



PROPOSED POLICY INTENTIONS TO FULFILL THE
NORTHWEST TERRITORIES MINERAL RESOURCES ACT
BENEFIT AGREEMENTS, AND SOCIO-ECONOMIC POLICY

OBJECTIFS STRATÉGIQUES PROPOSÉS POUR METTRE EN ŒUVRE LA LOI SUR LES
RESSOURCES MINÉRALES DES TERRITOIRES DU NORD-OUEST
ENTENTES SUR LES AVANTAGES ET POLITIQUE SOCIO-ÉCONOMIQUE

Le présent document contient la traduction française de l'introduction.

Government of
Northwest Territories Gouvernement des
Territoires du Nord-Ouest

K'ákshó got'íne xáda k'é hederi ɂedjhtl'é yeriniwé ni dé dúle.
Dene Kádá

ɻerihɬ'is Dëne Sųliné yati t'a huts'elkér xa beyáyatı theɬq ɬat'e, nuwe ts'ën yólti.
Dëne Sųliné

Edi gondi dehgáh got'je zhatié k'éé edat'eh enahddhé nide naxets'é edahtí.
Dene Zhatié

Jii gwandak izhii ginjik vat'atr'ijahch'uu zhit yinohthan ji', diits'at ginohkhii.
Dinjii Zhu' Ginjik

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.
Inuvialuktun

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.
Inuinnagtun

kīspin ki nitawihtin ē nīhiyawihk ōma ācimōwin, tipwāsinān.
nēhiyawēwin

Tłı̨chǫ yati k’èè. Dı wegodı newq dè, gots’o gonede.
Tłı̨chǫ

Indigenous Languages
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Introduction

In 2014, the Government of the Northwest Territories (GNWT) inherited the responsibilities for mineral resource administration from the federal government through the enactment of the ***Northwest Territories Devolution Act***. While this transfer marked a significant shift in governmental oversight, the **administration of mineral tenure**—spanning from exploration and discovery through mine development, construction, operation, and eventual closure and remediation—has remained largely unchanged for decades.

Upon devolution, the existing **federal Northwest Territories Mining Regulations** were mirrored and adopted under GNWT jurisdiction. These regulations are now administered by the GNWT in **collaboration with Indigenous governments**, as set out in the **2014 Intergovernmental Agreement on Lands and Resources Management**. This agreement established a framework for cooperation and coordination on matters related to land and resource management, while fully respecting the autonomy and decision-making authority of each government involved.

Since then, a collaborative process has been underway to modernize the regulatory regime. The **Mineral Resources Act (MRA)**, passed in 2019 by the Legislative Assembly of the NWT, provides the foundation for this transformation. The accompanying summary of proposed **Mineral Resources Regulations**, developed through extensive collaboration, are designed to implement the goals of the MRA and reflect the values and priorities of residents, communities, and Indigenous governments.

As the NWT moves forward, the **exploration and mining environment will undergo significant change**. The new regulatory approach aims to reflect **global best practices**, while aligning with the **unique environmental, social, and economic context** of the territory. The modernized regime seeks to support responsible development, promote sustainable land use, and ensure that the benefits of mineral resources are shared equitably among all people in the Northwest Territories.

The mutually shared *MRA* goals, as outlined in the purpose section of the *MRA*, are to:

1. regulate mineral interests efficiently, effectively and in a transparent manner;
2. support the economy of the Northwest Territories;
3. realize benefits from mineral development for Indigenous governments and organizations, communities and the people of the Northwest Territories;
4. ensure that wealth generated by mineral resources will be used for the benefit of present and future generations of the people of the Northwest Territories;
5. encourage positive relationships between proponents, Indigenous governments and organizations, communities and the Government of NWT;
6. respect Aboriginal and treaty rights;
7. complement the systems for collaborative management of land and natural resources in the Northwest Territories;
8. improve geological knowledge in the territory; and
9. recognize sustainable land use.

Project specific local and regional benefits is industry best standard, as it helps acknowledge Indigenous rights, support reconciliation, and build the social licence needed to operate. As we transition to the MRA, Northwest Territories (NWT) will legally require benefit agreements.

