



## IDENTIFICATION

Department	Position Title	
Executive and Indigenous Affairs	Director, Implementation and Consultation	
Position Number	Community	Division/Region
11-0339	Yellowknife	Implementation (HQ)

## PURPOSE OF THE POSITION

The Director, Implementation, provides comprehensive strategic and policy advice to senior management, the Deputy Secretary, Indigenous and Intergovernmental Affairs, Deputy Ministers and the Minister of Executive and Indigenous Affairs on all matters pertaining to the implementation of Aboriginal Rights Agreements to ensure that the GNWT carries out its legally binding treaty obligations in a coordinated and consistent manner. This includes direct support and advice pertaining to constitutionally protected land claim agreements, stand-alone self-government agreements, comprehensive land, resources and self-government agreements and Modern Treaty and Recognition of Indigenous Rights and Self-Determination (RIRSD) Agreements. Also included is the negotiation and implementation of trilateral (GNWT, Canada, and the Indigenous government) ancillary agreements that are a requirement to accompany Indigenous rights agreements, such as self-government fiscal financing agreements, implementation plans, pre-effective date plans, intergovernmental program and service delivery arrangements. As well as bilateral funding agreements with the federal government.

The Director is responsible for overseeing and coordinating the government-wide implementation of the GNWT's legal obligations under Aboriginal Rights Agreements and for monitoring the GNWT's completion of, or ongoing adherence to, obligations, activities and timeframes that have been agreed to by the federal government, the GNWT, and Indigenous governments. The Director is accountable for managing and monitoring the overall participation of the GNWT in the negotiation of self-government fiscal financing agreements, Aboriginal Rights Agreement implementation plans, and intergovernmental program and service delivery arrangements that support the implementation of self-government as well as bilateral financial and contribution agreements with Canada for funding to support implementation activities. In carrying out these responsibilities, the Director helps maintain mutually respectful relations between the GNWT, Self-Governments, Indigenous Governments, and the Federal government.



The Director is also responsible for developing proposals respecting fiscal and implementation matters in collaboration with multiple GNWT departments and seeks fiscal and implementation mandates and negotiation instructions from Executive Council to ensure the interests and constitutional authorities of Indigenous governments and the GNWT are fully taken into account when negotiating and implementing Indigenous land, resources and self-government agreements and ancillary agreements in the NWT.

The Director is the GNWT's senior representative on trilateral/multi-lateral implementation committees as required by each Aboriginal Rights Agreement to address issues and matters of concern and shared interest respecting the parties implementation of the Indigenous rights agreement and in this capacity works with senior federal and Indigenous government officials and Indigenous Government leadership.

The Director is responsible for overseeing the government-wide implementation of the GNWT Consultation Framework and delivering Aboriginal consultation training to GNWT staff in departments, boards, and agencies. In carrying out these responsibilities, the Director helps maintain mutually respectful relations between the GNWT and Indigenous governments and Indigenous organizations.

### **SCOPE**

Federal, provincial, and territorial governments have legal obligations under Aboriginal Rights Agreements, most of which are constitutionally protected agreements. While the parties strive for clarity of language in the text of agreements, a significant number of provisions set out in agreements are subject to a high degree of interpretation. Case law pertaining to Indigenous rights and the interpretation of treaty commitments and obligations continue to evolve and have a significant impact on how governments interpret and implement treaty commitments. This includes not only Aboriginal Rights Agreements, but also the ancillary agreements that support their implementation and financing. This has required the federal, provincial and territorial governments to adapt and evolve their approach to the implementation of legally binding obligations set out in Aboriginal rights agreements as well as related ancillary agreements and plans. The Director is responsible for keeping up to date on the meaning and interpretation of Indigenous case law as it relates to Aboriginal Rights Agreements and Aboriginal consultation.

While ensuring the GNWT upholds and fulfills its treaty commitments in a manner respecting evolving case law, care must also be taken to ensure that implementation approaches align with the evolving geopolitical development of a complex northern system of governance that is workable and affordable.



As Aboriginal rights agreements continue to be settled and implemented along with fiscal financing agreements, program and service delivery arrangements and implementation plans, this work will become increasingly complex particularly in overlapping territories and will require bilateral and multi-lateral approaches that support an array of divergent plans and priorities. The Director is responsible for ensuring workable implementation approaches are developed that reflect both GNWT and Indigenous legal frameworks to accommodate an increasingly complex governance and program and service delivery framework in the NWT while retaining the resources necessary for the GNWT to carry out its ongoing responsibilities.

