



## KATUJJIQATIGIINNIQ ARTICLE 32 POLICY

### EXECUTIVE & INTERGOVERNMENTAL AFFAIRS

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#### **PURPOSE AND CONTEXT**

The Government of Nunavut and Nunavut Tunngavik Incorporated have committed to join efforts to improve the economic, health, social and cultural well-being of Nunavut Inuit.

Under Article 32 of the Nunavut Agreement, the Government of Nunavut is obligated to provide Inuit with an opportunity to participate in the development of social and cultural policies, and in the design of social and cultural programs and services, including their method of delivery in Nunavut, and endeavour to reflect Inuit goals and objectives where it puts in place such social and cultural policies, programs and services.

Nunavut Tunngavik Incorporated, in its role as the Nunavut Social Development Council shall assist Inuit to define and promote their social and cultural development goals and objectives and shall encourage Government to design and implement social and cultural development policies and programs appropriate to Inuit.

#### **POLICY STATEMENT**

The GN is committed to ensuring that Article 32 obligations are met effectively and consistently, through meaningful engagement and collaboration with Nunavut Inuit and Nunavut Tunngavik Incorporated (NTI) to ensure enhanced social and cultural wellbeing of Nunavut.

This Policy sets out minimum requirements for the GN and NTI to meaningfully engage and collaborate for the effective and consistent application of Article 32.

#### **KEY PRINCIPLES**

This Policy is based on the following key principles:

- The status and application of the Nunavut Agreement and Inuit rights are protected by the Canadian Constitution. The GN and NTI acknowledge that engaging with Nunavut Inuit, carries a responsibility to fulfilling obligations and implementing the Nunavut Agreement.
- Nunavut Inuit make up the majority of the population of Nunavut, and the public governance of Nunavut must reflect Inuit priorities and aspirations.
- The special relationship between the GN and NTI is best served by seeking to work collaboratively and inviting maximum engagement in social and cultural development consistent with the requirements of Article 32.
- Effective and consistent implementation of Article 32 obligations with due diligence can contribute directly and substantially to the objectives of advancing the social and cultural wellbeing of Nunavut Inuit.

#### **WORKING RELATIONSHIP**

*Piliriqatigiinniq/Ikajuqtigiinniq/Aajiiqatigiinniq* – ensuring a productive and cooperative

relationship will be based on the following:

- Collaboration: actively work with one another to meet shared goals and objectives for enhanced social and cultural wellbeing
- Integrity: maintain trust by ensuring that dialogue is open, honest and transparent.
- Respect: value one another's contributions and even when there are points of disagreement, the tone of the dialogue is respectful and reflects the shared commitment to Inuit and one another.
- Transformative: support the efficacy of this policy through regular, meaningful participation in established platforms for working together and full engagement on key discussion and decision items, to improve the lives of Nunavut Inuit.

## **OBJECTIVES**

The objectives of this Policy are for GN departments and NTI to purposely and actively pursue the following:

- Consistency of interpretation and fulfillment of Article 32 obligations at all levels within the GN and NTI.
- Commitment of GN to facilitate maximum NTI participation in social and cultural policy development that affect Nunavut Inuit.
- Build upon, foster and maintain constructive partnerships with NTI, and other Inuit organizations, that advocate for and promote the social and cultural well-being of Nunavut Inuit.

## **APPLICATION**

This Policy applies to all departments, and territorial corporations of the Government of Nunavut.

## **SCOPE**

This Policy applies to all Social or Cultural Initiatives, and to any action subject to Article 32 obligations, undertaken by departments and territorial corporations of the GN.

The application of this Policy applies to all stages of policy development including issue identification, diagnosis, research and development, consensus building, recommendations and decisions, planning, communications, implementation, and monitoring and evaluation of a Social or Cultural Initiative.

The application of this Policy is prompted when a government department contemplates action that requires NTI participation in the development of a Social or Cultural Initiative. The GN shall apply this Policy where it is aware that any contemplated Social or Cultural Initiative may fall within the scope of Article 32.

For greater certainty, this Policy applies specifically to the application and implementation of Article 32 of the Nunavut Agreement and does not apply to the development of policy items, regulations and legislative initiatives pursuant to other Articles of the Nunavut Agreement with specific processes setting out Inuit or DIO participation in decision-making or policy development. This includes but is not limited to:

Article 5 (Wildlife);

Article 11 (Land Use Planning);  
Article 12 (Development Impact);  
Article 23 (Inuit Employment within Government); and  
Article 24 (Government Contracts).

## **DEFINITIONS**

### Consultation Plan

Means a plan developed for public and stakeholder consultations on an initiative.

### Department

Means a Government of Nunavut department, or territorial corporation as defined under the Financial Administration Act.

### Deputy Head

Means, in relation to a department, the Deputy Minister of that department, and in relation to a territorial corporation, the President of the territorial corporation.

### Social or Cultural Initiative

Means any initiative to amend an existing or create a new social or cultural policy, program or service. This includes the method of delivery for social or cultural programs and services. Social or cultural subject matter includes areas such as but not limited to justice, education, health, housing, language, culture, employment, training, economic support, harvesting support, adoption, and family services.

### Director of Policy

An employee of the Government of Nunavut who is the senior manager within a department or territorial corporation responsible for policy development. In the case of the Nunavut Business Credit Corporation and the Nunavut Development Corporation, the employee may be an executive level manager.

### Engagement

Means participation in the development, design, and method of delivery of Social or Cultural Initiatives including maintenance, monitoring, review, or renewal of an initiative, strategy, legislation, regulation, policy, program, or service.

### Policy Development Process

Means the process by which policies are developed including issue definition, diagnostic, research and analysis, consensus-building, recommendations and decisions, planning, communications, implementation, and, monitoring and evaluation.

### Policy Intentions Paper

Means a policy intentions document utilized at the beginning of an initiative which provides a broad conceptualization of the issue, diagnosis of the problem, and potential solutions, to be used as a guide before drafting the policy item, legislative proposal or regulation.

### Legislative Proposal

Means a proposal relating to a bill which is submitted by the Government of Nunavut for consideration by the Standing Committee on Legislation as part of the Government of Nunavut's legislative process.

### Draft Bill

Means legislation proposed by the Government of Nunavut, that has not yet been introduced in the Legislative Assembly.

### Policy Item

Means an operational or strategic policy item which includes a program, policy, strategy (including a strategic framework) and implementation plan.

### Regulation

Means a statutory instrument which sets out a rule of order having the force of law, issued by the Government of Nunavut.

