

Traditional Knowledge Research Guidelines

A Guide for Researchers in the Yukon

- Principles of Traditional Knowledge Research •
- Elements of Traditional Knowledge Research •
 - Round Table Reflections •
 - Selected Guidelines •

“We can’t bring back history, but you can live by tradition.”
- Roddy Blackjack

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Introduction

The Situation: In the past five years following implementation of the Yukon Umbrella Final Agreement, interest in traditional knowledge (TK), as a legitimate component in decision-making processes, has grown dramatically. This in turn has prompted the need to establish guidelines for all activities involving traditional knowledge to ensure that the people and the information are treated ethically and appropriately.

The Challenge: Guidelines are intended to provide overall instruction and direction for various key concerns regarding traditional knowledge and thus they tend to be generalized statements. Such statements may appear overwhelming at the community level and it could be helpful to provide a basic checklist of project steps that can be addressed separately in bite-sized chunks to make sure that each guideline is being followed.

The Checklists: For this document, sample checklists have been prepared to correspond with the guidelines developed at the Roundtable Discussions in the *Collections* and *Use* categories. The checklists are intended for First Nations and researchers to reflect their unique ways of “*respecting, protecting and connecting*” traditional knowledge.

Under the auspices and support of the Council of Yukon First Nations, the Northern Contaminants Program, in 1998/99, organized a series of roundtable consultations. Community members, government agencies and researchers attended, to discuss the ways and means of developing protocols for ethical access and responsible use of traditional knowledge. This document reflects the outcome of the work sessions and committee meetings held within the time frame.

What is Traditional Knowledge?

- Traditional knowledge (TK) is undefined by those who have lived it and experienced it throughout their lives. It is all that engulfs the cultural, linguistic, spiritual, and subsistence ways of Yukon First Nation people. TK is the understanding that begins its process of transmission at birth and continues throughout one's lifetime.
- TK involves being in touch with the land and the changes that are taking place. TK is awareness of big game animals, game birds, fish, habitat, behaviors, population, spawning patterns, conditions and size. TK also includes the awareness of plants and their medicinal uses, weather patterns, changing environmental conditions and understanding the spiritual connections of all.
- TK is knowing and understanding the proper protocols and values of conducting oneself within the cultural norms of a First Nation society. In essence, TK is knowledge that engulfs every aspect of Yukon First Nation's culture.

The Purpose for Traditional Knowledge Research Guidelines

- The purpose of the TK research guidelines is to ensure that TK is given the same weight as scientific knowledge where appropriate, and to help facilitate a positive working relationship that enhances [or builds] on respect, trust and cooperation.
- It is also important to recognize that TK and scientific knowledge come from two different frameworks, and TK cannot just be arbitrarily inserted into any other framework.
- The need for a traditional knowledge guideline is evident as Yukon First Nations move from **Indian Act Bands** to **Self-Governing First Nations**.
- Traditional knowledge was a decision making process that was used by Yukon First Nation people historically, and it is still being used today. Information was passed on by means of songs, stories and dance, from one generation to the next.

Who Can Use Traditional Knowledge?

It is necessary to respect the wishes of the Elders concerning the use of traditional knowledge. Certain aspects of TK may be used whereas certain other aspects may not be used. Language and culture must also be respected. Some of the traditional knowledge information and materials are very sensitive and there are strong spiritual aspects that go hand-in-hand with the knowledge. Yukon First Nation communities should be the ones deciding who can use their knowledge, as it is a privilege and must be respected. Traditional knowledge is a decision-making tool and its usage must be protected.

Principles of Traditional Knowledge Research

The roundtable consultation process has been overseen by an *Ad Hoc* Traditional Knowledge Steering Committee made up of representatives from Yukon First Nations, Umbrella Final Agreement boards and committees and government agencies. These guidelines are based on the three cornerstones of “**respect, protection and connection**” and are formed by five principles:

- a) **Comprehensive**: consider all current and planned initiatives involving traditional knowledge research in Yukon communities;
- b) **Collaborative**: advocate for effective partnerships in planning, implementation and communication;
- c) **Equitable**: recognize the need for balance in substantive weight between traditional knowledge and the practice of science;
- d) **Culturally sensitive**: acknowledge the holistic nature of TK within its spiritual and cultural milieu;
- e) **Capacity building**: provide a framework that nurtures community responsibility and accountability.

Furthermore, the *Ad Hoc* Traditional Knowledge Steering Committee is recommending, as a high priority, that these principles of TK research and attendant sets of guidelines, should as far as possible:

- a) Build on the many previous experiences of indigenous TK holders who have already been involved in the development of ethical and participatory TK research methods;
- b) Provide a wide-range of potential scenarios in which TK is currently in use in resource development and explain their potential roles, emphasizing that criteria for evaluation must be measurable and can be used at different scales locally, regionally, nationally and internationally;
- c) Criteria and indicators collaboratively defined to measure effectiveness of TK/science integration, should focus on the positive benefits to northern society as a whole;
- d) Outline the data, information and capacity requirements in the communities for developing strategic plans for the TK research;
- e) Suggest ways and means/processes of developing criteria for determining community TK research priorities and who should be involved in their development and use;
- f) Provide guidance on how to present community TK research priorities and describe potential target audiences for a communications plan; and
- g) Describe some of the barriers and obstacles that may need to be overcome in order to develop and use responsible research guidelines and codes of conduct.

Traditional knowledge research is perceived to be a culturally valued activity that lends itself to a greater understanding of Yukon First Nations' lifeways and the development of policy related to their sense of well being. Those who generally do conventional research have claimed the right of "academic freedom" to identify and address research questions of scientific interest. The primary role of this document and guidelines is intended to oversee the interaction between researchers and Yukon First Nations and that the relationship proceeds in accordance with core principles of ethics and mutual respect.

