

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

ACTION PLAN COMMITTEE ANNUAL REPORT

August | 2024

DÉCLARATION DES NATIONS UNIES SUR LES DROITS DES PEUPLES AUTOCHTONES

RAPPORT ANNUEL DU COMITÉ DE PLAN D'ACTION

AOÛT | 2024

Le présent document contient la traduction française du sommaire et de l'introduction.

K'áhshó got'jne xədə k'é hederı ɔedjhtl'é yerınıwə nı dé dúle.
Dene Kədə

ʔerıhtl'ıs Dēne Sųlıné yatı t'a huts'elkēr xa beyáyatı theɔɔ ɔat'e, nuwe ts'ēn yóftı.
Dēne Sųlıné

Edı gondı dehgháh got'je zhaté k'éé edatl'éh enahddhə nıde naxets'é edahfı.
Dene Zhaté

Jii gwandak izhii ginjik vat'atr'ijahch'uu zhit yinothan ji', diits'àt ginohkhii.
Dinjii Zhu' Ginjik

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.
Inuvialuktun

ᑕᑦᑲᑦᑲᑦ ᑎᑎᑦᑲᑦᑲᑦ ᐱᑦᑲᑲᑦᑲᑦ ᐃᑦᑲᑦᑲᑦᑲᑦ ᐃᑦᑲᑦᑲᑦᑲᑦ ᐃᑦᑲᑦᑲᑦᑲᑦ ᐃᑦᑲᑦᑲᑦᑲᑦ.
Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.
Inuinnaqtun

kıspin ki nitawıhtın ē nıhıyawıhk ōma ācimōwin, tipwāsinān.
nēhiyawēwin

Tłıchq yatı k'èè. Dı wegodı newq dè, gots'ó gonede.
Tłıchq

Indigenous Languages
request_indigenous_languages@gov.nt.ca

Contents

- Executive Summary 1
- Sommaire 2
- Introduction 3
- Context 3
 - UNDRIP as a Priority of the 19th Legislative Assembly and Leaders..... 3
 - NWT Council of Leaders Memorandum of Understanding 4
- Background 5
 - UNDRIP Implementation Act Development..... 5
 - Creation and Composition of Action Plan Committee 6
 - Work Completed by the Action Plan Committee..... 6
 - Membership of the APC..... 7
- GNWT Departmental Actions and Updates on Implementation Activities..... 8
 - Executive and Indigenous Affairs..... 8
 - Education, Culture and Employment..... 10
 - Environment and Climate Change 11
 - Finance..... 13
 - Health and Social Services 15
 - Industry, Tourism and Investment..... 16
 - Infrastructure 17
 - Justice 18
 - Municipal and Community Affairs 19
 - Housing Northwest Territories 20
- Recommendations from the APC 21
- Next Steps 23

Executive Summary

The Annual Report on the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* (the *UN Declaration Act*) has been prepared by the Action Plan Committee (APC) to highlight the progress and next steps of implementing the *UN Declaration Act* within the Northwest Territories. This report is co-developed in partnership with the participation and input from all the Government of the Northwest Territories' (GNWT) departments, in addition to Indigenous governments and Indigenous organizations.

The Annual Report illustrates the progress the APC is making to implement the *UN Declaration Act*. This work is continuously evolving and requires meaningful engagement with all partners. GNWT departments have provided updates on their work that aligns with the *UN Declaration Act*, in addition to the APC's recommendations and next steps. This report highlights the measures taken under the *UN Declaration Act*, including the preparations and implementation of departmental actions and initiatives for the action plan by each department and public agency.

The development of the action plan is currently underway in partnership with participating Indigenous governments and Indigenous organizations. The implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the development of the action plan provide markers to measure true reconciliation and the importance of stepping forward together with Indigenous governments and Indigenous organizations. This Annual Report, and subsequent future annual reports, will track the progress the GNWT is making in implementing the UN Declaration.

Sommaire

Le Rapport annuel sur la *Loi de mise en œuvre de la Déclaration des Nations Unies sur les droits des peuples autochtones* (la Loi) a été préparé par le Comité de plan d'action (CPA) pour présenter les progrès réalisés et les prochaines étapes à suivre dans la mise en œuvre de la Loi aux Territoires du Nord-Ouest. Ce rapport a été élaboré en partenariat avec la participation de tous les ministères du gouvernement des Territoires du Nord-Ouest (GTNO) ainsi que de tous les gouvernements et organisations autochtones.

Le rapport annuel fait état des progrès du CPA dans la mise en œuvre de la Loi. Ce travail est en constante évolution et requiert un engagement important de tous les partenaires. Les ministères du GTNO ont fait le point sur les travaux prévus par la Loi, ainsi que sur les recommandations du CPA et les prochaines étapes à franchir. Le présent rapport présente les mesures prises en vertu de la Loi ainsi que les travaux effectués par chaque ministère et organisme public pour préparer et mettre en œuvre les mesures et les initiatives prévues dans le plan d'action.

L'élaboration du plan d'action est en cours, en partenariat avec les gouvernements et les organisations autochtones participants. La mise en œuvre de la Déclaration des Nations Unies sur les droits des peuples autochtones (DNUDPA) et l'élaboration du plan d'action sont de bons indicateurs de l'évolution des efforts de réconciliation et montrent l'importance d'aller de l'avant avec les gouvernements et les organisations autochtones. Le présent rapport annuel et les rapports annuels ultérieurs permettront de suivre les progrès réalisés par le GTNO dans la mise en œuvre de la DNUDPA.

Introduction

The UN Declaration is an international document that outlines the fundamental human rights of Indigenous peoples worldwide. The UN Declaration recognizes Indigenous peoples' rights, as individuals and as a collective, to self-determination, culture, language, and traditional lands. It describes the minimum standards of rights required to protect the survival, dignity, and well-being of Indigenous peoples.

The UN Declaration is made up of 46 articles that describe specific rights and actions that governments must take to protect the rights of Indigenous peoples and is a valuable tool for developing strategies and taking action. Both the Truth and Reconciliation Commission (TRC) and the National Inquiry on Missing and Murdered Indigenous Women and Girls (MMIWG) include calls for all levels of government to adopt the UN Declaration as a framework for reconciliation with Indigenous peoples across Canada.

In the Northwest Territories (NWT), the UN Declaration is especially relevant because it acknowledges the rights of Dene, Métis, and Inuit peoples. It emphasizes their rights to maintain and protect their unique cultures, traditions, and ways of life. It also recognizes Indigenous peoples' rights to participate in decision-making processes that affect their lands and resources.

