1. Sharing worlds of knowledge

- Connie’s experience

(1) "Yëdar yë hëjí hët‘ë." 
Creator IMPF.3S.breathe 3S.be

(2) k‘iiłjaza
k‘iił- ly- azë
willow-daughter-DM
‘ceremonial willow bud(s)’

(3) dëchènthu
dëchën-thu
tree-tongue
‘tree branch’

(4) "Flághë dëchèn lást‘ë."
one tree similar IMPF.1SG.be
‘I’m living like a lone tree.’

(5) "Sëdz ch’udh hots‘én nantg.
se-dëz ch‘udh ho-t‘én nantg
my-heart.POSS vein.POSS AR-towards 2SG.O.IMPF.1SG.O.love
(sticklike/container)
‘I love you (with every vein of my heart)’

(6) "Sëdz dëlt hënëg s‘.
se-dëz dëlt hënëg s‘
my-heart IMPF.3S.dance 1SGS.happy 3SASSERT
(INEPT.PERV.1SGS.be?)
‘My heart dances with joy.’

(7) "Sëdz nada.
se-dëz nada
my-heart ITER.3P.F.3S.move
‘My heart is moving with anger.’

(8) "Nh chu tu nuhekánera hprë.
land and water 1/2PLO.for.3S.miss 3S.be
‘The land and water misses us (when we’re not out on the land).’
2. Community protocols about sharing knowledge

A set of values and practices around sharing knowledge in a community.
- traditionally unwritten and part of socialization
- traditionally enforced through social control
- the Dënyałlı́nę way: hospitality, generosity, sharing, relational
- knowledge-holders have responsibility to teach/share freely
- they are honoured and respected in the community

3. Challenges for traditional community protocols: Colliding worlds

- research is often conducted by “outsiders”, who may not know the Indigenous protocols
- social control does not work as enforcement when researcher does not depend on long-term relationships with community members
- traditional protocols are often not part of the official laws of the larger polity (province, state)

⇒ have not been able to prevent exploitation or misrepresentation

4. Challenges for formal (Western) law

- formal Western laws favour written over oral information, formal over informal consent, commercial over culture, … and thus often colonizers over the colonized
- Western law is insufficient in protecting Indigenous communities, specifically “cultural heritage” or “intangible property”
- Canada’s Copyright Act (Bill C-42) seems largely irrelevant: applies to “works” created deliberately by individuals or small groups and intended for sale/rent, and at best provides shared copyright of a “performer’s performance” between the “performer of the performance” and the “maker” of a “fixation” (recording) of the performance, which translates into a 50-50 split of royalties
- university protocols for research ethics (a) encourage anonymity or even destruction of raw data, (b) are self-interested (safeguard universities from lawsuits), e.g., informed consent can become a formality (Grinevald 2006, cf. also Dorian 2010)

5. Attempted solution: The emergence of formal community research protocols

- communities respond to the modern context by creating formal and written protocols intended to have legal standing in the larger polity
- linguists/researchers have woken up to their responsibility and approach communities differently: community-based/collaborative approach (Cameron et al. 1993, Czajkowska-Higgins 2009, Dwyer 2006, Penfield et al. 2008, Yamada 2007, etc.)
- an attempt to share control over the research process
  - express the values of traditional unwritten protocols e.g., respect for knowledge-holders
  - equitable, mutually beneficial sharing of knowledge
  - goals are co-determined
- intended to be part of decolonization

6. The Clearwater River research protocol: process

- Andrea agreed to draft a protocol based on what people told her about previous bad experiences, based on her own research on protocols, and based on existing UVic documents.
- The draft has been refined in meetings of the Language & Culture Committee and later also in meetings with Chief & Council.
- Brian Thom (UVic, Anthropology) provided input.
- No lawyer has been consulted; due to lack of resources and also ambivalence.
- Approved by Chief & Council in a "motion in principle", awaiting final approval (motion).
- A "living document" that can be changed and adapted as the circumstances require.