Successfully upholding and fulfilling legal obligations along with the spirit and intent of Aboriginal Rights Agreements and ancillary agreements is critical in order ensure appropriate legal, financial, and political implications for the GNWT.

As the official GNWT senior representative on trilateral implementation committees, the Director is responsible for building and maintaining relationships with Indigenous government leaders and officials and senior federal officials involved in the implementation of Aboriginal rights agreements. Indigenous government leaders frequently attend or are the Indigenous government representative on implementation committees, so it is critical that the Director gives due consideration to any and all impacts that implementation decisions may have on the GNWT's relationship with Indigenous governments. The Director is responsible for addressing implementation issues with treaty partners with tact and diplomacy. The Director works closely with Directors, Assistant Deputy Ministers and Deputy Ministers across the GNWT to address implementation matters within the scope of other departments' responsibility and interest and recommends, develops, and negotiates amendments to Aboriginal Rights Agreements when errors and omissions have had a deleterious effect on the GNWT, NWT or Indigenous governments.

Federal, provincial and territorial governments across Canada have a legal obligation to consult and potentially accommodate Self-Governments and Indigenous governments and organizations whenever they consider carrying out a government action that has the potential to adversely affect asserted or established Aboriginal and/or Treaty rights. This legal duty is a new obligation on government and is constantly being refined by the courts through evolving case law. This has required the federal government and provincial/territorial governments to develop new business approaches to meet this legal duty.

Given the importance of Aboriginal and Treaty rights in the NWT, meeting this legal obligation will be crucial for the GNWT as it promotes effective and efficient economic and resource development in the territory. The evolving nature of the GNWT's jurisdiction and authority also means that the instances in which this legal obligation will have to be met by the GNWT will only increase in a post-devolution environment.



Successfully meeting this legal obligation is necessary to ensure appropriate financial, political and legal implications for the GNWT. It is imperative that GNWT departments, boards, and agencies use current, legally appropriate and best practices when engaging in Aboriginal consultation. In order to address these challenges, the GNWT developed the Consultation Framework and established ACAR.

The Director serves as the GNWT's lead for Aboriginal consultation strategy and is responsible for overseeing the maintenance and government-wide implementation of the GNWT's Consultation Framework, the staff and programs, and the maintenance and delivery of Aboriginal consultation training.

Under the general direction of all departments Deputy Ministers through the Committee on Aboriginal Relations (CAR), the incumbent provides strategic and policy advice and direct support to departments, boards and agencies on the GNWT's evolving Aboriginal consultation obligations and, in particular, how departments, boards and agencies can best meet these obligations through proper implementation of the GNWT's Consultation Framework, which sets out a legally appropriate approach to Aboriginal Consultation.

The Director maintains and delivers Aboriginal consultation training to departments, boards, and agencies, providing GNWT staff with the necessary support and advice to conduct the GNWT's Aboriginal consultation obligations in a legally appropriate, coordinated and consistent manner.

Although most final decisions on the government-wide implementation of the GNWT's Consultation Framework will ultimately be made by the Deputy Minister and Secretary to Cabinet of Executive and Indigenous Affairs, other departmental Deputy Ministers through CAR, the Minister of Executive and Indigenous Affairs, or Executive Council, the scope and quality of the strategic and policy advice and support provided by the Director will have a significant impact on these decisions. In turn, these decisions will have significant operational, financial political and legal implications for the GNWT.

Located in Yellowknife, this position reports to the Deputy Secretary Indigenous and Intergovernmental Affairs, Executive and Indigenous Affairs. The Director serves as the GNWT's lead on implementation matters, including self-government financing, implementation plan and intergovernmental program and service delivery arrangement negotiations and implementation, negotiation of implementation funding from Canada.

Under the general direction of all departments' Deputy Ministers through the Reconciliation, Indigenous Affairs and Policy and Planning Committee and associated Assistant Deputy Minister Committees, the Director provides strategic and policy advice and direct support to departments, boards and agencies on the GNWT's evolving and expanding implementation obligations and responsibilities.



This includes direction on how departments, boards and agencies can best meet these obligations and responsibilities through appropriate implementation practices that reflect evolving case law and Indigenous governance frameworks and interests. The Director is responsible for keeping departments updated on emergent issues of concern raised by Indigenous leadership at Implementation meetings and for ensuring prompt follow up and action is taken.

The Director manages the operations of Implementation Division, which provides GNWT staff in headquarters and regional department offices, boards and agencies with a one-window land, resources and self-government implementation advisory service. The Director sets out the priorities and strategies of the division and provides direction to and is accountable for the work of the division.