Implementing the UN Declaration will help protect Indigenous peoples' rights and promote respect for their cultures, traditions, and land use. It will encourage governments and other entities to work in partnership with Indigenous peoples to ensure their rights are respected and their voices are heard in matters that affect them, including resource development, management, and other policy decisions.

Context

UNDRIP as a Priority of the 19th Legislative Assembly and Leaders

“States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration” (Article 38, United Nations Declaration on the Rights of Indigenous Peoples.)

Article 38 of the UN Declaration directs governments to work in cooperation and collaboration with Indigenous peoples to implement the UN Declaration. In the *Mandate of the Government of the Northwest Territories, 2019-2023*, the 19th Legislative Assembly directed the GNWT to move forward with Indigenous governments and Indigenous organizations through a working group to develop an action plan to implement the UN Declaration in the NWT.

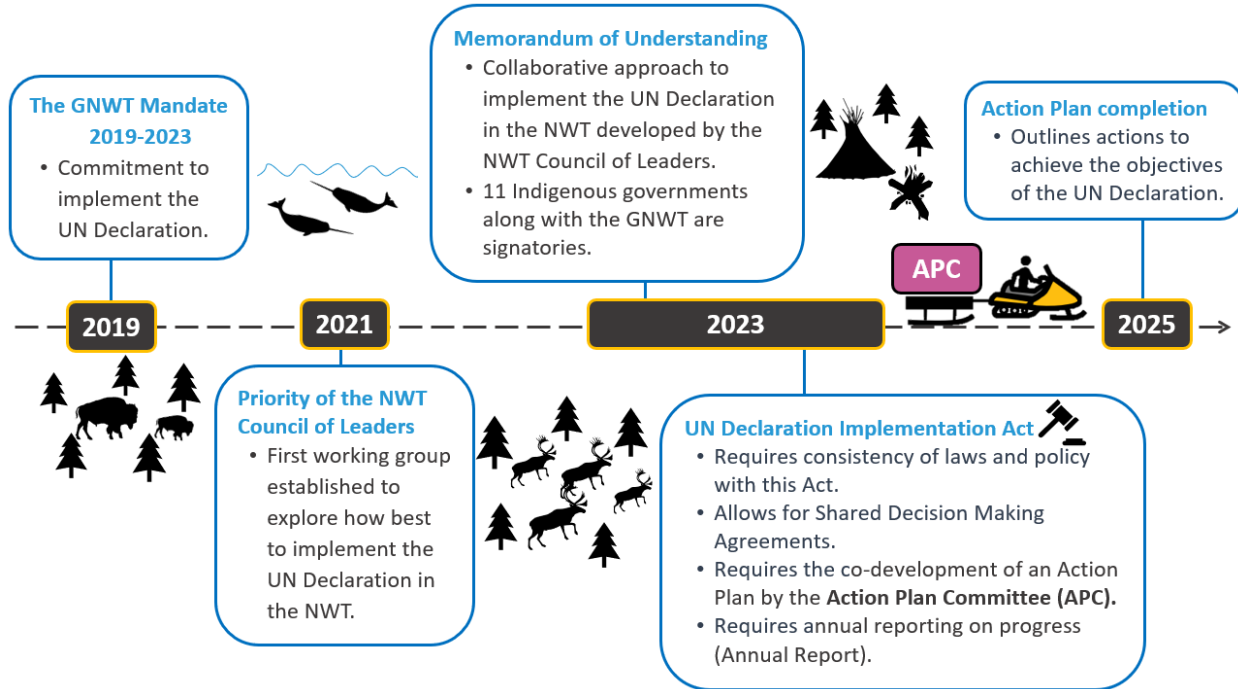


Figure 1: Timeline to develop the action plan to implement the UN Declaration in the NWT.

NWT Council of Leaders Memorandum of Understanding

The NWT Council of Leaders (NWT COL) working group was tasked with making recommendations on how to move forward with implementing the UN Declaration. Part of the recommended approach included the development of a law unique to the NWT to further support implementation activities. A Memorandum of Understanding (MOU) was developed to formalize the relationship between the GNWT, Indigenous governments, and Indigenous organizations that will undertake the co-development of a law to implement the UN Declaration. The working group developed the *UN Declaration Act* and the MOU by consensus with the support of the NWT COL (Figure 1). The MOU currently has signatures by 13 Indigenous governments along with the GNWT. The MOU is intended to support the continued collaborative approach that will advance the implementation of the UN Declaration in the NWT, and it reinforces the commitment of the GNWT to work in collaboration and cooperation with Indigenous governments and Indigenous organizations.

The NWT COL is still kept informed of the progress of implementation activities, but the working group is no longer the mechanism for collaboration. As part of the *UN Declaration Act*, the role of the working group has now been replaced by an APC who will be responsible for preparing and implementing an action plan for achieving the objectives of the UN Declaration. The action plan is expected to set the direction for ongoing collaboration between the GNWT and Indigenous governments and Indigenous organizations to advance key actions towards the implementation of the UN Declaration.

Background

UNDRIP Implementation Act Development

On October 6, 2023, the NWT Legislative Assembly passed the *UN Declaration Act* (**Figure 1**). The *UN Declaration Act* was developed in partnership with Indigenous governments and Indigenous organizations through a working group of officials. Having identified the UN Declaration as a priority, the NWT COL established the working group of officials that co-developed the *UN Declaration Act*. The *UN Declaration Act* formalizes the mechanisms the GNWT will use to ensure that future laws, regulations, and policies are consistent with the UN Declaration.

The goals of the *UN Declaration Act* are to:

- Confirm that the UN Declaration is a universal human rights instrument that applies to Indigenous peoples in the NWT and the laws of the NWT, and;
- Provide a process for the GNWT to work with Indigenous governments and Indigenous organizations in a government-to-government relationship to determine how the UN Declaration will be implemented by the GNWT to recognize Indigenous peoples' rights and to improve the lives of the people of the NWT.

