

NUNAVUT POLITICAL ACCORD

BETWEEN:

The Tungavik Federation of Nunavut ("TFN"), as represented by the President of the TFN;

AND:

The Government of Canada ("Canada"), as represented by the Minister of Indian Affairs and Northern Development;

AND:

The Government of the Northwest Territories ("GNWT"), as represented by the Minister of Intergovernmental and Aboriginal Affairs and the Minister of Municipal and Community Affairs.

WHEREAS the creation of a new Nunavut Territory with its own government is a fundamental objective of the Inuit of Nunavut;

AND WHEREAS achievement of the Inuit objective is supported by Canada and the GNWT;

AND WHEREAS a majority of those voting in a territory-wide plebiscite, held in 1982, favoured division of the N.W.T.;

AND WHEREAS the Legislative Assembly of the N.W.T. has passed resolutions supporting division;

AND WHEREAS the parties have committed themselves to securing the Inuit objective in a manner consistent with the provisions of Article 4 of an Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada ("the final agreement");

**NOW THEREFORE THE TFN, CANADA AND THE GNWT ("the parties")
HEREBY AGREE AS FOLLOWS:**

Part 1: General

- 1.1 This Agreement ("the Accord") is the Nunavut Political Accord referred to in Article 4 of the final agreement.

Part 2: Nunavut Act

- 2.1 The legislation proposed to establish Nunavut (the "Nunavut Act") shall be similar to the present Northwest Territories Act with such modernization and clarification as may be appropriate.
- 2.2 The Nunavut Act shall provide that those territorial laws made under the Northwest Territories Act that are in force immediately prior to the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory will continue to apply to Nunavut, except to the extent that they are inconsistent with the Nunavut Act, or until such laws are revoked or amended by the Nunavut Legislative Assembly.
- 2.3 Canada shall consult with the TFN and the GNWT on all matters to be provided for in the Nunavut Act prior to recommending the said legislation to Parliament.

Part 3: Recommendation and Timing of Nunavut Act

- 3.1 The Nunavut Act shall be recommended to Parliament, as a Government measure, on the date on which legislation to ratify the final agreement is tabled in Parliament, unless TFN agrees to another date.
- 3.2 Canada shall seek Royal Assent for the Nunavut Act coincidental to seeking Royal Assent for the legislation to ratify the final agreement unless TFN agrees otherwise.
- 3.3 All sections of the Nunavut Act shall come into force and effect no later than April 1, 1999. It is anticipated that appropriate sections of the Nunavut Act will be brought into force prior to April 1, 1999 where those sections support the transition process for the creation of Nunavut.

Part 4: Powers of the Nunavut Legislative Assembly and Government

- 4.1 The types of powers of the Nunavut Legislative Assembly and Nunavut Government shall be generally consistent with those in the present Northwest Territories Act.
- 4.2 The Nunavut Government shall have sufficient authority to fulfil its lawful obligations under the final agreement.
- 4.3 The Nunavut Act shall include provisions regarding the authority to transfer administration and control over public lands to the Nunavut Government.

Part 5: Boundaries of the Nunavut Territory

- 5.1 The Nunavut Territory shall comprise that area which forms that part of the Northwest Territories, pursuant to the Northwest Territories Act, situated east of the line described in Annex A attached hereto.

Part 6: Transition Process

- 6.1 The Nunavut Act shall provide for a Nunavut Implementation Commission (NIC) in accordance with this Accord.
- 6.2 The NIC shall be established as soon as practicable after the Nunavut Act receives Royal Assent and in any event no later than six months beyond that date, and shall terminate no later than three months following the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory.
- 6.3 The NIC shall comprise nine Commissioners appointed by the Governor in Council, three of whom shall be chosen from a list of names submitted by the GNWT and three of whom shall be chosen from a list of names submitted by the TFN. Not less than six of the Commissioners shall be ordinarily resident in the Nunavut Settlement Area.
- 6.4 In addition to the nine Commissioners, a Chief Commissioner, who shall be acceptable to the parties hereto, shall be appointed by the Governor in Council.
- 6.5 An Executive Director shall be hired by the Commission, and shall manage the Commission's staff and budget. The Executive Director shall report to the Chief Commissioner, and shall act as Secretary to the Commission.

6.6

The NIC shall provide advice to the parties hereto on the creation of Nunavut.

