

ABORIGINAL HEALING AND WELLNESS STRATEGY

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Respectful Treatment of Indigenous Knowledge

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1.0. Purpose:

The purpose of this policy is to set out principles and procedures to guide Aboriginal and Ontario Government agencies, staff of the Aboriginal Healing and Wellness Strategy (AHWS), project personnel and persons or institutions contracted on behalf of AHWS, in respectful treatment of Aboriginal cultural heritage in the form of **Indigenous Knowledge**¹ which may be gathered, recorded, interpreted or published under the authority of the Joint Management Committee (JMC). Indigenous knowledge is used here to refer to the whole body of knowledge held by Indigenous or Aboriginal peoples, or local knowledge unique to a given culture or society. (See Glossary for expanded definitions.) It includes **Traditional Knowledge** which has been tested, preserved and refined over generations to distill timeless wisdom, as well as the results of contemporary observation, reflection and experience (Castellano 2000).

2.0. POLICY

2.1 Emerging International Principles for Protecting Indigenous Knowledge

The Joint Management Committee of the Aboriginal Healing and Wellness Strategy endorses the desirability of establishing policy consistent with principles articulated by the United Nations report on the Protection of the Heritage of Indigenous People, specifically that:

¹ Terms defined in the Glossary on page 10 appear in bold type the first time they are used in this document.

1. Indigenous peoples are, and should be recognized as, the primary guardians and interpreters of their cultures, arts and sciences, whether created in the past, or developed by them in the future.
2. Indigenous peoples should be recognized as collective legal owners of their knowledge, in perpetuity [that is, without limits on the duration of ownership].
3. The right to learn and use Indigenous Knowledge can be acquired only in accordance with the laws or customary procedures of the Indigenous peoples concerned, and with their free and informed consent.
4. The duty and responsibility of States, educational and scientific institutions and the United Nations system is to help Indigenous peoples themselves develop the technical capacity to document and, if they choose, develop and apply their own knowledge commercially to their own benefit (Daes 1998).

JMC will cooperate with Aboriginal governments and representative organizations in their efforts to advance the foregoing rights and implement measures to protect their Indigenous Knowledge.

2.2 Application of Principles in AHWS Research

The JMC of AHWS acknowledges the right of Aboriginal people to protect the integrity of their cultural heritage by:

1. Determining the conditions under which Indigenous Knowledge may be gathered from their communities, including communities of interest; and
2. Being equal partners with researchers in overseeing and approving the objectives, methods, interpretation and publication of research authorized by the JMC.

2.3 Representation of Aboriginal Interests

Aboriginal interests will be represented by participation in bodies at each level where decisions on research are made, with a minimum of 50% of membership in:

1. JMC where research proposals and projects are formally approved;
2. The Research and Review Subcommittee of JMC which reviews proposals, ethical protections, credentials and experience of principal researchers, goals, methods, report schedules and means of accountability and makes recommendations to JMC. The Research and Review Subcommittee is identified to participants as an appeal body for complaints of ethical violations in research activities.
3. Guiding Committees at the project or community level, on which effort will be made to secure representation of a cross-section of stake-holders, including community members, male and female, young and old, and persons knowledgeable about protocols for protecting sacred knowledge. Where project

guiding committees have more limited membership, consultation with relevant sub-groups will be sought.

2.4 Respecting Aboriginal Knowledge

In all research authorized by JMC, in proposals and implementation of projects, researchers will be expected to conscientiously address the following questions:

1. Are there perspectives on the subject of inquiry that are distinctively Aboriginal?
2. What Aboriginal sources are appropriate to shed light on those perspectives?
3. Is proficiency in an Aboriginal language required to explore those perspectives and sources, and how will the requirement be accommodated?
4. Are there particular protocols or approaches required to access the relevant knowledge?
5. Does Aboriginal knowledge challenge in any way assumptions brought to the subject from previous research?
6. What are the appropriate means, in this context, to establish the validity of information gathered and analyses of the data?

7. Is the language and mode of presentation of results understandable by all participants in the research?

2.5 Informed Consent

The obligation to obtain informed consent applies to both individual participants and collectives who may be organizations, geographical communities, or groups which come together as communities of interest. In all cases, participants have a right to preserve their privacy, to expect confidentiality to be maintained where promised or requested, and to participate without coercion. This is especially important in research in which participation in a research project may be perceived as a condition of maintaining eligibility for an essential service.

1. 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.

2. In seeking informed consent from individuals or groups the researcher has an obligation to explain the purpose of the research, identify sponsors of the research and the persons in charge, advise of recourse to the Research and

Review Subcommittee of JMC, describe the process to be followed, what is expected from the participant, and potential benefits and risks.

3. No pressure, either direct or implied, shall be applied to induce participation in research.
4. Participants shall be informed that they are free to withdraw from the research at any time. If participants withdraw at a point where their information is already included anonymously in pooled information, researchers are not obliged to withdraw such information from the pool.
5. Participants shall be informed of the degree of confidentiality that will be maintained in the project and its outcomes.
6. Where children are participants, informed consent of a parent or guardian is required, and where practical, consent of the children themselves should be obtained.
7. Research agencies and principal investigators in charge of research activities shall make reasonable provisions to ensure that all research staff are sensitized to the particular requirements of securing informed consent in an Aboriginal context, taking into account the language and protocols of the community and the

history of colonial relations that variously affect relationships with formal institutions and initiatives.

8. JMC will ensure that when research projects are initiated in Aboriginal communities, the ethical principles guiding AHWS-sponsored research are communicated to the broadest spectrum of participants, through workshops or print information, in language appropriate to the local population.