### Terms of Reference

Means a document developed jointly by the GN and NTI that describes the objectives, scope, parameters and timeline of a chosen Social or Cultural Initiative and the level and method of participation of NTI and other Inuit organizations as appropriate, at each stage of the specific Social or Cultural Initiative to ensure meaningful engagement.

## **ROLES AND RESPONSIBILITIES**

### Minister

The Premier, as Minister of Executive and Intergovernmental Affairs, is accountable to the Executive Council for the implementation of this Policy.

### Deputy Minister

The Deputy Minister of the Department of Executive and Intergovernmental Affairs is responsible to the Minister for the administration and implementation of this Policy.

### Deputy Head

Departmental Deputy Heads shall be responsible for ensuring that its department or territorial corporation abides by this policy, and requires its staff to engage with NTI, and where applicable, with other Designated Inuit Organizations.

### Inuunivut Deputy Minister Sub-Committee

The committee, chaired by the Deputy Minister of Culture and Heritage and co-chaired by the Deputy Minister of Executive and Intergovernmental Affairs, will be kept informed of activities under this policy including implementation of policy provisions across the government.

### Nunavut Tunngavik Incorporated (NTI)

The Nunavut Social Development Council is established under Article 32 to assist Inuit to define and promote their social and cultural development goals and objectives. Under this policy, it is recognized that NTI has taken on the role and responsibilities of the Council. NTI consists of members from the Regional Inuit Associations.

### Chief Executive Officer, NTI and Deputy Minister, EIA

The Chief Executive Officer of NTI is the primary point of contact for the Deputy Minister of Executive and Intergovernmental Affairs who may meet on a bi-weekly basis. Agreed upon timelines to respond to invitations may be suggested and confirmed at these meetings.

### Chief Administrative Officer, NTI and Assistant Deputy Minister, EIA

The Chief Administrative Officer at NTI will be the primary point of contact for the Assistant Deputy Minister of Strategic Management, Executive and Intergovernmental Affairs in relation to the implementation of this policy.

### Director of Policy, Executive and Intergovernmental Affairs

The Director of Policy at Executive and Intergovernmental Affairs is responsible for providing central coordination of the policy development process and may provide orientation to any new GN Policy Directors on the objectives of this policy and its implementation.

### Directors at NTI and GN Departmental Directors of Policy

At the working level, NTI's Social Development Department is responsible for engaging with the Government of Nunavut's departmental Directors of Policy and will maintain contact on specific Social or Cultural Initiatives.

### Maligaksanik Qimirrujiit

The GN Legislative Review Committee which consists of Directors from Executive and Intergovernmental Affairs, Finance, Justice, and Culture and Heritage.

### Atuagaksanik Qimirrujiit

The GN Policy Review Committee which consists of Directors from Executive and Intergovernmental Affairs, Finance, Justice, and Culture and Heritage.

## **PROVISIONS**

This Policy contains the following sections:

- General Provisions
- Planned Initiatives
- Policy and Legislative Review Committees
- Social and Cultural Development Goals and Objectives
- GN/NTI Protocol
- Policy Development Process
- Policy Intentions Papers
- Levels of Engagement

- Policy and Regulatory Initiatives
- Legislative Initiatives

### **General Provisions**

The Department of Executive and Intergovernmental Affairs may develop guidelines to support implementation. The department will seek the participation of NTI in the development of any guidelines.

Nothing in this Policy prevents any GN department from, for the purpose of implementing this Policy, adopting any practice or process that exceeds the minimum standards set out in this Policy.

To facilitate NTI's participation in a specific Social or Cultural Initiative, the GN may provide NTI with information necessary for engagement in policy, legislation, or regulation development, in accordance with the GN/NTI Information Sharing Agreement.

Any information shared under this Policy will be considered confidential and privileged as outlined in the GN/NTI Information Sharing Agreement and may not be shared without the consent of the GN.

For further clarity, the GN shall not share information, including correspondence and other documents that are protected by privilege, including solicitor-client privilege, Cabinet privilege, and Parliamentary privilege, where such privilege has not been explicitly waived by the privilege-holder.

Aside from NTI, Regional Inuit Associations or other Inuit organizations, may be involved in a Social or Cultural Initiative when those organizations have an interest in the Initiative or may be implicated in the delivery of related social or cultural programs or services.

The GN recognizes that NTI may waive participation in the development of any particular Social or Cultural Initiative by written notice to the GN and may withdraw such participation on written notice.

In the absence of a response from NTI by a stated deadline, the GN will interpret the lack of request for an extension of a deadline, or the lack of any response as a response identifying the initiative as requiring no engagement.

If requested, EIA may take part in discussions and engagement between NTI and the departments at any stage in the policy development process.

NTI and the GN will consider language and translation requirements as needed for the effective implementation of this Policy.

### **Planned Initiatives**

The Department of Executive and Intergovernmental Affairs will work with departments and territorial corporations to develop a calendar of planned initiatives for the GN.

The basis for planned initiatives generally relies on the government mandate, business plans, departmental/Ministerial priorities, shared priorities in the GN/NTI protocol and other initiatives that emerge outside of these processes.

The calendar will set out items that each department plans to develop over the course of a six-month horizon. The calendar of planned initiatives will be used for planning purposes only and will be shared with NTI for review. It is recognized that the planning calendar may be adjusted as needed to reflect changing circumstances.

NTI will be invited and given the opportunity to review the planned list of Initiatives and indicate which Initiatives it considers to be a Social or Cultural Initiative, which Initiatives it may be interested in being engaged on during development, and the extent of planned involvement if known.

Once confirmed by NTI, EIA will share the calendar of planned initiatives with Directors of Policy in the GN. The calendar of planned initiatives will be kept up to date through ongoing collaboration between Executive and Intergovernmental Affairs, GN departments, and NTI.

The Director of Policy, EIA shall seek to meet regularly with the Director, Social Development, NTI to discuss and review potential Social or Cultural Initiatives. This meeting is to facilitate processes and monitor progress of engagement initiatives with NTI.

It is recognized that under special circumstances, there may be items of an urgent nature which require the immediate attention of Cabinet for a decision or direction and will be exempt from the provisions of this policy. The Department of Executive and Intergovernmental Affairs will notify NTI of such circumstances.

### **Policy and Legislative Review Committees**

EIA is responsible for providing government-wide policy and legislative development coordination in the GN. These coordination processes will include other central agencies in the GN to ensure a holistic approach.

The GN will coordinate the policy and legislative development review processes through internal central agency committees with representation from EIA, Culture and Heritage, Finance, and Justice.