The proposed policy intentions presented in this document cover topics related to making benefit agreements mandatory in a way that is fair, transparent and respectful of Aboriginal and treaty rights.

Introduction

En 2014, le gouvernement des Territoires du Nord-Ouest (GTNO) a hérité des responsabilités du gouvernement fédéral en ce qui a trait à l'administration des ressources minérales lors de l'entrée en vigueur de la ***Loi sur le transfert de responsabilités aux Territoires du Nord-Ouest***. Bien que ce transfert ait marqué un changement important dans la supervision gouvernementale, **l'administration des titres miniers** – qui va de l'exploration et la découverte à l'établissement, la construction et l'exploitation de mines, puis, finalement, à leur fermeture et à la remise en état du site – reste quant à elle largement inchangée depuis des décennies.

Lors du transfert des responsabilités, le ***Règlement sur l'exploitation minière dans les Territoires du Nord-Ouest*** alors en vigueur sous le régime du gouvernement fédéral a été repris et adopté par le GTNO. Ce règlement est désormais appliqué par le GTNO, **en collaboration avec les gouvernements autochtones**, comme décrit dans ***l'Entente intergouvernementale sur la gestion des terres et des ressources de 2014***. Cette entente a permis d'établir un cadre de coopération et de coordination sur les questions liées à la gestion des terres et des ressources, tout en respectant pleinement l'autonomie et le pouvoir décisionnel de chaque gouvernement concerné.

La mise en place d'un processus collaboratif est en cours depuis lors, afin de moderniser le régime réglementaire. La ***Loi sur les ressources minérales (LRM)***, adoptée en 2019 par l'Assemblée législative des TNO, jette les bases de cette transformation. Le résumé du projet de **règlement sur les ressources minérales**, élaboré grâce à une étroite collaboration, est conçu pour concrétiser les objectifs de la LRM et refléter les valeurs et priorités de la population, des collectivités et des gouvernements autochtones.

À mesure que ces travaux progressent aux TNO, le **secteur de l'exploration et de l'exploitation minières connaîtra d'importants changements**. La nouvelle approche réglementaire vise à tenir compte des **pratiques exemplaires à l'échelle mondiale**, tout en s'alignant sur le **contexte environnemental, social et économique unique** du territoire. Le régime modernisé cherche à soutenir une mise en valeur responsable, à promouvoir une utilisation durable des terres et à garantir que les avantages des ressources minérales soient répartis équitablement dans l'ensemble de la population des Territoires du Nord-Ouest.

Les objectifs communs de la LRM, tels que décrits dans l'article sur l'objet de la LRM, sont les suivants :

1. Régir les intérêts miniers avec efficacité, efficience et transparence ;
2. Soutenir l'économie des Territoires du Nord-Ouest;
3. Réaliser les avantages provenant de projets miniers pour les gouvernements et organisations autochtones, les collectivités et la population des Territoires du Nord-Ouest;
4. Assurer que la richesse générée par les ressources minérales profitera aux générations actuelles et futures d'habitants des Territoires du Nord-Ouest;
5. Encourager des relations positives entre les promoteurs, les gouvernements et organisations autochtones, les collectivités et le gouvernement des Territoires du Nord-Ouest;
6. Respecter les droits ancestraux ou issus de traités des peuples autochtones;
7. Compléter les systèmes de gestion collaborative des terres et des ressources naturelles dans les Territoires du Nord-Ouest;
8. Améliorer la connaissance de la géologie du territoire;
9. Reconnaître l'utilisation durable des terres.

Les avantages locaux et régionaux spécifiques à chaque projet constituent la meilleure pratique au sein de l'industrie, car ils contribuent à reconnaître les droits des Autochtones, à soutenir la réconciliation et à établir l'acceptabilité sociale nécessaire à l'exploitation. À mesure de la mise en œuvre de la LRM, les Territoires du Nord-Ouest (TNO) exigeront légalement la conclusion d'ententes sur les avantages.