The *UN Declaration Act*:

- Directs the Attorney General of the NWT, whenever a new law or change to a current law is being proposed, to compare the new law with the UN Declaration to determine if the new law is consistent with the UN Declaration. The Attorney General must provide that analysis in writing through a Statement of Consistency to the Legislative Assembly;
- Creates an APC for the GNWT and Indigenous governments and Indigenous organizations to work together in the development of an action plan to identify priorities and tasks to advance the implementation of the UN Declaration in the NWT;
- Confirms that the GNWT can enter into shared decision-making agreements with Indigenous governments and Indigenous organizations when there is mutual agreement to do so;
- Requires public review and reporting on the activities identified in the *UN Declaration Act* and the Action Plan to provide an update on the work being done and make that information available to the public in an annual report;
- Directs the GNWT to make steady progress to ensure the UN Declaration is considered in all decisions about laws and policies affecting Indigenous peoples, and;
- Gives direction on how the UN Declaration will be used by courts, including direction that legal interpretation and application of laws must be consistent with the UN Declaration and clarification that courts are not prevented from applying the UN Declaration outside the framework of the *UN Declaration Act*.

The new *UN Declaration Act* does not:

- Automatically change existing laws and policies of the GNWT;

- Impose the same actions in different regions or communities, which may have different needs and traditional practices, or;
- Obligate the GNWT to act without first working with Indigenous governments and Indigenous organizations to decide the best way forward.

Creation and Composition of Action Plan Committee

As a result of the obligations in the *UN Declaration Act*, an APC has been created consisting of representatives from the GNWT, interested Indigenous governments and Indigenous organizations (**Figure 1**). The main task of this APC is to co-develop an action plan to align the GNWT laws and policies with the rights in the UN Declaration and achieve the objectives of the UN Declaration. The APC has other responsibilities as set out in the *UN Declaration Act*, including:

- To facilitate collaboration and cooperation between the GNWT and Indigenous governments and Indigenous organizations in preparing and implementing departmental actions and initiatives included in the action plan;
- Review, discuss, and determine common priorities and opportunities for collaboration and actions on a consensus basis;
- Provide research and analysis of best practices and any other topic related to UN Declaration implementation in the form of reports from the APC to its members;
- Monitor the implementation of the action plan;
- Conduct reviews and co-develop amendments to the action plan, and;
- Make recommendations for proposed amendments to legislation and policies to be consistent with the UN Declaration.

Work Completed by the Action Plan Committee

The APC has been meeting regularly since the tabling of the legislation to begin to undertake its responsibilities under the *UN Declaration Act*. A Terms of Reference was established to help guide the relationship between the members of the APC and how the committee will work together in a collaborative manner through consensus. The APC has also developed a workplan to identify tasks and timelines needed for the APC to meet its roles and responsibilities.

The APC is currently undertaking the work of identifying potential actions for the action plan to work toward a goal of a completed action plan by October 2025, as required by the *UN Declaration Act*. This work involves the GNWT and Indigenous governments and Indigenous organizations identifying potential tasks, laws, and policies for review to include in the initial 5-year action plan. This list will then be discussed and prioritized before a final proposed list is created and discussed collaboratively with all governments to ensure it reflects the implementation priorities identified by Indigenous governments and Indigenous organizations for the NWT. The APC is also developing other processes for inclusion in the action plan to maintain transparency and ensure ongoing tracking of the progress being made under the Action Plan.

Membership of the APC

The APC consists of representatives from the GNWT and those appointed by interested Indigenous governments and Indigenous organizations. Each member of the APC has confirmed their representatives, who participate in the regularly held meetings as possible and receive regular updates and communications.

Regularly participating Indigenous governments and Indigenous organizations that are currently represented on the APC include:

1. Acho Dene Koe First Nation;
2. Behdzi Ahda First Nation;
3. Délı̨nę Got'ı̨nę Government;
4. Gwich'in Tribal Council;
5. Inuvialuit Regional Corporation;
6. K'ahsho Got'ine of Fort Good Hope;
7. Kátł'odeeche First Nation;
8. North Slave Métis Alliance;
9. Northwest Territory Métis Nation;
10. Tłı̨chǫ Government; and
11. Yellowknives Dene First Nation.

The *UN Declaration Act* defines an Indigenous government or Indigenous organization as “an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982* and chosen by those Indigenous peoples in accordance with their own procedures and decision-making institutions to represent them and to act on their behalf.” The membership of the APC is open to any Indigenous government or Indigenous organization that fits under this definition. Qualifying Indigenous entities that are currently not participating are welcome to join anytime and any currently participating member can choose not to, depending on their priorities and resources.

GNWT Departmental Actions and Updates on Implementation Activities

The work of implementing the UN Declaration is being done by the whole-of-government. Each GNWT department is working to implement the articles of the UN Declaration through its areas of responsibility. The following updates are not intended to be exhaustive of all the activities the departments have undertaken that may contribute to the implementation of the UN Declaration. Instead, they aim to highlight the areas where individual departments are directing resources to contribute to the UN Declaration being a factor in everything the GNWT does.

Executive and Indigenous Affairs

UN Declaration Implementation

The Department of Executive and Indigenous Affairs (EIA) is supporting and monitoring the implementation of the UN Declaration by the GNWT and is the lead in meeting the obligations of the GNWT under the *UN Declaration Act*. As part of this work, the EIA is developing tools to create more awareness across the GNWT regarding the importance of the UN Declaration and to promote a whole-of-government approach.

Aboriginal Rights Agreements

Land claim and self-government negotiations are underway in all regions of the NWT and are at various stages of advancement, to address Aboriginal rights in the NWT and to honour and implement Treaty rights. EIA is currently preparing to review and, if necessary, amend its various negotiating mandates to ensure they align with the articles of the UN Declaration.

EIA also monitors and facilitates the ongoing GNWT implementation obligations and activities pursuant to settled land, resources, and self-government agreements and represents the GNWT on trilateral Implementation Committees tasked with monitoring and coordinating the overall implementation of the agreements. The implementation division of EIA is developing an electronic Implementation and Reconciliation Accountability and Management System. Once in place, the System will provide the GNWT with a comprehensive oversight and data management tool that will track the ongoing completion of departmental activities that fulfill legal obligations under treaties and/or support claims implementation objectives, as well as activities that fulfill articles of the UN Declaration, the TRC Calls to Action and the MMIWG Calls for Justice.

Negotiating and implementing Aboriginal Rights Agreements aligns with **Articles 3, 4, 5, 9, 18, 20, 26, 27, 33, and 37**.

Integrated and Person-centred Service Delivery

Enabling residents to focus on healing, the integrated and person-centred service delivery approach works in collaboration with Indigenous governments, Indigenous organizations, community governments, and other partners to provide easier access to programs and services.

The integrated and person-centred service delivery are reflective of **Articles 15, 20, 21, 23, and 24**.

