



Gwich'in Tribal Council

Traditional Knowledge Policy

*Approved by: Gwich'in Tribal Council Board of Directors
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Document prepared by: Gwich'in Social & Cultural Institute

WORKING WITH GWICH'IN TRADITIONAL KNOWLEDGE
IN THE GWICH'IN SETTLEMENT REGION

PREAMBLE

The Gwich'in recognize and value the fact that living on the land for many millennia has provided them with an extensive body of knowledge, values, beliefs and practices that many people today refer to as traditional knowledge. This knowledge, which has been passed down orally and through personal experience and spiritual teachings, is the foundation of Gwich'in identity and survival. It continues to have relevance today and draws its strength from being used, revised and continuously updated to take into consideration new knowledge. The Gwich'in hold this knowledge in trust for future generations in the belief that this knowledge is of benefit to themselves and all humanity. The Gwich'in believe the best way to ensure its survival is to continue to use it and share it in a manner that respects this knowledge.

I: GWICH'IN TRIBAL COUNCIL'S POLICY COMMITMENT

Whereas the Gwich'in, as represented by the Gwich'in Tribal Council, are the holders of Gwich'in Traditional Knowledge in and around the Gwich'in Settlement Region; and,

Whereas the Gwich'in Tribal Council's role is to represent its membership on all matters that will impact the rights of the Gwich'in people, including the issue of protecting and promoting Gwich'in Traditional Knowledge; and,

Whereas the Gwich'in Tribal Council is responsible for ensuring that the cultural and economic relationships between the Gwich'in and government recognize the Gwich'in way of life;

Whereas the Gwich'in Tribal Council is responsible for negotiating self-government arrangements on matters including culture, heritage and language; and,

Whereas the 1998 Gwich'in Annual Assembly passed a motion authorizing the Gwich'in Tribal Council to develop a policy on Gwich'in Traditional Knowledge research that would bring clarity to Gwich'in ownership and control of Gwich'in Traditional Knowledge;

Therefore the Gwich'in Tribal Council hereby commits to take a lead role in the management of Gwich'in Traditional Knowledge issues in the Gwich'in Settlement Region by monitoring and guiding the collection, use and distribution of Gwich'in Traditional Knowledge. In taking on this role, the Gwich'in Tribal Council will work to ensure that Gwich'in Traditional Knowledge is used ethically and safeguarded for future generations of Gwich'in beneficiaries.

II: GUIDING PRINCIPLES

The Gwich'in Tribal Council will manage Gwich'in Traditional Knowledge issues in the Gwich'in Settlement Region in a manner that:

1. Allows future generations to benefit and learn from Gwich'in Traditional Knowledge;
2. Ensures that informed consent occurs between the Gwich'in and researchers in the process of research;
3. Assists the Gwich'in to restore and maintain control over the use of Gwich'in Traditional Knowledge, and cultural and heritage resources recognizing that they are the stewards of these resources;
4. Encourages appropriate sharing of Gwich'in Traditional Knowledge with others;
5. Ensures the participation of Gwich'in communities in Gwich'in Traditional Knowledge research activities including reporting back to the communities the results of research activities in an appropriate manner and format;
6. Ensures respect for Gwich'in Traditional Knowledge holders and ethical use of Gwich'in Traditional Knowledge in research, giving it an equal standing with western scientific knowledge;
7. Ensures that research dealing with Gwich'in Traditional Knowledge, culture and heritage conducted in the Gwich'in Settlement Region gives equal weight to Gwich'in Traditional Knowledge;
8. Supports the use and preservation of the Gwich'in language; and,
9. Supports the ethical use and application of Gwich'in Traditional Knowledge in heritage, renewable and non-renewable resource management in the Gwich'in Settlement Region.

III: SCOPE OF THE POLICY

- The policy applies to the following Gwich'in organizations in the Gwich'in Settlement Area:
 - Gwich'in Tribal Council
 - Gwich'in Social and Cultural Institute;
 - Other Designated Gwich'in Organizations including but not limited to:
 - Ehdiitat Gwich'in Council
 - Gwichya Gwich'in Council
 - Nihtat Gwich'in Council
 - Tetlit Gwich'in Council
 - Gwich'in Land Corporation
 - Gwich'in Settlement Corporation

IV: DEFINITIONS

Collaborative Research Methodologies

Collaborative research methodologies are research approaches that recognize participant socio-cultural values and that invite the research participants and local community members to determine appropriate research areas and approaches. Collaborative research methodologies often involve direct community benefit in the way of training, education, capacity building, elder-youth interaction and employment.