Les objectifs stratégiques proposés dans le présent document couvrent des sujets liés à l'obligation de conclure des ententes sur les avantages d'une manière équitable, transparente et respectueuse des droits ancestraux et issus de traités.

Benefit Agreements (New Section of the Regulations)

Section	Relevant clause from the <i>Mineral Resources Act</i>	Topic	Proposed policy intent for regulations to fulfill the <i>Mineral Resources Act</i> clause	Why the new or updated regulation is being proposed and how it is suggested to be implemented
7.0	Part 5, Benefits for People and Communities	General	Requiring a benefit agreement	<p>Around the world, mining companies provide local and regional benefits linked to their projects. This practice is recognized as an industry best standard, as it helps acknowledge Indigenous rights, support reconciliation, and build the social licence needed to operate. In some jurisdictions, providing such benefits is a legal requirement.</p> <p>In the Northwest Territories (NWT), Impact Benefit Agreements (IBAs) and Socio-Economic Agreements (SEAs) are commonly used, although they are not currently legally required.</p> <p>Once the Mineral Resources Act (MRA) comes into force, both benefit agreements and socio-economic agreements will become mandatory for projects above a certain threshold. If the project changes in a significant way the agreement must be amended. This regulatory requirement is expected to provide greater clarity for mining projects regarding who they must enter into benefit agreements with, or socio-economic agreements with, the timing for establishing such agreements, and the project scale at which they are required.</p> <p>Benefits agreements with Indigenous Governments or organizations (IGOs) will be identified by the Minister. There is flexibility for the benefit agreements to be a joint agreement with several IGOs or as separate agreements. The company must inform the Minister when benefit agreement negotiations begin with an IGO. In rare cases the Minister may waive the requirement for a benefit agreement or and the company together with the relevant IGO may notify the Minister if they wish to waive it.</p> <p>A dispute resolution body can also be set up to assist with concluding an agreement by resolving disagreements, and when appropriate decide that an agreement is not required. The designation of a dispute resolution board under this act does not affect the dispute resolution</p>

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				<p>process set out under a land, resources, and self-government agreement or dispute resolution processes in other agreements between IGOs and project proponents.</p> <p>The Benefit Policy Intentions Engagement Document outlines the intended implementation of Part 5 of the Mineral Resources Act, which addresses benefits.</p>
7.1	S.53; Requirement for agreement for benefits	Preliminary Identification of Qualified Indigenous Governments or Organizations (QIGOs)	<ul style="list-style-type: none"> During the claim stage, the GNWT may provide a preliminary QIGO list for the claim area to: <ul style="list-style-type: none"> Each preliminarily identified Indigenous Government or Organization (IGO). The mineral claim applicant. <p>When an exploration project reaches the prefeasibility stage and intends to submit an Evidence of Deposit Technical Report (EDTR) to advance the project from a claim to a mineral lease, the GNWT will conduct the QIGO assessment. This process will identify the IGOs to whom the EDTR will be distributed and which whom the project will be required to negotiate benefits agreements with.</p>	<p>Why?</p> <p>The Northwest Territories (NWT) is politically complex, with a multi-layered governance structure involving both the Government of the Northwest Territories (GNWT) and Indigenous Governments and Organizations (IGOs).</p> <p>There are numerous IGOs in the NWT. Some have modern treaties or land, resource, and self-government agreements, while others are in the process of negotiating land, resources, or governance matters with Canada and GNWT. Still others are in the process of asserting their traditional territorial rights. In addition, certain First Nations have reserve lands. Governance structures also vary: some Indigenous groups are represented through regional governments, while others operate through community-based governments. Land boundaries differ as well—some are clearly defined, others overlap, and some remain confidential. Some IGOs from neighbouring jurisdictions also have traditional territories within the NWT.</p> <p>Because the governance context of IGOs may evolve throughout the lifecycle of a mining operation, confusion can arise. It is essential for industry proponents to know which groups to build relationships with for potential future benefits agreements—particularly in the early stages of exploration—and to identify which Indigenous governments or organizations will ultimately require a benefit agreement. Some projects</p>