Missing and Murdered Indigenous Women and Girls

Gender-based violence, family violence, and MMIWG are overlapping and intersecting issues. To be effective, the GNWT approach must address each of these issues, as well as the underlying issues of gender equality and discrimination against 2SLGBTQIA+ persons.

There are many Calls for Justice within *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* that have significant implications for the GNWT and its residents. In August 2019, the GNWT released *Doing our Part*, the initial response to the Final Report of the National Inquiry. *Doing our Part* also includes a commitment from the GNWT to work with the federal government, Indigenous governments, business sectors, and nongovernmental organizations to address the issue of violence against Indigenous women, girls, and 2SLGBTQIA+ people.

As a first step, the GNWT identified the need to work with our partners in responding to the Calls for Justice through in-depth discussions on how we collaborate and come to a consistent understanding of the issues involved.

The next MMIWG Annual Report will be issued by the end of June 2024 and posted to the website.

MMIWG Advisory Committee

This committee commits to working with Indigenous governments and Indigenous organizations to provide an accountability mechanism in working with MMIWG issues. This is currently being initiated and will expect to have this committee by Fall 2024.

Truth and Reconciliation Commission Monument Committee

There is currently a TRC Monument Committee that is working on the development of a monument in the capital of the NWT that addresses the Call to Justice 8.1. It is hoped that the monument will be erected by Fall 2025.

Family Information Liaison Unit

The GNWT is committed to improving the safety and well-being of NWT Indigenous women, girls, 2SLGBTQIA+ persons, men, and boys so that their future generations are granted the same safety and security as non-Indigenous people nationwide.

Survivors and families of missing and murdered Indigenous women in the NWT deserve our respect and our help and the GNWT will continue to support them in their healing journey.

The GNWT recognizes and honours the families that took part in the National Inquiry. The strength and courage in bearing witness on behalf of their loved ones and speaking their truth was an essential step that will allow this territory and this country to face and address the issue of missing and murdered Indigenous women and girls.

Gender-based Violence Prevention

On behalf of the GNWT as a whole-of-government approach, the EIA facilitates the government responses to the National Action Plan to end Gender-based Violence. This funding program financially contributes to Indigenous governments and non-profit organizations in efforts to end gender-based violence by contributing to the existing GNWT programs and services and implementing prevention and awareness activities.

Gender-based violence prevention and awareness activities support **Articles 21, 22, 39 and 44**.

Education, Culture and Employment

NWT Indigenous Languages Action Plan

The Indigenous Languages and Education Secretariat (ILES) administers the NWT Indigenous Languages Action Plan (2018-2025) that supports the reclamation, revitalization, maintenance, and strengthening of the NWT official Indigenous languages, and the expansion of public access to government programs and services in all official Indigenous languages. This aligns with **Articles 13, 14, and 16** of the UN Declaration. Through the NWT Indigenous Languages Action Plan, the GNWT funds and assists Indigenous governments to develop and implement their own regional Indigenous language plans and supports education bodies in the delivery of Indigenous languages and education programming that promotes Indigenous worldviews, cultures, and languages.

Dene Kede and Inuuqatigiit Curriculum

The Department of Education, Culture, and Employment (ECE) continues to implement the *Dene Kede* and *Inuuqatigiit* foundational curricula that support the implementation of the UN Declaration **Articles 13, 14, and 15(1)** within the themes of Indigenous revitalization and cultural integrity. The curricula were developed by Elders, Knowledge Keepers, and educators from all regions of the NWT and aim to reflect northern Indigenous perspectives and practices in their teachings. This work promotes the cultural integrity of the NWT Indigenous peoples by incorporating their Indigenous languages, traditional knowledge, and cultural practices into territorial educational materials. Indigenous curricula support the continuity and revitalization of Indigenous cultures in accordance with the UN Declaration.

Geographical Names Program

The ECE's *Geographical and Community Names Policy* recognizes that traditional names for geographical features are important to the language, culture, and history of the Indigenous people of the NWT. The Policy promotes the official recognition of traditional names for geographical features to assure their cultural continuity for the people of the NWT, in line with **Articles 11 and 13**. ECE administers the decision-making process for changing official geographical place names and assists Indigenous communities with the process of restoring traditional place names by making them official place names of the NWT and Canada. The ECE's officials also actively participate in working groups through the Geographical Names Board of Canada that aims to increase awareness and facilitate the restoration of Indigenous place names on a national level.

Aurora College Transformation

The Aurora College Transformation – Amended Governance System is a proposed tricameral model of governance that includes the Board of Governors, Academic Council, and Indigenous Knowledge Holders Council. This model will strengthen the institution and make Aurora College a national leader in the inclusion of Indigenous knowledge in strategic and operational decision-making. The Indigenous Knowledge Holders Council was recently established in April 2024 and will promote policies and operational decisions that foster the success of Indigenous students and staff at Aurora College and the overall success of the institution. The guaranteed Indigenous representation on both the Board of Governors and the Indigenous Knowledge Holders Council supports the implementation of the UN Declaration **Articles 14(1) and 21(1)**. The recommendations offered to the Board of Governors by the Indigenous Knowledge Holders Council are expected to inform decisions regarding academic and research programming and student supports.

Education Act Modernization

Significant gaps in student outcomes exist between NWT students and the Canadian average, between Indigenous and non-Indigenous students in the NWT, and between Yellowknife and regional centres, and smaller communities. To improve student outcomes in the NWT, the ECE is modernizing the *Education Act* SNWT 1995, c.28 and updating the legislative framework for the junior kindergarten to grade 12 education system.

The *Education Act* does not currently include a process for allowing decision-making powers to be transferred to Indigenous governments in support of self-government implementation. Changes to the *UN Declaration Act* will seek to support self-government implementation, including the exercise of jurisdiction and assumption of responsibilities for education programs by Indigenous self-governments, as well as how the *UN Declaration Act* will support evolving governance approaches taken by Indigenous governments within the education system. Modernizing the *Education Act* includes a commitment to creating ways to support Indigenous governments to provide knowledge and leadership regarding education in their communities, supportive of **Articles 14, 19, and 23** of the UN Declaration.