For legislative development coordination, an internal advisory committee exists - Maligaksanik Qimirrujiit (MQ), which includes representation from the central agency departments. MQ serves as an advisory committee in the review of draft legislative initiatives being considered by the GN. This committee will also review draft regulations and regulatory changes being considered.

For policy development coordination, a new committee will be formed – Atuagaksanik Qimirrujiit (AQ). AQ will serve an internal advisory committee in the review of draft policy initiatives being considered by the GN.

## **Social and Cultural Development Goals and Objectives**

The Social Development Department will be relied upon to conduct consultations with Inuit to define social and cultural development goals and objectives. The consultation results gathered by NTI for this purpose may provide greater insight for GN departments to reflect Inuit goals and objectives in its initiatives.

Further insight may be gained by providing the GN with access to the information used by the Social Development Department in their consultations with Inuit to assist them in defining their social and cultural development goals and objectives:

- (a) conduct research on social and cultural issues;
- (b) publish and distribute information on social and cultural issues to Inuit, governments and the public;
- (c) consult and work in collaboration with community, regional, territorial, federal and other bodies and agencies involved in social and cultural issues;
- (d) advise Inuit and governments on social and cultural policies, programs and services that relate to the Nunavut Settlement Area; and,
- (e) undertake other activities relating to social and cultural issues in the Nunavut Settlement Area.

EIA may request this information in the early days of setting of goals and objectives to ensure a common understanding and assist in the implementation of this Policy.

## **GN/NTI Protocol**

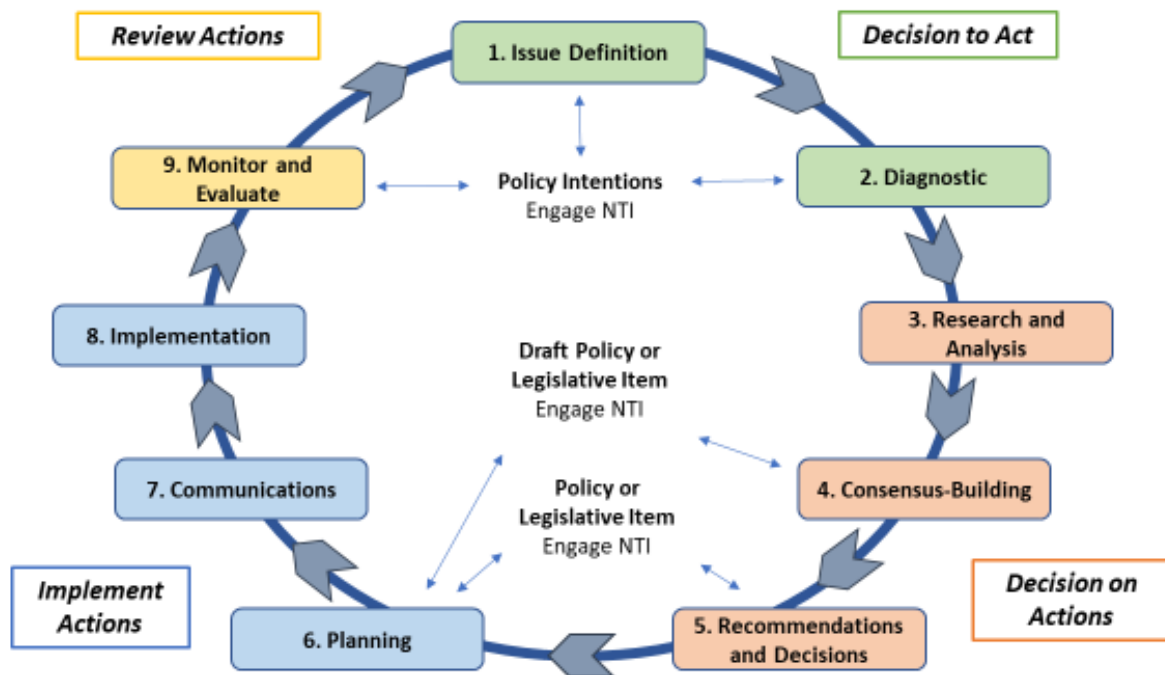
The shared priorities of NTI and the GN in the GN/NTI Protocol will form the basis for engagement and partnership on major initiatives. The Protocol states that the GN and NTI shall pursue engagement in active collaboration through the following:

- Identify, plan and support our shared goals in the development of social and cultural policies, programs, and services and their delivery as agreed to by the parties;
- Exchange research data, research results, and all other relevant information on shared priorities specific to Nunavut Inuit;
- Facilitate the development of stronger linkages with other Inuit, territorial, and federal partners;
- Explore financial considerations in relation to program planning and policy development and mechanisms, including resource levels, program administration, eligibility and all other aspect of Inuit targeted or Inuit exclusive programs and services in Nunavut; and,
- Identify emerging issues, opportunities and facilitate linkages with other existing and related social and cultural policies and programs.

The GN has identified lead Deputy Ministers and NTI has identified senior management staff to proceed with work on each of the shared priorities identified in the GN/NTI Protocol. Progress on Protocol activities will be monitored on a regular basis. The products of these joint initiatives may lead to items that will proceed through the Policy Development Process.



## Policy Development Process



The standard policy development cycle includes the following steps: issue definition, diagnostics, research and analysis, consensus building, recommendations and decisions, planning for implementation, communications, implementation, and monitoring and evaluation.

The GN will seek feedback from NTI at key steps in the policy development process in order to meet commitments for engagement in the development, design and method of delivery of Social or Cultural Initiatives.

At a minimum, the GN will seek feedback from NTI in the earliest stages in the development process. The GN will seek input from NTI on three types of documents for new initiatives: a policy intentions paper, the draft policy/regulation or legislative document, and confirmation of the finalized draft policy/regulation or legislative document.

Additionally, the GN will seek feedback from NTI at other key stages in the policy development process including maintenance, monitoring, review, or renewal of an initiative, strategy, legislation, regulation, policy, program, or service.

The Deputy Minister Inuunivut Sub-Committee will be kept informed of activities under this Policy including implementation of policy provisions across the government.

## **Levels of Engagement**

NTI may choose one of the following three levels of engagement for each initiative:

No Engagement: NTI may determine that an initiative is not a Social or Cultural Initiative or decline engagement.

Engagement: NTI will review and provide feedback at specific, predetermined phases of an initiative.

Long Term Engagement: NTI may be involved in an initiative for a long term, as part of a working group as may be set out in a Terms of Reference.