7. The Clearwater River Research Protocol: Highlights

- a "background" section which states the values and goals of the community
  "... the Déné language and culture, as spoken and practiced in the La Loche area, have been passed down to them from their ancestors through the generations. Their language and culture are an essential part of the Dene people; they are a source of identity and pride, they convey their values, traditions and history, and they help them understand each other, the world and their role in it. The local Dene language and culture are an Intangible Good of the people of La Loche and Clearwater River Dene Nation. This Intangible Good is infinitely precious, its value cannot be measured in dollars, and it is worthy of protection and preservation. ..."

⇒ Intangible Good: purposely not a legally defined term, and without connotations of ownership
7. The Clearwater River Research Protocol: Highlights

- a general statement about community and research goals

  "It is the goal of the Dënesųłınę Nation to document, protect, celebrate, and ensure the survival of the Dënesųłınę language and culture in all their fullness. In pursuing this goal, Clearwater River Dene Nation will respect community, family, and individual ownership of certain intellectual properties, as well as individuals' rights and freedoms under the Canadian Constitution. Any work with or on the Dënesųłınę culture and language by researchers (e.g., academics, museums, archives, educators, consultants, journalists, etc.), will be in line with, and actively support, the goal stated above."

  > addresses both community and individual rights

- the specific guidelines are introduced as principles of respect

  "The local Dënesųłınę language and culture are an Intangible Good of the people of La Loche and Clearwater River Dene Nation. Any research on or with the culture and language will respect that the local Dënesųłınę language and culture are an Intangible Good. Researchers working on or with local Dënesųłınę language and culture will be held to the high standard of respecting the principles that: …"

  here follows a list of guidelines, among them:

  "e. All researchers must show respect for local traditions, language, and community standards. They will endeavour to learn the unwritten local protocols, traditions, and practices of the people with whom they do research, and will work to ensure that they follow these protocols, traditions and practices in conducting their research. This applies especially to research with Elders…"

- guidelines around ownership and profit:

  "b. Researchers will not have, or claim ownership, of the local Dënesųłınę language and culture or representations thereof.
  c. Researchers will not use Dënesųłınę language and culture or representations thereof for personal direct financial gain."

- other guidelines:

  - no research without informed consent
  - no misappropriation or misrepresentation
  - community & public have access to research materials, but confidentiality requests & access restrictions are respected
  - no "fixations" or representations of items declared Sensitive Information (e.g., no recordings of certain ceremonies)

- guidelines protecting researchers:

  - community will inform researchers of local values & practices, so they can respect them
  - license to publish nonrestricted materials:

    "While protecting their language and culture as Intangible Good, the people of Clearwater River Dene Nation acknowledge that the collaboration with researchers can help in achieving the goal stated in section 2 above. They also acknowledge that it is part of the job of researchers to publish their research, and that such publications can help document and maintain local Dënesųłınę language and culture. Therefore:
    k. Researchers are granted licence to publish the information they collected about Dënesųłınę language and culture – for scholarly and educational purposes."
8. The Clearwater River Research Protocol: Summary

- addresses both community needs and researcher needs
- addresses both group rights and individual rights
- does not distinguish between researchers which are community members and researchers from outside the community
- in essence, expresses the common sense principles of respect, fairness, transparency and mutuality

Protocol development was an important way of establishing trust between Andrea and the community.

9. Formal research protocols: advantages

- an explicit frame of reference, everyone is on the same page
- forces a community to think about what it wants in terms of research, can create awareness
- important symbolic value for a community: validates community’s informal/traditional protocols, community’s language & culture, expresses community’s power
- a good, beneficial guide for researchers
- can result in interesting, long-lasting partnerships

10. Formal research protocols: disadvantages

- take time to develop
- take resources to develop (writers, researchers, lawyers)
- take time to disseminate
- take resources & people to implement (e.g., a “protocol board”)
- may delay onset of research
- people may not follow it (both community members & outsiders) – tension between individual rights & group rights
- danger that such protocols perpetuate the Western paradigm: written, often in the dominant language, Western concepts & legal frameworks... (cf. Ignace & Ignace 2008, Intro chapter in Bell & Napoleon 2008)

Selected references


