ASSEMBLY OF FIRST NATIONS

First Nations Ethics Guide on Research and Aboriginal Traditional Knowledge

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Introduction

Contemporary interest in Aboriginal Knowledge (AK) over the past few years has brought new opportunities to explore concepts, contexts and new approaches in policy and management regimes; however, there are challenges in determining best practices and use ethics for AK in research and application. AK is culturally, historically and community defined; it is location specific and reflects the particular conditions of unique cultures and peoples in specific geographic locations.

Government, academia and First Nations have been struggling to reformulate research methods to accommodate aboriginal cultural values. The practice of integrating traditional knowledge into western scientific methods has lead to some resistance from aboriginal populations. Aboriginal people are concerned about the appropriate use and protection of their knowledge. Many deem integrationist research and implementation methods as another form of colonization and exploitation, where knowledge is categorized into hierarchies and AK can be devalued, exposed, abused or used against Aboriginal empowerment to self-govern their resources.

First Nations, researchers and managers face a significant challenge in creating and applying new methods that respect two fundamentally different epistemologies. Ultimately, methods must respect that it is up to the First Nations to determine if and how their ATK can be applied or not. Many First Nations would like to see a parallel ATK process created along side with science in ways that are respectful, meaningful, and appropriate.

As we embark on a new paradigm shift in policy and decision making, it is essential that AK is clearly understood and a comprehensive ethics process can lay the foundation for entry in communities. It is important to create mutually respectful dialogue processes and respect ATK protocols before any measurement of success can be achieved.

This resource booklet is an informative compilation of views and perspectives about the appropriate use and better understanding of the role of ATK can play in policy development. This booklet was developed to provide insightful guidance for federal and provincial governments, Provincial Territorial Organizations and First Nation governments and their community members. This document is not

the official position of the Assembly of First Nations, but provides a framework for interested parties for future discussions.

PURPOSE

What is Aboriginal Knowledge?

Aboriginal Knowledge is not something that is easily defined or categorized. In a general sense, Aboriginal Knowledge is any and all knowledge that is Aboriginal in nature, content, origin, or character. The term Aboriginal Knowledge is understood to describe knowledge informed by aboriginal paradigms as applied to skills, understandings, expertise, facts, familiarities, beliefs, revelations and observations. Furthermore, AK is understood to include the customary ways in which aboriginal peoples have done or continue to do certain things, as well as the new ideas or ways of doing things that have been developed by Aboriginal peoples and which respect their traditions, cultures and practices. Many of these customary ways have been passed on from generation to generation and must be considered as sacred.

The Royal Commission on Aboriginal People (1996) describes indigenous knowledge as "oral culture in the form of stories and myths, coded and organized by knowledge systems for interpreting information and guiding action…a dual purpose to manage lands and resources and to affirm and reinforce one's relationship to the earth and its inhabitants." It is important to note that this culturally based knowledge varies from community to community.

What challenges arise when using Aboriginal Knowledge in research and management decision making?

Due to fundamentally different world views, several difficulties arise when non-First Nations attempt to use Aboriginal Knowledge in research and management decision making.

Western knowledge systems have evolved with the understanding that knowledge should be shared and tested. For example, the "Scientific Method" requires all results and data to be published. Since knowledge created or synthesized in discrete segments (i.e, reductionism) through western disciplines by individuals or small groups, western knowledge is often considered sole proprietary intellectual property. Western Knowledge is often created through adversarial processes in which knowledge is accepted only if it cannot be proven false (i.e., falsifiability). Notably, research methods often are created to "explain and predict" results through testing and common sense is rejected (i.e., positivism).

Aboriginal Knowledge is not built on European philosophies. Aboriginal Knowledge comes from the cumulative knowledge, observations, and understandings of First Nations and has evolved since time immemorial. Since it is often sacred, it is not always meant to be shared. Aboriginal Knowledge is collective and evolving and therefore not eligible for copyrights, patents, or other forms of legal protection. Furthermore, since Aboriginal Knowledge often is used to understand the world and informs actions and practices, it is frequently based on common sense and, in western philosophical terms, would be considered largely empirical.