Phase 1 was the introduction of *Bill 81: An Act to Amend the Education Act No. 2*, which received Assent in the Fall 2023 sitting of the Legislative Assembly. Phase 1 engagement highlighted that more consideration is needed in Phase 2 on how Indigenous governments and communities across the NWT can meaningfully lead and participate in the governance of a system that is educating future generations, in response to **Article 14**. Phase 2 involves longer-term discussions with Indigenous governments and education bodies about the future of education system structure and governance in accordance with **Article 19**. ECE will be engaging with the NWT Council of Leaders to restart Phase 2 discussions in 2024.

Environment and Climate Change

Protected Areas

The Department of Environment and Climate Change (ECC) supports Indigenous-led conservation and stewardship initiatives under the Healthy Land, Healthy People Work Plan to develop the NWT

conservation network. The ECC continues to work with Indigenous governments to implement territorial protected areas under the *Protected Areas Act* SNWT 2019, c.11, as a shared responsibility to protect and maintain biodiversity, ecological integrity, and cultural continuity.

Currently, the ECC is working to implement the shared management of two territorial protected areas:

- i) The Thaidene Nënë Territorial Protected Area, with operational partners Łutsël K'é Dene First Nation and Northwest Territory Métis Nation, regional partners Yellowknives Dene First Nation, and Deninu Kųé First Nation, and Parks Canada, and;
- ii) The Ts'udé Nilı́né Tuyeta Territorial Protected Area with the K'asho Got'ine Dene and Métis of Fort Good Hope.

This initiative directly supports **Articles 29, 31, and Article 32** of the UN Declaration.

Water Management

The GNWT is responsible for managing water resources in the NWT through the administration of the *Waters Act*, S.N.W.T. 2014, c.18 and related regulations. Working within established water co-management systems to ensure Indigenous peoples decide how to use and develop natural resources supports **Article 32** of the UN Declaration.

ECC also established the NWT Water Stewardship Strategy—Indigenous Steering Committee, which meets 2-4 times a year to discuss progress, identify priorities, provide guidance on implementing the NWT Water Stewardship Strategy and Action Plan, and act as an information conduit between the GNWT and Indigenous governments and communities.

Land Management

Since June 2023, ECC has piloted a new consultation and engagement process for proposed decisions respecting public land occupancy authorizations, such as leases. Under this pilot process, Indigenous governments and Indigenous organizations may request a review of consultation and engagement carried out for a proposed decision to reconsider whether the department met the duty to consult and accommodate in making the decision, and whether their additional concerns identified through engagement were considered. The pilot process was developed collaboratively by the Intergovernmental Council Secretariat technical working group on the *Public Land Act* regulations. The department is currently preparing a request for proposals to evaluate the pilot project.

Wildlife Management

The responsibility for wildlife management is shared between governments, users and renewable resource boards set up under Aboriginal land, resources and self-government agreements. Co-management provides direct involvement for Indigenous governments and Indigenous organizations in wildlife management in their land claim area or region, where wildlife co-management boards have been established as essential instruments of wildlife management. In areas without settled land claims, the co-management system provides for input and involvement by Indigenous organizations in wildlife management. ECC is also collaboratively developing

on-the-land and harvesting programs that promote culture and language. These activities are directly aligned with **Articles 31 and 32** of the UN Declaration.

Forest Management

ECC is working in partnership with Indigenous governments and Indigenous organizations to develop regional forest management agreements that reflect community-based or regional forest management goals. These agreements, enabled under the Forest Management Act, R.S.N.W.T. 1988, c.F-9, provide Indigenous partners with long-term rights to harvest wood from a defined area for the purposes of forest industry business development and growth. These arrangements will continue under the Forest Act when it is in force, replacing the Forest Management Act. Currently, the GNWT has a forest management agreement with the Deh Gáh Got'ie First Nation, the Fort Providence Métis Council, the Denínu Kúé First Nation, and the Fort Resolution Métis Council.

Traditional Knowledge

ECC provides administrative support for the GNWT's *Traditional Knowledge Policy*, coordinating government-wide traditional knowledge initiatives that have been approved by the Executive Council and ensuring traditional knowledge about the natural environment is considered in all government environmental management actions and decisions and in program development. This support is aligned with **Article 31** of the UN Declaration.

Contribution Funding to Participate in the Regulatory System

ECC provides contribution funding to eligible Indigenous governments and Indigenous organizations in support of its mandate to manage, administer, and plan for the sustainable use of public land in the NWT. Contribution funding provided to Indigenous governments and Indigenous organizations supports Indigenous participation in the land management, environmental assessment, and regulatory system of the NWT. ECC also contributes funding to Indigenous governments and Indigenous organizations that do not have other base land use planning funding (e.g., from settled claims) to support capacity building and their pre-planning activities for the south-east NWT and Wek'eezhii planning regions. These contributions are consistent with **Articles 31, 32, and 39** of the UN Declaration.

Finance

Living Well Together: Indigenous Cultural Awareness and Sensitivity Training

The Department of Finance, in partnership with ECE and the Department of Health and Social Services (HSS), collaborated with Indigenous Elders, community members, and Indigenous artists to ensure the "*Living Well Together: Indigenous Cultural Awareness and Sensitivity Training*" reflected the diverse and authentic perspectives of Indigenous peoples from across the North. This training was made mandatory for all GNWT employees and is available to the public. This 8-module e-learning source is consistent with **Articles 14 and 15** of the UN Declaration.

Indigenous Recruitment and Retention Framework

The Department of Finance's Human Resource division launched the Indigenous Recruitment and Retention Framework and Action Plan designed to help the GNWT improve Indigenous

representation among its public servants. The Framework sets the foundation and explains the importance of having a public service representative of the people it serves, while the Action Plan provides the direction the GNWT will take. Together these two documents encompass and support the existing GNWT programs designed to recruit and retain Indigenous employees including but not limited to the following:

- Affirmative Action Policy;
- Indigenous Career Gateway Program;
- Regional Recruitment Program;
- Indigenous Management Development & Training Program, and;
- Building Capacity in Indigenous Governments Program.

The work done towards achieving the efforts of recruiting and retaining Indigenous people under the Framework and Action Plan supports **Articles 17 and 21** of the UN Declaration.

Collaboration and Engagement

The GNWT is committed to building and maintaining a workforce that embraces diversity, cultural awareness, and inclusion. As a part of this initiative, the Department of Finance coordinates and supports two committees.

- The Indigenous Employee Advisory Committee (IEAC) provides strategic advice to the GNWT on strategies and approaches to attracting, recruiting, advancing, and retaining Indigenous employees within the GNWT.
- The GNWT Advisory Committee on Diversity and Inclusion provides advice to the Deputy Minister's Human Resources Committee on improving access for designated employment equity groups such as women, Indigenous Aboriginal persons, persons with disabilities, visible minorities, and members of the 2SLGBTQIA+ community.

