

OVERVIEW

This Gwich'in Business Policy (the "Business Policy" or "Policy") of the Gwich'in Tribal Council (GTC) has been developed to clarify the criteria and process for designating a Registered Gwich'in Business and to outline the preference that is provided to these enterprises within the Gwich'in Settlement Region (GSR) in the Yukon and Northwest Territories.

POLICY STATEMENT

A fundamental objective of the *Gwich'in Comprehensive Land Claim Agreement* (GCLCA) is to encourage the self-sufficiency of the Gwich'in and to enhance their ability to participate fully in all aspects of the economy. The GTC, its subsidiaries and affiliates shall award contracts for the supply of goods and services within the GSR to a Registered Gwich'in Business provided such goods and services can be supplied on a competitive and timely basis and the business can meet all technical and qualification criteria along with health, safety and environmental standards as may be required. The GTC shall also work with Industry where applicable, and with the Government of the Northwest Territories (GNWT), the Yukon Government (YG), and the Government of Canada (Canada) to ensure that those governments are meeting or exceeding applicable obligations under the GCLCA, including Chapters 10 and 20 in particular.

DEFINITIONS

The following definitions apply in this policy and in the associated Business Policy Procedures.

"Designated Gwich'in Organization" or "DGO" means a Designated Gwich'in Organization established in a Gwich'in Community under Chapter 7 of the GCLCA, but does not mean the Gwich'in Tribal Council.

"Gwich'in Community" means the community of Teet'it Zheh (Fort McPherson), Tsiigehtchic, Inuvik or Aklavik, and "Gwich'in Communities" means these four communities collectively.

"Gwich'in Council" means the elected Council of a DGO that represents a Gwich'in Community.

"Gwich'in Development Corporation" or "GDC" means the Gwich'in Development Corporation.

"Gwich'in Settlement Region" or "GSR" means the area within the Northwest Territories and Yukon as described in Appendix A and Appendix C to the GCLCA.

"Government" means federal, territorial or municipal government, its employees, agents and contractors and includes the Canadian Armed Forces and Crown Corporations;

POLICY

Gwich'in Business



“Participant” means a person who is enrolled in the enrollment register pursuant to Chapter 4 of the GCLCA.

“Registered Gwich'in Business” or “RGB” means a Gwich'in business which has been designated by the Gwich'in Tribal Council as a Registered Gwich'in Business and has satisfied the criteria for designation set forth in the Gwich'in Business Policy Procedure.

“Registered Gwich'in Businesses List” means the comprehensive list of all RGBs that have been designated.

CONTEXT

On April 22, 1992, leaders of the Gwich'in, Canada and GNWT signed the GCLCA in Teet'it Zheh. The GCLCA, including the Yukon Transboundary Agreement in Appendix C, is a constitutionally protected land claims agreement within the meaning of s.35(3) of the *Constitution Act, 1982*.

The GTC has developed the Policy to be consistent with the GCLCA, and with Chapter 10 and 20 of the GCLCA in particular. These specific chapters of the GCLCA support the need to ensure the GTC adopt and enforce the Policy to further the rights and interests of the Gwich'in. The Policy allows opportunities to be effectively shared with all Participants to the GCLCA (Gwich'in Participants).

GOALS AND OBJECTIVES

The goals of the Policy are to:

- Develop Gwich'in competencies, skills and expertise;
- Ensure that economic opportunities are offered to Gwich'in Communities and Participants;
- Encourage meaningful participation by the Gwich'in in all aspects of the economy; and
- Increase Gwich'in wealth and self-sufficiency.

The GTC, representing Gwich'in Participants, has created the Policy to facilitate preferential treatment to Registered Gwich'in Businesses so that:

- The Gwich'in can access opportunities to participate fully in all aspects of the regional economy, on a preferential basis;
- The Gwich'in receive maximum economic benefit from business and government within the GSR;
- Business operating in the GSR have a clear understanding of their responsibilities when doing business within the GSR;
- Gwich'in Participants and Communities can be economically self-sufficient;
- Gwich'in Participants have an opportunity to develop business capacity skills and resources;
- Gwich'in Communities can build and develop economically;



- Value earned from developments in the GSR will be reinvested into the Gwich'in economy; and,
- The traditional Gwich'in economy can be maintained, strengthened, and enhanced while embracing available and sustainable business opportunities; and,
- Canada and the GNWT meet or exceed their obligations under the GCLCA with respect to economic measures and economic development, including preferential procurement and contracting.

