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Research Ethics for Protecting Indigenous Knowledge and Heritage: Institutional and Researcher Responsibilities

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> *The term “research” is inextricably linked to European imperialism and colonialism. The word itself, “research,” is probably one of the dirtiest words in the indigenous world's vocabulary.*
>
> —Linda Smith (1999, p. 1)

Indigenous peoples around the world have lived in their natural contexts, acquiring and developing sustaining relationships with their environments and passing this knowledge and experience to succeeding generations through their language, culture, and heritage. Their acquired knowledge embodies a great wealth of science, philosophy, oral literature, art, and applied skills that have helped sustain Indigenous peoples and their land for millennia. From their elders and within their spiritual connections, Indigenous peoples have learned to heal themselves with the medicines of the earth that have been naturally part of their environment. They have observed the patterns in nature and learned how to live and flourish within them. This knowledge has been embedded in the collective

community's oral and literacy traditions;[1] transmitted in the values, customs, and traditions; and passed on to each generation through their Indigenous language as instructed by the Creator and their elders.

Eurocentric education and political systems and their assimilation processes have severely eroded and damaged Indigenous knowledge, however. Unraveling the effects of generations of exploitation, violence, marginalization, powerlessness, and enforced cultural imperialism on Aboriginal knowledge and peoples has been a significant and often painful undertaking in the past century. Today, Indigenous peoples throughout the world are feeling the tensions created by a modern conventional education system that has taught them not only to mistrust their own Indigenous knowledge and elders' wisdom but also their own instincts, creativity, and inspirations. Aware of the growing eroding environmental land base, Indigenous elders have been urging new ways of thinking and interacting with the earth and with each other. The growing awareness of the limitations of technological knowledge, as well as its capacity to provide solutions to their health, environment, and biodiversity, has increasingly moved science to consider Indigenous people's potential capacity for addressing the need

of urgent reform and action.

Mainstream educational institutions are also feeling the tensions and the pressures to make education accessible and relevant to Aboriginal people. With the rise in Aboriginal populations, especially in the northern territories and prairie provinces, where it is expected that the future economy will depend on a smaller number of employed people, the pressure is on conventional educational institutions to make Aboriginal populations more economically self-sufficient. In addition, educators are aware of the need to increase the diversity of the population they train as they seek to address the diversity that will exist in the population at large. As integration is pursued and diversity is recognized, so also are questions about the processes for engendering inclusiveness, tolerance, and respect.

Of late, the challenge is not so much about finding receptivity to inclusion but the challenge of ensuring that receptivity to inclusive diverse education is appropriately and ethically achieved and that the educators become aware of the systemic challenges for overcoming Eurocentrism, racism, and intolerance. The add-and-stir model of bringing Aboriginal

education into the Canadian postsecondary curricula, environment, and teaching practices has not achieved the needed change but rather sustains difference and superiority of Eurocentric knowledge and processes. The challenge thus continues for educators to be able to reflect critically on the current educational system in terms of whose knowledge is offered, who decides what is offered, what outcomes are rewarded and who benefits, and, more important, how those processes are achieved in an ethically appropriate manner in higher educational institutions.

While finding a receptive climate for Indigenous knowledge is one challenge, finding educational institutions and educators to be inclusive within culturally appropriate and ethical standards is the next challenge. This chapter offers some background to the importance of Indigenous knowledge for all peoples and its vitality and dynamic capacity to help solve contemporary problems and address Eurocentric biases, the cultural misappropriations that are endangering Indigenous peoples and the benefits they may receive, an overview of the current regimes of ethics that impinge on Indigenous knowledge, and, finally, a critique of institutional ethics processes that continue to hold on to individual and institutional protections and not

collective Indigenous interests. In concluding, I offer a process for Aboriginal communities to address protection of their knowledge, culture, and heritage, through a protocol entry process, calling to mind the protective actions taken internationally and regionally among Indigenous communities to stop the erosion of our Indigenous knowledge and heritage. An example of an Indigenous nation that has considered these ethical issues and provided their one, albeit partial, solution is offered.