Gwich'in Settlement Area

The Gwich'in Settlement Area is defined as those lands lying within the NWT as described in Appendix A of the *Gwich'in Comprehensive Land Claim Agreement* (1992).

Gwich'in Settlement Region

The Gwich'in Settlement Region includes the Gwich'in Settlement Area as described in Appendix A of the *Gwich'in Comprehensive Land Claim Agreement* (1992) and the lands within the Primary and Secondary Use Areas as described in Appendix C of the *Yukon Transboundary Agreement* within the GCLCA, and other traditional territory as outlined in the Interim Measures Agreement (Appendix C, 8.3.1) signed on April 28, 1999 between the Government of Canada and the Gwich'in Tribal Council (see Maps in Appendix A of this policy document).

Gwich'in Traditional Knowledge

Gwich'in Traditional Knowledge is that body of knowledge, values, beliefs and practices passed from one generation to another by oral means or through learned experience, observation and spiritual teachings, and pertains to the identity, culture and heritage of the Gwich'in. This body of knowledge reflects many millennia of living on the land. It is a system of classification, a set of empirical observations about the local environment and a system of self-management that governs the use of resources and defines the relationship of living beings with one another and with their environment.

Gwich'in Traditional Knowledge Holder

Gwich'in Traditional Knowledge holders are Gwich'in persons who are known, or come to be known, by the Gwich'in Social and Cultural Institute, a Designated Gwich'in Organization or by the Gwich'in Tribal Council to possess Gwich'in Traditional Knowledge. Holders of Gwich'in Traditional Knowledge should be clearly acknowledged for any traditional knowledge they have shared with researchers.

Gwich'in Traditional Knowledge User

Anyone using any part, parts or whole of Gwich'in Traditional Knowledge.

Informed Consent

Informed Consent is a statement or oral agreement between the participant and a researcher (Principal Investigator) that outlines the nature of the research, and the manner in which the information the participant is providing can be used and accessed. Such consent must be given freely prior to research commencing. The essential elements contained in an Informed Consent Statement can be found in Schedule "B".

Research

Research is an endeavour to study, diligently search for, and obtain knowledge through use of a systematic approach with the intent of clarification. This includes activities that attempt to discover new facts, information, or new applications to existing knowledge. It also includes activities to revise or substantiate existing theories. Research can include, but not be limited to, **Basic Research**, that is, a curiosity driving activity that has the purpose of discovery and the advancement of knowledge; or **Applied Research**, which aims to discover the best ways of using this knowledge in the process of a profession, policy development or a way of life. Research can be conducted using **qualitative**, that is, a belief that theory should be grounded in the day-to-day realities of the people being studied, or **quantitative**, that is, methods that use numerical or statistical methodology. Research methodology can include **primary** and **secondary** research. **Primary** research is information gathered by interacting with people through meetings, interviews, observation, focus groups or surveys. **Secondary** research is information gathered through literature reviews, publications, broadcast media and the use of other non-human sources.

Research Agreement

A research agreement is a contract entered into between the Gwich'in Tribal Council (or one of the Designated Gwich'in Organizations or the GSCI) and a researcher that outlines the conditions for the conduct of research in the Gwich'in Settlement Region.

Researcher

A researcher is any person, agency, institution of public government, government body or a public or private organization proposing a research project in the Gwich'in Settlement Region for which a license or permit is required pursuant to the *Scientists Act* (R.S.N.W.T. 1988), *Wildlife Act* (R.S.N.W.T. 1988), *NWT Act* Archaeological Sites Regulations (NWT Act, Chapter 1237, 1978), *Fisheries Act* (R.S.C. 1985), the *Yukon Scientists and Explorer's Act* (R.S.Y. 1986), or *Yukon Act* Archaeological Sites Regulations (C.R.C. c.1612, 1978)

V: AUTHORITY AND ACCOUNTABILITY

1. Gwich'in Tribal Council:

- (a) Authorizes the Gwich'in Social and Cultural Institute to implement the policy on behalf of the Gwich'in Tribal Council.
- (b) Represents the rights and interests of the Gwich'in beneficiaries on any matters arising that will promote and protect their Gwich'in Traditional Knowledge.
- (c) Ensures that the Gwich'in Social and Cultural Institute and other Designated Gwich'in Organizations have the resources required to manage and apply this policy.