Researchers who are unfamiliar with Aboriginal Knowledge may not follow proper protocols or traditional laws in accessing, using, or interpreting the knowledge. Most First Nations consider improper access, collection, use, or interpretation of Aboriginal Knowledge an act of theft. First Nations have also experienced difficulties working with researchers who fail to understand that not all knowledge can be shared or disseminated. In the past, researchers have devalued Aboriginal Knowledge as biased, subjective, and non-empirical. Many researchers approach First Nations as research subjects instead of partners, which adds further difficulties when designing respectful research methods. Questions regarding ownership frequently arise since Aboriginal Knowledge is legally ambiguous.

DRAFT STATEMENT OF PRINCIPLES

Principles of the Draft Framework

The following principles are suggested to address the general problems identified in the previous section. The suggested guiding principles are not adopted by AFN or any particular First Nation but are to provide the reader with general thoughts on First Nation perspectives. The following principles, explained within the context of Aboriginal Knowledge use, are suggested as the basis of an Aboriginal Knowledge Protocol:

Ownership, Control, Access and Possession (OCAP)	A First Nation Community retains ownership and control over Aboriginal Knowledge and its interpretation. A community will have full access to any documents and research that includes its Aboriginal Knowledge
Informed Consent	A First Nation Community will fully be informed about the use and interpretation of its knowledge as well as the frameworks and methodologies used prior to the collection and interpretation of knowledge. The community may grant or withhold its consent for its knowledge to be accessed, disseminated, or otherwise used.

Partnership	Researchers, Managers, and First Nation communities will work together in full partnership on research that involves Aboriginal Knowledge.
Academic Integrity	Researchers will respect Aboriginal Knowledge and not claim Aboriginal Knowledge as their own work.
Disclosure	Researchers will acknowledge and disclose the origin of any Aboriginal Knowledge used or referred to in research. Researchers must disclose when an invention, result, or finding is based on Aboriginal Knowledge.
Equity and Benefit Sharing	The benefit of any research, invention, or finding based on Aboriginal Knowledge should be equitably shared with the First Nation community that provided the knowledge.
Empowerment	Aboriginal Knowledge should be accessed and used in ways that empowers First Nation communities; researchers should not seek to qualify Aboriginal Knowledge or devalue its worth or the worth of its holders.

Draft Statement

The following draft statement may be used when considering possible agreements between researchers and knowledge-providing communities. The statements may be useful when creating ethics guidelines, protocols, agreements, or contracts for research. The statements below incorporate the aforementioned principles.

WHEREAS:

I. Aboriginal people are the guardians and interpreters of their culture, traditions and knowledge systems - past, present, and future.

II. Aboriginal Traditional knowledge, culture, languages and arts, are inextricably connected with their traditional lands, districts, and territories.

III. Aboriginal people have the right and obligation to exercise control to protect their cultural and intellectual properties and knowledge.

IV. Aboriginal knowledge is collectively owned, discovered, used, implemented, and taught and so its use and dissemination must be collectively approved through mechanisms identified by the community.

V. Aboriginal Communities own their unique knowledge and have the right to control their own community knowledge and negotiate locally respecting levels of authority; [1]

[1] *Research Principles and Protocols- Mi'kmaw Ethics Watch*, Unama'ki College of Cape Breton University

VI. A community maintains ownership, control, access and possession to all Aboriginal Knowledge used in research or the design of management protocols, practices, or policies.

THEREFORE:

1. First Nation communities have full rights over their unique Aboriginal Knowledge.

    a. The rights First Nation communities hold over Aboriginal Knowledge are inextinguishable.

    b. No agreement made pertaining to the use of Aboriginal Knowledge for research, decision making or instruction purposes abrogates or derogates First Nation rights to and over Aboriginal Knowledge.