Reflections

First Nation community members, traditional knowledge researchers and government officials, offered a selected variety of views and opinions during their recent round table discussions:

Steve Buyck: “Traditional knowledge to me is not how we manage wildlife or other things; it’s how we live with the environment, the relationship that we have with one another, how we interact with all living organisms.”

Joe Johnson: “We can use traditional knowledge, traditional laws in the area, in our traditional area of how our people is going look after the land.”

Georgina Sidney: “Traditional knowledge is a living knowledge, it’s living with the Elders and we have to be very careful, I think, there is danger in writing it down and recording and storing it. The Elders pass that knowledge on to us as young people; it’s a living knowledge - how we live, how we look after the animals. We store it and put it on videotapes or whatever, that’s where it stays. The responsibility has to remain with us, with the Elders as parents, as grandparents, we have to pass that knowledge on to our younger people. It’s fine to store it and to keep it in a safe place, but the safest place we can keep it is in our minds and in our hearts, and we have to remember that. . Those are the things that we have to think about when we are talking about traditional knowledge; it’s a living knowledge, how we live our lives every day, how we look after our animals, how we look after our land, how we look after each other, how we respect one another. Traditional knowledge is respect, it’s pretty simple actually.”

Louise Profeit-LeBlanc: “I guess what I am saying is that for all of us here, we should realize that Elders are not a renewable resource, our Elders are passing every day. Each one of us in our community we can see who goes with knowledge every month; we’re losing this non-renewable resource and quite frankly we don’t have time.”

Angie Joseph-Rear: “Traditional knowledge is within each individual; it’s what you learn, it’s your responsibility and our responsibility what we gather as we grow to carry it on and to pass it on to the young people. And if the young people don’t know today, then it’s our fault, really. We have to; sometimes we have to admit to our wrongs, we can’t always stand here and say the kids don’t listen and stuff, because we have to teach them. And if you want to teach them, you teach them, then they will know and they will respect this.”

Doug Urquhart: “I am on the traditional knowledge working group for the Fish and Wildlife Management Board; the other people in the group are Art Johns, Georgina Sidney, Joe Johnson, Clyde Blackjack, Roger Alfred was on this group for a long time when he served on this board and myself. This working group is virtually a standing working group - a lot of our working groups are formed for certain projects and then don't function beyond that, but this one is so important, we stick together all the time. . . the working group actually held together for one reason and that was to provide the guidelines, which the Northern Contaminants Program is discussing. We felt that in the communities there is a lot of difficulty in people just getting started with traditional knowledge projects and that if some guidelines were provided so they don't have to sit down with a blank page and think about how the heck am I going to do this. That would facilitate a lot of these things getting started. And our major concern now, is that there is a lot of enthusiasm for doing traditional knowledge work but not a lot of it is being done because there is still all these concerns that haven't been resolved and I think these protocols will go a long way to that. As generic as they are. . . the basic principles will always apply and I would certainly like to see these provided such that the person in the community who is tasked with doing this can sit down and say, 'okay, I'm at the collection stage, what do I do to make sure things are done correctly', and get some guidance, so I think this is extremely important.”

Johnny Sam: “Once you start tampering with traditional knowledge and management of traditional knowledge in our world, something seems to go astray and start to deplete this and that all over the countryside. We heard lot of this morning about beaver being overpopulated, lakes and creeks being dried out, I guess we have to play a role in nature too in order to achieve all this what we've been doing for hundreds of years and one good thing about this is at least they are hearing us anyway. Now the government agency can recognize us and when we are doing our traditional thing, we all can achieve our goal down the road; but once they start not to recognize our traditional method of doing things, that's when something seems to go wrong somewhere. It has been a lot of things that went astray - I don't know what you call it - but a lot of areas are not working like they should be. Creeks and rivers been contaminated and other things. Maybe we could not control those things, but at least we all do share in trying to do less polluting and things like that.”

Billy Blair: “We also need someone to come up to White River and talk about traditional knowledge, how we going to go about it. Like I said, we don't have the money resources and it's difficult. Capital is taking most of our money; it's people waiting to move into houses. Some of them stayed in tents last summer and they just gave up and went back to Whitehorse or wherever . . .”

Roberta Austin: “We met with some of our Elders, but I think what we need to do is to get a little more clearer definition or guidelines from CYFN to exactly what it is that you need from our Elders. This will be a very long process I think because it encompasses everything, all that is. We talk about respect; it’s respect for everything. We are part of the land, the land is the Earth, and this is what we are talking about, the Earth. We are talking about Creator’s law, traditional law. We are talking about saving our Earth, we are talking about wisdom from our Elders, we are talking about protecting the spiritualness of our land, our people, of everything. But we must understand what that is and if we are to save our Earth, our land, our water, our fire, everything, we must - as young people - learn from our Elders what it is that they understand of traditional knowledge so that we have something to carry so that we have something that we can pass on to our young ones. And we know that we don’t have very much time, we know our Elders are leaving us, we know our Earth is dying. So, I would really, really look forward to this Elders Steering Committee being started up and collaborating, I guess, working more closely with the other First Nations who have started their development. It’s huge and as First Nations we are the Keepers of the Earth, so I think that’s it’s a responsibility that everybody has - not to just know and to walk with what we have the understanding of traditional knowledge, but also to be able to pass it on to those who do not understand what it means.”