The Mi'kmaq Grand Council of Mi'kma'ki (also known as Sante Mawio'mi within the seven districts of the Mi'kmaq Nation) has assigned the Mi'kmaw Ethics Watch (*Ethics Eskinuapimk*) to oversee research processes that involve Mi'kmaw knowledge sought among Mi'kmaw people, ensuring that researchers conduct research ethically and appropriately within Mi'kma'ki (Mi'kmaq Nation territories). As a member of that working group who participated in the process of arriving at principles and guidelines for ensuring the protection of Mi'kmaq knowledge and now am involved in enforcing these principles and guidelines, I offer, with permission from the Mi'kmaw Ethics Watch, a discussion of some the principles and measures taken and the processes articulated in the protocols, together with an

appendix of these principles and guidelines. This is a significant process toward ensuring Mi'kmaw people's self-determination and the protection of our cultural and intellectual property. The responsibility for educating both Aboriginal and non-Aboriginal people about these principles and guidelines is both a community and personal responsibility of every Indigenous person and among those using or taking up Indigenous knowledge. Hence, in so understanding, I take on this task to continue to educate both Aboriginal and non-Aboriginal people about these minimum standards in approaching research in our communities in respectful inquiry and relations.

Indigenous Peoples and Knowledge

Indigenous knowledge is derived from Indigenous peoples. More than 5,000 Indigenous peoples live in 70 countries with a world population of over 300 million peoples. In each province in Canada, Aboriginal people represent a tremendous diversity of peoples, languages, cultures, traditions, beliefs, and values. Such diversity at the world level has been difficult to capture within a working definition. the International Labour Organization (ILO) has defined Indigenous peoples as

> tribal peoples in independent countries whose social,

> cultural and economic conditions distinguish them from other sections of the national community, and whose status is regarded wholly or partially by their own customs or traditions or by special laws or regulations. (ILO, 1989)

Indigenous people's epistemology is derived from the immediate ecology; from peoples' experiences, perceptions, thoughts, and memory, including experiences shared with others; and from the spiritual world discovered in dreams, visions, inspirations, and signs interpreted with the guidance of healers or elders. Most Indigenous peoples hold various forms of literacies in holistic ideographic systems, which act as partial knowledge meant to interact with the oral traditions. They are interactive, invoking the memory, creativity, and logic of the people. The most significant meanings quickly pass from family to family and to succeeding generations through dialogue, storytelling, and appropriate rituals and legendary archetypes. Through analogies and personal style, each person in tribal society modeled the harmony among humans and the environment in their stories, through art and design on their crafts, and on their personal objects and clothing. The personal and tribal experience with their immediate environment and with

their personal and intense interaction with the spiritual world provided the core foundations for knowledge. Many cultural manifestations of those diverse experiences are available today, although many also have been lost to environmental conditions, colonization, and neglect. Ideographs on petroglyphs, pictographs, birch bark, hides, trees, and other natural materials thus catalogued the deep structure of the knowledge of the two worlds in holistic, meaningful ideas or visions. Finally, through the oral tradition and appropriate rituals, traditions, ceremonies, and socialization, each generation transmitted the collective knowledge and heritage to the next.

All of the products derived from the human Indigenous mind represent a wealth of diverse knowledge, which is in a constant flux and dependent on the social and cultural flexibility and sustainability of each nation. Indigenous knowledge represents a complex and dynamic capacity of knowing, a knowledge that results from knowing one's ecological environment, the skills and knowledge derived from that place, knowledge of the animals and plants and their patterns within that space, and the vital skills and talents necessary to survive and sustain themselves within that environment. It is a knowledge that required constant vigor to observe carefully, to offer those in

story and interactions, and to maintain appropriate relationships with all things and peoples in it. The relationships are preserved not just in the story and daily dialogue of the people but also in language structures. Algonkian languages preserve those relationships in multiple dialects with the language family that acknowledges the animate and inanimate, in their acknowledged experiential knowledge of others, and in the diverse prefixes and suffixes that allow creativity in language and thought to be transmitted orally so that others may understand the deep complexity of the dynamic experience (Inglis, 2002).

Indigenous knowledge, then, is a dynamic knowledge constantly in use as well as in flux or change. It derives from the same source: the relationship within the global flux that needs to be renewed, kinship with the other living creatures and life energies embodied in their land, and kinship with the spirit world. The natural context is itself a changing ecosystem that manifests itself in many Indigenous sociocultural forms: stories, ceremonies, and traditions that can be explained in any number of disciplinary knowledge such as science, art, humanities, mathematics, physics, linguistics, and so forth. Within a functional system of family and community dynamics,

Indigenous knowledge is constantly shared, making all things interrelated and collectively developed and constituted. There is no singular author of Indigenous knowledge and no singular method for understanding its totality.

