

4.0 NWT CIMP and Audit: Working Group and Responsible Authority

4.1 NWT CIMP and Audit Working Group

Following the signing of the Gwich'in and Sahtu land claim agreements, efforts were initiated to develop the NWT CIMP and Audit. The current process began with a discussion paper (DIAND, 1998a) and a two-and-a-half day workshop in Inuvik in November 1998 attended by representatives from the Gwich'in, the Sahtu, the Inuvialuit, co-management bodies, communities, and the federal and territorial governments (DIAND 1998b). DIAND collaborated with regional organizations to hold community consultations in the Gwich'in and Sahtu regions in March and April 1999. A chronology of events in the planning and development of the NWT CIMP beginning with the Gwich'in Comprehensive Land Claim Agreement in 1992, is available as a separate document (DIAND 2004).

4.1.1 Who Are the NWT CIMP and Audit Working Group?

Participants in the 1998 Inuvik workshop recommended that a Working Group be established to develop the NWT CIMP and Audit. In February 1999, DIAND invited community and regional Aboriginal leaders throughout the NWT⁸ to become involved in the NWT CIMP and Audit process, but no responses were received from unsettled claims areas. The Working Group (originally known as the Mackenzie Valley Cumulative Impact Monitoring Program (MVCIMP) Working Group) held its first meeting in March 1999 and initially focused on the Gwich'in and Sahtu settlement areas, with input from the Inuvialuit region.

In March 2000 the Working Group invited regional Aboriginal organizations in the unsettled claims areas of the NWT to participate in the development of the program, and at that time, all regions agreed to either join or observe the Working Group. With the broader focus to include the entire NWT, the 'Mackenzie Valley' ('MV') prefix was removed from the name in February 2002, to simply become the 'NWT CIMP and Audit.'

Participation on the NWT CIMP and Working Group is currently open to regional Aboriginal, territorial and federal governments, and includes the⁹:

- Inuvialuit Game Council
- Gwich'in Tribal Council
- Sahtu Secretariat Incorporated
- Deh Cho First Nations
- North Slave Metis Alliance
- Northwest Territory Metis Nation (formerly the South Slave Metis Tribal Council)
- Tłı̄chǫ First Nation, represented by the Dogrib Treaty 11 Council
- Government of Canada (through the Department of Indian Affairs and Northern Development – DIAND)
- Government of the Northwest Territories (through the Department of Resources, Wildlife and Economic Development (RWED))

⁸ NWT here refers to the NWT following the April 1, 1999 division of the NWT and Nunavut.

⁹ See Section 4.2.1 for a discussion of potential future additions to the Working Group/ Responsible Authority. Aboriginal governments and organizations are free to choose observer or member status on the Working Group at any time. Participation on the Working Group in any capacity is without prejudice to the land claim or self-government discussions or negotiations of any organization. A list of Working Group representatives and contact information is provided as Appendix C.

The Akaitcho Territory Government (ATG) withdrew from the Working Group in November 2001 (prior to this the ATG was a WG observer), pending resolution of issues related to the general application of the *MVRMA* and its ongoing land claim negotiation process. DIAND provides the ATG with copies of all Working Group materials.

From time to time, the Working Group may invite other organizations with technical or operational interests and expertise in cumulative impact monitoring to join the Working Group as observers. Environment Canada, the Department of Fisheries and Oceans, and the Mackenzie Valley Environmental Impact Review Board have accepted such invitations.

4.1.2 What Approach Has the Working Group Taken?

The key tasks of the Working Group have been to design the NWT CIMP and Audit, and to advise DIAND on related regional and community consultations.

The Working Group approved its Terms of Reference in June 1999. These Terms of Reference state that:

“The MVCIMP Working Group will through partnerships develop a method for a long-term monitoring program to assist in protecting and preserving our environment and culture for present and future generations by:

1. developing and maintaining an accessible, simple and understandable information base
2. identifying and tracking key aspects of the environment
3. building on existing monitoring programs, using local, traditional and scientific knowledge.”