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				<p>may be viable and still not meet the threshold and thus do not require negotiation of a benefit agreement.</p> <p>The GNWT recognizes these potential challenges and seeks to provide certainty for industry by clearly identifying the appropriate parties for them to build relationships with to facilitate potential future benefits agreements by determining who the Qualified Indigenous Governments or Organization(s) (QIGOs) entitled to benefits are. Providing proponents with a preliminary list of the QIGOs during the claim stage will encourage proponents to build relationships with and engage with IGOs that are likely to be eligible for future benefit agreements at the lease application stage.</p> <p>How?</p> <p>After a mineral claim application is submitted, the GNWT will give the list of preliminarily identified IGOs to each IGO as well as to the claim applicant. This will allow the engagement process to begin.</p>
7.2	S.53; Requirement for agreement for benefits	Final Identification of Qualified Indigenous Governments or Organizations (QIGOs)	<p>When a company applies for a mineral lease, the GNWT must make a final determination of which IGOs are considered qualified in relation to the area covered by the lease.</p> <p>The GNWT evaluates two categories of Indigenous rights:</p> <ul style="list-style-type: none"> (a) Established Rights: Rights defined in existing land, resources, or self-government agreements. (b) Asserted Rights: Rights not yet formalized but related to lands traditionally used and occupied by Indigenous peoples represented by the organization. <p>Validation of Asserted Rights: To be considered, asserted rights must meet one of the following criteria:</p> <ul style="list-style-type: none"> ▪ Accepted by the Crown or GNWT as a basis for negotiation toward future agreements. 	<p>Why? The reasoning is the same as for having the preliminary identification.</p> <p>A final QIGO determination at the lease stage provides the applicant with clarity on which IGOs they must negotiate benefit agreements with in order to obtain a production licence. This allows the applicant to begin the formal negotiation process with certainty. Some projects may be viable and still not meet the threshold and thus do not require negotiation of a benefit agreement.</p>

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			<ul style="list-style-type: none"> ▪ Judically recognized as: <ul style="list-style-type: none"> ○ Existing Indigenous rights, or ○ Asserted rights with a reasonable likelihood of being Indigenous rights. <p>Notification Requirements:</p> <p>(a) The Minister must provide a final list of qualified IGOs to:</p> <ul style="list-style-type: none"> ○ Each identified Indigenous Government or Organization. ○ The mineral lease applicant. <p>This final identification process ensures that Indigenous rights are assessed and acknowledges as they exist at the point in time before a lease is granted.</p>	
7.3	S.53; Requirement for agreement for benefits	New Indigenous Governments or Organizations	When a new IGO is established and its area overlaps with an existing mineral interest, the GNWT must identify it as a Qualified Indigenous Government or Organization (QIGO) in relation to that interest.	<p>Why?</p> <p>This mechanism ensures that newly established Indigenous governments are included in mineral administration processes, even if they emerge after a claim or lease has already been issued.</p> <p>How?</p> <p>The GNWT is responsible for identifying when a new IGO becomes eligible using the QIGO test. If a newly identified group is added to the QIGO list, the proponent would be given a reasonable amount of time to complete an agreement with the new group or enter BA dispute resolution. Additional time for negotiations could also be jointly requested.</p>
7.4	S.53; Requirement for agreement for benefits	Benefit Agreement	Under the <i>Mineral Resources Act</i> , holders of mineral leases are required to negotiate a benefit agreement with QIGOs that hold rights or asserted rights in the area of a proposed mining project.	<p>Why?</p> <p>By mandating benefit agreements, the government acknowledges Indigenous peoples as rights holders that are entitled to the economic benefits from their territory. This aligns with constitutional obligations</p>

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			<p>GNWT has identified the project threshold that requires a benefits agreement to be:</p> <ul style="list-style-type: none"> Requires more than 250 cumulative person-years of labour over its lifetime; or Involve expenditures exceeding \$75 million (in 2021 dollars) over its lifetime <p>Once a benefits agreement is finalized, parties must promptly provide proof of the agreement to the Minister. Proof may include the form of the agreement itself or a jointly signed letter from the involved IGOs.</p> <p>In certain circumstances parties may also agree to waive the legislative requirements for amending the benefit agreement underneath section 54 of the MRA in the event of material changes to the project. If so, the agreement should include a provision indicating the waiver and, if applicable, defining what constitutes a material change.</p>	<p>under section 35 of the <i>Constitution Act, 1982</i>, and principles of reconciliation.</p> <p>Requiring benefit agreements ensures that IGOs can share in the employment and financial development from projects in their territory.</p> <p>Also, by requiring benefit agreements, the government provides clarity to industry proponents about their obligations and the process for meeting them. This can potentially support more predictable project planning and investment decisions.</p> <p>How?</p> <p>Benefit agreements are negotiated between QIGOs and the mine proponent. The GNWT is not privy to the negotiations or terms of these agreements, unless there is an agreement from both parties to share or publish the information. If there is an inability to negotiate the agreement, either party may request that the Dispute Resolution Board (an impartial third party that is not GNWT) intervene in order to help conclude the benefit agreement.</p> <p>A mutual agreement between the parties will be accepted as satisfying the BA requirements for a Production Licence (e.g. IBA)</p>
7.5	S. 54 Material Change to Project	Material Change	<p>Material change refers to significant shifts in the scale or scope of a mining project. These changes trigger regulatory obligations and may affect existing benefit agreements with IGOs.</p> <p>A mining property is considered to have undergone a material change if the actual or projected indicators show:</p> <ul style="list-style-type: none"> Employment changes by 15% or more over three years. Commercial production changes by 20% or more over three years. Projected mine life changes by five years or more. 	<p>Why?</p> <p>The material change clause is designed to ensure that benefit agreements between mineral rights holders and IGOs remain fair and proportional to the size, scale, and commodity value of a project over time. It helps to maintain trust between parties and to address potential imbalances that may arise if project scope or value grows substantially beyond original projections.</p> <p>When the thresholds for material change are triggered, it does not automatically trigger the renegotiation of a benefit agreement. However,</p>

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			<ul style="list-style-type: none"> ▪ Capital expenditure changes by 25% or more over five years (if the mine has been in commercial production for more than 90 days). <p>Note: <i>Commercial production is defined as the date when a mine begins operations at a commercial scale. This is either (a) the first day of the first 90-day period during which a mill or concentrator at the mine operates at an average of at least 60% of its rated capacity, or (b) the day the mine begins producing minerals in reasonable commercial quantities if no mill or concentrator is present.</i></p> <p>A Mining Recorder will declare that a material change has occurred in relation to a mining property if any of the following situations take place:</p> <ul style="list-style-type: none"> • The lease holder reports a material change • The Mining Recorder determines that a material change has occurred through monitoring <p>Reporting Obligations After Material Change is declared:</p> <p>The lease holder must submit revised projected indicators for:</p> <ol style="list-style-type: none"> i. Employment ii. Commercial production iii. Mine life iv. Capital expenditure <p>The Mining Recorder must notify both:</p> <ul style="list-style-type: none"> ▪ The lease holder, and ▪ Each qualified Indigenous Government or Organization with a benefit agreement, 	<p>it provides the IGO or the company with the right to request a renegotiation or to waive that right.</p> <p>How?</p> <p>GNWT will review annual reports, to determine if any of the projected indicators are triggered. If the GNWT becomes aware that a material change has occurred, they will inform the lease holder and the relevant IGOs.</p>