Erica Irene Daes (1993), former special rapporteur and chairperson of the Working Group on Indigenous Populations, reported that the heritage of Indigenous people is not merely a collection of objects, stories, and ceremonies but a complete knowledge system with its own languages, with its own concepts of epistemology, philosophy, and scientific and logical validity. She underscored the central role of Indigenous people's own language, through which each people's heritage has traditionally been recorded and transmitted from generation to generation, and urged legal reforms to recognize the unique and continuing links to the ecosystem, language, and heritage of the Indigenous peoples. Reporting to the United Nations (UN) Sub-Commission on Prevention of Discrimination and Protection of Minorities, Daes emphasized that

> such legal reforms are vital to a fair legal order because Indigenous peoples cannot survive or exercise their fundamental human rights as distinct

> nations, societies, and peoples without the ability to conserve, revive, develop, and teach the wisdom they have inherited from their ancestors. (p.13)

From a sociological perspective, despite the fact that all peoples have knowledge, the transformation of knowledge into a political power base has been built on controlling the meanings and diffusion of knowledge. Different groups in society use knowledge and control of knowledge and its meanings in order to exercise power over other groups (Apple, 1993, 1996; Corson, 1997). Such has been the controlling agents of education that have linked these diffused meanings with economics, ensuring that some knowledge is diffused with rewards and others not. It ensures a cognitive imperialism around knowledge that positions some groups in power and others to be exploited and marginalized (Battiste, 1986).

The realization of the losses to Indigenous people's cultures, languages, histories, and knowledge is not without repercussions for those seeking to redefine or restore Indigenous cultures and societies. Most academics are not lost to the fact that Indigenous peoples have been colonized and marginalized and suffer from the effects of them. Poverty has

been the overarching common experience of Indigenous peoples, and to be able to use their resources and talents in order to develop their economic potential has been recognized by many academics and countries. This need not and should not, however, open the door for individual Indigenous people to have rights that ignore their responsibilities to the group for protecting the collective aspects of their knowledge. Nor do culturally sensitive protocols and ethics provide an open door or a “superhighway” for those, however well intentioned, to take what appears necessary for their own purposes. Corporations or universities seeking to include Indigenous people in their research for their purposes, even when some benefits accrue to some of those individuals, are insufficient. Furthermore, vetting research on Indigenous knowledge or among Indigenous peoples through a university ethics committee that does not consider protection issues for the collective may contribute to the appropriation and continuing pillage of Indigenous culture, heritage, and knowledge.

How Indigenous peoples achieve economic and educational self-determination is an important issue today, and education has much to offer. However, research and education must examine not only the Eurocentric foundations of that inquiry but

also the partnerships of trust that will achieve equity. How can ethics processes and responsibilities in them ensure protection for the heritage and benefits that accrue to Indigenous peoples for their knowledge and not only to the researchers and/or their institution?

Indigenous knowledge and issues of principles and responsibility of the researcher dealing with sensitive knowledge and protection are fraught with both ambiguity and certainty for Indigenous peoples. They are ambiguous when dealing with areas such as how communities can recover their languages where they have been lost or how schooling should be used to recover or teach Aboriginal heritage. Clearly, elders and community members must be part of those decisions. The role of Indigenous knowledge and languages in any sphere must arise from the first principle that Indigenous peoples must be the custodians of that knowledge. Schools cannot and should not be responsible for teaching Aboriginal knowledge in all its complexity and diversity, nor should they be solely responsible for reviving Aboriginal languages, even if they could. Indigenous knowledge is diverse and must be learned in the similar diverse and meaningful ways that the people have learned it for it to have continuing vitality and meaning.

Educators must also respect the fact that Indigenous knowledge can only be fully known from within the community contexts and only through prolonged discussions with each of these groups. This process must also acknowledge and respect the limitations placed on Indigenous knowledge by the community or people of what knowledge can be shared and in what contexts can or should they be shared.

The issues regarding what principles will guide the protection of Indigenous communities and issues of cultural and intellectual property governing those decisions are at the cornerstone of a recent book titled *Protecting Indigenous Knowledge and Heritage: A Global Challenge* (Battiste & Henderson, 2000). The universal losses among Indigenous peoples and the current resource rush on Indigenous knowledge require that a uniform and fair policy or set of practices be established and used by nation-states and multinationals. This will then guide research practices that seek to engage Indigenous knowledge or protect communities' current resources, knowledge, ideas, expressions, trade secrets, and teachings from tourism and other forms of commodification. In addition, such guidelines must be part of every university or research institution. Indigenous peoples have a responsibility to be sensitive and

inclusive while also pressuring and ensuring universities protect the collective interests in Indigenous knowledge. The need for protective practices intensifies within these institutions, and it is the following section that addresses some of the issues surrounding their research ethics and the vulnerabilities that are identified. Battiste and Henderson (2000) have asserted that the main principles for research policy and practice must be that Indigenous people should control their own knowledge, that they do their own research, and that if others should choose to enter any collaborative relationship with Indigenous peoples, the research should empower and benefit Indigenous communities and cultures, not just researchers, their educational institutions, or Canadian society.

