



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-035

TITLE: Request for Federal Government to Develop Guidance on Recognizing Tribal Sovereign Jurisdiction over Traditional Knowledge

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, there is increasing acknowledgement that Indian tribes possess traditional knowledge that is equivalent to the value of scientific knowledge in solving environmental problems caused by global environmental change and climate change; and

WHEREAS, traditional tribal knowledge is a core part of our identity and ways of life, is highly spiritual and carries obligations for its appropriate use;

WHEREAS, such knowledge includes, but is not limited to use of medicinal plants and knowledge of traditional habitats; and

WHEREAS, some of our traditional knowledge is so sacred that it cannot be shared outside of our members and tradition holders; and

WHEREAS, in this context, Federal agencies, scientists and others are approaching tribes for access to their traditional knowledge and funding traditional knowledge compilation projects without guidance; and

WHEREAS, the Federal government, in accord with the federal trust responsibility, should recognize the sovereign rights of tribes to control access to and the use of their traditional knowledge and the right to free, prior and informed consent (FPIC) to give or deny access to it; and

WHEREAS, traditional knowledge should also only be accessed through the government-to-government process that respects the sovereign right of each Tribe to determine its appropriate process with its tradition holders for access and FPIC; and

WHEREAS, the emphasis on the utilization of traditional knowledge should focus on support for its application by tribes to solve environmental and climate problems without the need for sharing it; and

WHEREAS, in those cases where traditional knowledge may be shared by the tribes, measures need to be developed to ensure that it is used appropriately, that tribes are protected in policy and law against its misuse and that the tribes are able to determine and receive benefits from its use; and

NOW THEREFORE BE IT RESOLVED, that the Federal government work with tribes to develop appropriate guidance on how to approach tribes for access to traditional knowledge, while also respecting the right of each tribe to develop its own terms of access; and

NOW THEREFORE BE IT RESOLVED, that the Federal government work with its funding agencies to ensure respect for and protection of these rights in all federally-funded projects; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary