



## IDENTIFICATION

Department	Position Title	
Aboriginal Affairs and Intergovernmental Relations	Expert Advisor, Implementation	
Position Number(s)	Community(s)	Division/Region(s)
18-7621	Yellowknife	Implementation/HQ

### PURPOSE OF THE POSITION

Reporting to the Director, Implementation, the Expert Advisor, Implementation provides expert advice, including broad policy and strategic advice, guidance, analysis, interpretation and information on the content and ongoing implementation of constitutionally protected treaties, intergovernmental agreements, financing agreements and implementation plans between the federal, territorial and Aboriginal governments, and on the negotiation of implementation-related provisions where these agreements are currently under active negotiation. The position is also responsible for the periodic re-negotiation of implementation plans, financing agreements, and other intergovernmental agreements and arrangements utilized in the ongoing implementation of treaties.

The position is responsible for monitoring the completion or ongoing fulfillment of the GNWT's legal obligations under constitutionally protected treaties, intergovernmental agreements and financing agreements and for the completion of activities under implementation plans where a territorial responsibility or liaison role has been identified. In doing so, the position fosters and maintains positive intergovernmental relations with Aboriginal governments and the federal government. The position also monitors and advises on the completion or ongoing fulfillment of federal and Aboriginal government obligations under these agreements.

The Expert Advisor, Implementation ensures that, in re-negotiating and implementing implementation plans, financing agreements, intergovernmental agreements and arrangements, and in implementing treaties, the GNWT's negotiating mandates, policies, and strategic goals and objectives are respected and that resulting agreements and implementation arrangements reflect the direction, perspectives and interests set out in these documents.

The Expert Advisor, Implementation is called upon to provide advice, guidance, analysis, interpretation and information to all GNWT Departments including central agencies, as well as crown corporations.

## SCOPE

Located in Yellowknife, the Expert Advisor, Implementation provides advice and analysis directly to the Director, Implementation, the Deputy Minister of Aboriginal Affairs and Intergovernmental Relations and, where necessary to the Deputy Ministers' Committee on Aboriginal Rights or the Minister. The position is also responsible for the provision of expert advice, guidance and analysis to senior government officials, including directors, regional superintendents, chief executive officers and, where appropriate, assistant deputy ministers and deputy ministers, on the content and implementation of constitutionally-protected treaties, intergovernmental agreements and arrangements, financing agreements and implementation plans.

The effective fulfillment of the Department's mandate and the GNWT's obligations under existing constitutionally-protected treaties, financing agreements and other intergovernmental agreements and arrangements requires close cooperation with divisions within the Department, with other GNWT departments, Aboriginal governments/organizations and the federal government. Positive and mutually beneficial interdepartmental and intergovernmental relations contribute significantly to the cooperative and collaborative implementation of treaties and agreements.

The Expert Advisor, Implementation is responsible for monitoring the implementation of existing constitutionally-protected treaties and intergovernmental agreements and the completion by GNWT program departments and central agencies of GNWT obligations under these agreements. This includes monitoring the completion of activities that may be set out in implementation plans, including pre-effective date plans, as well as advising on how initiatives, projects or other actions initiated by departments may be undertaken in a manner that respects and is consistent with both the provisions and the spirit and intent of agreements. The position also monitors the completion of federal and Aboriginal government obligations and reports on progress in the overall implementation of agreements.

When providing advice, the Expert Advisor, Implementation must consider, analyze and interpret information from a wide variety of sources beyond just the specific provisions of the agreement and must take into consideration factors such as the intergovernmental relationship between the GNWT and its treaty partners, the mandates, policies and strategic goals and objectives of the GNWT, direction provided by the Deputy Ministers' Committee on Aboriginal Rights and the implementation history of the agreement in question and of other similar agreements in the NWT. The position has latitude in developing options and making recommendations on alternatives that best meet the interests of specific departments or central agencies and the GNWT broadly, and which are fair and equitable in their treatment of NWT Aboriginal governments.

The Expert Advisor, Implementation leads and/or participates on intergovernmental and interdepartmental working groups comprised of senior managers and advisors, and legal counsel as required, which are convened periodically to advance implementation initiatives or affect the resolution of implementation-related issues. The position participates in collaborative development and assessment of issues and options, providing expert advice

on GNWT obligations under existing agreements, and representing GNWT interests and views as required, depending upon the composition and mandate of the working group.