6.6.1 Consistent with its general mandate, the NIC shall provide advice on:

- (i) a timetable for the assumption of service delivery responsibilities from the GNWT, federal government or other authority, by the Government of Nunavut;
- (ii) the process for the first election of the Government of Nunavut and for the determination of electoral districts for Nunavut;
- (iii) the design of and funding for training plans;
- (iv) the process for the identification of a capital city of Nunavut;
- (v) the principles and criteria for an equitable division of assets and liabilities between the GNWT and the Government of Nunavut;
- (vi) capital infrastructure needs of Nunavut resulting from division and the creation of a new territory, and scheduling for construction;
- (vii) the appropriate administrative design for the first Government of Nunavut which may include personnel to administer the functions described in 7.1 with due regard for efficiencies and effectiveness; and
- (viii) such other matters consistent with the Commission's mandate as may be referred to it.

The determination of the administrative design of the first Nunavut government organization is separate from the determination of ongoing federal financing arrangements for the two territories.

The responsibility for accepting and implementing the recommendations of the NIC will depend on the jurisdiction to which recommendations individually apply.

6.6.2 The NIC shall:

- (i) propose an annual budget for its own operations;
- (ii) hire or engage appropriate NIC support staff;
- (iii) recommend arrangements for the continuing provision of programs and services where the assumption by the Government of Nunavut of service delivery responsibilities is to be phased;
- (iv) establish public information programs, which may include public meetings, to keep residents of Nunavut apprised of the Commission's work; and
- (v) undertake such other tasks within its mandate as may be required.

- 6.7 The Commission shall prepare an annual report, and a copy of the annual report shall be tabled by the Minister of Indian Affairs and Northern Development in Parliament, and immediately thereafter provided to the Government Leader for tabling in the Legislative Assembly. A copy shall also be provided to the TFN.

Part 7: Administrative Capacity of the Nunavut Government

- 7.1 The arrangements made regarding the administrative design of the first Nunavut Government (as recommended by the NIC pursuant to 6.6.1 (vii)) shall provide the Nunavut Government with the administrative capacity to:
- (i) establish and maintain a Legislative Assembly and Executive Council;
 - (ii) manage the financial affairs of Nunavut;
 - (iii) secure independent legal advice for the Government;
 - (iv) undertake personnel recruitment, administration and training for and of government employees;
 - (v) maintain certain aspects of public works and government services; and
 - (vi) support municipal affairs; and
 - (vii) provide adult education programming as part of a comprehensive human resource development plan.
- 7.2 It is anticipated that other areas of administrative responsibility at present administered by the GNWT which are not part of the core administrative capacity of the Nunavut Government, referred to in 7.1, shall be discharged through intergovernmental agreements or contracts with appropriate governments, public institutions or non-governmental bodies.
- 7.3 In discharging its duties with regard to the design and implementation of the structures of the first Nunavut Government (see 6.6.1 (vii) and 6.6.2 (iii)) the NIC shall work toward the following goals:
- (i) an equitable distribution of government activities among Nunavut communities;
 - (ii) appropriate utilization of information management systems and supporting technology to support a decentralized and efficient government delivery system; and
 - (iii) employment of local residents in new government positions through strong emphasis on training and work support programs.

Part 8: Financing the Nunavut Territory

- 8.1 Prior to the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory, Canada, following consultation with the other parties hereto, shall establish the financial arrangements for the Government of Nunavut. Recognizing the desirability of formula based financing, such financial arrangements may be analogous to those which currently exist for the GNWT with such modifications as may be necessary.
- 8.2 Prior to the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory, Canada, following consultation with the GNWT, shall establish formula based financial arrangements for the GNWT for the period following such coming into force and effect of the provisions of the Nunavut Act. Such financial arrangements shall be analogous to those which currently exist with the GNWT with such modifications as may be necessary.
- 8.3 Prior to the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory a process shall be established by the parties to consult on the matters referred to in 8.1 and 8.2 herein and to clarify, as necessary, the financial arrangements referred to in 8.1 and 8.2.
- 8.4 In establishing the financial arrangements referred to in 8.1, and following consultation with the other parties hereto, Canada shall determine and fund reasonable incremental costs arising from the creation and operation of the Government of Nunavut. *
- 8.5 The financial arrangements referred to in 8.1 and 8.2 shall support the need for financial stability for the territories and provide both territorial governments the opportunity to continue to provide public services for residents, recognizing the existing scope and quality of such services.
- 8.6 The GNWT will continue to provide an equitable allocation of its capital, maintenance, and operating expenditures in the Nunavut area and the western part of the Northwest Territories until the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory. *

