



AIATSIS

**The Australian Institute of
Aboriginal and Torres Strait Islander Studies**

Guidelines for Ethical Research in Indigenous Studies

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The aim of the negotiation process is to come to a clear understanding, which results in a formal agreement (preferably written), about research intentions, methods and potential results.

The establishment of agreements and protocols between Indigenous peoples and researchers is an important development in Indigenous studies.³

Good faith negotiations are those that have involved a full and frank disclosure of all available information and that were entered into with an honest view to reaching an agreement.

Free and informed consent means that agreement must be obtained free of duress or pressure and fully cognisant of the details, and risks of the proposed research. Informed consent of the people as a group, as well as individuals within that group, is important.

GUIDELINES FOR IMPLEMENTATION OF PRINCIPLES OF ETHICAL RESEARCH

NOTE. In the following section, the Principles and explanations are repeated in the left-hand column. The right-hand column contains advice about their implementation. The various points will not necessarily apply in all cases.

2. The responsibility for consultation and negotiation is ongoing.

Consultation and negotiation is a continuous two-way process. Ongoing consultation is necessary to ensure free and informed consent for the proposed research, and of maintaining that consent.

Research projects should be staged to allow continuing opportunities for consideration of the research by the community.

Community representatives, individual participants and the wider Indigenous community may need time to consider a proposed research project and to discuss its implications, both before it begins and at various stages of the project:

- Phase your research according to community as well as research needs.
- Hold preliminary meeting/s to discuss the proposed research and reach agreements.
- If necessary, re-formulate a new outline of the research proposal, and provide new materials generated from the discussions to the community for review.
- Ensure that all potentially interested individuals are present at preliminary meetings and/or are informed of the scope of the proposed research.
- Explain research methods and processes to individuals, and at community meetings where appropriate, and reach agreement on their cultural appropriateness.
- Reach agreement on how the research should proceed, including processes and timing for informing representatives of the community of the progress of the research and reporting any interim results.
- Report during the project in accordance with any agreement.
- If necessary, consult further about any unforeseen matters that might affect the research process.
- Be willing to renegotiate objectives, where required, in light of new factors and considerations.
- Make provision for a final meeting to consider the results of the research. Further consultation may also be required about details of reports and any publications.
- Obtain (do not assume) invitations to visit the community for the time necessary to conduct the research and to report upon results⁶.

3. Consultation and negotiation should achieve mutual understanding about the proposed research.

Consultation involves an honest exchange of information about aims, methods, and potential outcomes (for all parties). Consultation should not be considered as merely an opportunity for researchers to tell the community what they, the researchers, may want.

Being properly and fully informed about the aims and methods of a research project, its implications and potential outcomes, allows groups to decide for themselves whether to oppose or to embrace the project.

Obtaining agreement to conduct research with or about Indigenous peoples involves fully informing the community about the proposal, discussing the research and negotiating how the research is to proceed:

- Identify the appropriate communities or individuals to be consulted before discussing research aims, methods and outcomes.
- Clearly define and explain the purpose and nature of the study.
- Explain methods of collecting information clearly and comprehensively, including how and where the information is to be kept.
- Agree on the way of conducting the research, including timing and phasing of the project.
- In order for research to be conducted appropriately and sensitively, discuss relevant cultural and political circumstances.
- Be clear about what kind of community or individual participation is sought.
- Clearly identify what participation in the study may entail for the community and individual participants.
- Provide an honest assessment of the risks or potential adverse impacts of the research.
- Explain, but do not overstate, the potential benefits of the study.
- Explain the potential usefulness of the research to Indigenous peoples in general.

Remember:

- Provide sufficient time for discussion and consideration of proposals.
- Be willing to modify the scope, aims and methods of the proposed research.
- Allow time in the research project for continual review, feedback and discussion.

4. Indigenous knowledge systems and processes must be respected.

Acknowledging and respecting Indigenous knowledge systems and processes is not only a matter of courtesy but also recognition that such knowledge can make a significant contribution to the research process.

Researchers must respect the cultural property rights of Indigenous peoples in relation to knowledge, ideas, cultural expressions and cultural materials.

Where the knowledge of an individual or a group forms the basis of or contributes significantly to research, the importance of that contribution should be reflected in the reporting of research:

- Recognise the value of Indigenous perspectives and their contribution to the research.
- Research that has Indigenous experiences as its subject matter should reflect those perspectives and understandings.⁷
- Take into account and respect the knowledge and experiences of Indigenous peoples.
- Incorporate relevant Indigenous knowledge, learning and research processes into all stages of research including project design and methodology.
- Ensure research design and methods protect the privacy, integrity and well-being of participants.
- Respect Indigenous peoples' right to maintain the secrecy of Indigenous knowledge and practices.

5. There must be recognition of the diversity and uniqueness of peoples as well as of individuals

Research in Indigenous studies must show an appreciation of the diversity of Indigenous peoples, who have different languages, cultures, histories and perspectives.

It is also important to recognise the diversity of individuals and groups within those communities.

Researchers should recognise the diversity of Indigenous individual groups and communities and the implications in planning carrying out and reporting their research.

- When extrapolating from research, do not generalise from understandings of one Indigenous community to others or to all Indigenous peoples.
- Do not apply stereotypes to communities and individuals when undertaking research.
- Identify diversity within a researched community; for example, on the basis of gender, age, religion, and community interest.
- Do not presume that the view of one group represents the collective view of the community.
- Differentiate between individual group and collective rights, responsibilities and ownership.
- Undertake research only if it does not conflict with individuals' rights, wishes or freedom.
- Respect individual rights to participate in research and in the disposal of research material.