2. First Nation rights over Aboriginal Knowledge are to be interpreted broadly.

3. First Nation rights over Aboriginal Knowledge are understood to include the rights to:

    a. ownership over their unique Aboriginal Knowledge;

    b. control the use of, access to, and dissemination of their unique Aboriginal Knowledge;

    c. access any study, database, research, or other work that references, interprets, builds upon, or otherwise uses their unique Aboriginal Knowledge;

    d. fully possess and own any database, study, data set, recording, or other documentation of their unique Aboriginal Knowledge;

    e. negotiate locally respecting levels of authority over their unique Aboriginal Knowledge;

    f. establish protocols, structures, institutions, or similar bodies to govern the use of and access to their unique Aboriginal Knowledge;

    g. full information about how a researcher, inventor, third party, or other non-Aboriginal Knowledge holder intends to use their unique Aboriginal Knowledge;

h. freely grant or withhold consent to the use, access, dissemination, and interpretation of their unique Aboriginal Knowledge;

i. influence the design and methodology of research involving their unique Aboriginal Knowledge;

j. revoke consent to participate in the project at any time; AND

k. govern all aspect of Aboriginal Knowledge under Aboriginal legal systems and governance.

4. First Nation communities are understood to have the following obligations:

   a. To clearly indicate proper protocols and methods to request access to or use of Aboriginal Knowledge to those submitting proposals in good faith;

   b. To set the terms and conditions for projects approved by the community to use and access Aboriginal Knowledge;

   c. To work with researchers in good faith on projects approved by the community to use and access Aboriginal Knowledge;

   d. To duly inform research partners of any changes in the terms and conditions of research or any activities related to Aboriginal Knowledge.

5. Researchers working with Aboriginal Knowledge have the following obligations:

   a. Researchers wishing to perform research involving Aboriginal Knowledge must involve the community that owns the knowledge throughout the project as an equal partner.

   b. Researchers conducting studies using Aboriginal Knowledge must receive ethics approval from their respective institute and the First Nation community with whom they will work

   c. Researchers requesting access to Aboriginal Knowledge must be fully inform the community through the appropriate mechanisms how their knowledge will be used, interpreted, disseminated, and/or applied.

   d. Researchers must disclose the origin of all Aboriginal Knowledge accessed and the use of any Aboriginal Knowledge in formulating results, findings, or inventions.

e. Research, management protocols, and other documents based on, using, or interpreting Aboriginal Knowledge must refer back to the community for approval of the applications and interpretations of that knowledge within the document, plan, or written work prior to publication or dissemination.

f. Researchers must provide a First Nation community that has granted access to Aboriginal Knowledge full access to and control over the use of their knowledge in published works.

g. Researchers must respect the wishes of the community providing Aboriginal Knowledge.

h. Researchers may not seek to qualify or validate Aboriginal Knowledge is ways that disrespect, devalue, or delegitimize the knowledge a First Nation community.

i. Researchers must equitably share any benefits derived from research or inventions based on Aboriginal Knowledge.

j. Researchers must proceed with projects involving Aboriginal Knowledge under the terms and conditions set by the knowledge holders.

k. Researchers must end research that uses Aboriginal Knowledge and release a First Nation from any and all obligations associated with a research project if the knowledge providing community revokes consent to access or use the community's unique Aboriginal Knowledge.

How to Use the Statement

The statement provided above has been broadly written to allow for numerous potential applications. The statement may be interpreted and changed to create a(n):

- "ethics review," or a system to approve research based on its stated objectives and methodology;
- Aboriginal Knowledge community protocol;
- MOU between a community and researchers;
- Contract to govern Aboriginal Knowledge use in projects; or
- Community statement on its Aboriginal Knowledge.

Communities should be advised that legal consul will be necessary to adapt the Statement for use in an MOU or contract.

Applying to Management

DFO may consider the following statement in the context of several management functions:

Knowledge Synthesis	DFO should use the above principles and Statement when synthesizing knowledge to make management decisions. The DFO may wish to adopt a protocol based on the above statements to guide department projects that consider Aboriginal Knowledge.
Precautionary Approach	Differences between Aboriginal Knowledge and scientific understandings should be understood as a lack of consensus when implementing the Precautionary Principle.
Risk Assessments	Aboriginal Knowledge is a valid knowledge base to inform risk assessments since it can indicate where sensitive areas, breeding grounds, and potential environmental harm may exist.

OTHER CONSIDERATIONS

Capacity

First Nations want to actively monitor and engage with key federal/provincial/territorial Ministers who are involved in decision making on policy and implementation of ATK to ensure First Nations perspectives have been considered. This requires a commitment to conduct front end dialogue processes with First Nations.