In addition, the Department of Finance has engaged with the public during the creation of the Indigenous Recruitment and Retention Framework and Action Plan, as well as during the Affirmative Action Policy Review done from October 2022 to April 2023. Feedback received was incorporated and resulted in the following:

- Feedback from engagement with external and internal partners during the creation of the Framework and Action Plan resulted in 11 Action Items and deliverables split into two goals (Indigenous representation and Indigenous Leadership). As part of these Action Items, every department had to create a Departmental Indigenous Employment Plan that detailed steps they would take to address barriers to employment for Indigenous peoples, and;
- Feedback received during the Affirmative Action Policy Review was compiled into a *What We Heard Report* tabled in the NWT Legislative Assembly with a recommendation to the cabinet based on the engagement done in 9 communities, 3 virtual sessions, and feedback received through the online survey.

This work to engage with the public on the Indigenous Recruitment and Retention Framework's initiatives, the Affirmative Action review, and the continuous collaboration with the two committees aligns with **Articles 18 and 23** of the UN Declaration.

Health and Social Services

Cultural Safety Action Plan

HSS is committed to improving cultural safety for Indigenous residents of the NWT. Cultural safety is an outcome where Indigenous peoples feel safe, respected and free of racism and discrimination when accessing health and social services. The Cultural Safety Action Plan sets out four objectives at the policy and service delivery levels to address systemic racism experienced by Indigenous residents in the NWT, including:

1. **Create an Organizational Culture of Cultural Safety:** Develop a whole health and social services system approach, including a commitment from leadership, policies and organizational structures to embed cultural safety in the organization.
2. **Strengthen Staff Capacity for Cultural Safety:** Build and enhance staff capacity through training and other professional development supports to have the knowledge, skills and behaviours to provide appropriate and equitable care rooted in culturally safe practices.
3. **Honour Traditional Knowledge and Healing Approaches in Care:** Explore and incorporate ways in which traditional knowledge and healing approaches can respectfully be incorporated alongside existing health and social services.
4. **Improve Client and Community Experience:** Improve the client and community experience through culturally safe and relationship-based care that puts the needs of clients and their families first.

With these objectives, the HSS's work aligns with **Articles 2, 15, and 24** of the UN Declaration.

Cultural Safety and Anti-Racism Training

The Cultural Safety and Anti-Racism division leads the development, continuous improvement, and delivery of cultural safety and anti-racism training across the HSS system. This mandatory training for HSS's staff is aimed at disrupting and correcting the long-standing racist beliefs, attitudes, and behaviours at the interpersonal and organizational levels by providing information and opportunities for discussion about the history and ongoing legacy of colonialism and anti-Indigenous racism in Canada.

Healthy Family Program

The Healthy Family Program has been renewed after undergoing a review with extensive engagement with parents, caregivers, and staff who work with children and Indigenous governments. Services offered aim to be inclusive, preventative, and centred around culture. Many communities in each NWT region have a Healthy Family Program, and it is open universally to anyone who has young children interested in learning and sharing about children and caregiving. This program aligns with the intentions of **Articles 8, 12, 15, 24, and 34** of the UN Declaration.

Indigenous Advisory Body

HSS established an Indigenous Advisory Body to provide guidance and advice on how to incorporate Indigenous tradition, culture, and healing practices within the NWT HSS system. Membership includes appointees from each Indigenous government, HSS, and the Authorities. This project aligns with **Articles 23 and 24** of the UN Declaration.

Primary Health Care Reform

Primary Health Care Reform is an initiative to transform the NWT health system to improve the health outcomes of residents in a way that centres resident experiences and takes an integrated and systemic approach to health and well-being. It is the system-wide initiative being used to implement a culturally safe and relationship-based care approach and it is aligned with **Articles 2, 15, 19, 21, and 24** of the UN Declaration.

Community Wellness Priorities and Weaving Our Wisdom

The Community Wellness Initiatives are intended to reduce health inequities and improve the health and wellness outcomes of Indigenous individuals, families, and communities in the NWT. Funding is allocated to Indigenous governments and community organizations. The Weaving Our Wisdom (WOW) gathering is a collaborative space for wellness leaders and inspiring guest speakers to engage in a dialogue on current Indigenous wellness needs and imagined possibilities to implement Indigenous healing as part of the federal Northern Wellness Agreement. The WOW dialogue shapes the work of the Community, Culture, and Innovation division and the Cultural Safety and Anti-Racism division that were specifically established to prioritize Indigenous health and wellness at the GNWT, address anti-Indigenous racism, and facilitate flexible funding agreements. This aligns with **Articles 3, 5, 15, 18, 21, 23, and 24**.

*Industry, Tourism and Investment**Community Futures Program*

The Department of Industry, Tourism and Investment (ITI) funds the Community Futures Program. The Program is a community-based economic initiative delivered in each region by Community Futures Development Corporations. These Corporations operate independently of the government as non-profit organizations and are overseen by volunteer Boards of Directors representatives of the regions and communities they serve. The program supports community and business development through the creation and expansion of small and medium-sized enterprises and the creation and maintenance of employment opportunities in NWT communities. This program supports **Articles 21 (1) and 23** of the UN Declaration by providing services, including term loans and loan guarantees, lines of credit, business planning and assistance, information and training for entrepreneurs, and the delivery of human resources development.

Indigenous Capacity Building

NWT Indigenous communities have identified the need for significant capacity expansion to be effectively engaged and participate in mineral exploration and development projects. The Client Service and Community Relations (CSCR) Unit's Indigenous Capacity Building initiative is bolstering the capacity of Indigenous governments and Indigenous organizations, aiming to increase

Indigenous participation with an understanding of the minerals industry. Increasing Indigenous capacity in mineral exploration and development projects supports **Articles 20, 21 (1), and 23** of the UN Declaration.

Capacity-building activities include training, educational opportunities, strategic planning, and capacity-building workshops.

Proudly Indigenous Crafts and Designs

The Circumpolar Crafters Network was formed in 2019 to revitalize the traditions and production of authentic Inuit and Indigenous seal products. Inaugural members were from a number of circumpolar countries and were committed to working together and sharing knowledge and skills in a spirit of mutual respect for cultural traditions, and adherence to ethical, economic, and environmental principles. From this, the Proudly Indigenous Crafts and Designs project was created in the Fall of 2020 and launched to the public with an intense national marketing campaign in April 2021. This program continues and supports **Articles 11, 13, 15, and 16 (2)**. The online store continues to showcase seal products made by Indigenous crafters from Canada and bring more awareness to seal products that come from traditional sources and values.