In addition to managing the budget of the Implementation Division, the Director is also responsible for negotiating implementation funding with the federal government for GNWT obligations under each land claim agreement and for the budgeting and distribution of federal funding to program departments who fulfill specific obligations under each agreement. The Director manages the budgetary process for all GNWT departmental Fund 3 implementation budgets and prepares and submits reporting required to Canada. This includes monitoring departmental implementation revenues and expenditures and recommending funding reallocations between departments to ensure all GNWT implementation obligations and activities are met.

The Director maintains and delivers training and information sessions to GNWT headquarters and regional employees related to the divisional mandate. Working with senior departmental officials, the Director may amend the scope and approach to training to meet the specific needs of GNWT departments. The Director supports land, resources and self-government implementation capacity-building of Indigenous governments by assigning appropriate staff to work with Indigenous government officials responsible for implementation.

### **DIMENSIONS**

- Reporting Positions 7
- Compensation & Benefits (\$ 1,217,000)
- Operations & Maintenance (\$252,000)
- Management of Fund 3 budgets
  - Sahtu: \$404,000
  - Gwich'in: \$433,000
  - Tẖcẖo: \$726,000
  - Inuvialuit: \$5,219,000



## **RESPONSIBILITIES**

- 1. Uphold and consistently practice personal diversity, inclusion, and cultural awareness, as well as safety and sensitivity approaches in the workplace. Practice and ensure that any subordinate management and supervisory roles also prioritize staff mentorship and on-the-job training, including staff development in annual general objectives.**
  
- 2. Provides expert advice, including strategic and policy advice, on Aboriginal Rights Agreement implementation:**
  - Acts as advisor to the Deputy Secretary to Cabinet, Deputy Minister and Secretary to Cabinet, Deputy Minister committees related to implementation, other departmental senior management committees and representatives, as well as other EIA Directors, senior policy advisors, chief negotiators, and intergovernmental relations analysts;
  - Ensures implementation matters under consideration at active negotiating tables reflect current approaches, including evolving case law and treaty interpretation realities in manner that can be reasonably implemented.
  - Leads the development and coordination of implementation negotiating instructions and mandates that ensures the interests of the GNWT and all NWT residents are adequately represented at all phases of implementation and fiscal negotiations.
  - Advises and provides support to initiatives or processes related to the implementation of self-determination in accordance with the evolving recognition of Aboriginal rights outside of Aboriginal Rights Agreements, including Aboriginal rights recognition legislation.
  
- 3. Maintain and ensure the compliance with the state of Constitutional law of the GNWT Consultation Framework:**
  - Ensure that the Consultation Framework remains current and is consistent with evolving case law and best practices.
  - Make recommendations to CAR on changes to the Consultation Framework;
  - Lead and oversee legal and policy research and consequential policy development; and
  - Ensure that key GNWT personnel are aware of changes.
  
- 4. Manage and coordinate support for Aboriginal consultation activities undertaken by GNWT departments, board, and agencies:**
  - Provide strategic and policy advice to departments, boards and agencies engaged in consultation activities;
  - Ensure that the GNWT Consultation Framework is implemented by departments, boards and agencies in a coordinated and consistent manner;
  - Liaise with senior officials in department, boards, and agencies to facilitate information sharing with regard to the implementation of the GNWT's Consultation Framework;



- Ensure that changes or updates to the GNWT Consultation Framework are communicate in a timely manner;
- Work with front-line staff to develop departmental implementation plans for the GNWT Consultation Framework to ensure a consistent, government-wide approach that is also sensitive to specific departmental/agency needs;
- Ensure that the development of department-specific consultation frameworks, guidelines and/or processes are consistent with the GNWT's Consultation Framework;
- Identify training requirements and opportunities for GNWT staff;
- Identify policy and/or legislative requirements in relation to the GNWT's Aboriginal consultation obligations;
- Develop materials for and delivering training modules in response to identified needs;
- Coordinate ongoing training in best consultation practices;
- Ensure that there is consistency in the approach of consultation activities in across the GNWT;
- Develop and maintain a centralized bank of legal opinions on consultation issues;
- Assist in and provide advice on the development of consultation plans for individual projects;
- In consultation with CAR, coordinate regular meetings of appropriate GNWT representatives to share approaches and ideas to improve consultation initiatives across Government;
- In consultation with CAR, develop strategic plans that address the GNWT's short and long-term Aboriginal consultation obligations; and
- In consultation with CAR, facilitate and coordinate Aboriginal consultation-related intergovernmental discussions between the GNWT and other federal, provincial and territorial governments.