Part 9: Training and Human Resources Planning

- 9.1 The parties recognize the central importance of training in enabling Nunavut residents to access jobs resulting from division of the Northwest Territories, and that investing in people is of greater value than investing in infrastructure.
- 9.2 Training plans shall be incorporated into all planning, design and implementation activities of the NIC as reflected in the general mandate provided through 6.6.1. Planning shall identify existing training programs and associated funding programs, as well as new program requirements. Planning efforts shall consider all aspects of training activities including skills surveys, pre-employment education, skills upgrading, co-operative education and on-the-job training opportunities.
- 9.3 The parties shall begin preparation of a preliminary human resources plan within six weeks of the signing of this Accord.
- 9.4 Coordination may occur between the training effort for implementation of the final agreement and that to establish Nunavut.

Part 10: Other

- 10.1 This Accord may be amended with the consent of the parties.
- 10.2 This Accord shall be revised by the parties in the event of any amendments to Article 4 of the final agreement in order to reflect that amendment.
- 10.3 Where there is any inconsistency or conflict between the provisions of this Accord and the final agreement, the final agreement shall prevail to the extent of the inconsistency or conflict.
- 10.4 This Accord shall come into effect upon signing by the parties, and, subject to 10.6, shall continue in effect until three months after the date of the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory.
- 10.5 This Accord is subject to the appropriation of funds by Parliament.
- 10.6 In the event that the final agreement is not ratified by the Inuit in the ratification vote, this Accord shall have no force and effect.
- 10.7 Any reference in this Accord to the GNWT in relation to that period after the coming into force and effect of the provisions of the Nunavut Act creating the Nunavut Territory shall be construed as a reference to the government responsible for the western part of the Northwest Territories.

ANNEX A

The following legal description is the western boundary of the Tungavik Federation of Nunavut (TFN) Land Claim Settlement Area:

- 60th Parallel** Commencing at the intersection of 60°00'N latitude with 102°00'W longitude, being the intersection of the Manitoba, Northwest Territories and Saskatchewan borders;
- Thelon River** thence due north to the intersection of 64°14'N latitude and 102°00'W longitude, near the south shore of the Thelon River;
- Gloworm Lake** thence west northwesterly in a straight line to the intersection of 64°50'N latitude and 109°20'W longitude, north of Gloworm Lake;
- Contwoyto Lake** thence northwesterly in a straight line to the intersection of 65°30'N latitude and 110°40'W longitude, west of Contwoyto Lake;
- Itchen Lake** thence due west to the intersection of 65°30'N latitude and 112°30'W longitude, east of Itchen Lake;
- Inuvialuit Settlement Region** thence northwesterly in a straight line to a point on the southeastern boundary of the Inuvialuit Settlement Region, being the intersection of 68°00'N latitude and 120°40'51"W longitude;
- thence following the adjusted boundary of the Inuvialuit Settlement Region, as set out in the TFN/COPE Agreement of May 19, 1984, to the intersection of 70°00'N latitude and 110°00'W longitude; and finally
- thence due north along said meridian of longitude, along the eastern boundary of the Inuvialuit Settlement Region, to its intersection with the Territorial Sea Boundary north of Borden Island, being the termination of this boundary.

Signed by the parties hereto this 30th day of Oct, 199

FOR CANADA:



Minister of Indian Affairs
and Northern Development



Witness

FOR THE GOVERNMENT OF THE
NORTHWEST TERRITORIES:



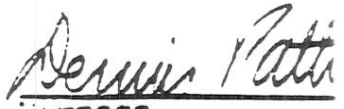
Minister of Intergovernmental
and Aboriginal Affairs



Witness

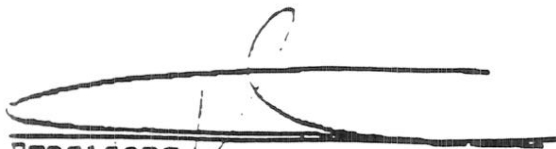


Minister of Municipal and
Community Affairs

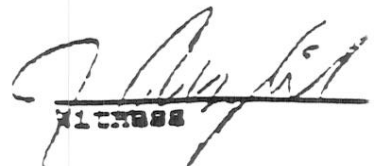


Witness

FOR THE TUNGAVIK FEDERATION
OF NUNAVUT:



President



Witness