First Nations are requesting for opportunities for an increased role in fisheries management regimes that can develop ecosystem watershed based networks that can facilitate discussions with other interested First Nations and stakeholders. (I.e. the Aboriginal Aquatic Resource and Oceans Management-AAROM Program, AIHP and other programs)

Partnerships

Aboriginal Traditional Knowledge is of fundamental importance to the assessment of species at risk and the development and implementation of recovery measures, as well as conservation and protection of the fisheries and aquatic resources. It is important and necessary for the Government of Canada

and the provinces and territories to work in cooperation with First Nations on efforts to protect species at risk.

Although there will continue to be concerns about the appropriate use of traditional knowledge, The best ways in which to address this issue stems from clear message of intentions of the shared information and if ownership of that knowledge is acknowledged.

Aboriginal Traditional Knowledge (ATK) protocols and Intellectual Property Rights must be respected and given equal value to western science when determining risk assessment processes where appropriate.

As part of some partnership building, First Nations are looking at develop mechanisms to work with private sectors and interested parties on developing other dialogue processes with municipalities, fishermen unions, industry, etc.)
First Nations are also seeking ongoing consultation on the development of Recovery Strategies, Action Plans, and Management Plans. This must be conducted in a timely, transparent and effective manner, involving men, women, youth and Elders and in keeping with consultation and ATK protocols established by various First Nations.

OTHER ABORIGINAL KNOWLEDGE TOOLS

First Nations are interested in dialogue processes with other nations across the country for networking and sharing of information on issues such as recovery plans, protection plans and the appropriate use of Aboriginal Knowledge. At the community level, First Nations are looking at developing capacity tools that can retain, protect and provide information and education on listings, recovery strategies, and assessments. Some First Nations are developing a resource clearinghouse for the communities that provide information on experts and holders of Aboriginal Knowledge. Many participants have established links through NACOSAR and other departments, with the communities that want to be involved. They have also conducted community meetings, developing protocols and MOUs.

ATK Resource Tools could include the following:

1. Training; including GIS mapping capabilities for ATK,
2. Land use and watershed, ATK
3. Habitat management planning and ATK
4. ATK Resources and capacity for field operators.
5. Need “on the ground” ATK monitoring.
6. Access to scientists and biologists. New relationships

7. Encourage networks with Universities and Science/Environmental Institutes.
8. Access to scientific data and ATK research.
9. Participate in ATK data gathering; explain findings to First Nations.
10. Establishment of ATK clearing house of resource materials.
11. Establishment of programs and forums that encourage ATK intergenerational transfer of knowledge between Youth and Elders.
12. Sessions should be held in First Nations communities where full participation is encouraged.

CONCLUSION

First Nations would like to emphasize the need to harmonize economic and environmental interests and impacts on potential species that may be listed. As legal issues may arise, there is the duty to consult and First Nations want to be in a position that enables them to conduct socio-economic studies of the potential impacts as part of the process.

First Nations are interested in dialogue processes with other nations across the country for networking and sharing of information on issues such as recovery plans, protection plans and the appropriate use of Aboriginal Traditional Knowledge (ATK). It has been suggested that it would be helpful to develop rosters of regional First Nation experts. Many don't know that there are ATK holders or processes located in each region.

A struggling First Nation economy still exists but it is constrained by regulations and policies. Many believe it has or could have survived because of aboriginal traditional knowledge. Some First Nations speak to their FN youth, Elders, scientists in the regions. Everyone is concerned about the same thing. It has existed for a long time. First Nations are worried about the loss of biodiversity, their quality of life and loss of cultural identity.