**5. Direct and manage GNWT wide pre-effective date implementation activities for lands, resources and self-government agreements:**

- Oversee the negotiation and development of Pre-Effective Date Plans, Implementation Plans, Fiscal Arrangements.
- Coordinate and manage GNWT in-kind activities pre-effective date.
- Anticipate and assess the implications from the direction of implementation discussions and activities, and collaborate with senior GNWT officials to review when serious problems could arise.
- Develop and recommend strategies to mitigate issues or problems in a manner that meets the interests of GNWT departments and treaty partners while reflecting the GNWT legal and policy framework.
- Collaboratively develop Intergovernmental Program and Service Delivery Arrangement Memorandum of Agreement with Self-Governments when notified by a Self-Government of its interest to do so.



- 6. Ensure that the Minister of Executive and Indigenous Affairs, Executive Council, and senior officials are kept fully apprised of implementation negotiations and emerging implementation developments:**
  - Coordinate briefing materials, presentations and speaking notes for Senior Management, Minister(s) and the Premier, and attend or provide advice to these individuals for meetings, conferences and Cabinet consideration.
  
- 7. Identify and manage issues as they relate to implementation negotiations and ongoing implementation including GNWT financial, political and operational implications:**
  - Identify issues and potential implications on GNWT departments, provide mitigation recommendations as appropriate.
  - Seek guidance and direction from Deputy Minister committees on emergent issues of concern.
  - Lead and oversee legal and policy research related to implementation matters.
  - Support the resolution of sensitive issues particularly where political involvement has occurred or may be likely to occur.
  - Liaise and work with Indigenous governments to manage issues in a manner that respects both GNWT and Indigenous legal, governance, and policy frameworks.
  
- 8. Represent the GNWT on tripartite Implementation Committees established by each Aboriginal rights agreement:**
  - Understand and interpret legal text of modern treaties in the NWT.
  - Oversee, manage and provide direction for the implementation of agreements and attempt to resolve implementation disputes arising between the parties prior to seeking resolution through arbitration or the courts.
  - Cultivate strong intergovernmental working relationships and networks with senior Indigenous and federal officials and Indigenous leadership.
  - Critically analyze proposals, issues and positions of the parties (territorial, federal and Indigenous governments) involved in implementation negotiations and determine whether they are in compliance with the legal obligations and framework set out in the treaties and associated ancillary agreements.
  
- 9. Manage and coordinate GNWT wide implementation activities to ensure ongoing and time-limited obligations, specific activities, and projects have been and are being carried out in accordance with implementation plans and other ancillary agreements:**
  - Oversee the electronic database that houses settled land claim and self-government agreements in the NWT and associated ancillary agreements, the Implementation and Reconciliation Accountability Management System.



- Maintain strong working relationships and networks within the GNWT to advance and support treaty implementation, monitoring, status reporting and other associated activities.
- Advance interdepartmental implementation initiatives and commitments and coordinating with federal and Indigenous government representatives, as needed.
- Advance GNWT self-government implementation preparedness and coordinate the GNWT's activities when a self-government jurisdiction is exercised by a self-government.
- Lead the development, in coordination with a multi-departmental team, of program resource transfer agreements when a self-government jurisdiction is exercised.

**10. Represent the GNWT at tripartite implementation financing negotiations with the federal government, ensuring that GNWT departments have the funding required to meet their implementation obligations:**

- Work with departments to review implementation expenditures and requirements to support development of funding proposals for the federal government for new land, resource and self-government agreements coming into effect.
- Re-negotiate existing funding agreements as they expire to provide fiscal stability for implementation activities.

**11. Manage the human and financial resources of Implementation Division to meet divisional, departmental and Government mandate objectives:**

- Control EIA's Fund 3 Implementation budget
- Manage and oversee the budgetary process for all GNWT departmental Fund 3 implementation budgets.
- Provide advice and information sessions to departments as and when needed to ensure consistent understanding of expenses eligible under Fund 3 implementation budgets.
- Oversee and attend to human resource functions within the division, including staffing, training, and performance reviews.

**12. Oversees the Aboriginal Consultation Working Group:**

- Chairs the interdepartmental Aboriginal Consultation Working Group and establishes meeting agendas; and
- Promotes respectful Indigenous relations consistent with negotiated agreements and strategies.

