

# Devolution of Lands and Resources – Environment and Legislation

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*Hon. J. Michael Miltenberger  
Monday, November 1, 2010  
16th Legislative Assembly*

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Gaining northern control over the resource management decision-making process is one of the main reasons the Government of the Northwest Territories is pursuing devolution.

Until Northerners have this control, we are not in the position to determine the pace of development in our Territory.

The residents of the Northwest Territories, especially aboriginal people, have a special relationship with the land and water. We all have a strong interest in making sure our land and water is protected and our resources are developed in a wise and sustainable manner.

A devolution agreement will give Northerners the ability to make sure development proceeds in accordance with the principles of environmental protection and sustainability that are so important to all of us.

The draft agreement-in-principle for devolution of the authority over land and resources from Canada to this government includes a number of key elements, which support the vision and priorities of the Legislative Assembly.

Mr. Speaker, all Members believe, and agree, our natural resources are a fundamental element of our identity and our capacity to generate wealth and a sustainable future. This is the reason we established a Managing This Land Strategic Initiative, managed by a Ministers' committee.

Through this strategic initiative, we have worked closely with aboriginal governments to develop the Northwest Territories Water Stewardship Strategy, which outlines our vision, values, goals and objectives for the protection and use of our water resources. This is an example of what can be done when northern governments, organizations and residents work together.

We have developed a collaborative process with aboriginal governments and other stakeholders to develop important legislation such as the Species at Risk Act and the proposed new Wildlife Act. This uniquely northern approach brings all parties to the table, shows mutual respect and creates a stronger finished product.

Mr. Speaker, we recognize the mirror federal legislation required to transfer the jurisdiction from Canada to our government will not immediately reflect the values of NWT residents. We know amendments to legislation will be needed. However, mirroring the federal legislation is a requirement that will provide for a smoother transition of responsibility and administration between our two governments. It will also provide certainty to existing right holders, residents and industry that the rules will not be immediately and drastically changed. It will give us the time needed to lay the foundation for policy change using the expertise of transferring federal employees.

Mr. Speaker, our commitment to work with NWT aboriginal governments will not be lessened by devolution. Not only does the draft agreement-in-principle respect and protect aboriginal interests, it also contains a commitment, with associated funding, to negotiating a government-to-government relationship on post-devolution resource management. These provisions commit GNWT and aboriginal parties to a review of land and resource systems and, where appropriate, recommending changes to these systems and the legislation governing them. This work is expected to be completed within a specified period of time after the effective date of an agreement.

Mr. Speaker, this process will provide the Northwest Territories with a made-in-the-NWT land and resource management and regulatory regime.

More importantly, the draft agreement-in-principle provides the federal funding to achieve this. Aboriginal parties would receive up to \$4 million to support their participation in the transitional stage and a further \$3 million annually after an agreement has been reached for ongoing participation in the post-devolution resource management regime.

It also provides many challenges and opportunities. Much of the current federal legislation is old and needs to be modernized. However, if we do not proceed with devolution, the current process will continue to reflect Canada's national interests first and the Northwest Territories' second. The latest regulatory review process is a prime example of this. NWT residents and their governments are represented as stakeholders.

We need to bring the management and administration of our resources home to the Northwest Territories where management of these resources can be directly accountable to our residents in accord with their values and needs. The proposed agreement-in-principle provides a possible basis for a deal on devolution that could see real authority and control transferred to the people of the Northwest Territories, to the benefit of all NWT residents.