Indigenous knowledge thus embodies a web of relationships within a specific ecological context; contains linguistic categories, rules, and relationships unique to each knowledge system; has localized content and meaning; has customs with respect to acquiring and sharing knowledge; and implies responsibilities for possessing various kinds of knowledge. No uniform or universal Indigenous perspective on Indigenous knowledge exists—many do. Its unifying concept lies in its diversity. Each group holds a diversity that is not like another,

although as Tewa educator Gregory Cajete (1995) has offered, there are unifying strands among Indigenous nations that lie beyond the colonizing features of each group. These strands are related again to ecology, to place, and to the relationships embedded with that place. To acquire Indigenous knowledge, one cannot merely read printed material, such as books or literature, or do field visits to local sites. Rather, one comes to know through extended conversations and experiences with elders, peoples, and places of Canada.

While many social scientists continue to explore the exotic aspects of Aboriginal cultures, only recently have private corporations and multinationals begun to see how these once-thought “primitive and exotic” cultures could become instrumental to their economic and social political growth. In particular, Indigenous people's knowledge of plant and animal behavior, as well as of their self-management of natural resources, has inspired a new burgeoning field of involvement and interest among researchers and academicians worldwide. Much of this is still embedded in the hegemonic relations in society and is largely exploitative. Pharmaceuticals are bypassing the multiple and expensive trials on plants by going directly to Indigenous experts to ascertain how each plant is

used, doing its tests on these derivatives, and then patenting the knowledge and products for mass consumption and financial gain. Delivering back a journal essay on the knowledge is not delivering benefit back to the communities that have held that knowledge. Their interest, as well as those of others seeking Indigenous knowledge, has been the thrust of a new hot-button issue dealing with Indigenous knowledge and intellectual and cultural property that has fueled a political confrontation of Indigenous and non-Indigenous peoples. The national and international community is again faced with a new form of global racism that threatens many Indigenous peoples, a racism in which cultural capital is used as a form of superiority over colonized peoples.

Using international and national funds, nation-states and multinational corporations have commodified the very productions of Indigenous knowledge without Indigenous people's collective consent and knowledge or without adequate compensation or consideration of the impact on the collective who have developed this knowledge. This seemingly accepted practice of globalized commodification of knowledge is evident in books, marketing, and institutions and is very much an ongoing enterprise in modern capital systems, including

education. However, the commodification of Indigenous knowledge without consent, consideration, or compensation is another form of exploitation and marginalization of Indigenous peoples. The benefits of this commodification do not accrue to Indigenous peoples per se; rather, they remain the profits of corporations and institutions or the academic and personal gain of individuals. Often, the knowledge is acquired by less than ethical means and used in a manner that distorts or marginalizes it. While there is some literature that counts medicinal knowledge or botanical knowledge as belonging to traditional ecological knowledge, and acknowledged as being threatened and exploited, the same value has not been put to the breadth of knowledge in Indigenous language, songs, stories, and kinship relationships. These elements of culture are internally threatened for loss of use, although not externally exploited. The tension around protecting Indigenous knowledge ultimately surrounds the boundaries of what counts as knowledge in educational institutions and what does not, as the all-encompassing macro terms of “knowledge” make it difficult to legislate protection for it.

As discussions develop regarding the principles and ethics governing Indigenous research, the issue of control or decision

making reverberates the singular most important principle—Indigenous peoples must control their own knowledge, a custodial ownership that prescribes from the customs, rules, and practices of each group. This can only be achieved through the involvement of those groups holding the custodial relationships with the knowledge. More often, this will not be the elected leader of that community (for example, the chief) but others whose responsibilities are directly related to the knowledge and teachings of the clan, family, or nation. Thus, a problem is raised about how can any research in the community be vetted or controlled by the rightful owners. While seemingly problematic, the inclusion of local community voice seems necessary for arriving at the issue of control. First, inclusion necessarily requires that local Indigenous peoples and nations become informed and aware of the research being done on, among, or with them. Second, they must train local people in the holistic understanding of issues, practices, and protocols for doing research. In so doing, they will build capacity to do their own research and consequently use research for their own use and benefit, strengthening and revitalizing their communities, territories, and people while warding off the threats to their culture from those who seek to take their knowledge for benefits defined outside their community. Third, they must decide on

processes that will ensure that principles of protection and use are developed, disseminated, and used as normative procedures in their territory.