2. Gwich'in Social and Cultural Institute will:

- (a) Review all research permits and licences issued pursuant to the *Scientists Act*, (R.S.N.W.T. 1988), *Wildlife Act*, (R.S.N.W.T. 1988), the *NWT Act* Archaeological Site Regulations (NWT Act, Chapter 1237, 1978), *Fisheries Act*,(R.S.C. 1985), the *Yukon Scientists and Explorer's Act*, (R.S.Y. 1986) or the *Yukon Act* Archaeological Sites Regulations (C.R.C. c.112, 1978) for compliance with the policy guidelines prior to providing advice to the authority issuing the permit or licence.
- (b) Ensure that research has gone through an ethical review process before research begins.
- (c) Reserves the right to enter into research agreements to collaborate with researchers for proposed Gwich'in Traditional Knowledge research or other socio-cultural research in the Gwich'in Settlement Region (see Schedule A). The Gwich'in Social and Cultural Institute shall ensure that a plain language description of the project is provided to the community in which the research is proposed, and that informed consent has been gained before the research proceeds.
- (d) Monitor Gwich'in Traditional Knowledge projects, studies and other initiatives inside and outside the Gwich'in Settlement Region to improve general understanding of the methodology of incorporating Gwich'in Traditional Knowledge into education, environmental assessment, heritage management and land, water and resource management and planning.

- (e) Participate in the on-going exchange of information about Gwich'in Traditional Knowledge research and development and its incorporation into decision-making.
- (f) Identify areas where Gwich'in Traditional Knowledge can be successfully incorporated into the design or delivery of Gwich'in Tribal Council governance and Board decision-making.
- (g) Develop guidelines for researchers seeking to conduct research on Gwich'in Traditional Knowledge in the Gwich'in Settlement Region that reflect the values and traditions of the Gwich'in as expressed through this policy.
- (h) Encourage the use of collaborative research methods in Gwich'in Traditional Knowledge and Scientific research.
- (i) Communicate the objectives of this policy and its guidelines to all Gwich'in organizations, government departments, researchers, and institutions of public government identified within the *Gwich'in Comprehensive Land Claim Agreement* and the *Mackenzie Valley Resource Management Act*,
- (j) Provide the Gwich'in Tribal Council with advice on all matters which fall within the scope of this policy.
- (k) Work with Designated Gwich'in Organizations and Renewable Resource Councils to identify Gwich'in individuals who are qualified Gwich'in Traditional Knowledge holders in specific topic areas and interested in working with researchers.
- (l) Educate elders and other beneficiaries about their individual rights with respect to their participation in all research, including Gwich'in Traditional Knowledge research.
- (m) Recover costs related to the provision of information to researchers, wherever possible. The Gwich'in Social and Cultural Institute will provide the most current Rate Schedule upon request.

3. Other Designated Gwich'in Organizations will:

- (a) Review research permits and licences that affect Gwich'in beneficiaries in their communities and provide advice to the Gwich'in Social and Cultural Institute.

4. Gwich'in Tribal Council will:

- (a) Review research permits and licences with regard to Private and Crown lands. The Gwich'in Social and Cultural Institute will provide advice to the Gwich'in Tribal Council concerning these permits and licences.
- (b) Apply this policy within any Impact Benefit Agreements negotiated between the government or industry and the Gwich'in Tribal Council.

VI: PERIODIC REVIEW

The policy will be reviewed subsequent to any self-government agreements which might affect the management of cultural and heritage resources.

The Gwich'in Social and Cultural Institute will review the guidelines issued pursuant to the policy as necessary and not less than once every three years.

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| Duration of Research (number of field seasons/dates in Region): |
| Identify Community Advisory Body (Gwich'in Social and Cultural Institute / Elders Council / Gwich'in Land and Resource Advisory Committee / Renewable Resource Council /other) |
| Detail benefits to community (education, training, employment, capacity building): |
| Detail research methodology to be used: |
| Detail any Ownership Agreements for Data Collected: |
| Detail how data will be accessed in future and any storage agreements: |
| Detail methods of consulting with and communicating results to community members during and after the project: |
| Detail how you propose to incorporate Gwich'in Traditional Knowledge into the research: |
| Detail how confidentiality will be maintained during and after this project if requested: |
| Detail any Media Relations Agreement: |
| Termination: |
| <p>Statements:</p> <p><i>The Principle Investigator agrees that any copies of future publications, reports or products of the research will be forwarded to the Gwich'in Social and Cultural Institute.</i></p> <p><i>The Principle Investigator acknowledges receipt of a copy of the document entitled "Working with Gwich'in Traditional Knowledge in the Gwich'in Settlement Region" and agrees to abide by all guidelines contained therein.</i></p> <p><i>The Principle Investigator indemnifies and saves harmless any of the Gwich'in organizations from any liability and hereby waives any legal claim against it for any event that might occur during the course of the project.</i></p> |
| Signature of Principle Investigator: |
| Signature of Gwich'in Social and Cultural Institute: |