The Terms of Reference define ‘environment’ as “the Earth, and how land, water and air and all living and non-living things depend on each other.”

The Working Group has recommended that the NWT CIMP and Audit take a ‘phased’, community-based approach, which builds on and links to existing initiatives in order to make the most efficient use of new and existing resources. The Working Group has reinforced the *MVRMA* requirement that traditional knowledge and western science both be analyzed in the NWT CIMP with the statement that traditional knowledge and western science must both be respected and used. Finally, the Working Group believes that the NWT CIMP must contribute to the building of capacity, particularly at the community and regional levels.

4.1.3 What Has the Working Group Accomplished?

Since its first meeting in March 1999, the Working Group has met on more than 45 occasions via teleconference or in face-to-face meetings (DIAND 2004). To date, the Working Group has focussed on the design of the NWT CIMP and Audit, and has conducted or funded a number of related activities, including¹⁰:

- Draft five-year work plan for the NWT CIMP and Audit (i.e., this document)
- Final Terms of Reference for the NWT Audit (April 2004)¹¹

¹⁰ These are described in more detail in DIAND, 2003.

¹¹ The final Terms of Reference have evolved from an earlier draft implementation framework for the NWT CIMP and Audit (June 2002), and draft terms of reference for the Audit and a background paper on the Audit process (November, 2002, November 2003, December 2003).

- Discussion of the principles to be addressed in drafting regulations under section 150 of the *MVRMA* and development of a draft implementation framework (NWT CIMP and Audit Working Group, June 2002)¹²
- Regional and community consultations on the NWT CIMP and Audit (early 1999, Fall 2002 to Summer 2003)
- Identification of priority Valued Components and development of draft state of knowledge reports in technical (DIAND 2002) and plain language (Bromley 2002) formats¹³
- Background research on monitoring and auditing programs (GeoNorth 2000, Donihee 2000)
- Support for monitoring and capacity-building projects
- March 2002 Stakeholder Workshop (Terriplan/IER 2002)
- Information Management System Options Study (Boyes et al., 2002) and Information Management Workshop (IER/Terriplan 2001)
- The NWT CIMP - Tariuq (Ocean) Monitoring Inventory, in collaboration with the federal Department of Fisheries and Oceans (http://www.geoarctic.com/apps/tariuq/WebTariuq_ie.php)
- Liaison with related research and monitoring programs, including presentations and briefings
- Development of communications materials, including the NWT CIMP website at: <http://www.nwtcimp.ca>

Section 150 of the *MVRMA* provides for the development of regulations to conduct the NWT CIMP and Audit, including collection and analysis of monitoring information, designating a person or body as the Responsible Authority, and specifying how the First Nations may participate in the functions of a non-governmental Responsible Authority or in the Audit. The Working Group has addressed these questions in a general manner on several occasions, and as noted above, has drafted an implementation framework which may eventually be a resource for drafting regulations under section 150 (NWT CIMP and Audit Working Group, June 2002). The Working Group has noted that implementation of the NWT CIMP and Audit may begin without regulations being in place. Given limited time and resources, the Working Group has decided to focus its efforts on initiating the NWT CIMP and Audit. Once the members of the Working Group and its successor organization, the Responsible Authority (discussed in Section 4.2, below), have gained experience in monitoring and auditing to meet the requirements of Part 6 of the *MVRMA*, they will revisit the principles and content of the regulations.

4.2 What is the Responsible Authority?

Section 145 of the *MVRMA* states that the Minister of DIAND is responsible for the designation of the Responsible Authority (RA) that will oversee and coordinate the NWT CIMP. The Minister can designate the RA through regulations under S. 150 of the *MVRMA*, after consulting with affected first nations and the GNWT. Until such regulations are developed, the Minister of DIAND is the RA. To date, the Minister has been acting as the RA in partnership with the NWT CIMP and Audit Working Group. Until DIAND establishes the permanent RA, the Minister of

¹² Much of the content of the draft implementation framework is duplicated in this draft five-year work plan and in the final Audit Terms of Reference (April 2004) and Background Document (November 2003); therefore additional revisions to the draft implementation framework document are not planned.