The GN and NTI may agree, on a case-by-case basis, to expedite review of any initiatives which may be considered minor in nature. The engagement provisions will still apply if NTI chooses engagement; however, the item may be considered prior to other initiatives in progress.

The GN and NTI may also agree, on a case-by-case basis, to extend the review time of major legislative or policy initiatives as may be required to allow fulsome feedback from NTI.

Specific engagement provisions are noted under Policy, Regulatory, and Legislative Initiatives sections.

## **Policy Intentions Papers**

The policy, legislative, and regulation development process will begin with a Policy Intentions Paper.

At the launch of an initiative, the sponsoring department will develop a draft Policy Intentions Paper, which will be used as a foundational document to draft either the policy, regulation, or legislative initiative.

The Policy Intentions Paper will set out the following policy aspects intended to inform the development of the initiative:

- define of the problem,
- outline desired outcomes,
- identify potential solutions,
- set broad objectives,
- identify partners and stakeholders.

The Policy Intentions Paper will set out whether the tool for solutions will involve the development of policy, legislation, or regulation. The content of the Policy Intentions Paper will provide sufficient form and detail to allow NTI to assess the subject matter and to determine the desired engagement level for an initiative.

It is recognized that policy work will involve gathering and analyzing data to facilitate discussions, build an understanding, validate key findings, understand potential solutions, and report on findings and recommendations to ensure informed decisions.

Atuagatsanik Qimirrujiit (AQ) and Maligaksanik Qimirrujiit (MQ) may meet to review all Policy Intentions Papers in order to confirm whether an initiative requires a policy, regulation, or legislative item.

A Policy Intentions Paper for a draft policy item will be reviewed by AQ before it's sent to NTI and before Cabinet approval. A Policy Intentions Paper for draft regulations and legislative initiatives will be reviewed by MQ before it's sent to NTI and before Cabinet approval.

## **POLICY AND REGULATORY INITIATIVES**

### NTI Feedback – Policy Intentions Papers

At regularly scheduled intervals, the Director of Policy, EIA will submit a Policy Intentions Paper, to the Director, Social Development at NTI.

Upon receipt of a Policy Intentions Paper, NTI will be given the opportunity to review the Paper and consider whether it wishes to participate in the initiative and the desired level of engagement.

In cases where NTI decides not to pursue engagement, the GN will follow its internal review processes to complete the initiative.

Where engagement is chosen, NTI will be invited, and given the opportunity to begin preparing its feedback on the Policy Intentions Paper which may be drafted as comments and suggestions.

NTI will be offered at least ten (10) business days in which to:

- a. advise the GN whether it wishes to participate in the initiative and desired level of engagement;
- b. provide feedback on the intentions paper; and,
- c. provide any additional information specifically required because of the chosen engagement level.

NTI may request additional time for review of the Policy Intentions Paper. Such requests will be made in writing to EIA Policy Division from Social Development Department at NTI within the ten (10) days of receipt of a Policy Intentions Paper.

The GN and NTI may also agree, on a case-by-case basis, to extend the review time of major policy initiatives as may be required to allow fulsome feedback from NTI.

The GN or NTI may request that, where circumstances warrant, engagement be sought directly from Regional Inuit Associations and/or other Inuit organizations to participate in a Social or Cultural Initiative. The provisions of the GN/NTI Information Sharing Agreement will continue to apply under these circumstances.

The sponsoring department may share information with NTI as outlined in the GN/NTI Information Sharing Agreement to ensure an informed response from NTI.

NTI may contact the sponsoring department at any time to seek clarification or request additional information from the department regarding the Policy Intentions Paper. The sponsoring department and NTI may also meet face-to-face to facilitate understanding of its content.

#### Finalize the Policy Intentions Paper

The Director, Social Development at NTI will be given the opportunity, to provide a response on the Policy Intentions Paper confirming interest to be engaged, as well as any comments and suggestions on the Policy Intentions Paper.

The department will work to finalize the Policy Intentions Paper. Once the Policy Intentions Paper has been finalized, the department will proceed through internal government review processes that culminate in its submission to Cabinet approval. The Cabinet approved final version of the Policy Intentions Paper will be sent to NTI including a response detailing how NTI feedback was incorporated.

Where the GN, in advancing a Social or Cultural Initiative does not incorporate the substantive input and positions provided by NTI, or another Inuit organization invited to participate the GN will provide NTI, and other Inuit organization as appropriate, with written reasons for not adopting, in whole or in part, the substantive input and positions.

#### NTI Feedback – Draft Policy or Proposed Regulation

The sponsoring department will begin to draft the policy or proposed regulation based on the final version of the Policy Intentions Paper.

In accordance with Section 52 of the Legislation Act, proposed regulations may be shared for the purposes of Article 32.

A draft policy item will be reviewed by Atuagaksanik Qimirrujiit (AQ) and draft regulations will be reviewed by Maligaksanik Qimirrujiit (MQ) before being sent to NTI for feedback.

The draft Policy Item or Regulation will be submitted to EIA Policy Division, who will forward the item to NTI, Social Development Department.

NTI will have ten (10) business days to provide feedback to the sponsoring department.

NTI may request additional time for review of the Draft Policy or Regulation. Such requests will be made in writing to EIA Policy Division from Social Development Department at NTI within ten (10) days of receipt of the Draft Policy or Regulation.

The GN and NTI may also agree, on a case-by-case basis, to extend the review time of major policy initiatives as may be required to allow fulsome feedback from NTI.

The GN or NTI may request that, where circumstances warrant, engagement be sought directly from Regional Inuit Associations and/or other Inuit organizations to participate in the review of the Draft Policy or Regulation. The provisions of the GN/NTI Information Sharing Agreement will continue to apply under these circumstances.

The sponsoring department may share information with NTI as outlined in the GN/NTI Information Sharing Agreement to ensure an informed response from NTI.

NTI may contact the sponsoring department at any time to seek clarification or request additional information from the department regarding the Draft Policy or Regulation. The sponsoring department and NTI may also meet face-to-face to facilitate understanding of its content.

#### Finalize the Draft Policy or Proposed Regulation

The Director, Social Development at NTI will provide a response on the Draft Policy or Regulation with its comments and suggestions.

The department will work to finalize the Draft Policy or Regulation. Once the Draft Policy or Regulation has been finalized, the department will proceed through internal government review processes that culminate in its submission to Cabinet.

