



DEH CHO FIRST NATIONS

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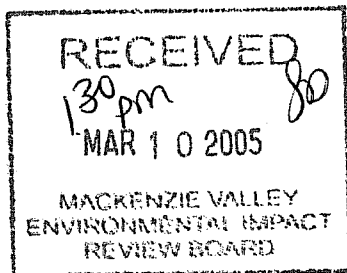
FACSIMILE TRANSMITTAL SHEET

TO: Mackenzie Valley Land and Water Board	FROM: DFN Office
COMPANY: MVI.WB	DATE: Thursday, March 10, 2005
FAX NUMBER: (867) 766-7074	NO. OF PAGES INCLUDING COVER: 11
RE: DFN Traditional Knowledge Research Protocol	OPERATOR: Tina Visser

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

This is the official TK protocol, accepted by the Leadership October 26-28, 2004



Deh Cho First Nation
Traditional Knowledge Research Protocol

By; Samuel Gargan
Assistant Negotiator

Accepted by Leadership Resolution # 12 October 26 – 28, 2004

Traditional Knowledge Research Protocol

Introduction

The following Traditional Knowledge Research Protocol is intended for the sole consideration of the Dehcho First Nation(s). The purpose of the Traditional Knowledge Research Protocol is to provide guidelines that can assist Deh Cho communities in negotiating Terms and Conditions for the use of Traditional Knowledge in external research studies and industrial development.

This protocol has been drafted with guidance from the Sambaa K'e Dene Band's Policy Regarding the Gathering, Use, and Distribution of Traditional Knowledge, the ACUNS Ethical Principles for the Conduct of Research in the North, the West Kitikmeot Slave Study, the Gwich'in Tribal Council's, draft, Traditional Knowledge Policy, and the Dehcho Land Use Planning Committee's Traditional Knowledge Policy.

This third and final draft of the Traditional Knowledge Research Protocol incorporates comments and concerns from DFN Leadership, Elders, staff, membership, interested individual and organizations. This third draft is intended for discussion purpose only with its membership, and is a working document that will be revised as needed.

Once the general principles of a Protocol have been agreed upon, Deh Cho First Nation(s) can work towards drafting a Consent Form and a Research Agreement template. A Research Agreement template may assist communities in negotiating the specific Terms and Conditions for external projects that involve Traditional Knowledge.

Dehcho First Nation Traditional Knowledge Protocol

Mission Statement

We the Dene of Dehcho continue to flourish on this, "our homeland" since time immemorial. Our survival depends on our values of caring and sharing. We live for each other and our collective knowledge of our past shapes us all for today and what we do now will ensure the destiny of our future generation. This is our duty and obligation.

Statement of Protocol

As First Nations we continue to exercise our vast storage of Traditional Knowledge through centuries of observation, experience and practices. We live in harmony with the land and all living things. The Dehcho Government recognizes that Traditional Knowledge is valid and essential source of information for today and into the future.

Definition

First Nation Communities or Groups in the Dehcho Territory that promotes, practice and exercise their language, culture and heritage regardless of status under the Indian Act.

Researchers Includes, Governments, Learning Institutions, Industries, Developers and Interest groups.

Traditional Knowledge The collective intellectual property of Dehcho First Nations' members to Stories, Customs, Experiences, Knowledge, Practices, Beliefs and Spiritual Teaching passed on by our parents from our ancestors. This Knowledge will continue to exist and be passed on to our children and future generation. The rights to this knowledge must be protected.

Dehcho Territory Inserted map of asserted Dehcho Territory

Preamble

The Dene continue to possessed Traditional Knowledge, including traditional land use and occupancy mapping which has been documented by Dehcho First Nation. This body of knowledge reflects the knowledge, teachings, practices, experiences, beliefs, customs, values and principal of the Deh Cho People. Numerous Dehcho members contributed to this body of documented Traditional Knowledge. However, this information in whole, or in part, is not considered to constitute all the Traditional Knowledge of the Dehcho First Nations(s).

The Dehcho First Nation(s) have the exclusive rights and interests in continuing their documentation of traditional knowledge information and recognize that written, verbal and visual documentation of Traditional Knowledge are important tools by which knowledge can be stored, displayed, and analyzed to assist in land and resource decision-making. Dehcho communities are at various stages of documenting Traditional Knowledge and have specific goals regarding the gathering, use, storage and sharing of this Knowledge.

However, Dehcho First Nation(s) are under increasing pressure from outside agencies, researchers, and Industry regarding the acquisition, sharing, and use of Traditional Knowledge, whether documented or not. Dehcho First Nation(s) recognize that outside agencies, researchers, and Industry may seek to use Dehcho Traditional Knowledge to further their own interests in Dehcho lands and resources. Dehcho First Nation(s) further recognize that this may, or may not be, in the best interest of their members.

Therefore, the Dehcho First Nations Traditional Knowledge Research Protocol is intended to provide regional guidelines for the documentation, use, and distribution of Traditional Knowledge by external agencies. This Protocol is intended to assist Dehcho communities in facilitating discussion with outside agencies, researchers, and Industry regarding the use of Traditional Knowledge. This Policy may serve as a finished document, or as a template for communities to develop their own community-specific Protocol for the use of Traditional Knowledge.