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7.6	S. 54 Material Change to Project	Monitoring	<p>The GNWT plays a proactive role in overseeing mining projects to ensure they remain aligned with regulatory thresholds and benefit agreement obligations.</p> <p>Annual Monitoring:</p> <p>Each calendar year, the GNWT will assess mining property statistics for:</p> <ul style="list-style-type: none"> • The likelihood of meeting employment and expenditure thresholds that trigger benefit agreement requirements • Whether the mining property has undergone a material change <p>If the Minister determines that a material change has occurred at a mining property, a deadline will be set for the lease holder and the qualified Indigenous Government or Organization to either amend an existing benefit agreement or establish a new one. The deadline may be extended if both parties agree. The Minister must notify the lease holder and all affected IGOs of this decision.</p>	<p>Why? Regular monitoring will ensure that material change is identified when present. This helps to ensure that all parties are aware of the changing conditions and have concerned an appropriate level of benefit to keep pace with projects as they evolve.</p> <p>How? If the GNWT becomes aware that a material change has occurred, they will inform the lease holder and the relevant IGOs.</p>
7.7	S.53; Requirement for agreement for benefits	Transfer	<p>If the holder of a mineral lease and production licence transfers their holding to another person, that person would be subject to the obligations of any previous benefit agreement.</p> <p>Therefore, the benefit agreement will not change even if the holder changes.</p>	<p>Why? When a production licence is transferred to a new operator, the new operator will also be made aware of the benefit(s) agreement(s) with Indigenous Government(s) or Organization(s) associated with the production licence to ensure that they are maintained. The Transfer of the production licence will not take effect until the GNWT confirms that all BAs have been accepted and signed by the new proponent. This</p>

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				<p>ensures that Indigenous communities continue to receive the agreed-upon benefits without disruption or loss due to the change in ownership. Maintaining the benefit agreement through transfers also provides stability and predictability for all parties involved in the project.</p> <p>How?</p> <p>The process on how this is to take effect is still in development</p>
7.8	S.53; Requirement for agreement for benefits	Suspension or Cancellation	<p>The Minister can suspend or cancel a production licence if a mining project has gone through material change that requires a new benefit agreement, and the lease holder has not:</p> <ul style="list-style-type: none"> • Begun negotiations after the set period of time; • Has not provided proof of a signed benefit agreement; or • Has not self-referred the matter to the Dispute Resolution Body - either due to a dispute or to request a determination that no agreement is required. 	<p>Why?</p> <p>The GNWT can suspend or cancel licences to ensure that the requirement for a benefit agreement, as set out in <i>the Mineral Resources Act</i>, is met.</p> <p>How?</p> <p>If the production licence holder has a mining project that has undergone material change, and they do not satisfy the benefit agreement requirement, then their production licence can be suspended or cancelled.</p>

Socio-Economic Agreements (New Section of the Regulations)

Section	Relevant clause from the <i>Mineral Resources Act</i>	Topic	Proposed policy intent for regulations to fulfill the <i>Mineral Resources Act</i> clause	Why the new or updated regulation is being proposed and how it is suggested to be implemented
8.0	S. 52 Measures that Benefit the People of the Northwest Territories	Definition of Socio-Economic Agreement	"Socio-economic agreement" (SEA) means an agreement for benefits between the holder of a mineral lease and the Minister, on behalf of the Government of the Northwest Territories, for benefit of the people of the Northwest Territories under section 52 of the <i>Mineral Resources Act</i> .	This is the definition of what a socio-economic agreement is, which provides context for the rest of this section.
8.1	S. 52 Measures that Benefit the People of the Northwest Territories	Socio-economic Agreement	<p>If a lease holder wishes to obtain a production licence, they shall also enter into negotiations with the Government of the Northwest Territories for a socio-economic agreement if the project meets the threshold:</p> <ul style="list-style-type: none"> • a cumulative total of more than 250 person-years of labour will be required in the course of the lifetime of the proposed mining property; • more than \$75 million in 2021 dollars will be spent in the course of the lifetime of the proposed mining property. <p>Similarly to benefit agreements, a production licence may be suspended or cancelled if a mining project undergoes a material change that requires a socio-economic agreement and the licence holder has not begun negotiations or entered into such an agreement with the GNWT.</p>	<p>Why?</p> <p>These agreements are designed to ensure that the people of the Northwest Territories (NWT) receive meaningful benefits from mineral development projects carried out in their territory. Socio-economic agreements demonstrate a company's commitment to contributing positively to the communities near which they operate. Conversely, the GNWT fulfills its commitments under the socio-economic agreement to support the successful implementation of the project. This mutual accountability builds trust and strengthens relationships with local governments, communities, and the GNWT.</p> <p>By contributing to the economic and social well-being of NWT communities, proponents help to foster a more stable, skilled, and supportive workforce and operating environment over the long term.</p> <p>How?</p> <p>Socio-economic agreements will be created following a standardized template.</p>
8.2	S. 52 Measures that Benefit the People of the Northwest Territories	Material Change	Like benefit agreements, socio-economic agreements are subject to a material change process, and the GNWT will monitor project data to determine if such a change has occurred.	<p>Why?</p> <p>Material change ensures that agreements remain fair and proportional to the size, scope and commodity value of a project over time. It helps to</p>