Ethical Issues in Conducting Research in and with Indigenous Communities

Ethical research systems and practices should enable Indigenous nations, peoples, and communities to exercise control over information relating to their knowledge and heritage and to themselves. These projects should be managed jointly with Indigenous peoples, and the communities being studied should benefit from training and employment opportunities generated by the research. Above all, it is vital that Indigenous peoples have direct input into developing and defining research practices and projects related to them. To act otherwise is to repeat that familiar pattern of decisions being made for Indigenous people by those who presume to know what is best for them.

Some Indigenous communities want to share what they know, and many have created their own protocols and procedures for doing so. In so doing, they may limit what can be shared and the conditions for sharing. But all communities want their

knowledge and heritage to be respected and accorded the same rights, in their own terms and cultural contexts, that are accorded others in the area of intellectual and cultural property. They want a relationship that is beneficial to them and to those who collectively own that knowledge. Therefore, Indigenous peoples should be supported in developing their knowledge for commercial purposes when they think it is appropriate and when they choose to do so. When this knowledge creates benefits for others, policy and legislation should ensure that Indigenous people share those benefits.

The commoditization of knowledge has been in practice for 500 years. At their core, Eurocentric research methods and ethics are issues of intellectual and cultural property rights. The issues vary from whether life forms and their DNA should be patented to make them private property, to whether knowledge that is freely given in one culture should be commoditized for private profit in another, to confidentiality and trade secrets. Indigenous knowledge can become protected intellectual property in modern society, thus raising new ethical issues.

Most existing research on Indigenous peoples is contaminated by Eurocentric biases. Ethical research must begin by replacing

Eurocentric prejudice with new premises that value diversity over universality. Researchers must seek methodologies that build synthesis without relying on negative exclusions based on a strategy of differences. At the core of this quest is the issue of how to create ethical behavior in a knowledge system contaminated by colonialism and racism. Nowhere is this work more needed than in the universities that pride themselves in their discipline-specific research. These academic disciplines have been drawn from a Eurocentric canon, an ultra theory that supports production-driven research while exploiting Indigenous peoples, their languages, and their heritage.

Few academic contexts exist within which to talk about Indigenous knowledge and heritage in an unprejudiced way. Most researchers do not reflect on the difference between Eurocentric knowledge and Indigenous knowledge. Most literature dealing with Indigenous knowledge is written and developed in English or in other European languages. Very few studies have been done in Indigenous languages. This creates a huge problem of translatability.

Linguistic competence is a requisite for research in Indigenous issues. Researchers cannot rely on colonial languages to define

Indigenous reality. If Indigenous people continue to define their reality in terms and constructs drawn from Eurocentric diffusionism, they continue the pillage of their own selves. The reconstruction of knowledge builds from within the spirit of the lands and within Indigenous languages. Indigenous languages offer not just a communication tool for unlocking knowledge; they also offer a theory for understanding that knowledge and an unfolding paradigmatic process for restoration and healing. Indigenous languages reflect a reality of transformation in their holistic representations of processes that stress interaction, reciprocity, respect, and noninterference. For Indigenous researchers, there is much to be gained by seeking the soul of their peoples in their languages. Non-Indigenous researchers must learn Indigenous languages to understand Indigenous worldviews. As outsiders, non-Indigenous researchers may be useful in helping Indigenous peoples articulate their concerns, but to speak for them is to deny them the self-determination so essential to human justice and progress.

Indigenous peoples who have lost their languages due to government genocidal and assimilation policies are presented with a great challenge. Second-language research, however, has confirmed that language is more than just sound. Language

includes ways of knowing, ways of socializing, and nonverbal communication. The spirits of the consciousness that created those languages are remarkably persistent and are still embedded in many Indigenous communities. Indigenous languages have spirits that can be known through the people who understand them, and renewing and rebuilding from within the peoples is itself the process of coming to know. the Indigenous peoples of Australia have found that essence of spirit in their dreamtime paintings; for others, it is in their creativity or in their hunting skills.

