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Currently there are 26 modern land claim agreements of varying types, which highlight the needs, priorities and concerns of Aboriginal people across Canada. No two agreements are exactly the same. For the purposes of this presentation we will be using the Labrador Inuit negotiation and Nunatsiavut negotiation. Keep in mind that three levels of government are involved.

First we will talk about implementation negotiations, and the processes involved. Implementation negotiations are quite different from land claim negotiations. They have no CFA, cover a much shorter time period, and do not have the same sort of structure. There may be some structures in place, or there may be no system in place and an unclear mandate. We try to rectify that. They are different types of negotiations.

There is a four step process:

1. **Scoping:** Federal officials meet informally with Aboriginal organizations to discuss and scope what areas they want to talk about, which part of the fiscal renewal they want to focus negotiations on. Generally speaking, they will not renegotiate everything in the agreement. This requires a lot of engagement between AANDC and other government departments, and takes at least a couple of months.
2. **Mandating:** There are a number of scenarios possible. Two processes exist for fiscal renewals, depending on size. They may go through an ADM-level steering committee, or if over a certain percentage of increase is required, then they have to go to cabinet.
3. **Negotiation:** There is no chief federal negotiator, though there are some exceptions to that in Yukon and Nunavut for non-financial renewal negotiations. As negotiations proceed, often different measures need to be put into place, such as extensions, to ensure the parties have time to reach a negotiated agreement.
4. **Approval:** Canada disappears into its "hidey hole", wherein it seeks internal approval of the negotiated agreement. This can be a lengthy and unpredictable process. Throughout, the negotiating team tries to maintain contact with the negotiating groups so they know where the process is at.

Fifth Stage: Repeat! This cycle repeats, as we move into another financial renewal, etc.

Examples:

Labrador Innu Agreement

- This is not a completed file, but provides a sense of the parameters once the AIP is signed.
- Phases need to occur. Once the agreement is signed there are sub-tables created. During the AIP stage the federal negotiator consults re different aspects.
- Sometimes it can get to the final agreement stage and the implementation planning people are the only new people in the room. It is useful to know the players.
- Includes representatives of all parties.
- Main table helps to guide discussions
- The party reviews:
 - The chapters
 - Who, what, where, when
 - Costing and planning options

- With this file it is early days, and the focus is currently on the provincial side. That will change when it moves to chapters where Canada has more obligations.
- The real, on the ground implications of obligations must be understood.
- This process provides a forum for revision and further discussion.
- The underlying interest is that what is being agreed to does reflect how it will be implemented.
- Requires buy in from all, including of course the main table.
- Negotiating the implementation cost: quite early days in this process
- Everything is dependent on the main table, which determines the pace and content of discussions
- Labrador Inuit land claim agreement, renewal of their 10 year implementation Plan; very different
- It's beneficial at the beginning to note that this is an ongoing exercise, does not end with signing

Nunatsiavut Agreement

- Clauses require review prior to renewal.
- It's not easy to come to agreement on different positions.
- In 2008, reps from Canada and Nunatsiavut governments met to review schedules A and b.
- Looked at pre self government, successes, challenges, innovations, and requirements moving forward.
- Each of seven departments gave a presentation
- This was a review for the purposes of a report
- Process was helpful, and was followed by a proposal
- It took 10 months to achieve a mandate, lots of time spent by different ministries
- They took over non insured health benefits, so lots of time spent on that.
- It took a long time to do the scoping and mandating, then negotiations took six months or less. Things fell into place, and by the end the process was successful. A good working relationship existed between all parties

Closing:

- Negotiations are not black and white, there are many shades of grey. All parties need to be open minded and ready to leverage opportunities. Multiple departments are impacted, and a whole of government approach is essential.
- People should not be afraid of dispute resolution. Implementation these modern treaties is an art, not a science. Like any type of art, the Agreements are open to different interpretation. Treaty management is essentially about dialogue, and dispute resolution plays an important part in that. DR is an escalating process to try to come to understanding, and is not to be feared. The Parties to these agreements are almost always in some form of dispute resolution, most often informal, because we are always in dialogue about how we implement these agreements.