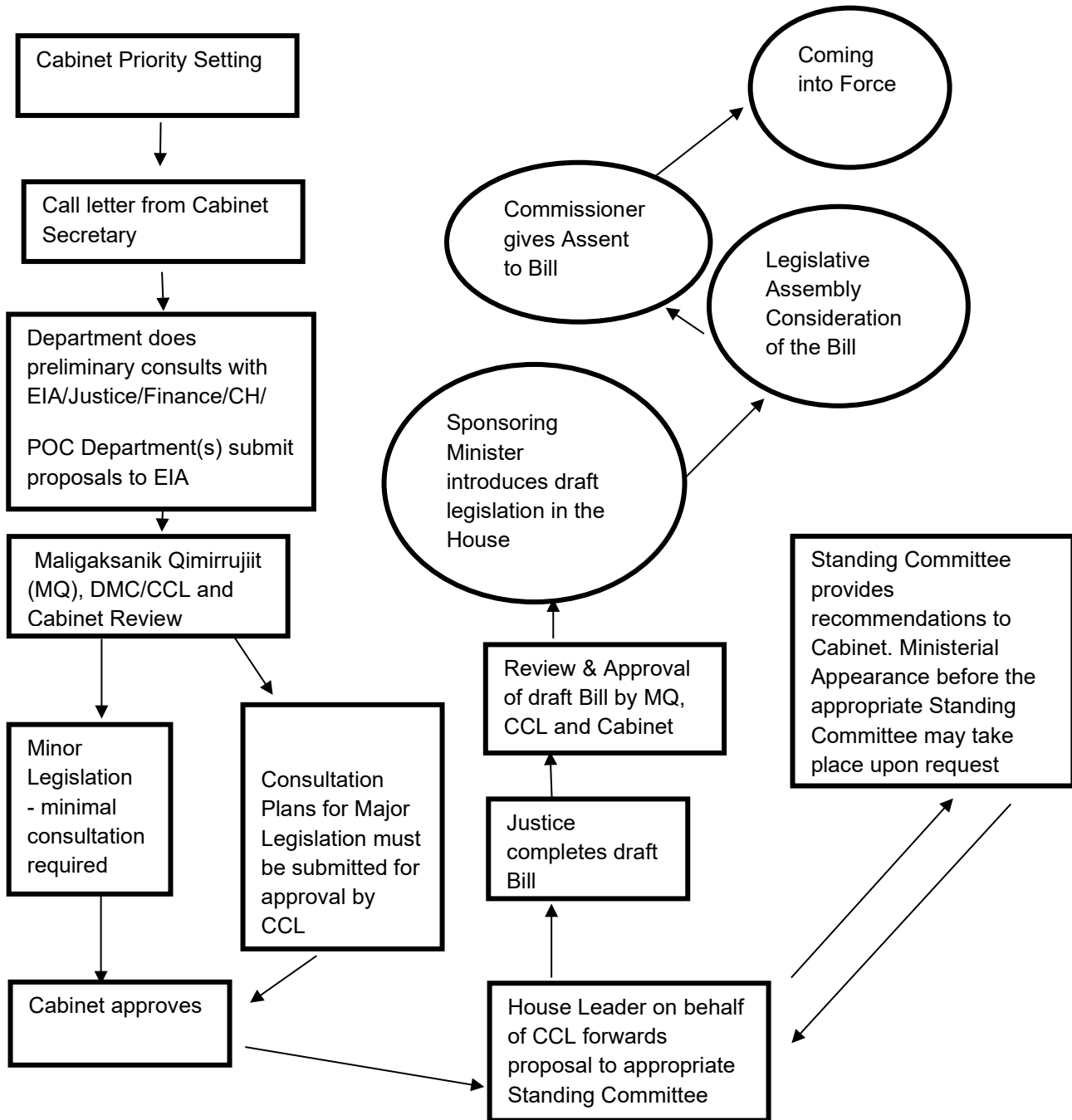
The Cabinet approved final version of the Draft Policy or Regulation will be sent to NTI including a response detailing how NTI feedback was incorporated.

Where the GN, in advancing a Social or Cultural Initiative does not incorporate the substantive input and positions provided by NTI, or another Inuit organization invited to participate the GN will provide NTI, and other Inuit organization as appropriate, with written reasons for not adopting, in whole or in part, the substantive input and positions.

## LEGISLATIVE INITIATIVES

The legislative process establishes the process by which legislative initiatives proceed from Cabinet priority setting to assent of the bill in the Nunavut Legislative Assembly.

### DEVELOPING LEGISLATION – FLOWCHART



Respecting Parliamentary Privilege, the GN shall not share actual copies of legislative proposals or draft bills with NTI. The GN will however engage NTI for its feedback and participation in the policy work that will lead to the development of legislative proposals and draft bills for consideration by the Legislative Assembly.

The documents to be sent to NTI for feedback will include:

- a Policy Intentions Paper with additional information as may be needed to produce a Legislative Proposal;
- any Consultation Plans and Consultation Reports related to the legislative initiative; and,
- a Legislative Framework Document with sufficient conceptual information and detail to form the basis for proceeding to draft a Bill.

#### Policy Intentions Paper and Consultation Plans

The sponsoring department will begin work on the legislative initiative based on the Policy Intentions Paper. The Policy Intentions Paper sets out policy aspects intended to inform the development of the initiative:

- define of the problem,
- outline desired outcomes,
- identify potential solutions,
- set broad objectives;
- identify partners and stakeholders.

The Policy Intentions Paper, with additional information as may be needed, will be shared with NTI for feedback. The information in the Policy Intentions Paper will be used by a department to create a Legislative Proposal after it is finalized later in the process.

If the department plans to conduct public consultations as part of the legislative initiative, the Consultation Plans will be shared with NTI for feedback, along with the Policy Intentions Paper. Consultation plans are required for major legislative initiatives.

The Policy Intentions Paper, and any Consultations Plans will be reviewed by Maligaksanik Qimirrujiit.

#### NTI Feedback - Policy Intentions Paper and Any Consultation Plans

In cases where NTI's decision is not to pursue engagement, the GN will proceed through standard review processes to complete the initiative.

At regularly scheduled intervals, the Director of Policy, EIA submits the Policy Intentions Paper and any Consultation Plans, to the Director, Social Development at NTI.

NTI will have at least ten (10) business days in which to:

- a. advise the GN whether it wishes to participate in the initiative and desired level of engagement;
- b. provide feedback on the intentions paper; and,
- c. provide any additional information specifically required because of the chosen

engagement level.

NTI may request additional time for review of the Policy Intentions Paper. Such requests will be made in writing to EIA Policy Division from Social Development Department at NTI.