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				<p>address potential imbalances that may arise if project scope or value grows substantially beyond original projections</p> <p>How?</p> <p>A standardized template agreement will be available to guide the Government and proponent during socioeconomic agreement negotiations, but the parties of an SEA are not bound to the template terms. These agreements may include scaling clauses, such as commitments expressed as percentages rather than fixed numbers. This approach reduces the need to renegotiate agreements when a material change occurs.</p>
8.3	S. 52 Measures that Benefit the People of the Northwest Territories	Transfer	<p>If the holder of a mineral lease transfers the mineral lease and production licence, to another person, the other person continues to be subject to the obligations of any previous socio-economic agreement that were imposed on the original holder.</p>	<p>Why?</p> <p>When a production licence is transferred to a new operator, the associated socio-economic agreement will also carry over. This ensures that northern communities and people continue to receive the agreed-upon benefits without disruption or loss due to the change in ownership. Maintaining the agreement through production licence transfers also provides stability and predictability for all parties involved in the project.</p> <p>How?</p> <p>The process on how this is to take effect is still in development</p>

Dispute Resolution Board (New Section of the Regulations)

Section	Relevant clause from the <i>Mineral Resources Act</i>	Topic	Proposed policy intent for regulations to fulfill the <i>Mineral Resources Act</i> clause	Why the new or updated regulation is being proposed and how it is suggested to be implemented
9.0	S. 55 Dispute Resolution Body	Dispute Resolution Body	<p>Composed of eight members</p> <ul style="list-style-type: none"> • four members nominated by the Minister; • four members nominated by Indigenous Governments and Indigenous Organizations. <p>When deciding whether to appoint nominees as members, the Minister shall consider whether the nominees:</p> <p>(a) provide adequate regional representation across the Northwest Territories; and</p> <p>(b) possess relevant experience within the Northwest Territories in one or more of the following areas:</p> <ul style="list-style-type: none"> (i) Indigenous matters, (ii) the mining industry, (iii) consensus decision-making, or (iv) dispute resolution (including arbitration and mediation). <p>Based on the recommendation of the Dispute Resolution Body, the Minister shall designate one member as chair and another as vice-chair of the Body. Appointments to the Dispute Resolution Body are made for a term of not more than five years.</p>	<p>Why?</p> <p>The Benefit Agreement Dispute Resolution Board (BADRB or Board) provides a fair, impartial mechanism to support negotiations between Indigenous Governments and Organizations and mining proponents regarding benefit agreements. The Board is not intended to manage benefit agreements once they are established; rather, it serves as a mechanism that may be accessed by either the Indigenous Government Organization (IGO) or the mine proponent to support the negotiation or renegotiation of a fair benefit agreement.</p> <p>The board acts as an independent, neutral third party with no vested interests, providing an unbiased examination of disputes.</p> <p>How?</p> <p>Board Members are selected by the Minister based on the criteria in the left column.</p>
9.1	S. 55 Dispute Resolution Body	Administration	<p>The GNWT will provide secretariate support to the Dispute Resolution Body.</p> <p>The GNWT will also:</p> <ul style="list-style-type: none"> • Pay an honorarium to members of the Dispute Resolution Body, • Reimburse members for reasonable costs to attend meetings, such as travel, accommodation, and meals <p>The Dispute Resolution Body may establish rules (bylaws) regarding:</p>	<p>Why?</p> <p>The GNWT will support the establishment of the Board because the board supports fair negotiations, reduces delays through mediation or arbitration, and provides regulatory clarity.</p> <p>How?</p> <p>The GNWT will financially support the board. The GNWT will also provide secretariate support until the Board is set up and able to become more</p>