Universality is another ethical research issue. Eurocentric thought would like to categorize

Indigenous knowledge and heritage as being peculiarly local, merely a subset of Eurocentric universal categories. These negative innuendoes are the result of European ethnocentrism. The search for universality is really just another aspect of diffusionism, and claiming universality often means aspiring to domination. *Mainstreaming* is another term that raises concerns. It suggests one “main” stream and diversity as a mere tributary. The goal is to try to achieve some normalcy (Minnick, 1990). Together, mainstreaming and universality

create cognitive imperialism, which establishes a dominant group's knowledge, experience, culture, and language as the universal norm (Battiste, 1986). Colonizers reinforce their culture by making the colonized conform to their expectations. Because Eurocentric colonizers consider themselves to be the ideal model for humanity and carriers of a superior culture, they believe they can assess the competencies of others. They do this using intelligence and normative educational achievement tests and psychological assessments. They define deviancies from the norm as sins, offenses, and mental illness. Eurocentric thinkers also believe they have the authority to impose their tutelage over Indigenous peoples and to remove from those peoples the right to speak for themselves.

In his analysis of colonial racism, writer Albert Memmi (1965, p. 186) identifies four related strategies used to maintain colonial power over Indigenous peoples: (1) stressing real or imaginary differences between the racist and the victim; (2) assigning values to these differences, to the advantage of the racist and to the detriment of the victim; (3) trying to make these values absolutes by generalizing from them and claiming that they are final; and (4) using these values to justify any present or possible aggression or privileges. All these strategies have

been the staple of Eurocentric research, which has created and maintained the physical and cultural inferiority of Indigenous peoples.

In assessing the current state of research on Indigenous knowledge, researchers must understand both Eurocentric and Indigenous contexts. A body of knowledge differs when it is viewed from different perspectives. Interpretations of Indigenous knowledge depend on researchers' attitudes, capabilities, and experiences, as well as on their understanding of Indigenous consciousness, language, and order. Indigenous knowledge may be utilitarian or nonutilitarian or both; it may be segmented or partial depending on Eurocentric reductionistic analysis. Indigenous knowledge needs to be learned and understood and interpreted based on form and manifestation as understood by Indigenous peoples. Indigenous knowledge must be understood from an Indigenous perspective using Indigenous language; it cannot be understood from the perspective of Eurocentric knowledge and discourse.

Knowledge in the Indigenous contexts has its own filters and accessibility criteria. Access to sacred knowledge is ordinarily restricted to particular individuals and organizations within

Indigenous communities, such as initiated men or women, or to the members of special spiritual societies. This can pose two kinds of problems for researchers. No single individual can ever be aware of all the cultural concerns that may exist in the community; a broad process of consultation with different groups and elders may be needed before determining whether a site, object, or design is important. In addition, the necessary information may be confidential, such that it cannot be revealed completely to outsiders or even to the rest of the community. Many Indigenous nations have their own medicine or spiritual societies that manage by customs and ceremonies their own initiates who receive knowledge and how and when this specialized knowledge is used. These societies or groups would ensure that all appropriate elders are contacted before a decision is made. Unfortunately, elders or societies are not always consulted, particularly as government or research projects have no information of these societies' responsibilities and knowledge.

Because of the pervasiveness of Eurocentric knowledge, Indigenous peoples today have at their disposal few, if any, valid or balanced methods to search for truth. Every academic discipline has a political and institutional stake in Eurocentric

knowledge. Every university has been contrived to interpret the world in a manner that reinforces the Eurocentric interpretation of the world and is thus opposed to Indigenous knowledge. The faculties of contemporary universities remain the gatekeepers of Eurocentric knowledge in the name of universal truth; they represent little more than the philosophy of Western Europe to serve a particular interest. Most academic research is methodologically flawed with multiple forms of cognitive imperialism when it approaches Indigenous issues. The rise of Indigenous centers of learning offers some hope as well as the Indigenous renaissance of Indigenous humanities. The persistent current quest for Indigenous knowledge has inspired many Indigenous writers, scholars, and researchers to pursue institutional protection for Indigenous knowledge. At least one university, the University of Alaska Fairbanks, has developed a cross-cultural master's-level program that centers Indigenous knowledge and develops students' awareness of Indigenous people's cultural and intellectual property rights and the distinctive protocols and practices for investigating Indigenous knowledge.

The Royal Commission of Aboriginal Peoples in Canada (1996) and some institutions of higher learning, particularly in Australia

and New Zealand, have established policies and programs to protect Indigenous peoples and their knowledge. Some of these programs involve committees, such as university ethics committees or the newly organized Indigenous ethics committees at the University of Auckland and University of South Australia, which vet all research activity dealing solely with Indigenous communities. The universities must respect the committees' identification of what comprises Indigenous cultural and intellectual property and must respect the gatekeepers of knowledge within Indigenous communities. This respect includes drawing up appropriate protocols for entering into reciprocal relationships following traditional laws and rights of ownership. The reciprocal relationships embody both recognition of the custodians of knowledge and awareness of the associated responsibilities of the custodians and the receivers of knowledge. Furthermore, the universities must also accept that Indigenous peoples are living entities and that their heritage includes objects, knowledge, literacy, and artistic works that may be created in the future (Janke, 1998).