Copies of this form must be submitted to both of the following GSCI offices:

**Gwich'in Social and Cultural Institute
Executive Director
P.O. Box 30
Fort McPherson, NT
X0E 0J0
Phone: 867-952-2524
Fax: 867-952-2238
ssnowshoe@gwichin.nt.ca**

**Gwich'in Social and Cultural Institute
Research Director
Suite 202B, 4912-49th Street
Yellowknife, NT
X1A 1P3
Phone: 867-669-9743
Fax: 867-669-7733
ingrid.kritsch@gwichin.nt.ca**

SCHEDULE 'B'
ESSENTIAL ELEMENTS OF AN INFORMED CONSENT STATEMENT

1. Identify interviewer (name, company/university they represent);
2. Date;
3. Identify interviewee (name and any affiliation they may have with community/company/university);
4. Identify community of interviewee as well as community where interview is taking place;
5. Brief statement about goals/rationale of project and specifically, what the interviewer wants from the interviewee and why;
6. Identify what this information will be used for;
7. Identify who will benefit from this information;
8. Identify who will be using this information;
9. Identify who will have access to the information;
10. Identify how this information will later benefit the interviewee, their community and future generations of that community;
11. Identify what the interviewer is gaining from this information (i.e. University degree, Government contract, etc. – if payment for future sales of information in book form, where proceeds will go from the sale of this information, etc.)
12. Indicate if information is to be recorded, either by audio tape or video tape and if so, what is to be done with this tape, where will this information be stored, how many copies of the information will be made, who will have access to this recorded information now and in the future;
13. Does the interviewee want to be cited or credited for any information being given? If yes, cited in general (such as in a bibliography) or specifically (such as at the end of all quotes). If no, does the interviewee want a pseudonym created and used? If not cited, the interviewer must assure confidentiality of all information received. This point is crucial in traditional knowledge collection;
14. Crucial to informed consent is the clause that the interviewee understands that they do not have to answer any questions they do not want and that they can stop the interview at any time;
15. Assure that a draft of information collected will be presented again, either personally or in a community forum for verification and any suggestions at that time will be considered and incorporated into the final report;
16. Copy of the report will be forwarded to interviewee when available, or alternatively to the community when available;
17. Ensure that written consent is given to the above elements once it has been read and explained in English or in Gwich'in. Alternatively, if the interviewee does not read or write, the Consent Statement should be read to them in English, and/or in Gwich'in, any questions answered and a verbal consent recorded on tape. Any exceptions to the above should also be noted in the Consent Statement.

Gwich'in Traditional Knowledge Research Guidelines

The Gwich'in Traditional Knowledge Research Guidelines fall under the Gwich'in Tribal Council Traditional Knowledge Research Policy. These guidelines may be reviewed and amended from time to time by the Gwich'in Social and Cultural Institute and must be approved by the Gwich'in Tribal Council. Current Guidelines will be posted to the Gwich'in Tribal Council and Gwich'in Social and Cultural Institute web sites.

The Gwich'in Social and Cultural Institute will, in accordance with the policy, provide these guidelines to all researchers proposing to work on Gwich'in Traditional Knowledge research or working on other issues related to Gwich'in Traditional Knowledge in the Gwich'in Settlement Region.

The Gwich'in Social and Cultural Institute will review all research permit applications for compliance with these policy guidelines prior to providing advise to the responsible permitting authority.

Research Licensing

1. All persons proposing to do research on Gwich'in Traditional Knowledge in the Gwich'in Settlement Area must obtain the appropriate authorizations pursuant to the *Scientists Act*, (R.S.N.W.T. 1988), *Wildlife Act*, (R.S.N.W.T. 1988), the *NWT Act* Archaeological Site Regulations (NWT ACT, Chapter 1237, 1978), *Fisheries Act* (R.S.C. 1985).

