

SAMBAA K'E DENE BAND POLICY REGARDING THE GATHERING, USE, AND DISTRIBUTION OF YÚNDÍIT'ÓH (TRADITIONAL KNOWLEDGE)

FEBRUARY 26, 2003

Preamble

Whereas the Smbaa K'e Dene have lived in close relationship with the land in the southern Northwest Territories, northern Alberta, and northern British Columbia since time immemorial; and

Whereas the Smbaa K'e Dene Band (SKDB) believes strongly that the ongoing survival of its people depends to a great extent on the knowledge and experience of the elders and other experienced users of the land; and

Whereas the ongoing integrity of the land is of utmost concern to the Smbaa K'e Dene;

Therefore be it Resolved that the Smbaa K'e Dene Band will take all steps necessary to ensure that all land use and resource development activities in the Smbaa K'e traditional land use area incorporate *yúndít'óh*¹ (traditional knowledge) at all phases of development -- including research and planning, project implementation, ongoing project monitoring, and closure / remediation – according to the principles and procedures identified in this policy document.

Definition

For the purposes of this policy, *yúndít'óh* includes:

- The collective and evolving stories, experiences, practices, knowledge, and beliefs of our ancestors that developed from a close relationship with the land and are held in trust by our elders for future generations, and
- Knowledge and information gained through previous experiences with land and resource development in this area and through contemporary land use activities and practices.

Waiver

This Yúndít'óh Policy has been prepared without prejudice to the Deh Cho Process and the inherent governance and land use rights of the Smbaa K'e Dene.

¹ Yúndít'óh [yoo-ndi-t'oh -- [where *t'* is a sharp sound and *oh* is a nasal sound] might be translated as “the past time of the land” or as “our heritage” and includes all of the stories, legends, experiences, practices, beliefs, etc. of the Smbaa K'e Dene people from time immemorial.

Principles

The gathering, use, and distribution of Sambaa K'e *yúndít'óh* will be guided by the following principles:

- *Yúndít'óh* is derived from a traditional process of intuition, observation, testing, and validation and is of equal value to western scientific processes.
- *Yúndít'óh* belongs to the Sambaa K'e Dene as a whole and is therefore a collective responsibility. Decisions concerning what *Yúndít'óh* information to share with outside agencies must be made through a community process, with the full and active involvement of the elders.
- *Yúndít'óh* is closely linked with, and dependent on, the language in which it is rooted and must therefore be documented and shared to the greatest extent possible in the Sambaa K'e *Dene Yatie* dialect.
- Primary management of research and other activities involving *yúndít'óh* should remain with the Sambaa K'e Dene Band or its designated body, although co-management arrangements may be negotiated as needed to further the interests of the SKDB.
- Ownership and copyright of all Sambaa K'e *yúndít'óh* remains with the community as a whole, as represented by the Sambaa K'e Dene Band, and may only be gathered and used by outside agencies for specific purposes under a *Yúndít'óh* Research Agreement and with the permission of the community.
- *Yúndít'óh* is held by both men and women, so women should be involved in *Yúndít'óh* research activities to the greatest extent possible.
- Research and other activities that utilize both *yúndít'óh* and a western scientific component must include training, so that Sambaa K'e Dene Band members can learn to use and apply western approaches and technology to the gathering and use of land and resource information.
- *Yúndít'óh* gathered for the use of outside agencies must be summarized in a plain language report (in English) and on audio tape (in *Dene Yatie*) and must be reviewed and ratified by the Sambaa K'e Dene Band before being released.
- Copies of all *yúndít'óh* information gathered within the Sambaa K'e traditional land use area must be provided to the SKDB for secure filing. Information designated confidential will be treated as such by the SKDB.

Yúndít'óh Research Procedures

Step 1

The research Proponent must first meet with the Sambaa K'e Dene Band (SKDB) to state what information is required and the purpose and use of the information requested. The SKDB will provide further information on its *Yúndít'óh Policy* and the types of working arrangements that can be established between the Proponent and the community.

Where the Proponent has called this preliminary meeting or initiated the research, the Proponent will pay the SKDB an Administration Fee to cover the costs of the meeting according to rates established by the community (see Appendix A). This fee will cover all administrative, honoraria, and facility costs borne by the SKDB with respect to the meeting. The proponent will also cover the costs of local interpreter services and equipment provided by the SKDB at rates established by the community (see Appendix A). Catering and other costs will be extra, on an as-needed, as-negotiated basis.

Step 2

The SKDB will review the information provided at the preliminary meeting and determine whether to support the research, pending negotiation of an acceptable *Yúndít'óh Research Agreement*. The SKDB may recommend terms and conditions for its support. Further meetings with the proponent may be required, and the natures and costs of these meetings will be negotiated between the SKDB and Proponent as needed. Where the SKDB requires technical advice regarding the research proposal, and where this advice is not available through existing personnel, the Proponent shall fund the SKDB to retain, at reasonable cost, technical consulting services.

Step 3

Where the SKDB supports the research activity in principle, a Project Working Group will be established, funded by the Proponent. This Working Group will normally include representatives of the SKDB, the Sambaa K'e Development Corporation, and the Proponent. The Sambaa K'e Dene Band may request funded to retain technical consulting services, as needed, for the project.

The Working Group will develop a Sambaa K'e *Yúndít'óh Research Agreement* or other appropriate agreement that will specify:

- The type(s) of information being gathered
- The specific use(s) for this information
- Any terms or conditions attached to the research process, including local hiring and potential contractual arrangements with the Sambaa K'e Development Corporation or other community agencies

- Any terms or conditions for the use of existing materials, such as traditional maps
- Terms of usage, copyright, storage, ownership, etc.
- Other terms as may be required.

This Agreement may be negotiated, as required, to suit the needs of the community and Proponent. Where local participation is warranted, the Sambaa K'e Development Corporation will provide resource people and other services on a contractual basis to the Proponent. For larger or longer term projects, the SKDC may be the primary contractor or subcontractor for the gathering of certain types of information and preparation of summary documents and reports. This Agreement will be approved through a SKDB Band Council Resolution.

This Agreement will allow the Proponent to use the information gathered for the purposes identified, at no additional expense. However, use or transfer of the information for purposes other than those specified in the Agreement would require the permission of the Sambaa K'e Dene Band and may entail additional cost.

Step 4

Where a Research Agreement has been signed, the Project Working Group will play a lead role in project implementation, as long as the terms of *Yúndít'óh Research Agreement* are being fulfilled. Where the Agreement has been violated, the Sambaa K'e Dene Band will assume full authority over any project activities until any outstanding issues have been resolved.

Step 5

Summary documents of the research activity shall be prepared and submitted by the Proponent, subcontractor(s), and/or Working Group to the Sambaa K'e Dene Band. Copies of all research activity working documents (such as, but not limited to, field collection tally sheets, notes, pictures, interview transcripts, and/or audio-video tapes, etc.) shall also be submitted to the SKDB. All information shall be regarded as confidential.

Step 6

The summary documents shall be reviewed by the SKDB or a designated body to determine the reliability and validity of the information submitted and its consistency with the *Yúndít'óh Research Agreement*. The SKDB may return the documents for further revision and re-submission, as needed, prior to authorizing their use. Disagreement over the use of certain information or materials will first be negotiated and subsequently arbitrated according to a process agreed upon by the SKDB and the Proponent.