The Expert Advisor, Implementation leads the re-negotiation of implementation plans, financing agreements, Intergovernmental agreements and arrangements utilized in the ongoing implementation of treaties and is responsible for the negotiating team, which may include: senior managers representing GNWT departments and central agencies, legal counsel and a senior policy advisor. Conflict is inherent in the function of negotiating, particularly where negotiations relate to the allocation of scarce resources and the implementation of rights-based agreements. The pressure of negotiating in this climate can add significant tension to negotiations. In representing the GNWT, the Expert Advisor, Implementation is required to conduct themselves with a high level of professionalism and diplomacy. When leading the re-negotiation of these agreements, the incumbent has a significant amount of latitude provided that the mandates, policies and guidelines of the GNWT are complied with.

In re-negotiating implementation plans, financing agreements, and Intergovernmental agreements and arrangements, the Expert Advisor, Implementation is responsible for: identifying implementation issues and obstacles; developing and tabling options to affect their resolution; identifying gaps in existing mandates; and recommending the development of new mandates or the revision of existing mandates to address gaps.

The Expert Advisor, Implementation, in consultation with the Director, Implementation and other senior departmental officials, and with input from GNWT negotiating team members, determines strategies to achieve desired outcomes. The re-negotiation of various types of agreements with different Aboriginal governments, each with its own treaty, unique implementation history and intergovernmental relationship makes the re-negotiation of agreements varied and unique. Based on these different variables, the Expert Advisor, Implementation must be able to come up with constructive ideas and creative solutions and decisions that address the parties' interests. General instructions are channeled directly to the position from the Director, Implementation. Other work is assigned verbally or in writing. Negotiating instructions and mandates may require the approval of Cabinet, which also provides direction. Unusual or unprecedented situations are discussed with the Director and Deputy Minister.

The tact, diplomacy, professionalism and discretion needed for effective negotiations is also required when implementing constitutionally protected treaties, intergovernmental agreements, financing agreements and implementation plans, in order to develop and maintain the positive and mutually beneficial intergovernmental and interdepartmental relationships necessary for ongoing cooperation and collaboration.

Incorrect advice, guidance or recommendations put forward by the Expert Advisor, Implementation in re-negotiating implementation plans, financing agreements and other intergovernmental agreements or in advising Departmental and GNWT senior management or the Minister on the implementation of constitutionally-protected agreements could result in:

- political backlash from the Aboriginal government, federal government or other affected parties
- damaging of Intergovernmental relationships, and interdepartmental relationships
- considerable embarrassment for the Minister and the Executive Council
- the initiation of legal action against the GNWT for failing to uphold its legal obligations
- the setting of precedents that are not favourable or desirable from a GNWT perspective
- considerable conflict at negotiations and delays in concluding agreements
- incurring unnecessary one-time costs or ongoing costs to the GNWT, particularly where multi-year financing or funding agreements are being negotiated

## RESPONSIBILITIES

1. Provides expert advice, including broad policy and strategic advice, guidance, analysis, and interpretation on the content and ongoing implementation of constitutionally-protected treaties, intergovernmental agreements, financing agreements and implementation plans between the federal, territorial and Aboriginal governments, and on the negotiation of implementation-related provisions for agreements that are currently under active negotiation.

### Main Activities

- acts as advisor to the Deputy Minister, other GNWT program departments and central agencies and internally within the Department to senior managers, senior policy advisors, intergovernmental relations analysts as well as chief and senior negotiators;
- responds to written and oral requests from senior managers and officials in program departments, central agencies, and crown corporations at the regional and headquarters level for advice and guidance on the content and ongoing implementation of constitutionally protected treaties, intergovernmental agreements, financing agreements and implementation plans, in order to:
  - support the resolution of sensitive issues related to the implementation of Aboriginal rights agreements where political involvement has occurred or may be likely to occur
  - support the resolution of implementation issues before they reach the stage of formal dispute resolution actions, including court action
  - support the GNWT's participation in the formal dispute resolution process pursuant to treaties and related agreements
  - ensure that the GNWT remains fully compliant with its obligations and responsibilities under treaties, financing agreements, intergovernmental agreements and implementation plans
  - support actions and initiatives by program departments and central agencies that respect the legal requirements and the spirit and intent of constitutionally-protected treaties and related agreements
  - develop, support and maintain a broad understanding amongst GNWT program departments, central agencies and crown corporations of the GNWT's obligations under constitutionally-protected treaties, financing