¹³ The Working Group is now using the term 'Valued Components' (rather than the former 'Valued Ecosystem Components'), to emphasize the broad definition of the environment being used – to include the social, cultural and economic aspects in addition to the biophysical.

DIAND, in consultation with the Working Group, will take the lead role in implementing the NWT CIMP and facilitating the Audit.

The Working Group proposes that the RA be established as an independent partnership body, with a board meeting regularly to oversee the implementation of the NWT CIMP. The RA will replace the NWT CIMP and Audit Working Group. The RA board will be supported by a small staff or Secretariat, and likely by one or more advisory groups (e.g., for the valued components, including scientific and traditional knowledge experts), and independent experts as needed. Like the Working Group, the RA will operate without prejudice to existing or ongoing land claim and self-government discussions and negotiations.

The Working Group has discussed a variety of options with respect to RA's membership, decision-making processes, and structure, and recognizes that these questions require detailed evaluation. Some of the key considerations are presented below.

4.2.1 Membership and Representation

The Working Group proposes that the following governments and organizations shall have the opportunity to appoint representatives to the RA board:

- Inuvialuit Game Council
- Gwich'in Tribal Council
- Sahtu Secretariat Inc.
- Deh Cho First Nations
- North Slave Metis Alliance
- Tłı̨chǫ First Nation
- Northwest Territory Metis Nation
- Akaitcho Territory Government
- Government of Canada - DIAND
- The Government of the Northwest Territories (GNWT)
- Environmental Impact Review Board (Inuvialuit Settlement Region)
- Environmental Impact Screening Committee (Inuvialuit Settlement Region)
- Mackenzie Valley Environmental Impact Review Board
- Mackenzie Valley Land and Water Board

The RA may recommend to the Minister that additional organizations be added to the RA.

The RA may invite other organizations to participate in its meetings as observers. Potential observers include, but are not limited to, representatives of co-management boards, Aboriginal organizations and governments, boards established pursuant to land claims agreements, federal, provincial and territorial government departments and agencies, industry associations, and environmental non-governmental organizations.

4.2.2 Regional Considerations

The RA will need to be able to accommodate differences in regional structures and preferences in regards to monitoring, while maintaining the ability to understand the state of the environment and cumulative impacts at a territorial scale. The regional representatives on the RA will have a key role in conducting and advising on communication and consultation with their constituencies, and in bringing the concerns of their regions and communities to the attention of the RA. Individual regions may choose to coordinate their participation in the work of the RA in

different ways. It will likely not be feasible to expand the RA board beyond one seat per region.

The RA will need to seek effective linkages with regional and community organizations. Committees and sub-committees may provide for a decentralized approach to reflect differences at the regional and community level. A more formal option for decentralization would be to establish a tiered structure for the RA, with an umbrella RA and regional panels (similar to the structure of the Mackenzie Valley Land and Water Board).

4.2.3 Involvement of Existing and Future Co-management Bodies

The boards established pursuant to the *MVRMA* and other organizations responsible for land-use planning, project review and regulation in the NWT shall be invited to participate as observers in the meetings of the RA. Because the NWT CIMP and Audit provide feedback and decision support functions for the integrated resource management regime established by the *MVRMA*, input from the decision-making boards established by the *MVRMA* will be essential to ensure that cumulative impact monitoring meets the needs of decision makers. While it may not be feasible to include all *MVRMA* boards and similar organizations as full members of the RA, the RA should seek effective linkages with both existing bodies and any new bodies established pursuant to completed land claim and self-government agreements.

The remaining sections of this work plan summarize how the Working Group proposes to implement the NWT CIMP and ensure that the NWT Audit is carried out as required. These approaches are based on Working Group discussions, the March 2002 stakeholder workshop, and regional and community consultations held in 1999, 2002 and 2003.