National Inventory of ATK Resource Protocols, and Experts

Database 2007-08

Region	First Nation	ATK Protocol	ATK Experts	Elders Council
Nova Scotia	Pictou Landing FN		Yes	
Nova Scotia	Unama'ki Institute	Yes	Yes	Yes
New Brunswick	Maliseet Nation Conservation Council	In progress	Yes	Yes
Quebec	Atikamekw Manawan	Quebec Harvest Plan	Yes	Yes
Quebec	AFN QL Sustainable Development	Yes	Yes	
Quebec	Algonquin Anishnabeg Nation Tribal Council		Yes	
Ont	Chiefs of Ontario		Yes	Yes
Ont	Akwesasne Mohawk Territory	Yes	Yes	Yes
Ont	Mushkegowuk Environmental Research Centre	Yes	Yes	
Ont	Anishinabek Ontario Fisheries Resource Centre	Yes	Yes	
Manitoba	Manitoba Keewatinook Ininew Okimowin	Yes	Yes	Yes
Saskatchewan	Federation of Saskatchewan Indian Nations	Yes	Yes	Yes
Saskatchewan	Montreal Cree Nation	Yes		Yes
Alberta	Technical Services Advisory Group			Yes
BC	Sliammon Powell River	Yes	Yes	Yes
BC	Nuu-chah-nulth Tribal Council	Yes	Yes	Yes

APPENDIX

Royal Commission on Aboriginal Peoples

VOLUME 5 Renewal: A Twenty-Year Commitment
Appendix E: Ethical Guidelines for Research

[2]Appendix E: Ethical Guidelines for Research

Purpose

• These guidelines have been developed to help ensure that, in all research sponsored by the Royal Commission on Aboriginal Peoples, appropriate respect is given to the cultures, languages, knowledge and values of Aboriginal peoples, and to the standards used by Aboriginal peoples to legitimate knowledge.

• These guidelines represent the standard of "best practice" adopted by the Commission.

Principles

• Aboriginal peoples have distinctive perspectives and understandings, deriving from their cultures and histories and embodied in Aboriginal languages. Research that has Aboriginal experience as its subject matter must reflect these perspectives and understandings.

• In the past, research concerning Aboriginal peoples has usually been initiated outside the Aboriginal community and carried out by non-Aboriginal personnel. Aboriginal people have had almost no opportunity to correct misinformation or to challenge ethnocentric and racist interpretations. Consequently, the existing body of research, which normally provides a reference point for new research, must be open to reassessment.

• Knowledge that is transmitted orally in the cultures of Aboriginal peoples must be acknowledged as a valuable research resource along with documentary and other sources. The means of validating knowledge in the particular traditions under study should normally be applied to establish authenticity of orally transmitted knowledge.

• In research portraying community life, the multiplicity of viewpoints present within Aboriginal communities should be represented fairly, including viewpoints specific to age and gender groups.

• Researchers have an obligation to understand and observe the protocol concerning communications within any Aboriginal community.

• Researchers have an obligation to observe ethical and professional practices relevant to their respective disciplines.

• The Commission and its researchers undertake to accord fair treatment to all persons participating in Commission research.

Guidelines

Aboriginal Knowledge

In all research sponsored by the Commission, researchers shall conscientiously address themselves to the following questions:

• Are there perspectives on the subject of inquiry that are distinctively Aboriginal?

• What Aboriginal sources are appropriate to shed light on those perspectives?

• Is proficiency in an Aboriginal language required to explore these perspectives and sources?

• Are there particular protocols or approaches required to access the relevant knowledge?

• Does Aboriginal knowledge challenge in any way assumptions brought to the subject from previous research?

• How will Aboriginal knowledge or perspectives portrayed in research products be validated? Consent

• Informed consent shall be obtained from all persons and groups participating in research. Such consent may be given by individuals whose personal experience is being portrayed, by groups in assembly, or by authorized representatives of communities or organizations.

• Consent should ordinarily be obtained in writing. Where this is not practical, the procedures used in obtaining consent should be recorded.

• Individuals or groups participating in research shall be provided with information about the purpose and nature of the research activities, including expected benefits and risks.

• No pressure shall be applied to induce participation in research.

• Participants should be informed that they are free to withdraw from the research at any time.

• Participants should be informed of the degree of confidentiality that will be maintained in the study.

• Informed consent of parents or guardian and, where practical, of children should be obtained in research involving children.

Collaborative Research

• In studies located principally in Aboriginal communities, researchers shall establish collaborative procedures to enable community representatives to participate in the planning, execution and evaluation of research results.