Research Policy: Guidelines for Communities

Stewardship

The Dehcho First Nations have always considered the land to be spiritual and ancestral, therefore they collectively, share stewardship and full rights over the gathering, use, distribution, and storage of Traditional Knowledge. Decisions concerning the use of Traditional Knowledge by outside agencies must therefore be made through a Governing body which would include the Dehcho Resource Management Authority

Gathering and Use

Through this shared stewardship, Dehcho First Nation(s) are the primary guardians, protectors and interpreters of Traditional Knowledge. Dehcho First Nation(s) require informed consent prior to outside agencies, Industry, government, researchers, or other interested parties receiving access to any documented Dehcho Traditional Knowledge. The Dehcho communities have the right to deny any outside party access to any documented Traditional Knowledge that they possess.

For clarity, informed consent requires that Dehcho communities receive written requests that detail the nature of the request, the reason for the request, and how the information will be used. Informed consent also requires that outside parties adhere to community

policies. All requests granted by Deh Cho First Nation(s) will be subject to written confidentiality agreements that contain limited use and distribution clauses.

As the primary guardian, protectors and interpreters of Traditional Knowledge, Deh Cho First Nation(s) communities will retain primary management of research studies and projects that involve Traditional Knowledge. Co-management arrangements may be made with outside agencies, at the discretion of the community.

Traditional Knowledge may only be gathered for use by outside agencies for specific purposes only as outlined in signed Agreements including clarity on intellectual property.

Distribution and Storage

Any Traditional Knowledge documented by outside party may only be used for the purposes outlined in a signed agreements, or as otherwise agreed to in writing, individual Dehcho members will retain anonymity when Traditional Knowledge is utilized and/or distributed by outside agencies.

All research studies containing Traditional Knowledge shall be summarized in a plain language report (English and Slavey, as determined by the community) and on audiotape (in Slavey, as determined by the community). Final research reports shall be approved by the respective Dehcho community before being released to any external agency.

Copies of all Traditional Knowledge gathered will be kept and stored by the Dehcho First Nation(s). Information designated confidential will be treated as confidential by the community, as represented by the local First Nation(s), or other designated body. Traditional Knowledge in any documented form shall not be appropriated or stored by outside agencies without prior consent.

Research studies or development projects that seek to utilize Traditional Knowledge shall offer Dehcho community members training and/or employment opportunities, in order that members can participate in the research.

Benefits

External agencies, such as Government, Industry, Researchers, and even the Dehcho Land Use Planning Committee often request that Dehcho communities and members participate in research studies and development projects. Often, these projects involve the sharing of Traditional Knowledge. Fair compensation will be provided to individuals who participate in various studies and research.

Subject to informed consent and confidentiality agreements, outside parties, including researchers, government, and Industry will compensate members of the Dehcho First Nation(s) for their participation in any project, including projects that involve Traditional Knowledge or expertise. Rates for participating in research studies and development projects will be based on Knowledge being shared but not sold. The suggested day rate

will be an honorarium set through negotiation with the Research Proponent and the Dehcho Resource Management Authority.

Employment Opportunities

Dehcho First Nation(s) recognize that certain research studies, development proposals, and other initiatives are occurring, or are proposed, within Dehcho Territory that offer Dehcho members opportunity for employment either through their expertise, knowledge or equipment. Dehcho First Nation(s) recognize that there is uncertainty and potential conflict when Dehcho members are employed by Industrial developments, research studies, and other initiatives that conflict with the Dehcho Process, local First Nation(s) Resolutions, or regional Leadership positions.

Dehcho First Nation(s) recognize that there are employment needs within the region and Dehcho members have the right to choose their own employment. Dehcho First Nation(s) assert that employment in a specific project or development does not constitute individual consent or support for any project or project component. Similarly, employment by Dehcho members or companies in particular research or development projects does not constitute community or regional support of projects, in whole, or in part. Dehcho First Nation(s) assert that the employment of individual Dehcho members or Dehcho companies is entirely without prejudice to the Dehcho Process, Community First Nation Resolutions, and or regional Leadership and Assembly resolutions.

In order to protect the collective interests of the Dehcho Dene any Traditional Knowledge that is shared with outside agencies through employment or research opportunities, that is not subject to a community-approved Agreement, is not in whole, or in part, representative of the collective Traditional Knowledge of the Dehcho people and cannot be used to represent Dehcho First Nation(s) in any capacity.

Research Steps: Guidelines for Researchers

Researcher

A researcher is any person, agency, government body, public or private organization proposing a research project in Dehcho territory that requires a license, permit, or other authorization under the Scientists Act, Wildlife Act, Archaeological Sites Regulations, Mackenzie Valley Land Use Regulations, Northwest Territories Waters Act, Mackenzie Valley Resource Management Act, Fisheries Act, or other applicable legislation or regulations.

Researchers will abide by any Dene laws, regulations, customs, or protocols in place in the Dehcho communities and region.

No research will begin before the researcher has signed a community-approved research Agreement and has obtained informed consent of individuals who might be affected, or their guardian.