The GN and NTI may also agree, on a case-by-case basis, to extend the review time of major legislative initiatives as may be required to allow fulsome feedback from NTI.

The GN or NTI may request that, where circumstances warrant, engagement be sought directly from Regional Inuit Associations and/or other Inuit organizations to participate in a Social or Cultural Initiative. The provisions of the GN/NTI Information Sharing Agreement will continue to apply under these circumstances.

The GN or NTI may request that, where circumstances warrant, engagement be sought directly from Regional Inuit Associations and/or other Inuit organizations to participate in the review of the Draft Policy or Regulation. The provisions of the GN/NTI Information Sharing Agreement will continue to apply under these circumstances.

The sponsoring department may share information with NTI as outlined in the GN/NTI Information Sharing Agreement to ensure an informed response from NTI.

NTI may contact the sponsoring department at any time to seek clarification or request additional information of the department regarding the Policy Intentions Paper and any Consultation Plans. The sponsoring department and NTI may also meet face-to-face to facilitate understanding of its content.

#### Finalize Policy Intentions Paper and Any Consultations Plans

If long term engagement is chosen by NTI, a Terms of Reference for the working group will be developed in partnership between the sponsoring department and NTI.

The Director, Social Development at NTI will provide a response on the draft Policy Intentions Paper and any draft Consultation Plans, with its comments and suggestions.

The department will work to finalize the draft Policy Intentions Paper and any draft Consultation Plans. Once the document(s) been finalized, the department will proceed through internal government review processes that culminate in its submission to Cabinet approval.

The Cabinet approved final version of the Policy Intentions Paper and Consultations Plans will be sent to NTI including a response detailing how NTI feedback was incorporated.

Where the GN, in advancing a Social or Cultural Initiative does not incorporate the substantive input and positions provided by NTI, or another Inuit organization invited to participate the GN will provide NTI, and other Inuit organization as appropriate, with written reasons for not adopting, in whole or in part, the substantive input and positions.



### Legislative Proposal

The sponsoring department will proceed to produce a draft Legislative Proposal based on the finalized version of the Policy Intentions Paper.

The draft Legislative Proposal will be reviewed by Maligaksanik Qimirrujiit.

Once the draft Legislative Proposal has been finalized, the department will proceed through internal government review processes that culminate in its submission to Cabinet. Once approved by Cabinet, the Legislative Proposal will be submitted to the Standing Committee on Legislation for its consideration.

The Standing Committee will consider the Legislative Proposal and may provide recommendations for amendments and/or conduct its own consultations as desired. The sponsoring department will inform NTI of any substantive variances from the Policy Intentions Paper.

### Consultations

If public and stakeholder consultations are to be undertaken by the sponsoring department, NTI will be invited to take part in all community visits and stakeholder consultations.

Once consultations are complete, the department will prepare a consultation report outlining the results of those consultations. The report will be shared with NTI for feedback prior to finalizing the report.

The results of the consultations will be considered in the development of the legislative initiative.

### Legislative Framework Document

Once the Legislative Proposal has been approved by Cabinet, the department will proceed with policy work to prepare a Legislative Framework Document.

For all legislative initiatives, a Legislative Framework Document will be developed using the Policy Intentions Paper as a foundational document, in addition to the Legislative Proposal.

The Legislative Framework Document will include in clear terms:

- a) a background of the current situation as well as the purpose/rationale for the legislative initiative;
- b) policy concepts for proposed content of the draft bill, with chosen solutions to address the problem defined in the Policy Intentions Paper;
- c) legal mechanism proposed, the related powers and duties and how compliance with the legislation is to be monitored and enforced

For those legislative initiatives identified as requiring long term engagement with NTI, the sponsoring department will provide administrative support to the working group and the

working group will follow its Terms of Reference related to the development of the Legislative Framework.

The draft Legislative Framework Document will be reviewed by Maligaksanik Qimirrujiit and shared with the Deputy Ministers Committee prior to sharing with NTI for feedback.

#### NTI Feedback – Legislative Framework Document

The draft Legislative Framework Document will be submitted to EIA Policy Division, who will forward the item to NTI, Social Development Department.

The draft Legislative Framework Document will be sent to NTI who will have up to ten (10) business days in which to provide feedback.

NTI may request additional time for review of the draft Legislative Framework Document. Such requests will be made in writing to EIA Policy Division from Social Development Department at NTI within the ten (10) days.

The GN and NTI may also agree, on a case-by-case basis, to extend the review time of major legislative initiatives as may be required to allow fulsome feedback from NTI.

NTI may contact the sponsoring department at any time to seek clarification or request additional information of the department regarding Legislative Framework Document. The sponsoring department and NTI may also meet face-to-face to facilitate understanding of its content.

#### Finalize the Legislative Framework Document

The Director, Social Development at NTI will provide a response on the draft Legislative Framework Document, with its comments and suggestions.

The department will work to finalize the Legislative Framework Document considering all the feedback received. Once the Draft Legislative Framework has been finalized, the department will proceed through internal government review processes that culminate in its submission to Cabinet.

The draft Legislative Framework Document will be reviewed by Maligaksanik Qimirrujiit.

The Cabinet approved final version of the Draft Legislative Framework will be sent to NTI including a response detailing how NTI feedback was incorporated. The sponsoring department will provide a response to NTI detailing how NTI feedback was incorporated.

Where the GN, in advancing a Social or Cultural Initiative does not incorporate the substantive input and positions provided by NTI, or another Inuit organization invited to participate the GN will provide NTI, and other Inuit organization as appropriate, with written reasons for not adopting, in whole or in part, the substantive input and positions.

#### Draft Bill

Once the Legislative Framework Document is approved by Cabinet, the department will

proceed to draft the Bill. If there is a working group, the GN representatives of the working group will carry out this work, led by the sponsoring department. The sponsoring department will provide drafting instructions to Justice legislative drafters.

If while drafting the Bill, there are any variances with the Legislative Framework Document, the department will keep NTI informed or seek further input as required.

The new Legislation Act requires the GN to provide a Minister Statement that sets out potential effects of the Bill on the Canadian Charter of Rights and Freedoms, rights of Inuit under the Nunavut Agreement, and the integration of Inuit Societal Values.

The draft Bill will be reviewed by Maligaksanik Qimirrujiit prior to submission to Cabinet.

Once the draft Bill is completed, the department will proceed through internal government review processes that culminate in its submission to Cabinet. Once the draft Bill is approved by Cabinet, it will be introduced in the Legislative Assembly for consideration by Legislative Assembly.