6. The intellectual and cultural property rights of Indigenous peoples should be respected and preserved.

Indigenous cultural and intellectual property rights are part of the heritage that exists in the cultural practices, resources and knowledge systems of Indigenous peoples, and that are passed on by them in expressing their cultural identity.

Indigenous intellectual property is not static and extends to things that may be created based on that heritage.⁸

It is a fundamental principle of research to acknowledge the sources of information and those who have contributed to the research.

Continuing Indigenous ownership of the cultural and intellectual property rights in the materials on which the research is based should be recognised and acknowledged in the design of a research project:

- Identify appropriate persons—traditional owners, custodians, elders, etc—who are responsible for the knowledge sought or the practices to be studied. They must be involved and give informed consent to the research and any resulting publications.
- Allow the Indigenous owners of knowledge to determine the intellectual property that they are contributing to the research.
- Recognise that the knowledge and resources Indigenous peoples bring to the project remains their intellectual property.
- Negotiate by prior agreement joint ownership or allocation of the results of the project.
- Agree in writing on the apportionment of intellectual property rights.
- Agree about the involvement of individuals contributing to the research project in the interpretation of the results and the preparation of any publications or other outcomes.
- Agree about identification or otherwise of individuals involved in the research, and whether those who took part in research should be acknowledged in any publication.
- Informed consent and community participation, where obtained, should be referred to in any research publication.
- Information obtained from Indigenous peoples (including any flora or fauna identified or studied with the assistance of Indigenous peoples) should be acknowledged in any publication or report.
- Consider whether joint authorship with community members is appropriate; that is, where the contribution has been significant.
- Show or distribute restricted material only with the express permission from those who provided, or are responsible for it.

7. Indigenous researchers, individuals and communities should be involved in research as collaborators .

Indigenous communities and individuals have a right to be involved in any research project focussed upon them and their culture.

Participants have the right to withdraw from the project at any time.

Research on Indigenous issues should also incorporate Indigenous perspectives and this is often most effectively achieved by facilitating more direct involvement in the research.

Researchers should facilitate direct involvement of Indigenous researchers and community members in their research:

- Recognise the specialist knowledge of particular community members and their potential contribution to the research endeavour, and involve such persons wherever possible and appropriate.
- Encourage and support community members to be involved in the research as collaborators, advisers or assistants.
- Acknowledge that Indigenous culture may be transmitted orally and value contributions made in this way.
- Be prepared to pay those contributing to the research.
- Recognise that certain cultural information is owned and may need to be paid for.
- Do not to raise unrealistic expectations about benefits of the research to the community, and any personal advantages to be gained through involvement.

9. A researched community should benefit from, and not be disadvantaged by, the research project.

Research in Indigenous studies should benefit Indigenous peoples at a local level, and more generally.

A reciprocal benefit should accrue for their allowing researchers often intimate access to their personal and community knowledge.

There should be benefits to the community for participation in research:

- Discuss openly and negotiate with the community any potential benefits.
- Do not overstate benefits to the community.
- Provide to Indigenous participants and community all the relevant information to weigh potential benefits against any possible risks or disadvantages.
- Incorporate into the project any local research needs where possible.
- Aim to make the benefits to the community or individual participants proportionate to the demands of their participation.
- Where the benefits are not general, for example, employment opportunity or financial compensation, allocate benefits in co-operation with the group and the individual participants.
- Pay adequate financial compensation to participants, particularly where significant time is given outside normal personal or community commitments.
- Ensure that a community or individual is aware of the right to withdraw from the research at any time.
- Where conflict has arisen, or has the potential to arise, or where support for the project is withdrawn, be prepared to discontinue or modify the research, at least until such conflict or lack of support is resolved.
- Ensure that payments or financial benefits accruing to the participants are considered by an ethical review panel.
- Do not create or contribute to circumstances where exploitation of an economic, cultural or sexual nature can occur.

10. The negotiation of outcomes should include results specific to the needs of the researched community.

Among the tangible benefits that a community should be able to expect from a research project is the provision of research results in a form that is useful and accessible.

Researchers should be aware that research outcomes of interest to Indigenous peoples, and any community that is directly involved, may differ from those envisaged by the researcher:

- Ascertain, during early consultations, the research needs of the community, if any, and opportunities for collaboration in research.
- Incorporate into the research project research outcomes specific to the needs of the researched community.
- Recognise the broad range of educational backgrounds and experience of Indigenous peoples and produce materials in accessible forms.
- Make all research reports and publications available to communities and individuals involved.
- Provide to the Indigenous community the results of research in an accessible form, prior to publication.
- Provide an opportunity to discuss the significance of the results for the community with representatives and participants.
- Be willing to make results known to appropriate local, state or territory, and national authorities if requested.
- Be prepared to assist in the formulation of proposals for further research or related action by the Indigenous community and local Indigenous organisations.

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Where practical, a written agreement (a 'protocol', or 'memorandum of understanding' or 'contract') should be the end result of the consultation and negotiation, to protect the community and the researcher and to clarify the understandings that have been reached. Such agreements may have legal implications and consideration should be given to whether independent legal advice is required.

- Base the agreement on good faith negotiations and free and informed consent.
- Identify who should enter into the agreement, and on whose behalf the agreement is being made.
- Determine what information is to be included in the agreement, based on discussions and negotiations. (The agreement should reflect the mutually agreed aims, processes and outcomes, community participation and collaboration and intellectual property rights.)
- Recognise in the agreement that an individual or a community has the right to withdraw from a research project.
- Include in the agreement processes for resolving conflict, such as mediation by an outside party.
- Refer to any specific community protocols in the agreement.
- For successful implementation of the agreement, continue consultation and negotiation and, where necessary, re-formulate the agreement.

Also:

- Consider requirements of proposed funding agencies in relation to written evidence of community support or of a negotiated agreement (for example, those required for funding under the AIATSIS Grants Program).