- agreements, Intergovernmental agreements and implementation plans
      - o assist GNWT program departments, central agencies and crown corporations in ensuring that their development of programs, services and initiatives respects the spirit and intent of constitutionally-protected treaties
    - responds to written and oral requests from Departmental senior managers, chief and senior negotiators and senior policy advisors for:
      - o advice, analysis and guidance on the content and implementation of constitutionally-protected treaties, intergovernmental agreements, financing agreements and implementation plans
      - o advice and guidance on the drafting of provisions for treaties under active negotiation, where provisions deal with or may impact the implementation of the treaty or deal with fiscal matters
      - o advice, guidance, analysis and input on proposals by Canada or Aboriginal governments where such proposals deal with fiscal or implementation related matters
    - provides advice and input into the development of new negotiating mandates and the revision of existing mandates by providing written comments and feedback on draft mandates or mandate amendments and orally by participating in senior managers' mandate committee meetings or related meetings;
    - participates in policy/implementation/mandate compliance reviews of draft agreements-in-principle and final agreements to identify areas of potential conflict with GNWT mandates, and areas of concern from a fiscal and implementation perspective.
2. Leads the re-negotiation of implementation plans, financing agreements, and other intergovernmental agreements and arrangements utilized in the ongoing implementation of constitutionally-protected treaties.

#### Main Activities

- speaks for and on behalf of the GNWT in negotiations;
- directs, leads and coordinates GNWT participation in all phases of negotiations, including the work of the negotiating team;
- builds and maintains constructive and collaborative working relationships with federal and Aboriginal government representatives at negotiating tables;
- involves senior officials from GNWT program departments and central agencies in developing GNWT interests and strategies to ensure that departmental goals, objectives and interests are respected;
- analyzes the historical financial and operational impact on the GNWT of obligations in existing agreements and develops strategies and proposals to mitigate ongoing implementation issues and preserve provisions and activities that provide for the efficient and effective implementation of treaties;
- analyzes historical costs and associated funding amounts and develops strategies and proposals to: secure funding commitments from Canada that are commensurate with the GNWT's obligations under existing treaties; and ensure that funding to be provided by the GNWT to Aboriginal governments, and associated

- provisions and mechanisms, continues to conform with financial mandates;
  - analyzes implementation plans, financing agreements and intergovernmental agreements utilized in the implementation of constitutionally-protected treaties in other jurisdictions and assesses the viability of utilizing different approaches in the context of NWT negotiations;
  - identifies the need for, and recommends to the Department's senior managers, and the Deputy Ministers' Committee on Aboriginal Rights, the development of new mandates or the revision of existing mandates in order to best represent the interests of the NWT;
  - consults and communicates on a regular basis with senior GNWT departmental and central agency officials for the purpose of: incorporating departmental/central agency interests into negotiating strategies and proposals; discussing and resolving issues related to GNWT strategies and proposals and advising them on the status of negotiations;
  - incorporates GNWT policies, legislation and regulation into proposals for negotiations;
  - analyzes Aboriginal government and federal positions and proposals from a GNWT policy and legislative context;
  - briefs Departmental senior managers, the Deputy Minister and the Minister on the progress of negotiations and topical issues as required.
3. Leads or participates on intergovernmental and interdepartmental working groups comprised of representatives from Aboriginal governments and/or the federal government, senior managers from program departments and central agencies, Aboriginal relations advisors, and legal counsel when required, which are convened periodically to advance implementation initiatives or affect the resolution of implementation-related issues.

