

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

- WHEREAS**, the Tribal Council of the White Mountain Apache Tribal Council has consistently supported initiatives to protect and make appropriate use of places, objects, traditions, and information important in the history and culture of the White Mountain Apache Tribe and the Fort Apache Indian Reservation, also known as "heritage resources and intellectual property"; and
- WHEREAS**, as the cumulative patrimony of past, present and future generations of White Mountain Apache (Ndee), and as the foundations for the Tribe's distinctive identity, sovereignty, and right to self-determination, Heritage Resources and Intellectual Property demand the highest levels of respect and protection; and
- WHEREAS**, researchers, authors, artists, and less well-intentioned individuals and entities continue to remove Ndee Heritage Resources and Intellectual Property from the rightful, exclusive, and communal control of the Ndee; and
- WHEREAS**, there are long-standing and escalating concerns regarding the misappropriation and misuse of Heritage Resources and Intellectual Property to enhance personal wealth and status at the expense of Ndee cultural, tribal, communal, and personal health, welfare, and vitality; and
- WHEREAS**, Representatives of the White Mountain Apache Tribe Heritage Program, Education Department, Forestry Department, Wildlife and Outdoor Recreation Division, and Legal Department have participated in introductory meetings with representatives of the Indian Health Service and Bureau of Indian Affairs, who act as trustees for the welfare of the White Mountain Apache Tribe and its membership, to address concerns linked to the escalating misappropriation and misuse of Heritage Resources and Intellectual Property; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe desires to support the proper communal ownership and control of Ndee Heritage Resources and Intellectual Property by and for the Ndee.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and endorses the establishment and operation of the *Intellectual and Cultural Property and Research Review Committee*.
- BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the *Committee* shall be chaired by Ms. Bernadette Adley-Santamaria, with the co-chair to be elected by the *Committee*, and shall include, as voting members, the Cultural Resources Director, the Tribal Forester, the Sacred Sites Program Manager, the Education Department Director, the Wildlife and Outdoor Recreation Division Director, and the Tribal Attorney, with the Whiteriver Indian Health Service Area

Director and the Bureau of Indian Affairs Superintendent invited to participate as advisors.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the *Committee* shall--in consultation with the Cultural Advisory Board, other community leaders, and other entities and institutions, as appropriate--expeditiously pursue the following tasks and shall submit to the White Mountain Apache Tribal Council a report on the *Committee's* accomplishments as they relate to these tasks:

1. Identify and define Ndee Intellectual Property and the diverse values and uses associated therewith; and
2. Identify and define the threats to Ndee Intellectual Property the consequences and implications of damage, loss, and misappropriation of Ndee Intellectual Property; and
3. Establish a draft policy for the assertion of Ndee Intellectual Property Rights and for the protection and appropriate use of Ndee Intellectual Property and Heritage Resources; and
4. Establish draft procedures for regulating access to and use of Ndee Intellectual Property and Heritage Resources by researchers, authors, artists, and other individuals and entities, including criteria for use in granting and denying access to and use of Ndee Intellectual Property and Heritage Resources; and
5. Incorporate the products of the *Committee's* efforts into the draft Heritage Ordinance for consideration and eventual enactment by the White Mountain Apache Tribal Council.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the *Committee* shall, pending the Tribal Council's adoption of either the Heritage Ordinance or formal procedures, receive, review, and offer recommendations to the Tribal Council regarding, all requests from researchers, authors, artists, and other individuals and entities to access or use of Ndee Intellectual Property and Heritage Resources.

The foregoing resolution was on December 19, 2001 duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (f), (g), (h), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council