Mark Eikland: “I’m grateful to see some of the Elders come out, actually. Thanks for your effort, we really appreciate your guidance, it’s very necessary to complete something like this. The objectives as far as the Development Assessment Process . . . provides for the use of traditional knowledge by everybody that will be doing assessments or making decisions regarding future development; mining or logging in traditional territory. The legislation we’ve been working - how to incorporate traditional knowledge. We’ve accomplished that by basically writing in the legislation that traditional knowledge shall be given full and fair consideration as well as scientific knowledge and other information. An issue that arises is that this whole process is to interact with some very complicated governments, the Yukon government and the Federal government; we’re becoming self governing nations and trying to participate so all this has to be all legal and everything else with a process of passing on information which was carried on in conversation and dialogue and in communities. While we will have traditional knowledge incorporated into this Development Assessment Process, the result will be basically that more people will be asking about traditional knowledge, if it’s to be successful, there will be more input by communities, thus there will be more use and more questions regarding traditional knowledge. So as a result, rules will have to be developed by this whole new process and how to ensure that proper conduct is followed and that sort of thing.”

Lena Johnson: “I came as an Elder to come to this traditional knowledge workshop. Tradition to me is a whole life . . . it’s not just for one time, you grow up in it, you build up with it and we base our life on it. Traditional knowledge is first to me you have to respect Elders; you have to show love and forgiveness and spiritual life. I don’t think too many people in Yukon now could live up to that standard because it’s very, very strict spiritual life. Even I can’t live it as an Elder right now, I just couldn’t. Our grandparents didn’t want to give it all to us because it’s going to be kicked around and get lost in the dirt and we not going to use it; we not going to live by it so it was not too much passed on to us. . . you can’t live up to that standard, all of that traditional knowledge, it’s just too hard to live up to it, just no way.

On collection of traditional knowledge too, when we get spoon collection, where do we put it, do we use it? No, it’s sitting up on the wall, hanging up in the spoon rack. It’s the same thing for traditional knowledge collection, if you hang it up on the wall, what good is it going to do? It’s not going to do any good if you just take it down, if I just take the spoon down to stir my tea one time and put it back, that probably the only time I am going to use it. But collection of traditional knowledge would be like that. But I really want to see that they use traditional knowledge, not everything, just what we know. I don’t know how to live up to spiritual life in traditional knowledge, it’s just too hard to go by it and live by so I just kind of ignore it.”

Access to Traditional Knowledge

Researchers, project developers, government workers, and technicians may seek permission to access TK through consent given by the First Nation. Consent involves informing the affected First Nation of the proposed project and being prepared to discuss the proposal with the First Nation point by point. Researchers should ensure that their proposal is sent to the First Nation well in advance to give adequate time for addressing any concerns or questions that they may have.

Access to traditional knowledge is a privilege given to researchers and therefore must be respected. A community level consent process should be developed before there is access to TK. A consideration should be a Yukon wide TK process that works in harmony with individual First Nations.

Interpretation is also a very important issue when giving TK access to a researcher. They must ensure that the wisdom of Elders and TK holders are properly conveyed.

Researcher(s) should consider:

- a) With whom specifically to negotiate a research agreement;
- b) What specific research elements require negotiation i.e., research, ownership, etc.;
- c) Communicating in clear layman's language the purpose of proposed research;
- d) How control can be enriched by a Community Advisory Committee;
- e) What exactly from the project will enhance community capacity; and
- f) How "confidential" information would be protected.

Communities should discuss:

- a) Who specifically will negotiate on behalf of the community;
- b) What specific research elements require negotiation i.e., research, ownership, etc.;
- c) Does the proposal address community research priorities?
- d) Mechanisms to deal with dispute resolution;
- e) What can be granted in-kind to the project; and
- f) What exactly would constitute "confidential" information?

Collection of Traditional Knowledge

Each community should be responsible for guidelines at the community level. First Nations need to set up a process that respects oral tradition. The quality of information is greater in person, when it comes to language and culture. But how do we validate a type of knowledge without writing it down? There is a fear of loss in translation when writing down the information. Some components of language cannot be translated into another.

First Nation community members should conduct information collection at the community level. Traditional knowledge holders are experts in their areas and should also be compensated accordingly. The sources of TK information must be referenced in any work being conducted. The 'intent' of collection, as well as who will benefit, must also be made clear:

- a) A researcher must contact the respective Yukon First Nation before working with Elders or others in the community when proposing to do work in the area of TK;
- b) It has to be recognized that TK is the sole property of the First Nation community (or a group or clan or individual) from which it originates;
- c) The applicant shall show respect to the TK holder at all times;
- d) The applicant shall respect the wishes of the TK holder, if only portions of the information is shared or can be used.

The researcher must be fully cognizant of the nature of their request and understand that they are fully responsible for their research results. Research results must be brought back to the community in a manner that is understood by all. Any benefits and credits deriving from this research must be shared equally with the First Nation.

Researcher(s) should address:

- a) The need for training community-based researchers;
- b) An adequate process for obtaining and maintaining informed choice;
- c) Appropriate ways of determining qualified holders of TK;
- d) Equitable means of compensating project participants;
- e) Culturally-sensitive methods of interviewing TK holders; and
- f) How "respect" for TK holders and TK in general can be demonstrated.

Communities should clarify:

- a) Criteria for selecting community-based researchers;
- b) Ways of ensuring maintenance of community support for the project;
- c) Appropriate ways of determining qualified holders of TK;
- d) Acceptable options for compensating project participants;
- e) Culturally-sensitive methods of approaching TK holders; and
- f) How “respect” for TK holders and TK in general can be indicated.

Use of Traditional Knowledge

Certain aspects of TK are recognized as sacred and this must be respected. For example, traditional medicine, or the knowledge of it, must be used only with the assistance of a recognized TK practitioner. Some TK cannot be shared.