No undue pressure will be applied to obtain consent for participation in a research project.

The research should take into account the knowledge and experience of the people, and respect that knowledge and experience in the research process.

The research must respect the privacy and dignity of the people. Researchers are encouraged to familiarize themselves with the culture and traditions of communities.

Greater consideration should be placed on the risks to physical, cultural, environmental, and humane values than to the potential contribution of the research.

A signed Agreement pertaining to any research project is deemed a Memorandum of Understanding, and is not a legally binding document for Deh Cho First Nation(s). Individuals or communities may withdraw from research projects at any time.

Steps

- Researchers(s) will meet with the community to develop the research area and project. The general test for approval will be the successful demonstration of how research will serve Dehcho interests. Before finances are secured the researcher or research project must meet the community to set standards and topic areas. The research proponent may be provided with an outline based on previous research to be used as a basis for negotiating a research agreement.
- Prior to filing an application for research, the research Proponent shall first meet with the community to explain what information is required, the purpose, intended use, potential benefits, and the potential harms of the research. Researchers will clearly identify research sponsors, funding sources, and any persons involved in the research.
- The community will provide a copy of the Traditional Knowledge Protocol to the Proponent and discuss the types of working arrangements that may be established.
- All meetings initiated by the Proponent will be subject to reasonable administrative, honorarium, interpreter, equipment, and facility fees, as determined by community policy.
- During the preliminary meeting, the community will review the information provided and determine whether to support the research, subject to Terms and Conditions and the negotiation of an acceptable Agreement, or to reject the research proposal.

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- If the community agrees in principle to support the research proposal, further meetings may be required to work out the Terms and Conditions for support.
- Costs for subsequent meetings will be determined by community policy.
- Where the community requires outside technical assistance, the Proponent shall fund the community to retain, at reasonable cost, technical consulting services.
- Where the community supports the research activity in principle, a committee will be established, funded by the Proponent, to develop a Research Agreement. The committee will have representatives of the local First Nation, Elders, community members and the Proponent.
- A Research Agreement will specify:
 - The type of information being gathered;
 - The specific use for the information;
 - The Terms and Conditions attached to the research process, including local hiring and contractual arrangements;
 - The Terms and Conditions for the gathering, use, storage, and distribution of information;
 - The Terms and Conditions for the use of existing materials and documented knowledge;
 - The Terms and Conditions pertaining to confidentiality;
 - Any other Terms and Conditions, as required.

The Agreement shall be approved through a First Nation Resolution.

- Where an Agreement has been signed, the Dehcho Resource Management Authority will play a lead role in project implementation. Where an Agreement has been violated, the Deh Cho First Nation(s) will either assume full authority over any project activities until any outstanding issues have been resolved, or terminate the Agreement without further notice.
- Summary documents of the research activity shall be prepared and submitted by the Proponent, subcontractor(s) and or the Dehcho Resource Management Authority to the community. Copies of all research activity and working documents including, but not limited to, field collection tally sheets, notes, photographs, drawings, interview transcripts, audiotapes, and maps shall be submitted to the community.
- The summary documents and working documents shall be reviewed by the community, or its designated body, to determine the reliability and validity of the information submitted. The summary documents shall also be reviewed for consistency with the community Traditional Knowledge Protocol and the Agreement. The summary documents may be returned to the Proponent for further revision, as deemed necessary, prior to authorizing further use.

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- Disagreement over the general content of the summary documents shall first be negotiated and subsequently arbitrated according to a process agreed upon by the Deh Cho First Nation(s) and the Proponent. However, the Deh Cho First Nation(s) (community) retains the exclusive right to remove raw information or individual identifiers from any document.
- Where the Deh Cho First Nation(s) and the Proponent agree on a final project reports, they shall indicate such agreement in writing. All information collected will be permanently stored and treated as confidential by the community.



DEHCHO FIRST NATIONS

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Fall Leadership
Fort Simpson, NT
October 26-28th, 2004

Resolution # 12

RE: Traditional Knowledge Research Protocol

Moved by:

Chief Roy Fabian
K'atlodzeche First Nation

Seconded by:

Proxy Richard Lafferty
Metis Local 57

1 Abstention
Carried

Certified copy of
resolution made at Lildll
Kue First Nation, October
28th, 2004

Herb Norwegian
Grand Chief

WHEREAS, the Traditional Knowledge protocol has gone through consultation and three drafts have been presented to the Dehcho First Nation Leadership; and

WHEREAS, the Traditional Knowledge Research Protocol has gone through a complete consultation with the Leadership, the Elders, and First Nation organizations to its final draft; and

WHEREAS, the intent of the Traditional Knowledge Protocol is to protect our way of life and help ensure that our knowledge is used appropriately in science studies and research;

THEREFORE BE IT RESOLVED, that the 2004 Fall Leadership accepts the Third and final draft of the Traditional Knowledge Research Protocol; and

BE IT FURTHER RESOLVED, that the Fall Leadership consider the Traditional Knowledge Research protocol to be a public document for circulation; and

BE IT FURTHER RESOLVED, the Fall Leadership directs the Dehcho First Nations to develop a policy paper for our Dehcho Government.