## **MONITORING, EVALUATION AND REVIEW**

This Policy will be reviewed periodically, and no less than every two years, by the Deputy Minister of Executive and Intergovernmental Affairs of the GN and Chief Executive Officer of NTI.

## **EFFECTIVE DATE**

The effective date of this Policy is upon approval of the Executive Council of the Legislative Assembly of Nunavut.

Appendix: GN/NTI Information Sharing Agreement

**An Agreement**

**Respecting the Sharing of Information for the  
Implementation of Article 32 of the *Nunavut Agreement***

**between**

**the Government of Nunavut  
as represented by the  
Minister of Executive and Intergovernmental Affairs**

**And**

**Nunavut Tunngavik Incorporated**

**1.0 Short Title**

1.1 This Agreement may be referred to as the “Article 32 Information Sharing Agreement”.

**2.0 Context**

2.1 The Agreement proceeds from the commitments made by the Government of Nunavut (GN) and Nunavut Tunngavik Incorporated (NTI) in the Katujjigatigiinni Protocol, 2020.

2.2 This Agreement is intended to assist the GN and NTI in the implementation of Article 32 obligations and joint priorities under the GN/NTI Protocol, and the GN Article 32 Policy.

2.3 It is recognized that information sharing is an integral part of engagement in social and cultural policy development. This Agreement will strengthen the Parties' ability to carry out their responsibilities while ensuring that information is safeguarded.

**3.0 Background and Purpose**

3.1 Under Article 32, “A Nunavut Social Development Council (Council) shall be established to promote the principles and objectives in sections 32.1.1 and 32.2.1, notwithstanding that there may be other bodies established in the Agreement or outside it which also promote these principles and objectives.”

3.2 NTI has performed duties of the Nunavut Social Development Council (the “Council”) since 2002 and established a Social Development Department (the “Department”) in their organization. The governing authority for the Social Development Department are the Board of Directors of NTI.

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- 3.3 NTI advocates for Inuit rights and the implementation of the Nunavut Agreement in accordance with its governing by-laws, delegating the Social and Cultural Development department as the primary department to fulfill the principles, goals and objectives of Article 32 of the Nunavut Agreement.
- 3.4 Government is obligated to provide Inuit of Nunavut with an opportunity to participate in the development of social and cultural policies, and in the design of social and cultural programs and services, including their method of delivery in Nunavut, and endeavour to reflect Inuit goals and objectives where it puts in place such social and cultural policies, programs and services.
- 3.5 This Agreement is for the purpose of sharing information between the Parties to implement Article 32 obligations.
- 3.6 In addition to engaging NTI, the GN will continue to consult or engage directly with Inuit in the general public, special interest or stakeholder groups on any social and cultural issues facing the territory.
- 3.7 For greater certainty, this Agreement applies specifically to the application and implementation of Article 32 of the Nunavut Agreement and does not apply to the development of policy items, regulations and legislative initiatives pursuant to other Articles of the Nunavut Agreement with specific processes setting out Inuit or DIO participation in decision-making or policy development. This includes but is not limited to:
- Article 5 (Wildlife Management);
  - Article 11 (Land Use Planning);
  - Article 12 (Development Impact);
  - Article 23 (Inuit Employment within Government); and
  - Article 24 (Government Contracts).

### **4.0 Authorized Use**

- 4.1 The sharing and use of information by either Party under this Agreement is authorized for the purpose of ensuring that Article 32 obligations are met effectively and consistently, through meaningful engagement and collaboration between the Parties to enhance social and cultural wellbeing of Inuit in Nunavut.

### **5.0 Objective**

- 5.1 The Parties recognize that proper data and information will be required to ensure effective engagement on social and cultural policy development. The Policy Development Process under the Article 32 Policy will involve gathering and analyzing data to facilitate discussions, build an understanding, validate key findings, understand potential solutions, and report on findings and recommendations to ensure informed decisions.

- 5.2 The objective of this Agreement is to facilitate the effective implementation of Article 32 of the *Nunavut Agreement* by ensuring an optimal flow of information between the Parties.
- 5.3 To serve that objective, Parties shall undertake to organize, manage, and communicate information between them in ways that seek to:
- (a) maximize the candour and timeliness of information flow and its usefulness on receipt;
  - (b) relay information as soon as practical;
  - (c) pay particular attention, and offer maximum receptiveness, in responding to specific information requests;
  - (d) present information in ways that most readily lend themselves to complete and early comprehension;
  - (e) demonstrate maximized flexibility in adapting information flows to best contribute to collaborative policy development; and,
  - (f) minimize technical or logistical barriers or complexities.
- 5.4 Either Party may identify areas where there are gaps in shared information needs and explore ways to reduce or overcome those gaps.
- 5.5 In cases where there is a need to create information or produce aggregated data from source material, it shall be done in a manner consistent with the requirements of the *Access to Information and Protection of Privacy Act*.
- 5.6 The Parties may engage in data gathering activities and seek to access other information as required as part of their research on various social and cultural issues.

**6.0 Application to Social and Cultural Initiatives**

- 6.1 This Agreement applies to the sharing of information used for social and cultural initiatives as may reasonably fall within sections 32.1.1. and 32.2.1. of Article 32 of the *Nunavut Agreement*, including all initiatives falling within the GN Article 32 Policy, 2020.
- 6.2. A social or cultural initiative means any initiative to amend an existing or create a new social or cultural policy, program or service. This includes the method of delivery for social or cultural programs and services. Social or cultural subject matter includes:
- justice
  - education
  - health
  - housing
  - language
  - culture
  - employment
  - training
  - economic support
  - harvesting support
  - adoption
  - family services
- 6.3 This Agreement applies to information used for social and cultural initiatives of GN departments, territorial corporations, and NTI departments.