Researchers are advised to consult “*Doing Research in the NWT: A Guide for Researchers*” published by the Aurora Research Institute, available at www.nwtresearch.com

Researchers are advised to consult and review the “Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans” available at <http://www.ethics.ubc.ca/code>

2. All persons proposing to do research on Gwich'in Traditional Knowledge in the Primary Use Area, Secondary Use Area, or other traditional territory of the Teetl'it Gwich'in must obtain the appropriate authorizations pursuant to the *Yukon Scientists or Explorer's Act* (R.S.Y. 1958), or the *Yukon Act Archaeological Sites Regulations (C.R.C. c.1612, 1956)*. Researchers are advised to consult with the Heritage Branch, Department of Tourism of the Yukon Government to obtain a copy of “Guidebook on Scientific Research in the Yukon”.

Collaborative Research Methodologies

3. The Gwich'in Social and Cultural Institute supports and encourages the use of collaborative research methodologies in all research activities conducted in the Gwich'in Settlement Region.

4. Collaborative research methodologies enable the researcher and research participants to use Gwich'in Traditional Knowledge appropriately throughout the research process and ensure that the project is completed to the satisfaction of all the parties.
5. Collaborative research methodologies imply that wherever possible, the research project supports community capacity building, including education, research training and employment opportunities for local residents.
6. To encourage collaborative research methodologies, the Gwich'in Social and Cultural Institute will ensure that, when appropriate, an existing community advisory body (for example, Elders Councils, Renewable Resource Councils) is identified for the researcher. The advisory body will establish an appropriate framework with the researcher for consultation and advisory support throughout all stages of the project.

Research Agreements

7. Except as otherwise agreed, a researcher must have concluded a valid research agreement with the Gwich'in Social and Cultural Institute setting out the rights and obligations of the parties for which the Designated Gwich'in Organizations' and beneficiaries' collaboration is being sought. Without limiting their generality, the terms and conditions in the agreement must include those matters set out in Schedule 'A.'

Confidentiality

8. Designated Gwich'in Organizations and beneficiaries must be informed about the degree of confidentiality that will apply to the information they provide before the research process starts.
9. Methods of ensuring confidentiality must be approved prior to any research.

Ownership and Use of Gwich'in Traditional Knowledge Information

10. Ownership and use of information must be negotiated between the researcher and GSCI prior to the commencement of the research process and contained in the research agreement.
11. Copies of research materials and final products including relevant field notes, photographs or slides, audio tapes, video tapes, maps, archival materials, reports, journal articles, manuscripts, or books resulting from Gwich'in Traditional Knowledge research must be sent to the Gwich'in Social and Cultural Institute.
12. Quotations and other oral, written and pictorial contributions of those people or group of people who provide Gwich'in Traditional Knowledge information must be acknowledged in any report or publication that may arise out of the research project. Direct references must be cited for Gwich'in Traditional Knowledge holders, persons or groups who provide

information that is recorded and then used in a report, providing consent to do so has been obtained.

13. The product of the research containing or derived from Gwich'in Traditional Knowledge must be reviewed by the Gwich'in Social and Cultural Institute and affected Designated Gwich'in Organization before distribution to a third party. The product will be reviewed within 30 days of receipt. If verification of information is required, this time frame must be negotiated. The review and/or verification process is meant to provide the Gwich'in Social and Cultural Institute and community with an opportunity to comment on the findings, identify gaps and make corrections before the research is made public.

Gwich'in Language

14. Researchers should ensure that they use and apply the appropriate Gwich'in dialect when working in the Gwich'in language. For research of a regional nature, both Gwichya Gwich'in and Teetl'it Gwich'in dialects should be properly represented in research reports or products of research in order to ensure both respect and effective communication.

Compensation

15. All holders of Gwich'in Traditional Knowledge should be compensated, if they wish, for their time working with researchers. Compensation can be in the form of a cash payment, an in-kind contribution or a fair exchange (gas, food, etc.). Compensation will be determined between the researcher and the holder of Gwich'in Traditional Knowledge. Researchers should inform the Gwich'in Social and Cultural Institute how they plan to compensate Gwich'in Traditional Knowledge holders. The Gwich'in Social and Cultural Institute will provide the most current Rate Schedule upon request.

Reporting Back to the Community

16. As part of the follow-up process, all researchers working with Gwich'in Traditional Knowledge should return to the community to present the findings of their research. Research results should be presented or displayed in the Gwich'in communities in culturally relevant and creative ways. An example of the latter would be poster or audio-visual formats.