As discussions develop regarding the ethics governing Indigenous research, issues of control and decision making reverberate as the most important principle. Indigenous peoples

must control their own knowledge and retain a custodial ownership that prescribes from the customs, rules, and practices of each group. This control can only be realized if the groups that hold these custodial relationships are involved in the research. Often these groups are not elected community leaders, but others whose responsibilities are directly related to the knowledge and the teachings of the clan, family, or nation.

This raises the problem of how a group that vets any research in the community can be controlled by the right owners. Local groups must be informed of threats to their cultures, communities, and knowledge by virtue of the research being done on them. Local people must also be trained in the holistic understanding of the issues, practices, and protocols of doing research. This will enable Indigenous peoples to use research for their benefit, using it to strengthen and revitalize their communities, places, and people while warding off threats to their cultures from those who seek to take their knowledge from them for benefits defined outside their communities.

Procedural Duty to Inform and Seek Consent: The Singular or Double Door Approach

Indigenous peoples throughout the world are concerned about

the global onslaught of their knowledge and culture. They seek protection at all levels and increasingly are becoming attuned to the political issues and questions facing them today. The issues associated with protecting Indigenous knowledge are deeply concerned with the structural inability of the law to give Indigenous peoples control of their humanity, heritage, and communities. The absence of protection of the humanity of Indigenous peoples in local and international law is particularly disturbing (Battiste & Henderson, 2000). In the absence of clear guidelines at the national and international levels, each community then must work to effect its own process. This takes me finally to the work of the Mi'kmaw Ethics Watch among the Mi'kmaw Nation in Nova Scotia. Under the treaty authority of the Grand Council of Mi'kma'kik, the official treaty holders and residual beneficiaries of the Constitution of Canada Section 35 (1), the Mi'kmaw Eskinuapimk (Mi'kmaw Ethics Watch) oversee the research protocol and ethical research processes among the Mi'kmaw communities throughout the seven traditional districts of the Grand Council, which includes the Maritime provinces of Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island as well as Quebec. the Mi'kmaw Ethics Watch is to ensure that Mi'kmaw people and knowledge are protected within Mi'kma'ki territory to the degree that research

processes can ensure this capacity.

In the summer of 1999, discussions among elders and families about the issues of protecting Mi'kmaw heritage at the annual customary gathering of the Grand Council of Mi'kmaq at Chapel Island, Nova Scotia, led to a discussion within the Grand Council about protection issues facing the Mi'kmaw people. During the St. Ann Mission speeches, the Grand Captain of the Mi'kmaq announced the appointment of a group of Mi'kmaw community elders, leaders, and researchers to the task of considering the issues of protecting Mi'kmaw knowledge and heritage. They were to return the following year with an update and recommendations from their deliberations.

The group convened over the following year through various means, including telephone, e-mail, and local community meetings, to arrive at the identification of the central issues affecting their Mi'kmaw knowledge. Through further collaboration and consultation with elders, including more research and drafting sessions, a set of draft principles and guidelines was developed, largely drawn from the UN Principles and Guidelines for the Protection of Indigenous Heritage (Daes, 1993). At the conclusion of the St. Ann Mission in the year 2000,

delegates of the assigned research and drafting committee presented their findings and recommendations in a drafted document at the traditional meeting of the Grand Council. In turn, the Grand Council announced the creation of an ongoing committee to oversee the principles, guidelines, and protocols for the Grand Council. The name given to this group was the Ethics Eskinuapimk.

The name of the Mi'kmaw Ethics Watch (Ethics Eskinuapimk) derives from an ancient traditional role among Mi'kmaw people. At each major gathering involving the Grand Council, a person (or persons) was assigned responsibility for ensuring the safety of the Grand Council by watching the door of the wigwam. The person would ensure that those who entered had their wampum or protocols in place, had a reason and purpose for being there, and were told where they should seat themselves and how they should behave. This role was both normative and prohibitive. It maintained relations among the group and ensured the safety of the group inside as well as providing guidance for those outside seeking counsel among the elders and leaders. Each wigwam had its own person as well who acted in this capacity such that normative relations were engendered and safety was ensured for everyone. In so adopting this term, the Grand Council seeks

to provide researchers the manner and relationships necessary for a harmonious relationship as well as to protect Mi'kmaw people and their knowledge and heritage from exploitation.