- a) The applicant shall ask permission from the Yukon First Nation (YFN) for the use of their TK;
- b) All information gathered (reports, thesis, policies, papers) shall be given to that YFN and shall be the property of that YFN;
- c) Research results shall be communicated back to the community;
- d) All information gathered shall be properly noted and credit shall be given to the holder of the TK and the First Nation from which it came;
- e) It is important that First Nations or individuals working with researchers be given the opportunity to continue to work in the development of projects rather than simply having their knowledge harvested and used at the researcher's discretion;
- f) The YFN shall have the right to review and inspect the process at any stage of the work and shall order the process to be stopped if the applicant is in violation of any terms and conditions attached to the research work; and
- g) If a stop work order is issued, the information gathered is to be turned over to the respective First Nation.

h) Researcher(s) should assess:

- a) Innovative ways of incorporating principles of TK into science-based research activities;
- b) Information on conventional locations of research holdings;
- c) Adequate forms of legal protection for sensitive information;
- d) Granting due credit to project contributors i.e., citations;
- e) Method of requesting permission to use research results in other forums i.e. academic conferences, etc.

Communities should deliberate:

- a) Ways of encouraging compliance with regulations that require the incorporation of TK into developmental base-line research agendas;
- b) Mechanism for monitoring potential abuse of confidential information;
- c) Suitable forms of legal protection for sensitive information;
- d) Local authorities for the granting permission to use research results; and
- e) Designing ways to measure adequate consideration of TK.

Storage of Traditional Knowledge

There is a need for a First Nations archive to store artifacts and information in order to protect private information. Whether there should be a central storage facility or whether each community or First Nation should have their own facility is still to be worked out.

Researcher(s) should contemplate:

- a) How the community might access and use research results;
- b) How to deal with the question of language in writing the report for community use;
- c) Typical formats of documentation (i.e., audio tape, video, digital, hardcopy) that recognizes community limits;
- d) Primary sources of TK information are the holders of TK; and
- e) Secondary sources of TK are in the literature, museums, and libraries.

Communities could examine:

- a) What local capacity exists to hold research results and/or artifacts;
- b) Whether to request an authorized qualified agency to retain research results and/or artifacts temporarily;
- c) Opportunities to carry out an inventory of existing TK holdings;
- d) Ways of establishing and augmenting local capacity for TK archives; and
- e) Financial implications for storing TK research results.

Appendix A: Sample Informed Choice Form

The underlying assumption of any traditional knowledge research revolves around the effective participation of community people. This essentially means that the proposed research must be explained and consent granted in such a way that the potential participant understands the risks, benefits, and procedures for dispute resolution.

Conventional social science practitioners often use the term “*Informed Consent*”. Yukon First Nations, however, acknowledge that in order for consent to be granted, adequate information ought to also be devoted to the distinct possibility for “*Informed Dissent*”. This requirement for consent is, after all, a device generated to safeguard the interests and well being of the general public as much as for the legal protection of researchers and research agencies. In this context and for clarity, CYFN promotes the term “**Informed Choice**” which better reflects the intended definition.

Each community should review Informed Choice Forms with potential research partners and discuss the implication of these elements.

1. Mandatory Requirements:

Letterhead & Opening Text: The consent form should be on official letterhead of the agency proposing the research study and these following words should be immediately under the header: “*This consent form, a copy of which has been given to you, is only part of the process of informed choice. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here or information not included here, please ask. Kindly take the time to read this form carefully and should you have difficulty with reading and understanding English, it will be thoroughly explained by a qualified interpreter.*”

Signing the Form: The actual process of obtaining signatures for the Informed Choice Form should be prefaced with similar wording:

“Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to be a participant. In no way does this waive your legal rights nor release the investigators, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time without penalty. Your continued participation should be as informed as your initial consent, so should feel free to ask for clarification or new information throughout your participation. If you have further questions concerning matters related to this research, please contact”: (Name of responsible investigator(s) or qualified designate, and phone number).

If you have any questions concerning your participation in this project, you may also contact the (name and address of sponsoring agency/department).

Participant: _____ Date: _____

Investigator: _____ Date: _____

Witness: _____ Date: _____

A copy of this consent form has been given to you to keep for your records and reference. This research has the ethical approval of the (name of First Nation/ institution/ agency).

Signing a consent form should also have these considerations:

- a) Participants must be given plenty of time to make up their minds whether they wish to become involved;
- b) An opportunity to consult others not involved with the project;
- c) The signing must be conducted in such a way that participants can ask questions about information not included on the form;
- d) If the participant cannot sign his/her signature, a witness must attest to his/her mark (i.e. the letter ‘X’);
- e) There must be no sense of pressure or coercion to sign; and
- f) The setting must be arranged to make refusal to participate easy and non-embarrassing.

Other Relevant Sections:

- g) Description of project - should clearly and briefly outline the study intent;
- h) Informing of risks - should describe any potential danger or threat to potential participants;
- i) Discussion of alternatives - should address potential conflict of interest on obtaining consent to participate;
- j) Compensation - a distinction has to clearly made about the fact that holders of TK are not selling their information but rather that they are being compensated for their time;
- k) Confidentiality & Privacy - should explain participant's protection by the use of these suggested words: *“All the information we collect from you (tapes, maps, and questionnaires) will be stored so that your name is not associated with it (using an arbitrary participant number). The write-up of the data will not include any information that can be linked directly to you. The research materials will be stored with complete security throughout the entire investigation. Do you have any questions about this aspect of the study?”*
- l) Tape Recording & Permission to Quote - should clarify this with: *“We will be tape recording the interviews with you. The recordings will be transcribed and the tapes and transcripts stored without your name associated with them. We may quote parts of your interview in the final report, but in the event you want complete privacy, any such quotations will be carefully presented to ensure that it is not possible for anyone to trace them back to you. Do you have any questions or reservations about this?”*

It is important to remember that the basic issue here is informed choice - not the mere physical act of obtaining a formal signature. It is a simple testimony to participants that they have been adequately informed of what will follow and have agreed to become involved.