• In studies that are carried out in the general community and that are likely to affect particular Aboriginal communities, consultation on planning, execution and evaluation of results shall be sought through appropriate Aboriginal bodies.

• In community-based studies, researchers shall ensure that a representative cross-section of community experiences and perceptions is included.

• The convening of advisory groups to provide guidance on the conduct of research shall not pre-empt the procedures laid down in this part but shall supplement them. Review Procedures

• Review of research results shall be solicited both in the Aboriginal community and in the scholarly community prior to publication.

Access to Research Results

• The Commission shall maintain a policy of open public access to final reports of research activities. Reports may be circulated in draft form, where scholarly and Aboriginal community response at this stage is deemed useful for Commission purposes.

• Research reports or parts thereof shall not be published where there are reasonable grounds for thinking that publication will violate the privacy of individuals or cause significant harm to participating Aboriginal communities or organizations.

• Results of community research shall be distributed as widely as possible within participating communities, and reasonable efforts shall be made to present results in non-technical language and Aboriginal languages where appropriate.

Community Benefit

• In setting research priorities and objectives for community-based research, the Commission and the researchers it engages shall give serious and due consideration to the benefit of the community concerned.

• In assessing community benefit, regard shall be given to the widest possible range of community interests, whether the groups in question be Aboriginal or non-Aboriginal, and also to the impact of research at the local, regional or national level. Wherever possible, conflicts between interests within the community should be identified and resolved in advance of commencing the project. Researchers should be equipped to draw on a range of problem-solving strategies to resolve such conflicts as may arise in the course of research.

• Whenever possible research should support the transfer of skills to individuals and increase the capacity of the community to manage its own research.

Implementation

• These guidelines shall be included in all research contracts with individuals, groups, agencies, organizations and communities conducting research sponsored by the Commission.

• It shall be the responsibility, in the first instance, of all researchers to observe these guidelines conscientiously. It shall be the responsibility, in ascending order, of research managers, the Co-Directors of Research, and the Commission itself to monitor the implementation of the guidelines and to make decisions regarding their interpretation and application.

• Where, in the opinion of the researcher or the research manager, the nature of the research or local circumstances make these guidelines or any part of them inapplicable, such exception shall be reported to the Commission through the Co-Directors of Research, and the exception shall be noted in the research contract or contract amendments as well as in any publication resulting from the research.

Related Links

http://mrc.uccb.ns.ca/prinpro.html

http://www.ainc-inac.gc.ca/ch/rcap/sg/ska5e_e.html#Appendix%20E:%20Ethical%20Guidelines%20for%20Research

http://www.nwmo.ca/Default.aspx?DN=50a48c69-3274-4e4b-9197-0c164af7823a

http://www.dfait-maeci.gc.ca/aboriginalplanet/750/resource/global/rewipo-en.asp

http://www.desertknowledgecrc.com.au/publications/downloads/DKCRC-Report-22-Traditional-Knowledge.pdf

http://www.nscons.ca/aboriginal.html

http://en.wikipedia.org/wiki/Traditional_knowledge

http://www.cpsa-acsp.ca/papers-2006/widdowson-howard.pdf

http://www.acee-ceaa.gc.ca/012/atk_e.htm

http://www.ec.gc.ca/science/sandesept02/article1_e.html

http://www.aboriginalcanada.gc.ca/acp/site.nsf/en/ao26878.html

Aboriginal Traditional Knowledge and Environmental Management [hide description]

> Aboriginal traditional knowledge has been and continues to be accumulated through time spent living on the land. It encompasses all aspects of the environment and sees humans as an intimate part of it, rather than as external observers or controllers.
>
> *Source: Government of Canada; Environment Canada (EC)*

Aboriginal Traditional Knowledge Subcommittee – Committee on the Status of Endangered Wildlife in Canada [show description]

> *Source: Government of Canada; Government of Canada (GC)*

Arctic Borderlands Ecological Knowledge Co–op [show description]

First Nations Environmental Network [show description]

Nature and Utility of Traditional Ecological Knowledge, The [show description]

> *Source: Canadian Arctic Resources Committee*

Traditional Knowledge and Mythology – Canada's Polar Life [show description]

> *Source: University of Guelph*