Case Study
A Tale of Two "Chickens"- The Prairie Chickens and Sage Grouse
by Ranalda Tsosie

An Indigenous graduate student is starting their research centered on the habitat loss of the prairie chicken and sage grouse. Recently, these two species of birds are candidates for listing on the Endangered Species Act. Oil and gas drilling, livestock grazing, off-road vehicle use, transmission corridors, roads, fences, and myriad other factors have contributed to the decline of sage-grouse and prairie chickens from the landscape and may put them on the endangered species list.

The student is funded under a larger grant that is overseen by a non-Indigenous PI. This grant's main objectives are focused on accessing potential oil development sites near Indigenous lands in Wyoming. The PI does not have any training in Indigenous Research Methodological (IRM) or any experience working with Indigenous communities. However, the project does have multiple partners. One of the partners is an Indigenous-owned energy development company operating on tribal land. This company has overseen many projects in the past and has established a reputation with many tribal communities in the region.

The graduate student wants to ensure that they are practicing proper IRM approaches—especially ethical responsibility—and has started asking the PI for advice on how to move forward. The project borders tribal land, and there is a potential that the energy development operations will impact the sage grouse and prairie chickens that use both tribal and non-tribal lands as habitats. So the student has suggested to the PI to go through the tribal IRB process and obtain community support resolution for project approval of the baseline study on both tribal and non-tribal lands.

To the student's surprise, the reply from the grant PI is that they do not have to "waste time on this" because the project is already covered under the Indigenous-owned energy company's existing tribal approvals. One concern from the PI is that the IRB approval timeline might not meet the project timeline. Or even worse, the project might be denied which may ultimately endanger the project from moving forward. This has sparked concern from the graduate student as they are from one of those communities where the proposed study will take place. And they do not know the full details of what type of community engagement has already occurred and if there are current approvals for her specific study.

Discuss the following in your pairs:
1) Why might the student feel morally responsible to seek community approval?
   - Why might she also hesitate?
2) How might the graduate student proceed? What approaches most align with IRM?
   - Should she approach the community's governing board for approval?
   - Should the student pursue her own tribal IRB process?

<u>Data Sovereignty & CARE Principles[1]</u>

"The increasing convergence of technology infrastructure and digital connectivity has raised the value of data across the globe. **Indigenous data sovereignty reinforces the rights to engage in decision-making in accordance with Indigenous values and collective interests."**

<u>Collective Benefit</u>: *Data ecosystems shall be designed and function in ways that enable Indigenous Peoples to derive benefit from the data.*

C1: For inclusive development and innovation

Governments and institutions must actively support the use and reuse of data by Indigenous nations and communities by facilitating the establishment of the foundations for Indigenous innovation, value generation, and the promotion of local self-determined development processes.

C2: For improved governance and citizen engagement

Data enrich the planning, implementation, and evaluation processes that support the service and policy needs of Indigenous communities. Data also enable better engagement between citizens, institutions, and governments to improve decision-making. Ethical use of open data has the capacity to improve transparency and decision-making by providing Indigenous nations and communities with a better understanding of their peoples, territories, and resources. It similarly can provide greater insight into third-party policies and programs affecting Indigenous Peoples.

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[1] Adapted from "CARE Principles for Indigenous Data Governance." Research Data Alliance International Indigenous Data Sovereignty Interest Group. (September 2019). The Global Indigenous Data Alliance. https://www.gida-global.org/care

C3: For equitable outcomes

Indigenous data are grounded in community values, which extend to society at large. Any value created from Indigenous data should benefit Indigenous communities in an equitable manner and contribute to Indigenous aspirations for wellbeing.

Authority to Control*: Indigenous Peoples' rights and interests in Indigenous data must be recognised and their authority to control such data be empowered. Indigenous data governance enables Indigenous Peoples and governing bodies to determine how Indigenous Peoples, as well as Indigenous lands, territories, resources, knowledges and geographical indicators, are represented and identified within data.*

A1: Recognizing rights and interests

Indigenous Peoples have rights and interests in both Indigenous Knowledge and Indigenous data. Indigenous Peoples have collective and individual rights to free, prior, and informed consent in the collection and use of such data, including the development of data policies and protocols for collection.

A2: Data for governance

Indigenous Peoples have the right to data that are relevant to their world views and empower self-determination and effective self-governance. Indigenous data must be made available and accessible to Indigenous nations and communities in order to support Indigenous governance.

A3: Governance of data

Indigenous Peoples have the right to develop cultural governance protocols for Indigenous data and be active leaders in the stewardship of, and access to, Indigenous data especially in the context of Indigenous Knowledge.

Responsibility*: Those working with Indigenous data have a responsibility to share how those data are used to support Indigenous Peoples' self-determination and collective benefit. Accountability requires meaningful and openly available evidence of these efforts and the benefits accruing to Indigenous Peoples.*

R1: For positive relationships

Indigenous data use is unviable unless linked to relationships built on respect, reciprocity, trust, and mutual understanding, as defined by the Indigenous Peoples to whom those data relate. Those working with Indigenous data are responsible for ensuring that the creation,

interpretation, and use of those data uphold, or are respectful of, the dignity of Indigenous nations and communities.

R2: For expanding capability and capacity

Use of Indigenous data invokes a reciprocal responsibility to enhance data literacy within Indigenous communities and to support the development of an Indigenous data workforce and digital infrastructure to enable the creation, collection, management, security, governance, and application of data.

R3: For Indigenous languages and worldviews

Resources must be provided to generate data grounded in the languages, worldviews, and lived experiences (including values and principles) of Indigenous Peoples.

Ethics: Indigenous Peoples' rights and wellbeing should be the primary concern at all stages of the data life cycle and across the data ecosystem.

E1: For minimizing harm and maximizing benefit

Ethical data are data that do not stigmatize or portray Indigenous Peoples, cultures, or knowledges in terms of deficit. Ethical data are collected and used in ways that align with Indigenous ethical frameworks and with rights affirmed in UNDRIP. Assessing ethical benefits and harms should be done from the perspective of the Indigenous Peoples, nations, or communities to whom the data relate.

E2: For justice

Ethical processes address imbalances in power, resources, and how these affect the expression of Indigenous rights and human rights. Ethical processes must include representation from relevant Indigenous communities.

E3: For future use

Data governance should take into account the potential future use and future harm based on ethical frameworks grounded in the values and principles of the relevant Indigenous community. Metadata should acknowledge the provenance and purpose and any limitations or obligations in secondary use inclusive of issues of consent.

To learn more about the CARE Principles for Indigenous Governance, visit: https://www.gida-global.org/care.

See also: Carroll, Stephanie Russo, et al. 2020. The CARE Principles for Indigenous Data Governance. *Data Science Journal*, 19: 43, pp. 1–12. https://doi.org/10.5334/dsj-2020-043