The optimal procedure for gaining consent is to sit down with each participant privately and if need be with a trusted interpreter, and to go through in detail the Informed Choice Form with them. This will allow questions and answers about information not provided for in the form and for truly informed consent to be granted.

(Adapted from the Psychology Department Ethics Committee, University of Calgary)

Appendix B: Sample Checklist

Community representatives and researchers are encouraged to review research proposals with these questions in mind:

- 1) What is the nature of the research (biophysical, social science, etc.)?
- 2) What are the goals and objectives of the research?
 - a) What do they want to prove or disprove?
 - b) Is it or can it be stated in plain layman's language?
- 3) What specific kind of information is being sought?
- 4) What are the expected benefits of the research:
 - a) To the First Nation and the local community?
 - b) To the individual research subjects?
 - c) To society as a whole?
- 5) What are the risks associated with the research:
 - a) To the First Nation and community (including cultural)?
 - b) To the individual research subjects?
 - c) To society as a whole?
- 6) What steps will be taken to minimize the risks:
 - a) Are research subjects fully informed of the risks?
- 7) Are research subjects fully informed of their rights in case of harmful effects of the research; their right to appeal, etc.?
- 8) What steps will be taken in case something goes wrong with the research?
- 9) Who is liable when research becomes harmful to the research subjects or others, including families and the community?
- 10) Are the funding and sponsoring agencies liable along with the individual researcher(s)?

- 11) What are the assurances regarding the confidentiality of data?
- 12) Regarding individual subjects:
 - a) Subsequent use of data by other researchers
 - b) Conditions under which data might be released (i.e. court order)
 - c) Range of protections (i.e., at which stage of the research will names of individuals be separated from data; will there be research involving individual data after that stage, which will be anonymous)?
 - d) What are the assurances of enforcement of these promises of confidentiality?
- 13) Regarding the First Nation or community:
 - a) Will the First Nation or community be identified in the research report?
 - b) Are there areas of research, which may, because of their cultural sensitivity, require special consideration or permission by the First Nation?
 - c) Are there research techniques that might create special problems with the First Nation or community because of cultural and considerations?
- 14) Ownership and control of data from the research and ownership and control of cultural material:
 - a) How will the First Nation's interests in cultural and community heritage be protected future generations?
- 15) First Nation participation:
 - a) Has the First Nation or community had the opportunity to review and comment on the research proposal prior to it being presented for academic and funding review?
 - b) Will the First Nation or community have the opportunity to review and comment on preliminary results and draft reports of the research?
- 16) Where does the proposed research fall along the following categories?
 - a) '**Safari**' or helicopter research, where by the researcher drops into the community, gathers the data, then leaves with the data for good; or
 - b) "**Show and Tell**" research, where by the researcher comes back to report the research results to the community.
- 17) The First Nation and the researcher agree that in exchange for the First Nation's approval of and consent to research in the community (in addition to the essential consent of individual research subjects), certain additional services or benefits will be accorded to the First Nation or community by the researcher.

- 18) As part of the project, the research increases the capacity of the First Nation or individuals, (i.e., improves the capabilities of the First Nation to deliver services or do its own research, trains individuals to work in research projects or conduct their own research).
- 19) The First Nation determines its research priorities and initiates the research. It calls in researchers as needed to be partners or consultants in the design, execution, analysis and reporting of the research.
- 20) The researcher and the First Nation are partners in the design, execution, analysis and reporting of the research.
- 21) First Nation Rights:
 - a) Is First Nation control over sensitive personal, community, cultural and spiritual information recognized?
 - b) Are the researchers and/or funding organizations to be bound contractually to ensure the protection of First Nation and individual rights and interests?
 - c) Is the researcher willing to attempt to find means of using local people and resources rather than import all resources?
 - d) Are there First Nation institutions that might be interested in this research?
 - e) Is the researcher willing to deposit raw data in a First Nation designated repository?

First Nation representatives and potential researchers are requested to adapt this checklist to their own unique circumstances, as the case may be regarding the demands and needs of their proposals.

(Adapted from Model Tribal Research Code, 1999)

Appendix C: Sample Community Research Agreement

This research agreement shall comprise a Memorandum of Understanding between:

Main Researcher(s):

Name(s): _____

Supporting Agency: _____

Address: _____

Telephone/fax: _____

AND

First Nation Community:

Name: _____

Contact Person(s): _____

Address: _____

Telephone/fax: _____

RESEARCH PROJECT TITLE: _____

ABOUT RESEARCH PROJECT: _____

Appendix D: Conducting the Research

The main researchers, as named, and the First Nation community agree to conduct the named research project with the following understanding:

- a) The **purpose** of this research project, as discussed with and understood by First Nations people in this community is:
(Description co-written by researchers and community representatives)
- b) The **scope** of this research project (issues, events or activities to be involved and the degree of participation by community residents), as discussed with and understood by First Nations people in this community, is:
(Description co-written by researchers and community representatives)
- c) **Methods** to be used, agreed by the researchers and the community, are:
(Description co-written by researchers and community representatives)
- d) Community **training and participation**, as agreed, is to include:
(Description co-written by researchers and community representatives)
- e) Information collected is to be **shared, distributed and stored** in these agreed ways:
(Description co-written by researchers and community representatives)
- f) **Informed choice** of individual participants is to be achieved in these agreed ways:
(Description co-written by researchers and community representatives)
- g) The **identity** of participants and the community are to be protected in these agreed ways:
(Description co-written by researchers and community representatives)
- h) **Project progress** will be communicated to the community in these agreed ways:
(Description co-written by researchers and community representatives)
- i) **Communication** with the media and other parties (including funding agencies) outside the named researchers and the community will be handled in these agreed ways:
(Description co-written by researchers and community representatives)

