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Guidelines for Ethical Research in Indigenous Studies
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Introduction

The North Australian Indigenous Land and Sea Management Alliance (NAILSMA) is committed to improving the wellbeing and livelihoods of Indigenous Australians across northern Australia through supporting natural and cultural resource development and management activities. The goal is to promote and assist management and development on Indigenous land and sea estates in ways that are environmentally, culturally, socially and economically sustainable. Research is an important means of achieving this goal and NAILSMA is committed to ethical research practice of the highest standard. NAILSMA's role in relation to research is fourfold:

1. Commission and manage research projects;
2. Act as a representative body for research projects undertaken by Indigenous partner organisations or Land Owners;
3. Provide advice and support for research projects undertaken by Indigenous partner organisations and Land Owners;
4. Participate in or provide input to bodies responsible for setting research agendas or assessing research proposals.

This booklet provides advice and guidance to researchers wishing to undertake research in Indigenous communities, particularly in natural and cultural resource management. It contains:

1. A brief summary of the research context in relation to management and research approaches;
2. NAILSMA's requirements for research approval, which include:
   - Compliance with the requirements of Indigenous partner organisations and Land Owners;
   - Adherence as appropriate to the NAILSMA checklist of favoured research;
   - Adherence to the AIATSIS Guidelines;
   - Compliance with the application and ethical clearance requirements of sponsoring institutions; and,
   - Adherence to legislative permit requirements of the relevant state or territory;
3. An Appendix: The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Indigenous Studies.
The research context

Indigenous natural and cultural resource management (NCRM) must be seen as an important part of the broader development aspirations of Indigenous Australians. The over-riding concern is for culture, kin, and country, and in Indigenous contexts NCRM must be understood as embracing considerations of economic development and enterprise, cultural maintenance, and environmental management and protection.

When we speak of Indigenous NCRM organisations we refer to a range of responses and organisational arrangements in place, including stand alone resource centres and agencies, community council departments and community ranger programs. For Indigenous NCRM organisations, the historical struggle has been to effectively resource operations and development and to build capacity. Most have survived on the Community Development Employment Program (CDEP), ad hoc and short term project funding and philanthropic support. This is the context in which research activities must take place, so that often research is necessarily seen as secondary to the main task.

A further problem is the scepticism and frustration of some Indigenous people concerning past research that has taken place on their estates, in their communities, and where they are the subjects. Promises have not been kept, projects have been poorly explained and reported, cross cultural sensitivities and rights to intellectual property have not been observed, individuals and communities have been left feeling exploited and with little or no benefit. Fortunately there are now a number of examples of research partnerships that have been mutually rewarding, where good will, cross-cultural understanding and the exchange of knowledge have resulted.
The relationship between management and research

Developing ‘on country’ and ‘culture based’ management and enterprise is the best way to describe the NCRM objectives of Indigenous people across Northern Australia. In the last decade there has been a rapid expansion of Indigenous controlled and driven NCRM initiatives without any coordinated government assistance. There are now many Indigenous NCRM organisations including community ranger programs for both land and sea estates across Queensland, Western Australia and the Northern Territory. The concerns of Indigenous people that are driving this movement can be summarised as:

- Diminished capacity to actively conserve Indigenous knowledge and fulfil customary management responsibilities;
- Concern about the transmission of cultural knowledge to the next generation;
- Visible and increasing development pressure and impacts from agriculture, pastoralism, tourism, forestry, mining, commercial and recreational fishing, urban development and water extraction;
- A desire to improve wellbeing and self sufficiency by involvement in economically beneficial NCRM activities that are culturally and ecologically sustainable on their estates;
- Limited capacity to influence or be a part of NCRM policy formulation and implementation by government agencies; and,
- A shift in focus from land acquisition to land and sea management.

NAILSMA, along with Indigenous land owners and managers, is committed to the view that research can and must play an important part in NCRM. The need is for studies that

- provide inventory and baseline information,
- record cultural knowledge, including inventories and mapping,
- relate to natural resource based enterprise and link ecological, intellectual and socio-economic factors,
- consider social impacts,
- address institutional and governance arrangements,
- protect intellectual property rights,
- protect traditional rights embodied in Indigenous law,
- provide for paid employment and training of Indigenous people as researchers, advisors, consultants, research assistants and informants,
- provide for continuous monitoring and post-project reporting and
- assist in establishing community based research management mechanisms.
Approaches to research

Research in Indigenous contexts can be represented on a continuum. At one end is research in the natural sciences that uses empirical methods and takes place on Indigenous estates. Here Indigenous input involves setting the behavioural codes and protocols governing access and the conduct of the research, and coming to agreement about intellectual property and reporting arrangements. At the other end is research completely controlled and undertaken by Indigenous researchers. Most research is likely to fall between the two extremes and is likely to reflect some characteristics of cross-cultural, collaborative and participatory, cross-disciplinary or multi-disciplinary and cross-cultural research modes.

Collaborative and participatory research

Research in this mode strives to manage the divergent interests, agendas, resources and expertise of multiple partners working together towards shared goals. It

- fosters links between communities, research institutions and agencies,
- promotes knowledge exchange, seeks new and innovative forms of research,
- builds links between research and practice,
- locates control with communities and the people affected and
- promotes cross-cultural understanding and reconciliation.

