When schedule or product shortfalls versus plan are identified, this should cause the secretariat to identify a problem and seek some form of resolution (see 4.7). That

Critical -

central - Funding and Funding mechanisms in place

- Appo

central - Chairman selected and appointed also members

- central

central - Annual report and tableing

members

to
Account. - Central

Interpretation - central

resolution may require some schedule replanning to be negotiated with the concerned parties.

4.6.3 Making it Work

The personnel of the secretariat should be trained in basic project management concepts and techniques.

Once (but only once) some familiarity with this management approach has been achieved, consideration should be given to the obtainment and employment of a relatively straightforward project management software package to facilitate the planning, controlling and reworking required.

4.7 Dealing with Problems

Provide advice to various parties.

In keeping with the carefully proscribed role recommended for the secretariat (see 4.2), the secretariat should only address problems potentially affecting the schedule and product parameters being monitored.

4.7.1 Problem Handling

*Good theory
Unrealistic in practise*

The role of the secretariat is not to solve problems. Rather, its role is to get the responsible parties to address and resolve problems in a timely and effective manner.

how?

In most instances, the secretariat should first attempt to have its appropriate contacts work out a solution; if that fails the issue can be elevated to the federal representative

how?

on the tripartite panel for attention at that level; and if that fails there may be recourse to a dispute settlement mechanism.

4.7.2 Problem Logging

The secretariat should maintain a log of problems, and of actions planned/taken to resolve those problems. It should then follow up to ensure that resolutions are achieved

4.8 Reporting

The secretariat should be capable of reporting on implementation status at any time by reference to its project tracking system and problem log.

Performance against plan should be updated on a monthly basis. This information should be obtained by enquiries to the responsible parties.

4.9 Establishing and Expanding the Secretariat

As the forthcoming Gwich'in agreement will represent the first occasion for working with a formal implementation plan, there is no precise precedent to fall back on with respect to how to structure the secretariat.

There has been a rather general consensus that it is sufficient to assign one person specifically to the monitoring of the Gwich'in implementation program. (The consultant would argue that any greater level of commitment would need to be

carefully tested inasmuch as the implementation plan only relates to annual expenditures of about \$2-3 million on behalf of about 2,000 people.)

Recognizing that the secretariat's chief will be located in Ottawa, most will agree that the Gwich'in agreement specialist should be in the field. Recognizing the importance of thoroughly understanding the agreement and plan, there is general support for bringing that person on as soon as possible. The training program recommended (see 4.4.2) also argues for early assignment.

2 don't

Therefore, it is recommended that the Federal Implementation Secretariat be formally launched, with the appointment of one individual responsible for monitoring the Gwich'in agreement, in the very near future. At the same time, action should be taken to relieve the Chief of responsibilities not associated with implementation monitoring. The Gwich'in specialist could be located in Ottawa during the run-up period, but with the expectation of being despatched to the region once actual implementation begins.

The "when, where and how many" decisions with respect to future staffing of the secretariat as additional agreements and plans are ratified should benefit from experience with the Gwich'in situation. However, it does need to be noted that the implementation planners expect a significant drop-off in the overseeing requirement after about the third year.

The initial tasks for the Chief and the first specialist of the secretariat - which should keep them quite busy - must relate to:

- learning the nature and intent of the implementation plan

- acquiring or enhancing (through training, etc.) the appropriate skills to be applied
- painstakingly explaining the secretariat's role to all concerned parties
- building communications links and (hopefully) trust.

4.10 Dealing with an Imperfect World

If it does a good job of keeping schedule and product on track, the secretariat will have gone a fair way down the road in meeting the request of the native representatives for "help in getting through the system to get things done".

But as proposed here, while serving as a catalyst for getting correction when needed, the secretariat will not itself "work the system". Moreover, the secretariat should not allow itself to become the "hotseat" for solving the problems which other departments may encounter in the fulfillment of their plan responsibilities. That is their job.

As participant after participant stressed in the course of this study, there will be shocks and upsets in actually seeing implementation plans through to reality. The secretariat's role is to ensure that, despite these difficulties, the federal obligations under the plans are met. It will carry out this role in an environment of decentralized responsibilities which need to be respected (and, as appropriate, encouraged).

The Secretariat, in the view of the author of this report, can be most effective by scrupulously sticking to a rather carefully proscribed role of monitoring progress against plans and then serving as a catalyst for getting appropriate corrections by others where called for. The secretariat should address the "what's", not the "how's".