**13. Participate in the overall strategic planning and management of the Department, including providing briefings at senior management Committee meetings on current and future implementation matters, and supporting the corporate activities such as main estimates, business planning and mandate reporting.**



## **WORKING CONDITIONS**

### **Physical Demands**

No unusual physical demands

### **Environmental Conditions**

No unusual physical demands

### **Sensory Demands**

No unusual physical demands

### **Mental Demands**

The position encounters competing demands, including around statutory timeframe deadlines and decisions often have long-range effects.

The incumbent is required to travel almost every month, up to one week per occurrence.

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Knowledge of Aboriginal rights agreements and publicly available accompanying ancillary documents.
- Knowledge of the constitutional context of Indigenous and Treaty rights in Canada.
- Ability to acquire knowledge of implementation and fiscal negotiations and post-settlement implementation, with knowledge of GNWT obligations.
- Ability to acquire knowledge of the evolving national Indigenous rights landscape, particularly as it pertains to implementation, intergovernmental program and service delivery arrangements and self-government fiscal policy.
- Knowledge of the Aboriginal consultation environment, including case law in Canada, and the ability to access the possible implications of this continually evolving area for the GNWT in a pre- and post-devolution environment.
- Knowledge of existing GNWT programs, policies, and operations that require Aboriginal consultation, and the ability to provide advice/support to departments, boards and agencies on their Aboriginal consultation obligations in these areas.
- Knowledge of the evolving nature of the GNWT's jurisdiction and authority, and the ability to provide strategic advice/support to departments, boards and agencies on the GNWT's evolving Aboriginal consultation obligations and implementation commitments.
- Knowledge of evolving case law in Aboriginal rights and implementation related areas.
- Knowledge of and ability to interpret Aboriginal consultation-related federal, provincial and territorial government policies, legislation, roles, functions and structures.



- Knowledge of GNWT programs and services, legislation and policies that may be affected by the implementation of self-government jurisdictions and/or intergovernmental program and service delivery arrangements.
- Ability to think strategically and creatively and work collaboratively with GNWT departments, Indigenous governments and the federal government to address issues.
- Knowledge of federal and territorial policies, programs and funding that impacts or relates to the implementation of Aboriginal rights agreements, including policies related to conflict resolution, modern treaty negotiations and implementation, self-government fiscal arrangements.
- Knowledge of Indigenous-specific legal structures, frameworks, social programs and funding sources
- Ability to connect multiple streams of knowledge, including trends, in order to provide strategic and policy advice to GNWT leadership, and guidance to departments on how these affect the GNWT and the implementation of Aboriginal rights agreements and ancillary agreements in the NWT.
- Knowledge of negotiation and conflict resolution theories, approaches, principles and practices and the ability to strategically and effectively implement these in situations in fiscal and implementation negotiations with Canada and Indigenous governments, and at implementation committee meetings with senior federal and Indigenous officials and leaders.
- Strategic and analytical skills and the ability to apply them effectively in the immediate context of negotiations and implementation sessions as well as more broadly and comprehensively in the longer term in relation to complex proposals and initiatives advanced by Indigenous governments and/or the federal government,
- Intergovernmental relationship skills.
- Knowledge of land and resource management in the NWT.
- Ability to travel extensively, sometimes on short notice.
- Ability to work in a cross-cultural environment.
- Ability to manage several complex assignments at one time, to meet tight timeframes in sensitive situations.
- Knowledge of federal and territorial financing policies, procedures and agreements and how they relate to the GNWT's federal implementation funding.
- Knowledge and understanding of the complex system of governance in the NWT and its economic, social, cultural and political environment.
- Ability to write and communicate effectively at a senior/executive level.
- Ability to demonstrate tact, discretion and diplomacy through oral and written communications on difficult and complex matters.
- Ability to lead divisional employees and manage divisional financial resources.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion, and cultural awareness, as well as safety and sensitivity approaches in the workplace.



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

A Bachelor's-level degree in a relevant field, such as (but not limited to) Law, along with post-secondary certification in negotiations, consultation, conflict resolution, or finance, within a Canadian context; plus 7 years of directly related experience, including 3 years of experience managing human and financial resources.

Equivalent combinations of education and experience will be considered.

**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

**French language** (check one if applicable)

- French required (must identify required level below)  
Level required for this Designated Position is:  
ORAL EXPRESSION AND COMPREHENSION  
Basic (B)  Intermediate (I)  Advanced (A)   
READING COMPREHENSION:  
Basic (B)  Intermediate (I)  Advanced (A)   
WRITING SKILLS:  
Basic (B)  Intermediate (I)  Advanced (A)
- French preferred

**Indigenous language:** Select Language

- Required
- Preferred