#### Main Activities

- establishes interdepartmental/agency working groups when appropriate to:
  - review GNWT policy, legislation and regulations in the context of proposals received from Aboriginal governments or the federal government at negotiations and develop strategies and responses;
  - review implementation issues or initiatives that have been raised in the context of a treaty implementation committee in order to share information, seek meaningful input from Departments, provide a consolidated GNWT response on specific matters or to support or advance initiatives of the Implementation Committee
- sets agendas and leads working group discussions and the formulation of recommendations;
- participates on intergovernmental working groups comprised of senior officials representing Aboriginal governments and/or the federal government to:
  - articulate GNWT interests and perspectives on implementation-related initiatives or issues;

- develop options and proposals for resolving issues or advancing initiatives in a manner that meets the interests of the GNWT;
  - develop the GNWT's knowledge and understanding of a party or parties interests and perspectives on fiscal and implementation issues in order to support the timely resolution of issues or advance support for intergovernmental initiatives
4. Monitors the completion or ongoing fulfillment of the GNWT's legal obligations under constitutionally-protected treaties, intergovernmental agreements and financing agreements and the completion of GNWT activities under implementation plans where a territorial responsibility or liaison role has been identified. Also monitors and advises on the completion or ongoing fulfillment of federal and Aboriginal government obligations under these agreements.

#### Main Activities

- provides advice and guidance to senior officials and staff in headquarters and regional program department and central agency offices on how initiatives, projects or other actions initiated by departments may be approached or achieved in a manner that respects and is consistent with both the provisions and the spirit and intent of constitutionally-protected treaties and other intergovernmental agreements and arrangements;
- monitors and reports on the completion by federal and Aboriginal governments of their respective obligations under treaties, financing agreements and intergovernmental agreements and reports on progress in the overall implementation of all agreements;
- represents the GNWT at meetings of institutions created under treaties, such as implementation committee meetings, board forums and other venues;
- leads, participates in and/or monitors the resolution of disputes between the various parties which arise during the implementation of constitutionally-protected agreements, financing agreements and intergovernmental agreements;
- prepares the GNWT assessment of issues in preparation for dispute resolution processes including mediation and/or arbitration;
- coordinates the GNWT board appointment process for the institutions of public government created pursuant to constitutionally-protected treaties;
- liaises with Aboriginal representatives and Implementation Committee members, who are typically leaders within their respective communities, senior federal officials as part of the Implementation Committee team;
- assesses and analyzes implementation issues directed to the Implementation Committee for resolution, including potential costs associated with those issues;
- monitors to ensure decisions of the Implementation Committee are acted upon by the appropriate party(ies);
- participates in the preparation of annual reports for the Legislative Assembly and Cabinet identifying implementation accomplishments and challenges associated with implementing constitutionally-protected treaties and supporting agreements;
- participates in the development of policy guidelines and procedures for the Implementation Committee;

- work with various implementing bodies (federal government, Aboriginal organizations and boards) to ensure appropriate resources are available to meet implementation obligations, including recommending budget reallocations between departments;
- provides advice and guidance to GNWT program departments and central agencies at both the headquarters and regional level on the allocation and appropriate use of "Fund 3" implementation dollars provided through bilateral funding agreements with Canada;
- represents the GNWT at trilateral periodic reviews of all implementation activities and obligations under constitutionally-protected treaties;
- prepares briefing notes and, where required provides substantial input into decision papers and FMB submissions;
- undertakes other implementation-related initiatives, reviews and analysis and projects that may be assigned by the Director of Implementation from time to time

#### **KNOWLEDGE, SKILLS AND ABILITIES**

- In depth and comprehensive knowledge of constitutionally-protected treaties and their corresponding implementation plans, bilateral funding agreements, financing agreements and other intergovernmental agreements and arrangements utilized in the implementation of treaties, their intent, purpose, and implications.
- In depth and comprehensive knowledge of mandates and policies regarding or affecting the negotiation and implementation of constitutionally-protected treaties, financing agreements and intergovernmental agreements and arrangements.
- Knowledge of current Aboriginal rights issues, particularly those concerning the implementation of land, resources and self-government treaties.
- Knowledge of legal issues surrounding constitutionally-protected treaties, financing agreements and intergovernmental agreements, particularly those pertaining to the implementation of these agreements.
- Knowledge of land administration systems and procedures.
- Knowledge of federal and territorial government policies, legislation, roles, functions and structures.
- Thorough knowledge of the North, its environment, economic, political and social milieu.
- Strong abilities at resolving conflict both with interest-based (collaborative) and positional negotiating environments including skills and knowledge of negotiation tactics and strategies.
- Mediation skills.
- Must be able to interpret various acts, regulations, policies of federal and territorial governments and positions of other negotiating parties.
- Ability to assess the financial, political and practical implications of various proposals and agreements.
- Proven leadership abilities.
- Excellent interpersonal skills.
- Excellent analytical skills.
- Excellent organization skills and the ability to handle a high volume of information.