GUIDING PRINCIPLES

The guiding principles to be used during the implementation of the Policy to ensure fairness, consistency and transparency are to:

- Provide incentives to Gwich'in Participants and facilitate the development of Gwich'in business expertise;
- Provide Participants and Registered Gwich'in Businesses with greater opportunities to develop business, administrative and management skills;
- Retain economic value and opportunities within the GSR to the maximum extent possible;
- Provide preference to Registered Gwich'in Business;
- Ensure clarity and certainty for non-Gwich'in Business within the GSR;
- Ensure the collective rights and interests of the Gwich'in, as set out in the GCLCA, are respected and protected;
- Provide a policy for Registered Gwich'in Businesses and the GTC, and the GTC's subsidiaries and affiliates, to conduct business within the GSR;
- Create a portfolio of Gwich'in business skills, services and goods;
- Create wealth among the Gwich'in in an influential and principled way; and,
- Foster the growth of the Gwich'in economy.

GWICH'IN BUSINESS LIST

The GTC shall maintain the Registered Gwich'in Businesses List (the "Gwich'in Business List"). The Gwich'in Business List shall be accessible by contacting the GTC CEO or their designate. The Gwich'in Business List shall be accessible to companies and governments seeking to work in the GSR.

GWICH'IN BUSINESS DEVELOPMENT WEBSITE

The GTC shall establish and maintain the Gwich'in Business Development website that provides the up-to-date RGB List and any identified procurement categories. The GTC will update the Business List and make it available upon request. No fees will be charged to companies using the Business List to locate RGBs.



APPLICATION AND DESIGNATION

All applications to be a Registered Gwich'in Business shall be submitted to, reviewed, and, if compliant with criteria set out in The Policy, designated as a RGB by the GTC. The GTC shall provide a transparent application, review and designation process, including an application form for all interested businesses upon request. Details of the application, review, and designation process, including criteria, are set out in the Gwich'in Business Policy Procedure

COOPERATION AND COLLABORATION WITH GWICH'IN COMMUNITIES

The GTC represents all Gwich'in Participants. GTC, nor GDC, as the business arm of the GTC, will not undertake smaller projects in communities where there is already qualified local capacity and resources within the Gwich'in Community to perform the work.

For greater clarity, the GTC shall:

- Consult with the local Gwich'in Council on all projects or activities affecting the specific Gwich'in Community; and,
- Maintain contact with all Registered Gwich'in Businesses to ensure business opportunities are communicated and opportunities for joint ventures and contracting/sub-contracting opportunities are discussed.

BENEFITS AGREEMENTS

On occasion, the GTC enters into Impact/Access/Co-operation and Benefits Agreements with companies doing work within the GSR. These agreements outline the terms and conditions under which companies will provide, among other things, employment, training and business opportunities to the Gwich'in. They will also recognize the Policy and provide an opportunity for Registered Gwich'in Businesses to provide goods and services to companies seeking to perform activity within the GSR.

AGREEMENTS, MEMORANDA & ARRANGEMENTS WITH GOVERNMENT

The GTC, in implementing Chapter 10 of the GCLCA and specific agreements such as the Memorandum of Understanding (MOU) with the Government of the Northwest Territories, can establish a process towards improving the participation of RGBs in contracting opportunities provided by the GNWT, YG, or Canada within the GSR. In addition, the GTC and RGBs may pursue economic opportunities offered by Canada, noting that Canada has treaty obligations in this regard under Chapter 10 of the GCLCA.

To the extent contemplated under the GCLCA and any formal arrangements with Government, such as the MOU with the GNWT, RGBs shall have preferential treatment in relation to receiving contracts from the GNWT, YG, and/or Canada for any work conducted in the GSR.



REVIEW AND AMENDMENT

This Policy will be reviewed as necessary and at least once every three (3) years.

This Policy may be amended from time to time in accordance with applicable GTC rules and procedures.

POLICY OWNER

For any questions or required clarifications on this Policy, please contact the *GTC Chief Executive Officer*.