Sperling Associates Inc. APPENDIX "A"

APPENDIX "A"

LIST OF INTERVIEWEES

LIST OF INTERVIEWEES

1. Bryan Lymburner - DIAND
2. John Berg - DIAND
3. Peter Falconer - DIAND
4. Marion Andre - DIAND
5. Elise Savage - DIAND)
6. Ian MacLeod - DIAND) - interviewed together
7. David Luck - DIAND)
8. Fred Hill - DIAND
9. Richard Berg - DIAND
10. Gilberte Lavoie - DIAND
11. Marielle Godbout - Treasury Board
12. Doug Culham - Energy, Mines and Resources
13. Henry Drystik - DIAND
14. Wayne Getty - Fisheries and Oceans
15. Barry Robb - DIAND
16. Wayne Crutchlow - DIAND
17. Brendon O'Donnell - Parks Canada)
) - interviewed together
18. Roy Murray - Parks Canada)
19. Anne Hedberg - DIAND (Yellowknife)*
20. Fred Koe - Gwich'in representative*

LIST OF INTERVIEWEES (Continued)

- 21. Ed Weick - Advisor to Yukon Indians
- 22. Liz Snyder - Government of the Northwest Territories*

(Interviews marked * were conducted by telephone.)

Sperling Associates Inc. APPENDIX "B"

APPENDIX "B"

LIST OF MAIN DOCUMENTS REVIEWED

MAIN DOCUMENTATION REVIEWED

1. Guidelines - Comprehensive Land Claims Implementation Plan
2. Federal Approach to Comprehensive Land Claims Implementation - June 20, 1991
3. Implementation Costing Guidelines
4. Several Examples of Draft Plans for Gwich'in Implementation Plan
5. Cost Spreadsheets
6. Funding Agreement Implementation - July, 1991
7. Comprehensive Land Claims Umbrella Final Agreement between the Government of Canada, the Council of Yukon Indians and the Government of the Yukon - March 31, 1990
8. Implementation Planning Briefing - June 8, 1990
9. Western Arctic (Inuvialuit) Claim Implementation: Annual Review - 1989-90
10. Annual Northern Expenditure Plan - 1989-90
11. Northern Affairs and Comprehensive Claims Strategic Overview - 1991-92
12. Position Description for Position of "Chief, Claims Implementation and Federal Interest Coordination"
13. Organization Chart for Proposed Federal Implementation Secretariat
14. Terms of Reference: DIAND Implementation Secretariat
15. Proposed List of Responsibilities for the Federal Implementation Secretariat
16. Dene/Metis Implementation Plan Monitoring and Review - Feb. 4, 1991
17. Excerpt from Auditor General's Report calling for Evaluation of Socio-Economic Achievements of Land Claims Settlements

APPENDIX "C"

DRAFT DEFINITION OF SECRETARIAT ROLE

FEDERAL IMPLEMENTATION SECRETARIAT

(Draft for discussion - dated 6 May, 1991)

In support of the federal representative on the Tripartite Implementation Panel, a federal secretariat will be established within DIAND to directly monitor the implementation of all federal obligations, and to ensure that the other parties are able to fulfill their implementation responsibilities.

The federal secretariat will:

- act as the principal point of contact with all parties with respect to the implementation undertakings of federal departments, crown corporations or agencies involved in the agreement;
- consult with and advise all federal bodies regarding their implementation responsibilities in order to facilitate the timely and effective implementation of the agreement;
- solicit from each federal body, a regular progress report detailing the obligations which have been fulfilled, the activities which are underway, the problems which have been encountered and any recommendations concerning the ways in which implementation might be made more efficient;

Sperling Associates Inc. APPENDIX "C"

◦ receive from the Tripartite Implementation Panel or either of the other parties, comments regarding the implementation of any federal responsibility;

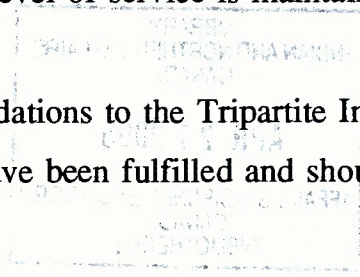
◦ request yearly financial accountings from each federal body receiving implementation funding from central sources in order to verify that funds have been spent in accordance with implementation plans and that all relevant Treasury Board guidelines have been respected;

Auditor general
central Agency role

◦ ensure that where federal obligations are being funded through pre-existing budgets, the negotiated level of service is maintained;

how?

◦ make regular recommendations to the Tripartite Implementation Panel regarding those activities which have been fulfilled and should be signed off in the implementation plan;



◦ solicit regular implementation status reports from implementation officials of other parties; and

◦ resolve disputes of an administrative nature where practicable.

While the secretariat will not have the direct authority to compel federal agencies to adhere to implementation plans, it will make official recommendations to the federal representative on the Tripartite Implementation Panel regarding how shortcomings should be corrected.

LIBRARY
INDIAN AND NORTHERN AFFAIRS
CANADA

APR 21 2005

AFFAIRES INDIENNES ET DU NORD
CANADA
BIBLIOTHEQUE