**7.0 Scope of Information to be Shared**

- 7.1 The Agreement applies to Article 32 information within the custody and control of either Party that is available, by way of law of general application or policy, to every member of the public in Nunavut.
- 7.2 Both Parties shall make best efforts to maximize disclosure of data, records and documents related to Article 32 implementation.
- 7.3 Data includes both qualitative and quantitative information used by either Party for research, analysis, and policy development for Article 32 purposes.
- 7.4 The information to be shared between the Parties is intended to contribute to effective collaboration and engagement on social and cultural initiatives. The types of policy documents to be shared by either Party for Article 32 purposes includes, but is not limited to the following documents, in draft and final form:
- (a) policy intentions papers;
  - (b) policies;
  - (c) policy frameworks;
  - (d) discussion papers;
  - (e) policy analysis papers;
  - (f) research and options papers;
  - (g) program and service proposals;
  - (h) regulatory proposals;
  - (i) working documents for legislative initiatives;
  - (j) strategies;
  - (k) implementation plans;
  - (l) action plans;
  - (m) protocols;
  - (n) monitoring and evaluation reports;
  - (o) program review and audit reports;
  - (p) research papers, studies, and surveys;
  - (q) public and stakeholder consultation plans;
  - (r) community and public consultation reports;
  - (s) annual reports;
  - (t) socioeconomic datasets including qualitative and quantitative data; and,
  - (u) statistics, demographics, community profiles and similar information.
- 7.5 For further clarity, the GN may share working documents to produce draft legislative proposals and draft bills with NTI; however, the GN will not disclose copies of legislative proposals and draft bills. The GN will also not disclose any correspondence with Standing Committees of the Legislative Assembly, the Speaker, and the Office off the Legislative Assembly.
- 7.6 Where relevant for Article 32 purposes and respecting any confidentially provisions, the Parties will seek to share draft and/or final versions of

intergovernmental and interagency agreements. These agreements include binding and non-binding agreements and may be referred to as memorandum of understanding, memorandum of agreement, protocol, agreement-in-principle, and final agreement. The Parties will seek approval from other signatories of draft agreements prior to disclosure.

- 7.7 The parties may agree to pursue research projects for Article 32 purposes, which may involve the collection of personal information. Such research projects will be considered on a case-by-case basis and will be conducted in a manner that is consistent with the Access to Information and Protection of Privacy Act.

## **8.0 Focused Application to Particular Initiative**

- 8.1 The Parties may include specific provisions on information-sharing through terms of reference developed to apply to a specific social or cultural initiative.
- 8.2 Such terms of reference may identify information required at the development stage of an initiative or for its duration, including the implementation, monitoring, evaluation and renewal stages.
- 8.3 Sharing of such information should be provided so as to allow substantive review and analysis and the supply of feedback, input, and suggested revisions.
- 8.4 Where information is requested but denied, written reasons should be provided by either Party which includes a rationale for the decision.

## **9.0 Communications**

- 9.1 The Parties may jointly develop any public or press releases related to Article 32 implementation and share relevant information as needed for these purposes.

## **10.0 Security and Confidentiality**

- 10.1 All information exchange is to be approved through GN and NTI departmental heads. Senior managers in the GN will be responsible for seeking approval from their respective deputy heads prior to sharing information under this Agreement.
- 10.2 The Parties agree that shared information which is not otherwise known in the public domain will be considered privileged and confidential.
- 10.3 Each Party will take such measures as are appropriate to ensure the confidentiality of the confidential information and the protection of all confidential information from fire, theft and unauthorized use or disclosure.

## **11.0 Use of Shared Information**

- 11.1 The information made available in accordance with this Agreement will be accessed and used only for authorized purposes as stated within the Agreement.



No Party shall use the information for any other purposes without written approval from the other Party.

- 11.2 Any information shared between the Parties for the purpose of Article 32 implementation is shared in good faith to support a collaborative working relationship.
- 11.3 Any public comments by either Party on initiatives must maintain confidentiality of information shared under this Agreement. Each Party must provide advanced notice of any planned public commentary.

## **12.0 Disclosure of Shared Information**

- 12.1 The Parties shall not claim confidentiality regarding any information that is commonly available to the public.
- 12.2 The Parties shall consult each other prior to disclosing any information that is not commonly available to the public.
- 12.3 In the event that information shared with and in the custody or under the control of the GN under this Agreement becomes the subject of an access to information request in accordance with the *Access to Information and Protection of Privacy Act*, the GN shall consult with NTI in the manner prescribed in section 26 of the Act prior to releasing any information.
- 12.4 Information will be shared through electronic means. Each Party will ensure secure information management systems are in place within their organization.

## **13.0 Information Not Anticipated to Be Shared**

- 13.1 The Agreement does not oblige the GN to disclose information where it has a constitutional prerogative or statutory discretion to withhold information.
- 13.2 Where the GN invokes such prerogative or discretion to withhold information, it shall relay its rationale to do so to NTI, offering as much detail as it considers possible, and restricting its non-disclosure to what is essential.
- 13.3 The GN shall not share information that is protected by privilege, including solicitor-client privilege, Cabinet privilege, and Parliamentary privilege, where such privilege has not been explicitly waived by the privilege-holder.
- 13.4 For greater certainty, GN and NTI acknowledge that the GN may withhold any information relating to Cabinet advice and deliberations, the conduct of intergovernmental affairs, and the securing of legal advice.
- 13.5 For greater certainty, GN and NTI acknowledge that the GN shall withhold any information involving the privacy of individuals, both as employees of the GN and

members of the public, including all matters protected by the *Access to Information and Protection of Privacy Act*, the *Personal Information Protection and Electronic Documents Act*, and similar legislation. Information shall also be withheld where there is any risk that aggregately tabulated information could inadvertently reveal matters of personal privacy.

- 13.6 In circumstances where either Party expressly supplies the other Party with a written reason why certain information can only be shared with conditions of confidentiality or otherwise limiting use, either Party may decide whether or not to accept the information as bound by such conditions. Prior to any such information being shared, either Party may seek to satisfy itself as to how the other would propose to safeguard such conditions.

#### **14.0 Other Agreements**

- 14.1 This Agreement does not detract from existing information sharing agreements or preclude new ones.

#### **15.0 Disclaimer**

- 15.1 Nothing in the Agreement is intended to interpret the scope or application of Inuit rights under Article 32 or any part of the Nunavut Agreement.

#### **16.0 Periodic Review**

- 16.1 The Parties shall designate responsible officials to meet annually, or sooner upon the request of either Party, to discuss and review the implementation, modification, periodic validation, or amendment of this Agreement.

#### **17.0 Effective Date and Term**

- 17.1 The terms of this Agreement will become effective upon the date of the last signature of the Parties.
- 17.2 This Agreement remains valid should the Council become established separately from Nunavut Tunngavik Incorporated.
- 17.3 Either Party may terminate this Agreement by giving 90 days of written notice to the other Party. Upon the termination of this Agreement, the Parties shall return or destroy any documents that received from the other Party.

*DRAFT OF February 24, 2021*

*IN WITNESS WHEREOF the parties have executed this Agreement on the date written.*

\_\_\_\_\_  
**President  
Nunavut Tunngavik Incorporated**

\_\_\_\_\_  
**Premier  
Government of Nunavut**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**