Mineral Resources Legislation

ITI is working to bring the *Mineral Resources Act* SNWT 2019, c 23 into force by completing the Mineral Resources Regulations in a manner consistent with the Intergovernmental Council on Land and Resource Management: Legislative Development Protocol. This process aligns with the goal of ensuring transparent, equitable, and efficient resource management and increases the participation of Indigenous peoples in decision-making with respect to mineral development in the NWT. Modernizing the regulation of mineral resources supports **Articles 3, 18, 26, 27, and 32(1)**.

Infrastructure

The Department of Infrastructure (INF) works with other departments, Indigenous governments and partners, and the federal government to undertake actions to advance these interests and to ensure that our approach to projects is consistent with **Articles 7, 21, 22 and 32** of the UN Declaration. Infrastructure corridors, including roads, airports, marine ports, and energy transmission, serve as a supporting element for a strong economic foundation. Dependable infrastructure corridors are essential for market access, economic security, and quality of life for residents. INF's work to maintain and improve the public transportation and energy systems also supports the safety of NWT residents and communities.

The long-term vision is for the NWT to have a secure, affordable, and sustainable energy system that is less dependent on fossil fuels and contributes to the economic, social, and environmental well-being of the territory and its residents.

INF will continue to work in collaboration with Indigenous governments to advance the Mackenzie Valley Highway, provide energy security through the advancement of the Taltson Hydro Expansion and Whatì Transmission Line projects, and advance planning of the Slave Geological Province

Corridor. More details about recent work completed on several projects that support the UN Declaration are outlined below.

Tłıchq Highway

The Tłıchq Highway opened in November 2021 and provides all-weather ground-transportation access from Highway 3 west of Yellowknife to the community of Whatì. The Tłıchq Government identified the need for an all-season road to connect the community of Whatì with the Yellowknife Highway. The Tłıchq Highway was the first major infrastructure partnership with an Indigenous government.

The Tłıchq Highway project provides opportunities for increased access to Tłıchq lands for the Tłıchq peoples to exercise the right to have effective control over lands, territories and resources, including the possibility to perform recreational, cultural, and harvesting activities consistent with **Articles 21, 23, 26, and 32** of the UN Declaration.

Taltson Hydroelectric Expansion Project

The Taltson Hydroelectric Project will establish a single hydro grid to consolidate community, industry, and transportation sector energy demand, while doubling the NWT's renewable energy capacity. The project will provide renewable energy access to the mineral-rich slave Geological Province and stabilize electricity rates for 11 communities, and over 70 percent of the NWT's population.

The GNWT, the Akaitcho Dene First Nations, and the Northwest Territory Metis Nation signed an MOU to guide the partnership and established a Steering Committee of leaders from each member nation and government to direct a working group of representatives to advance the project. The scope of the MOU includes maximizing business, training, and employment opportunities for Indigenous government partners during all phases of the project, facilitating partnership and investment opportunities, as well as assessing financial and business models for economic inclusion of, and equity participation by, the Indigenous government partners including the option for increased equity over time.

A business case with estimated costs and benefits is complete and years of partner engagement and information gathering will form the basis of a regulatory application along with the negotiation of more defined commercial arrangements. This will allow the opportunity for Indigenous partners to be central to the decision-making process and to gain a living by an occupation or work that is freely chosen or accepted in accordance with **Articles 21, 23, 26, and 32** of the UN Declaration.

Justice

Legislative Development

The Department of Justice supports the Attorney General of the NWT in the development of Statements of Consistency. The Department also supports the examination of proposed regulations to ensure that they are consistent with the UN Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. The results of the examination are made publicly available.

In response to Call to Justice 5.8 of the National Inquiry into MMIWG, the Department of Justice introduced Bill 2, the *Missing Persons Act*. The Bill assists police in locating a missing person where no criminal investigation is underway. This will allow police officers to request information contained in client records with an urgent demand, and order for the production of records or a search warrant. It is intended to add to the investigative powers that the RCMP have at their disposal, allowing police to move more quickly with their investigations. At the same time, the Bill also ensures that an appropriate balance is struck in maintaining safeguards around individuals' right to privacy, and policing accountability mechanisms. A Statement of Consistency from the Attorney General was provided for Bill 2 and identified alignment with **Articles 7, 13, 18, and 22**.

Supporting Indigenous and Community-led Solutions

The Department of Justice funds and provides training and practical support to communities across the NWT to develop alternative ways of dealing with justice issues. The Department also provides a forum for crime prevention and promotes a greater understanding of victim, offender, and community safety needs. The initiatives developed are unique to each community and make it a safer and healthier place to live.

The Department of Justice also promotes the diversion of minor criminal offences away from the traditional court system through Community Justice Committees. These Committees can set restorative measures that are appropriate and in the best interest of the victim, the community, and the offender. In 2023-2024, the Department of Justice provided 24 Community Justice Committee funding agreements, serving 33 communities.

The GNWT is piloting the first Community Safety Officer program in Fort Liard. The program is administered and delivered by the Hamlet, with support from the Department of Justice, the RCMP, and other community partners. It is designed to provide a proactive, sustainable, trauma-informed, and holistic approach to community safety and bridge the gap between community safety needs and the role of the RCMP. The Department provides technical assistance and support to the Hamlet to fund, develop, and implement the pilot.

Indigenous and community-led solutions are aligned with **Articles 5, 7, and 21**.

Municipal and Community Affairs

Community Government Land Management Support

The Department of Municipal and Community Affairs (MACA) assists with the transfer of vacant Commissioner's lands to community governments by supporting the preparation of the required bylaws, the creation of development and planning tools and guides, and with community government training programs. MACA also conducts Section 35 consultation as part of the ministerial approvals of community plans that require review every 8 years where they have been established. This is to ensure that potential impacts on Indigenous governments are considered during review processes.

The transfer of land to community governments gives communities additional control over development, expands revenue opportunities and supports the themes reflected in **Articles 25, 26, 27, 32, and 39** of the UN Declaration.