2.6 Community Benefit

1. In setting research priorities and identifying community sites for research, JMC and the researchers it mandates shall give serious and due consideration to the benefit of the communities involved.
2. In assessing community benefit, regard shall be given to the widest possible range of community interests consistent with AHWS= mandate, as well as 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.

3. In assessing research proposals consideration will be given to provisions to transfer skills to individuals and increase the capacity of the community to manage and carry out its own research.

2.7 Publication and Dissemination of Research Results

AHWS was designed as an innovative strategy for promoting healing and wellness by incorporating Indigenous Knowledge and community initiative in collaborative projects. Research to document and evaluate effective approaches is a fundamental part of the strategy, as is the distribution of results to participating Aboriginal communities, to those further a field, and to the health sector generally. Balanced with this intention to share Aboriginal knowledge and experience is a concern that confidential and sacred knowledge may inadvertently be shared and subsequently misused. Guidelines on publication and other means of disseminating research results acknowledge both of these objectives.

1. Research results will be reviewed at three stages. The first review is by the community or project guiding committee that advises on whether local protocols for collecting, interpreting and presenting data have been observed, and whether personal data or sacred knowledge is treated appropriately. The second review is by the Research and Review Subcommittee which applies professional research standards as well as culturally informed judgement on disclosures that may encroach on confidential Indigenous Knowledge. The third review is by JMC which assesses the research in terms of the overall goals of AHWS. The

reviewing committee at any of the three stages may request changes. If there is an unresolved dispute between researchers and a review committee, the matter can be referred to the next stage, but the decision of JMC is final.

2. Research which has been reviewed by project guiding committees and the Research and Review Subcommittee of AHWS, and is deemed by them to treat Indigenous Knowledge respectfully, may be presented orally and in handouts at conferences and in courses without further review. JMC acknowledgement, that a research report gives appropriate respect to Indigenous Knowledge, is required to clear the way for formal publication, whether in conference proceedings, journals or books, except when otherwise provided by contract. Secondary research and publications having reference to research reports acknowledged by JMC as respectful of Indigenous Knowledge do not require additional clearance in this regard.
3. Entry of reports into the public record and subsequent access are governed by the *Freedom of Information and Protection of Privacy Act*. Draft reports which are deemed unacceptable due to violation of respectful treatment of Aboriginal Knowledge will carry clear notification of such violation in the public record.
4. Participant communities and JMC shall have full and timely access to final research reports, whether commissioned by Ontario or authorized by AHWS, and to papers or presentation notes. Researchers shall be responsible for securing

permission to distribute such materials for the benefit of Aboriginal peoples notwithstanding a publisher=s intention to register copyright on a derivative paper.

5. Copyright of research reports commissioned under the authority of JMC is held by the Government of Ontario. JMC, during its lifetime, acts as an agent of the Government of Ontario to ensure respectful treatment of Indigenous Knowledge in reports and publications issuing from AHWS research. JMC will explore with its Aboriginal constituents and the Government of Ontario options for delegating authority to an Aboriginal body which will exercise this responsibility following dissolution of JMC.
6. Where peer review of research or proposed publications is arranged by JMC, assessments from Aboriginal reviewers conversant with Indigenous Knowledge and community protocol will be sought along with reviewers from the academic community.
7. 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.

2.8 Implementation

1. These guidelines shall be included in all research contracts with individuals, groups, agencies and organizations, and made accessible to all communities engaged in research authorized by JMC.
2. It shall be the responsibility, in the first instance, of all researchers and contractors to observe these guidelines conscientiously. It shall be the responsibility of Guiding Committees, the Research and Review Committee and JMC, in their respective spheres, to monitor compliance with these guidelines, to make decisions regarding their interpretation and application, and to investigate reports of violations.
3. Waiving of these guidelines or any part of them in specific cases shall be at the sole discretion of JMC.

References

Castellano, Marlene Brant: "Updating Aboriginal Traditions of Knowledge" in *Indigenous Knowledges in Global contexts, Multiple Readings of Our World*. George J. Sefa Dei, Budd L. Hall and Dorothy Goldin Rosenberg (eds.). Toronto: University of Toronto Press 2000 (21-36).

Daes, Erica-Irene, Chairperson-Rapporteur of the United Nations Working Group on Indigenous Populations. 1998. Opening Address to WIPO Roundtable on Intellectual Property and Indigenous Peoples, Geneva, July 23 and 24.

GLOSSARY OF TERMS

Aboriginal peoples: In the Canadian constitution defined as Indian (First Nations), Inuit and Métis. They are the Indigenous peoples of Canada.

Indigenous peoples: Those which, having a historical continuity with the pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society, and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. (Cobo Report, 1986).

Indigenous Knowledge (IK): local knowledge held by Indigenous peoples, as local knowledge unique to a given culture or society. IK may be about ecological knowledge (see TEK below) but includes other fields of ethno-science such as agriculture, ethno-biology and ethno-medicine and other forms of traditional knowledge. (See also Traditional Knowledge below) (Berkes 1999).

AA body of knowledge built up by a group of people through generations of living in close contact with nature. It includes a system of classification, a set of empirical observations about the local environment, and a system of self-management that governs resource use. @ (Johnson 1992:4) (Seealso TEK and Traditional Knowledge)

Traditional Knowledge: Practical common sense; teachings and experience passed through generations; knowing the country; rooted in spiritual health; a way of life; an authority system of rules for resource use; respect; obligation to share; wisdom in using knowledge; using heart and head together@. (Description compiled from statements by Inuit participants in a 1995 conference.) (Berkes 1999).