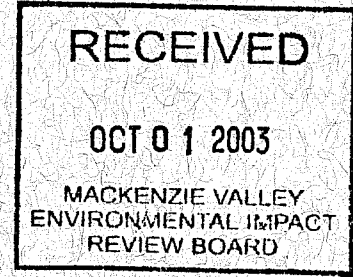






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September 30, 2003-10-01

**Todd Burlingame**  
Chair: Mackenzie Valley Environmental Impact Review Board  
Box 938, 200 Scotia Centre, (5102-50th Avenue),  
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**RE: Use of Confidential Reports and Maps Submitted by the Yellowknives Dene First Nation (YKDFN) Land and Environment Committee**

Dear Mr. Burlingame,

The YKDFN would like to thank the Review Board for its letter of clarification dated September 23, 2003 regarding the submission and use of YKDFN contemporary and Traditional Knowledge.

The YKDFN is submitting the attached documents under confidential cover letter and is explicitly requesting confidential consideration of the detailed information. The YKDFN understands the Mackenzie Valley Environmental Impact Review Board (Review Board or Board) will rule on the confidentiality of the documents<sup>1</sup>.

The YKDFN requests that all detailed site specific information in the documents be treated confidentially. The YKDFN encourages and supports the Board's use of the information in its decision making and the Review Board is free to aggregate the detailed

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<sup>1</sup> *Archaeological Overview Assessment of Mineral Exploration and Aggregate Extraction in the Vicinity of the Drybones Bay, Great Slave Lake, Northwest Territories.*

*Preliminary Report on the Cultural and Historical Resources of the Drybones and Wool Bay Areas.*

*Government of the Northwest Territories (GNWT), Department of Resources Wildlife and Economic Development, Wildlife and Wildlife Related Activities in the Wool and Drybones Bay areas, and Great Slave Lake. July 2003.*

A section of the traditional knowledge map used for negotiations with the government of Canada.

preliminary information from the reports for its findings, decisions, and recommendations. That is, the Board is free to discuss the reports and their contents in general terms (e.g. the density, quantity and quality of valued socio-cultural evidence, general geographic distribution of the evidence, and the contribution of the evidence to evaluating the significance of impacts).

Fundamentally, the YKDFN do not want the information contained in the reports to be simply treated as points on a map for development management and mitigation purposes. Those places and the information those places contain are not just archaeological sites. They are part of our social and cultural identity. They represent a small fragment our recent and distant past and are the way we communicate and pass on our culture.

1. The YKDFN considers the evidence it is submitting confidential for the following reasons. *There are diverse notions of protection, preservation and safeguarding of traditional knowledge. Protection can apply directly to TK as an object of protection in itself, to the preservation of the social and cultural context in which TK is developed and maintained, and to the distinctive forms and expressions in which TK is communicated and transmitted. Protection may also be directed towards distinctive signs, symbols and reputations associated with a community's TK. Each of these protection contexts is vitally important and the overall approach to protection needs to be comprehensive and responsive to the needs and interests of the traditional community concerned.*<sup>2</sup>

Keeping the document information confidential will help to protect the information. Protection is needed because it is not just the sites or artefacts that are important. It is the social and cultural context they are embedded in that is important. The reports submitted about Drybones and Wool Bays show the cultural expression of the YKDFN on the landscape through the social patterns and activities that happened on the land. Disturbance of that evidence will significantly and adversely impact the YKDFN and its social and cultural context.

The information provided in the attached documents is in many ways inseparable from the culture and the identity of the YKDFN; it represents, in small part, the knowledge we have of ourselves, as passed on by our ancestors.

2. The general concept of Traditional Knowledge has a holistic quality and a potentially very wide scope, reflecting its integral relationship with the life, cultural identity and spiritual beliefs of the YKDFN.

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<sup>2</sup>*Intergovernmental committee on intellectual property and genetic resources, traditional knowledge and folklore Fifth Session Geneva, July 7 to 15, 200. COMPOSITE STUDY on THE PROTECTION OF TRADITIONAL KNOWLEDGE.*

The information provided in the attached documents is not about a society and culture that has long been forgotten. It is about the YKDFN, and its culture, a culture that is very much alive. The information contained in the submitted documents is integral to the YKDFN life, cultural identity, and spiritual beliefs. That relationship is reflected in the documents by the evidence, but also exists at a cultural level and includes deeply held spiritual beliefs that are not communicated in the documents.

3. The YKDFN ask the Review Board to treat the documents in order to:
  - safeguard against third party claims of rights over the subject matter,
  - protect the subject matter against unauthorized disclosure or use,
  - protect distinctive TK-related spiritual areas, and
  - prevent culturally offensive or inappropriate use of the material.
  
4. There is a distinctive link between the YKDFN who prepared the documents, and the social fabric and everyday life of our community. The information is not separate from our culture, but is integral with our culture and its identity as a community. The reports in part formalize what we as a community know based on the generation, preservation and transmission of our cultural traditions. Hence, the documents are essentially culturally-oriented or culturally-rooted, and integral to our cultural identity and in which it operates and is preserved.<sup>3</sup> They YKDFN have significant concern about diminishing the importance of the Drybones and Wool Bay areas by simply considering individual sites to the exclusion of the collective cultural value they represent. This will happen if the information is not properly managed.

The YKDFN appreciate the importance of a transparent environmental assessment process. For that reason, the Review Board is encouraged to use the information in its decision and to communicate the information, as long as it does not release point source information, and as long as the information is treated as a collective representation of YKDFN culture.

The YKDFN request that your Executive Director keep them in secure place and that only his staff and Board have access to the documents. Please, only make copies for your Board members, and when the environmental assessment is complete, please return the original and all copies under appropriate cover letter.


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<sup>3</sup> See document WIPO/GRTKF/IC/4/8, paragraph 28.

If the Board has any questions regarding the use of the information, please contact our legal counsel, Mr. Greg Empson, he can provide any additional guidance requested to your counsel if necessary.

Sincerely,

  
Chief Peter Liske – Dettah

  
Chief Darrell Beaulieu - Ndilo

  
Ernie Campbell, Manager  
Wildlife & Environment, North Slave Region  
*R.W.E.D.*

c.c. Sherry Sian, Mackenzie Valley Environmental Impact Review Board  
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