- Excellent oral and written communication skills.
- Good computer skills, including working knowledge of a variety of software i.e. word processing, spreadsheets, Internet and electronic mail.
- Ability to demonstrate tact and diplomacy.
- Ability to work in a team environment.
- Ability to work under minimal supervision.
- Ability to travel extensively, sometimes on short notice.
- Ability to work in a cross-cultural environment.

**Typically, the above qualifications would be attained by:**

A post-graduate degree in social sciences along with formal training in conflict resolution and 4 years of directly related experience in implementing agreements, programs or major initiatives, preferably in implementing treaties and inter-governmental agreements.

**WORKING CONDITIONS**

**Physical Demands**

The incumbent spends significant time sitting at a desk and sitting at boardroom tables for lengthy periods. However, the incumbent has the opportunity to move about the office or boardroom. The incumbent is likely to work irregular hours. Negotiating sessions and committee meetings regularly involve working hours beyond the normal 7.5 hours per day.

The incumbent is expected to work irregular or long hours and work on weekends when required, which can often place a high degree of stress on the incumbent's health and family situation.

**Environmental Conditions**

The incumbent works in a generally comfortable work environment. The incumbent works in a closed office. Frequent travel (an average of one trip every 2 – 3 months or more frequently when negotiating, of on average 3 – 5 days duration is to be expected) within the NWT and occasionally to southern Canada is an element of the job. Duty travel sometimes involves travel on small bush planes and on short notice. Committee meetings and negotiating sessions are often held in small communities where meeting and accommodation facilities may lack "hotel-like" amenities. This may result in stress and affect the incumbent's health and home life.

**Sensory Demands**

The incumbent spends a lot of time attending and participating (or leading) meetings and participating in or leading the discussion on behalf of the GNWT. The incumbent is exposed to demands of high concentration during difficult, and sometimes, confrontational meetings and negotiations.

As the GNWT's representative, the incumbent may become the focus of the other party's frustrations with everything the GNWT is doing or not doing. As the GNWT's representative in these situations, the incumbent will face significant stress and pressure

to act and respond to such challenges in an appropriate way and displaying tact, diplomacy, and a high level of professionalism.

When re-negotiating implementation plans, financing agreements, and intergovernmental agreements, the position also states GNWT's positions at negotiations, at times to the disappointment and displeasure of the other parties at negotiations. The incumbent will be the other parties' focus for disappointment and criticism when GNWT mandates, perspectives or expectations do not align with the other parties' mandates. The incumbent will face significant pressure to accept the positions of the other parties. These situations can result in a high level of stress. Adding to this stress is the need to respond, often in the 'heat' of negotiations or discussions. Tact, diplomacy, and a high level of professionalism and discretion are needed at all times.

The incumbent spends a fair amount of time sitting at a desk, writing and reviewing proposals, preparing reports, conducting research and analysis and communicating via electronic mail and over the phone. This can result in eye strain and other physical discomforts.

#### **Mental Demands**

The incumbent is exposed to tight deadlines and a large workload with competing priorities and demands. Contact with federal and Aboriginal government representatives and negotiators during committee meetings and negotiating sessions that can become tense and sometimes volatile requires extensive tact and diplomacy and the ability to think clearly in stressful situations. In extreme circumstances the incumbent must be able to manage and deal with criticism and insults directed at the incumbent personally. These situations are extremely stressful.

Following implementation committee meetings, working group meetings and negotiating sessions, the incumbent must be able to 'digest', or 'deconstruct', assess, and summarize the session or meeting, and assess their own performance where appropriate.

Successfully implementing agreements and concluding the re-negotiation of implementation plans, financing agreements and intergovernmental agreements in timely manner is directly related to the effectiveness of the incumbent in developing and maintaining constructive and collaborative intergovernmental and interdepartmental relationships at Implementation Committees and negotiating parties and

This is a demanding job, one which the incumbent will face criticism, frustration, as well as enjoying the satisfaction and sense of accomplishment that results from successfully concluding an agreement.

#### **ADDITIONAL REQUIREMENTS**

##### **Position Security (check one)**

- No criminal records check required
- Position of Trust – criminal records check required
- Highly sensitive position – requires verification of identity and a criminal records check