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			<ul style="list-style-type: none"> (a) Training and orientation for its members; (b) Its operations, including procedures and practices; (c) Maintaining a public record of its decisions and dispute outcomes, including those resolved through mediation or arbitration; and (d) Keeping a list of approved arbitrators. 	independent. The Board will create its own rules and procedures. It will also manage its own operations, trainings and records.
9.2	S. 55 Dispute Resolution Body	Decisions	<p>When a dispute about a benefit agreement is referred to the Dispute Resolution Body, it may:</p> <ul style="list-style-type: none"> (a) dismiss the dispute if it is considered frivolous or without merit; (b) refer the dispute to another form of resolution, such as mediation or arbitration; or (c) arbitrate the dispute itself. <p>If the Body chooses to arbitrate the dispute:</p> <ul style="list-style-type: none"> • the panel must include three members: <ul style="list-style-type: none"> ◦ a chair with significant experience in hearings, ◦ one member who was nominated by the Minister ◦ one member who was nominated by an Indigenous government or organization <p>All decisions must be made by a three-member panel.</p>	<p>Why?</p> <p>Allowing the Board to dismiss frivolous claims, refer disputes to other processes, or arbitrate them directly gives it significant flexibility. This approach enables the Board to respond appropriately to each dispute on a context appropriate basis, use resources efficiently, and issue binding decisions when necessary.</p> <p>Having a three-member arbitration panel helps ensure balanced, fair, and transparent decision-making. A three-member panel allows for diverse perspectives, deliberation, and checks and balances.</p> <p>How?</p> <p>Disputes can be referred by either party required to enter into a Benefits Agreement.</p>
9.3	S. 55 Dispute Resolution Body	Arbitration	The Arbitration Act applies to any arbitration, in respect of a dispute over a benefit agreement, conducted by the Dispute Resolution Body, a panel or an arbitrator.	<p>Why?</p> <p>The Benefit Agreement Dispute Resolution Body will use the Arbitration Act as its guiding document when an arbitration occurs to ensure standardization and reduction in bias.</p> <p>How?</p>

Section	Relevant clause from the <i>Mineral Resources Act</i>	Topic	Proposed policy intent for regulations to fulfill the <i>Mineral Resources Act</i> clause	Why the new or updated regulation is being proposed and how it is suggested to be implemented
				The Benefit Agreement Dispute Resolution Board will determine the need if dispute is referred to them.
9.4	S. 55 Dispute Resolution Body	Mediation	<p>If the Dispute Resolution Body refers a dispute to mediation and the parties do not agree to participate:</p> <ul style="list-style-type: none"> (a) the mediation must be terminated; and (b) the dispute must be returned to the Dispute Resolution Body <p>If the parties are unable to reach a settlement through mediation, the Dispute Resolution Body may direct that the dispute be referred to a panel for arbitration.</p> <p>Any settlement agreement reached through mediation is considered to have the same legal effect as a court judgment.</p>	<p>Why?</p> <p>This policy aims to settle disputes related to negotiating benefit agreements in a fair and practical way. Mediation provides a constructive way to resolve conflicts by helping parties reach mutually agreeable solutions and ultimately conclude a benefit agreement.</p> <p>How?</p> <p>If either side refuses to participate, mediation ends, and the issue will go back to the Benefit Agreement Dispute Resolution Board. This keeps the process moving forward in a fair and organized way. If this occurs, the dispute can be sent to a panel of the board for arbitration, and the board will give a final, legally binding decision on the matter.</p> <p>Decisions reached through mediation are considered to have the same legal effect as a court judgement. If parties cannot reach a decision through mediation, then the Board will be referred to a panel for arbitration.</p>