FUNDING, BENEFITS & COMMITMENTS

Funding:

- a) The main researchers have acquired funding and other forms of support for this research project from these sources:
(List by researchers of agencies and names and addresses of contacts)
- b) The funding agencies have imposed the following criteria, disclosures, limitations and reporting requirements on the main researchers:
(List of responsibilities of funding/ support agencies)

Benefits:

- a) The main researchers wish to use this research project for their own benefit in these ways (i.e. publications):
(Description written by the researchers)
- b) Benefits likely to be gained by the community through this research project are:
(Description co-written by researchers and community representatives)

Commitments:

- a) The community commitment to the main researchers is:
(Description by community representatives)
- b) The main researcher's commitment to the community is:
(Description by main researchers)
- c) The main researchers agree to stop the research project under these conditions:
(Description by main researchers)
- d) The community agrees to establish a dispute resolution mechanism through these ways:
(Description by community representatives)

Signed by:

Signature(s) of main researcher(s)
(Date)

Signature(s) of Community Representative(s)
(Date)

(Signatures of Witnesses)

(Signatures of Witnesses)

Appendix E: Land Claims in the Yukon

The Yukon Native Brotherhood (YNB) was formed in 1970 to represent Status Indians. It was followed by the formation of the Yukon Association for Non-Status Indians (YANSI) in 1972. The Council for Yukon Indians (CYI) was formed in 1973 to represent all 14 Yukon bands for the purpose of negotiating a land claim. The YANSI joined the CYI in 1975.

The CYI formally presented the federal government with their 1973 document entitled "Together Today... For Our Children Tomorrow" -- a statement of their Aboriginal rights. This document of Aboriginal principles and philosophies provided a basis for a political settlement through the negotiation of a comprehensive land claim in the Yukon Territory.

Through the land claim, CYI sought to retain certain lands that would be controlled at the band level, to participate in the management of both renewable and non-renewable resources and to provide for Aboriginal economic development through training programs and cash compensation. The Yukon Aboriginal people wanted to protect their traditional values and lifestyle, and at the same time also protect future political and economic growth.

The CYI land claim proposal was accepted for negotiation in 1973. Several attempts were made to establish an overall framework for settlement, with little success until 1980. Intensive negotiations with CYI achieved a detailed Agreement-In-Principle (AIP) in 1984. Although the Agreement-In-Principle was ratified by the federal government, the Yukon First Nations were unable to reach a consensus on the terms of the 1984 AIP. The Minister of the Department of Indian Affairs and Northern Development (DIAND) suspended negotiations in December 1984, in order to permit all parties time to assess the situation.

In 1985, the CYI and the Yukon Territorial Government requested a Memorandum of Understanding. It was submitted to the Minister of DIAND. Although the Minister did not sign this document, he did approve the memorandum as the basis for the resumption of negotiations on issues within existing policy. Negotiations officially resumed in January 1986.

In 1986, the Federal government announced its Comprehensive Land Claims Policy to reinforce its continuing commitment to negotiated settlements of comprehensive land claims in Canada.

The comprehensive claims policy was followed in May 1987 by a new mandate for negotiation of the CYI claim. It permitted a new approach to the negotiation of the claim, providing for the negotiation of an Agreement-In-Principle on territory-wide issues. This AIP formed a basis for "umbrella" settlement legislation to which individual bands would adhere to after negotiating band-specific issues.

On May 29, 1993, the federal government, the Yukon Territorial Government and the CYI signed an Umbrella Final Agreement (UFA) and four First Nation Final Agreements. The first four First Nation Final Agreement signatories are the Vuntut Gwitchin First Nation, the First Nation of Na-cho Ny'ak Dun, Champagne & Aishihik First Nations and the Teslin Tlingit Council. The UFA establishes the basis for the negotiation of individual settlements with each of the fourteen Yukon First Nations (YFNs). It also provides for the negotiation of self-government agreements with Yukon First Nations. Self-government agreements with the four First Nations were also signed on May 29, 1993.

The Final Agreements provide the four YFNs (approximately 2,465 beneficiaries) with settlement lands of 17,235 square kilometers (3.6 percent of the landmass of the Yukon), of which 12,613 square kilometers include subsurface rights, mines and minerals. This is their share of the total settlement lands for all YFNs, which will amount to 41,000 square kilometers, of which 25,900 square kilometers includes subsurface rights. The four YFNs will receive financial compensation of \$79,895,515 (1990 dollars) as their share of the total \$242,673,000 (1989 dollars) for all YFNs. In addition, the YFNs will benefit from rights in the management of national parks and wildlife areas, specific rights for fish and wildlife harvesting, and special economic and employment opportunities.

Settlement and Self-Government legislation was introduced in Parliament on May 31, 1994 and received Royal Assent on July 7, 1994. The Surface Rights Legislation received Royal Assent on December 15, 1994. All three acts came into force concurrently on February 14, 1995. In August 1995, the CYI adopted a new name - the Council of Yukon First Nations (CYFN).