Sport and Recreation

The NWT Active Living Framework 2023-2033 was released in October 2023, and sets out the GNWT's vision, principles, and goals in the delivery of physical activity, recreation, and sport programs. MACA, in collaboration with the Aboriginal Sport Circle NWT (ASCNWT), co-hosted a series of engagement sessions on the framework and the Aboriginal Sport Circle of Canada's project to develop a National Strategy for Indigenous Sport, Physical Activity, Recreation and Traditional Practices. Feedback from the engagement sessions with the NWT sport, physical activity and recreation organizations, Indigenous governments, Indigenous non-government organizations, and non-government organizations representing equity-owed sectors of the population was captured in the *Physical Activity, and Recreation What We Heard Report* released June 2023 and provided for the foundation for the framework. Implementation will include action planning, and an evaluation framework guided by an advisory committee including the ASCNWT, and 3 other territorial or regional sport and recreation organizations. The development and implementation of this Framework supports the thematic domains reflected in **Articles 21, 24, and 31** of the UN Declaration. The themes of the Framework include prioritizing Indigenous cultures and practices.

Housing Northwest Territories

In 2021, a review and renewal of Housing NWT's mandate and programming was initiated to ensure that it was effectively producing desired outcomes and that housing resources were being delivered efficiently. Housing NWT subsequently announced its new mandate, focused on collaboration with partners, particularly Indigenous governments, and a series of policy and program changes.

The NWT Housing Forum, a body co-chaired by Housing NWT and an Indigenous government, was also established in early 2023 to promote coordination and collaboration among participating NWT governments in the housing sector. This ongoing venue to discuss housing priorities with Indigenous governments leads to greater collaboration and improved housing outcomes for NWT communities and Indigenous residents.

Since 2022, NWT Housing signed MOUs with the Tłı̨chǫ Government, Sahtu Secretariat Inc, the Déline Got'ine Government, and the Gwich'in Tribal Council to formalize a relationship on housing and recognize the growing role Indigenous governments must play in the housing sector. These initiatives support **Articles 21 and 23** of the UN Declaration.

Recommendations from the APC

The implementation of the *UN Declaration Act* is in its early stages. As noted above, the APC is in the process of identifying recommendations for “proposed amendments to legislation and policies to be [made] consistent with the [UN Declaration]” as required by the *UN Declaration Act*. In addition to developing these substantive recommendations, the APC is setting up meaningful implementation processes to support the important work contemplated in the *UN Declaration Act*, including defining together the statutory obligation of “collaboration and cooperation” in implementing the UN Declaration. While we are still learning and working together on developing appropriate mechanisms for collaboration and cooperation, it is important to recognize that cooperation involves more than consultation. Instead, it requires a collaborative and inclusive process based on the recognition and implementation of Indigenous rights.

Below, the APC makes the following recommendations with respect to implementation processes to advance the work under the *UN Declaration Act*:

1. In line with Article 39 of the UN Declaration, the APC recommends that GNWT establish sustainable and long-term institutional support to implement the UN Declaration in the NWT, recognizing that aligning the GNWT’s laws, policies, and procedures with the UN Declaration will be a long-term, collaborative project;
 - a. Capacity continues to be a challenge for Indigenous governments and organizations participating in the APC. GNWT is to provide predictable, permanent, and adequate funding to support Indigenous governments and organizations to meaningfully meet the obligation of collaborating and cooperating with the GNWT on implementing the UN Declaration. This requires that funding be in line with the action plan, workplan and statutory timelines. The APC recognizes that the GNWT has implemented an interim funding arrangement to support the ongoing work and is presently working on a permanent arrangement to provide funding to participating Indigenous governments and organizations;
2. Each GNWT Department will appoint a *UN Declaration Act* Officer responsible for advancing the implementation of the UN Declaration within their respective department;
 - a. Each department’s UN Declaration Officer will advance the APC’s priorities and serve as the GNWT representative in that respective department. The Officer will receive feedback from Indigenous governments and organizations and the public regarding opportunities to align NWT laws and policies with the UN Declaration;
 - b. The Officer will proactively review existing departmental policies, programs and practices to identify areas requiring alignment with the UN Declaration, and propose amendments to ensure compliance.
 - c. The Officer will facilitate training and educational workshops within their department to raise awareness about the UN Declaration and its implications for departmental operations, in

- collaboration with the APC, ensuring all staff understand their roles in advancing Indigenous rights;
- d. APC will develop performance indicators for this role and include them as an accountability mechanism for implementing the *UN Declaration Act*;
3. As an important part of establishing a solid foundation for meaningful implementation, the APC recommends that the GNWT amend the *Interpretation Act*, RSNWT 1988, to include a non-derogation clause ensuring that all territorial legislation is interpreted in a manner consistent with section 35 of the *Constitution Act, 1982* and the UN Declaration;
 - a. This amendment would require that every territorial enactment be construed and interpreted as upholding and not abrogating or derogating from the Aboriginal and treaty rights of Indigenous peoples as recognized and affirmed by section 35 of the *Constitution Act, 1982*, and as being consistent with the UN Declaration;
 - b. Such a clause will provide a robust legal framework that aligns GNWT's legislative interpretation with the rights of the UN Declaration, thereby strengthening the implementation of the *UN Declaration Act*, and;
 - c. Implementing this amendment will provide clear guidance to NWT courts, administrative bodies, and GNWT policymakers, ensuring that the rights of the UN Declaration are respected and upheld across all levels of GNWT legislation and policy. This promotes a comprehensive and integrated approach to respecting Indigenous rights within the NWT and aligns with similar amendments made in British Columbia and proposed by the Federal Government.

Next Steps

The next key milestone to implement the UN Declaration in the NWT is to develop an action plan. The APC continues to meet regularly to advance work to develop the action plan. The action plan will identify the priority actions for implementing the UN Declaration in the NWT. Once the actions have been finalized and some of the implementation processes have been identified for inclusion, a draft of the action plan will be produced. This first draft will be considered by the participating Indigenous governments and Indigenous organizations. There will be an opportunity for public comments and suggestions. The APC is expecting to meet the deadline of October 2025.

The final action plan supported by the APC will be made publicly available. The work of implementing the completed action plan will also be in collaboration and cooperation between GNWT and Indigenous governments and Indigenous organizations, through the APC. The *UN Declaration Act* then requires annual public reporting on the measures taken to implement the action plan, by each department and public agency.

The implementation of the UN Declaration in the NWT is a long-term project. It cannot be completed overnight, and there is much work to be done. For the UN Declaration to be effectively implemented in the NWT, all aspects of this work must be done collaboratively and through consensus.