The Mi'kmaw Ethics Watch[2] oversees the research protocols, on behalf of the Grand Council of Mi'kmaq, by receiving and assessing research proposals for the Grand Council, applying the principles and guidelines to the proposals, and making comments on the omissions found or on the needed clarity of the proposals for addressing the protocols. They then return these comments and their assessments to the chairperson of the Mi'kmaw Ethics Watch, currently the director of the Mi'kmaq Research Institute at the University College of Cape Breton (now called Cape Breton University), who communicates this information among all the relevant parties.[3] The cycle of communication is then reenacted after the researchers respond to the comments, with final consensus made on the approval of the research or for the need to revise the proposal. When approval has been granted, a final letter of approval is then sent to the researchers for their use in finalizing their research protocols within their own institutions.

The Mi'kmaw guidelines are divided into three sections: The

first addresses the principles underlying Mi'kmaw authority and holds that the responsibility for Mi'kmaw knowledge, heritage, and language, including their rights and obligations to exercise control to protect their cultural and intellectual properties and knowledge, rests with Mi'kmaw people. The second section identifies the obligations and protocols and responsibilities for researchers seeking to conduct research among Mi'kmaw people, and such research involves collecting information from any Mi'kmaw person, regardless of topic. The final section deals with the obligations and responsibilities of the Mi'kmaw Ethics Watch (Ethics Eskinuapimk) and processes for dealing with these obligations through the Grand Council and Mi'kmaw communities. the Mi'kmaw Ethics Watch (2000) principles and guidelines offer prospective researchers help in how to derive their respectful inquiry. These, however, also may be useful to researchers as they begin the process of preparing for the ethics review process in the Mi'kmaw community and that may require Mi'kmaw Ethics Watch approval.

Conclusion

Indigenous knowledge represents the protection and preservation of Indigenous humanity. Such protection is not

about preserving a dead or dying culture. It is about the commercial exploitation and appropriation of a living consciousness and cultural order. It is an issue of privacy and commerce. The use of Indigenous knowledge for private or public profit by others under existing laws is a central issue. As each of the local communities becomes informed of the actual and potential threats to their communities, due to the destruction of their languages and cultures, the increased interest in renewal and restoration of Indigenous cultures increases the need for protection from continued exploitation and expropriation.

Indigenous peoples are in a precarious position, and their continued existence is threatened. We fear the loss of our languages, identity, cultural integrity, and spiritual teachings. We also fear the loss of commercial gain to help relieve us of our existing poverty. While communities are developing these priorities for themselves, institutions of higher learning should not impose standards that are not inclusive to Indigenous communities who want and should control their own knowledge. In addition, any research conducted among Indigenous peoples should be framed within basic principles of collaborative participatory research, a research process that seeks as a final

outcome the empowerment of these communities through their own knowledge.

Indigenous knowledge offers Canadian and other nation-states a chance to comprehend another view of humanity as they never have before. It should understand Indigenous humanity and its manifestations without paternalism and without condescension. In practical terms, this means that Indigenous peoples must be involved at all stages and in all phases of research and planning, as articulated in the UN Working Group's Guidelines and Principles in Protection of Indigenous Populations. These principles and protocols can offer each nation-state an opportunity to rededicate itself to protecting humanity; redressing the damage and losses of Indigenous peoples to their language, culture, and properties; and enabling Indigenous communities to sustain their knowledge for their future.

What is becoming clear to educators is that any attempt to decolonize education and actively resist colonial paradigms is a complex and daunting task. We cannot continue to allow Indigenous students to be given a fragmented existence in a curriculum that offers them only a distorted or shattered mirror;

nor should they be denied an understanding of the historical context that has created that fragmentation. A postcolonial framework cannot be constructed without Indigenous people renewing and reconstructing the principles underlying their own worldview, environment, languages, communication forms, and how these construct their humanity. In addition, the fragmenting tendencies and universalizing pretensions of current technologies need to be effectively countered by renewed investment in holistic and sustainable ways of thinking, communicating, and acting together.

Notes

1. For a comprehensive examination of literacy traditions among the Mi'kmaq, see Battiste (1984).

2. The Mi'kmaw Ethics Watch comprises several persons appointed by the Grand Council of Mi'kmaq in cooperation with the local, educational, and political institutions.

3. The Mi'kmaq College Institute address is P.O. Box 5300, Sydney, NS, B1P 6L2 (902-563-1827). the Mi'kmaw Ethics Watch is available at the following on line location: http://www.cbu.ca/cbu/pdfs/Ethics%20Watch%20Guidelines.pdf

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