Source: www.inac.gc.ca/pubs/information/info18.html

Appendix F: The Umbrella Final Agreement and TK

The creation, under the UFA, of various Boards and Committees and maintenance of linkages to existing entities, has legal implications for considering the traditional knowledge of Yukon First Nation people. These guidelines may be of use to them in realizing their mandates:

- Enrollment Commission;
- Yukon Land Use Planning Council;
- Regional Land Use Planning Commissions;
- Yukon Development Assessment Board;
- Yukon Heritage Resources Board;
- Yukon Geographical Place Names Board;
- Yukon Water Board;
- Fish and Wildlife Management Board, including the Salmon Sub-Committee (a.k.a. Yukon Salmon Committee);
- Renewable Resources Councils;
- Dispute Resolution Board;
- Surface Rights Board;
- Kluane National Park Management Board; and
- Any other entity agreed to in a Yukon First Nation Final Agreement.

Under the Council of Yukon Indians Umbrella Final Agreement there are chapters and sections that specifically reference Traditional Knowledge:

Chapter 11 – Land Use Planning:

Section 11.1.1.3

“To recognize and promote the cultural values of Yukon Indian People.”

Section 11.1.1.4

“To utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning.”

Section 11.4.5.5

“Shall use the knowledge and traditional experience of Yukon Indian People, and the knowledge and experience of other residents of the planning region.”

Section 11.4.5.6

“Shall take into account oral forms of communication and traditional land management practices of Yukon Indian People.”

Chapter 12 - Development Assessment:

Section 12.1.1.1

“Recognizes and enhances to the extent practicable, the traditional economy of Yukon Indian People and their special relationship with wilderness Environment.”

Section 12.1.1.2

“Provides for guaranteed participation by Yukon Indian People and utilizes the knowledge and experience of Yukon Indian People in the development assessment process.”

Section 12.4.2.1

“The need to protect the special relationship between Yukon and the Yukon wilderness Environment.”

Section 12.4.2.2

“The need to protect the cultures, health and lifestyles of Yukon Indian People and of other residents of the Yukon.”

Chapter 13 – Heritage:

Section 13.1.1.1

“To promote public awareness, appreciation and understanding of all aspects of culture and heritage in the Yukon and in particular, to respect and foster the culture and heritage of Yukon Indian People.”

Section 13.1.1.2

“To promote the recording and preservation of traditional languages, beliefs, oral histories including legends and cultural knowledge of Yukon Indian People for the benefit of future generations.”

Section 13.1.1.3

“To involve equitably Yukon First Nations and Government, in the manner set out in this chapter, in the management of Heritage Resources of the Yukon, consistent with a respect for Yukon Indian values and culture.”

Section 13.1.1.10

“To incorporate, where practicable, the related traditional knowledge of a Yukon First Nation in Government research reports and displays which concern Heritage Resources of that Yukon First Nation.”

Section 13.1.1.11

“To recognize that oral history is a valid and relevant form of research for establishing the historical significance of Heritage sites and Movable Heritage Resources directly related to the history of Yukon Indian People.”

Section 13.5.3.2

“Means by which the traditional knowledge of Yukon Indian Elders maybe considered in the management of Movable Heritage Resources and Heritage sites in the Yukon.”

Section 13.5.3.3

“Means by which the traditional languages of Yukon First Nations can be recorded and preserved.”

Section 13.7.1

“Researcher interpretive reports produced by Government or its agents regarding Yukon Heritage Resources shall be made available to the affected First Nation.”

Section 13.7.2

“Where feasible, research reports in 13. 7.1 or portions thereof, shall be made available to the public, recognizing that some of the reports maybe restricted due to the sensitive nature of the information contained therein.”

Chapter 16 – Fish and Wildlife:

Section 16.1.1.2

“To preserve and enhance the culture, identity and values of Yukon Indian People.”

Section 16.1.1.6

“To integrate the management of all renewable resources.”

Section 16.1.1.7

“To integrate the relevant knowledge and experience of Yukon Indian People and of the scientific communities in order to achieve Conservation.”

Section 16.1.11

“Shall screen and may approve applications for Fish and Wildlife surveys and research within that Yukon First Nation’s Settlement Land.”

Chapter 17 – Forest Resources:

Section 17.5.5.4

“The Forest Resources harvesting and management customs of Yukon Indian People.”

Section 17.5.5.6

“The knowledge and experience of the Yukon Indian People and scientific communities in Forest Resources Management and use.”

Chapter 28- Implementation & Training for Settlement Implementation:

Section 28.3.5.3

“Facilities to allow board members to carry out their responsibilities in their traditional languages.”

Appendix G: The Northern Contaminants Program

The Northern Contaminants Program (NCP) was established in response to studies, which showed the presence of contaminants in the Arctic ecosystem. Many of these contaminants have no Arctic sources and yet some are found at high levels in animals and in humans. The three main contaminant groups of concern are persistent organic pollutants (POPs), heavy metals and radionuclides. The NCP is managed by the Department of Indian Affairs and Northern Development in partnership with other federal departments (Health, Environment, Fisheries and Oceans), the three territorial government departments, Aboriginal organizations (Council of Yukon First Nations, Dene Nation, Inuit Tapirisat of Canada, Inuit Circumpolar Conference and Métis Nation-NWT) and university researchers. The aim of the NCP is to work towards reducing and, where possible, eliminating contaminants in traditionally-harvested foods, while providing information that assists informed decision making by individuals and communities in their food use.

Phase I of the NCP (1991-1997) focussed on determining the main sources of contaminants and their transport pathways and fate in the Arctic, as well as their levels and spatial and temporal distribution within Arctic ecosystems and humans. The results are being used in international negotiations to control contaminants. Education and communication of contaminants information to northerners was a major emphasis of Phase I, led by the Aboriginal organizations.

The NCP Phase II is a five-year program (1998-2003), which funds research on northern contaminants issues at \$5.4 million per year, in addition to supporting the Centre for Indigenous People's Nutrition and Environment (CINE) and the participation of Aboriginal organizations in the NCP. The emphasis of Phase II is on expanding human health research, developing effective community dialogue and international controls on contaminants.

(www.inac.gc.ca/Ncp/apropos- about/descr_e.html),

Appendix H: The NCP and Traditional Knowledge

Purpose: to ensure that TK plays an effective role in the NCP

The NCP working definition of TK is:

An existing Aboriginal knowledge system of lands, waters, climates, seasons and related animal behaviors in an Aboriginal territory, based on ancestral experiences, oral history, subsistence harvesting and traditional use of plants and animals, as well as the use of historical waterways, trails and other nomadic travel paths.

Considerations: Attempts have been made to bridge the communication and education gap between TK and western science through activities such as elders/scientists retreats, workshops and individual projects. The NCP Management Committee is committed to incorporating elements of TK and where appropriate, encourages its inclusion in research projects. Researchers must be encouraged to consider ways in which to incorporate TK information into their projects.

General Recommendations:

- a) NCP scientists must be encouraged to become familiar with TK in general, especially the TK of the people living in the study area;
- b) The NCP Traditional Knowledge Committee will develop a general protocol for the TK of the people living in the study area; and
- c) Encourage funding of NCP research that includes clearly defined TK components.

Appendix I: First Nations Contact List

Council of Yukon First Nations
11 Nisutlin Drive
Whitehorse, Yukon Y1A 3S4
Phone (867) 393-9200
Fax (867) 668-6577
Email: cdickson@cyfn.net

CYFN Membership:

Carcross/Tagish First Nation
Box 130
Carcross, Yukon Y0B 1B0
Phone (867) 821-4251
Fax (867) 821-4802
Email: ctfn@yknet.yk.ca

Ta'an Kwach'an Council
Box 5359
Whitehorse, Yukon Y1A 4Z2
Phone (867) 668-3613
Fax (867) 668-6577
Email: taankwachan@.ca

Tr'on dek Hwech'in First Nation
Box 599
Dawson City, Yukon, Y0B 1G0
Phone: (867) 993-5385
Fax: (867) 993-6553
Email: trondek@yknet.yk.ca

Little Salmon/ Carmacks First Nation
Box 135
Carmacks, Yukon, Y0B 1C0
Phone: (867) 863-5576
Fax: (867) 863-5710

Kluane First Nation
Box 20
Burwash Landing, Yukon
Y0B 1V0
Phone (867) 841-4274
Fax (867) 841-5900

Teslin Tlingit Council
Box 133
Teslin, Yukon Y0A 1B0
Phone (867) 390-2532
Fax (867) 390-2204
Email: ttc1@yknet.yk.ca

Champagne & Aishihik First Nations
Suite 100, 304 Jarvis Street
Whitehorse, Yukon, Y1A 2H2
Phone: (867) 668-3627
Fax: (867) 667-6202
Email: cafn@yknet.yk.ca

Vuntut Gwitchin First Nation
Box 94
Old Crow, Yukon YOB 1NO

Phone (867) 966-3037
Fax (867) 966-3800
Email: jlinklater@vgfn.net

White River First Nation
General Delivery
Beaver Creek, Yukon YOB 1AO

Phone (867) 862-7802
Fax (867) 862-7806

Selkirk First Nation
Box 40
Pelly Crossing, Yukon YOB 1PO

Phone (403) 537-3331
Fax (403) 537-3902
Email: blattman@sekirkfn.com

First Nation of Na-cho Nyak Dun
Box 220
Mayo, Yukon YOB 1M0

Phone (867) 996-2265
Fax (867) 996 - Box 599

Non-member CYFN First Nations:

Liard River First Nation
Box 328
Watson Lake, Yukon YOA 1CO

Phone (867) 536-2131
Fax (403) 536-2332
Email: lowerpost@watson.net

Ross River Dena Council
General Delivery
Ross River, Yukon YOB 1SO

Phone (867) 969-2278
Fax (867) 969-2405

Kwanlin Dun First Nation
Box 1217
Whitehorse, Yukon Y1A 5S5

Phone (867) 667-6465
Fax (867) 667-5057
Email: recprds@kdfn.yk.ca

Tribal Councils:

Kaska Tribal Council
Box 530
Watson Lake, Yukon YOA 1CO

Phone (867) 536-2805
Fax (867) 536-2806
Email: kaskatc@yknet.yk.ca

Northern Tutchone Tribal Council
Box 61
Pelly Crossing, Yukon, YOB 1PO

Phone: (867)537-3821
Fax (867) 537-3902

Southern Tutchone Tribal Council
Box 2076
Haines Junction, Yukon, YOB 1LO

Phone: (867) 634-2513
Fax (867) 634-2612

Daak Ka Tlingit Nation
Box 133
Teslin, Yukon, YOB 1B0

Phone: (867) 390-2532
Fax (867) 390-2204

British Columbia First Nations:

Taku River Tlingits
Box 132
Atlin, BC VOW 1AO

Phone (250) 651-7615
Fax (250) 651-7714

Liard Indian Reserve #3
Box 489
Watson Lake, Yukon YOA 1CO

Phone (867) 779-3161
Fax (867) 779-3371

Dease River Indian Band
General Delivery
Good Hope Lake, BC VOC 2ZO

Phone (867) 239-3000
Fax (867) 239-3003

Appendix J: Yukon First Nations Traditional Territories



References

Psychology Department Ethics Committee, University of Calgary

Model Tribal Research Code, 1999

<http://www.inac.gc.ca/ncp>