Cross-disciplinary or multi-disciplinary research

This approach draws on people and institutions from different disciplines who participate in a common research program. Researchers work together but across diverse areas of inquiry and they need to negotiate research methods and techniques. Successful research of this kind displays respect for alternative ways of acquiring knowledge and a commitment to negotiation.

Cross-cultural research

This mode of research is usually collaborative and participatory and involves participants who come from different cultural backgrounds, speak different languages, live and work in different places and possess different intellectual traditions, knowledge and practices. Research in cross-cultural contexts includes:

- a focus on community priorities and needs,
- negotiating the processes of research, including the evaluation of outcomes and their dissemination,
- ensuring informed consent,
- intellectual property protection,
- ethical standards and
- recognition of different forms of knowledge production.
NAILSMA’s requirements for research approval

NAILSMA will support and approve research of any approach or discipline provided that it adheres to the highest ethical and scholarly standards and meets the following five requirements:

1. Compliance with the requirements of Indigenous partner organisations and Land Owners;

2. Adherence as appropriate to the NAILSMA checklist of favoured research;

3. Adherence to the AIATSIS Guidelines;

4. Compliance with the application and ethical clearance requirements of sponsoring institutions; and,

5. Adherence to legislative permit requirements of the relevant state or territory.

1. Compliance with the requirements of Indigenous partner organisations and Land Owners

NAILSMA regard this requirement as essential. NAILSMA functions as an umbrella alliance which does not override the need for careful and sensitive negotiation with communities, land owners, land managers and partner organisations to ensure compliance with the specific context and requirements. This may involve negotiations to establish a set of working principles and agreements before formal negotiations can proceed. These negotiations may cover issues of benefit, information management and the social, economic and cultural implications of participation.

2. Adherence as appropriate to the NAILSMA checklist of favoured research

NAILSMA has compiled a checklist of issues covering research content, approach and process which, when addressed, will be favoured by NAILSMA. Indigenous Land Owners in northern Australia have made clear their concerns and aspirations regarding research through recent wide ranging consultations regarding natural and cultural resource management and research². The checklist draws heavily on this advice.

A number of points refer to content or the kinds of outcomes Indigenous people seek from research. They are outcomes that contribute to cultural, environmental and economic well-being and sustainability.

A number of points embrace the multi- or cross-disciplinary, participatory and collaborative, and cross-cultural approaches briefly described above. These approaches to research exhibit desirable features that will benefit our Indigenous partners and their communities.

A number of points focus attention on relationships in the research process in order to overcome the somewhat depersonalised, routinised and distant approaches. Research of this kind has led to the suspicion and distrust of many Indigenous people and communities about the real beneficiaries of research. This checklist asks researchers to reflect on their disciplinary, intellectual, and personal motivations; to consider in detail how their research will benefit individuals and / or their communities and how accountabilities will be constructed and guaranteed. It insists that Indigenous people are respectfully and appropriately involved and resourced throughout the research process.
The NAILSMA checklist

It is not expected that all points will be equally relevant to all research proposals but the more the conduct of research addresses these requirements the more it will be favoured by NAILSMA.

- Meets community and landowner goals and aspirations.
- Promotes Indigenous management and control and helps protect indigenous rights under Aboriginal law.
- Promotes and supports NCRM-based enterprise and economic activity, especially when linked to customary practice.
- Increases respect, understanding and the use of traditional knowledge and skills.
- Assists getting Indigenous people 'on country'.
- Has an adequate funding base, particularly in relation to the costs incurred by Indigenous organisations that are partners.
- Has a realistic time frame that takes account of the dictates of Indigenous life patterns.
- Makes a contribution to the viability of Indigenous NCRM organisations.
- Supports and strengthens Indigenous leadership.
- Yields results that can be of direct and immediate benefit.
- Helps record, collate and store Indigenous knowledge for generational transmission, education and management.
- Provides robust physical, biophysical and ecological baseline data to inform management, leaving ownership of the data with Indigenous custodians.
- Presents and explains the research project in clear understandable terms.
- Involves Indigenous people at all stages of the research process, including early planning and formulation.
- Employs Indigenous people as researchers, informants, cultural advisors, translators and technical support using levels of remuneration in line with mainstream scales.
- Has provision for continuous monitoring, reporting and evaluation of the research process.
- Provides training, particularly when formally accredited and available to young people.
- Promotes communication and understanding between the research community and Indigenous people, between NCRM agencies and Indigenous people and between Indigenous land and sea managers.
✓ Promotes cooperative approaches to NCRM involving government agencies, Indigenous Land Owners and managers and other land owners.
✓ Strengthens control and tenure over Indigenous estates.
✓ Helps reduce the limited and uncertain tenure Indigenous people have over marine estates.
✓ Promotes recognition of Indigenous rights in the water reform agenda including water allocation.
✓ Promotes recognition of Indigenous rights in the emerging carbon trading agenda.
✓ Increases Indigenous contribution and participation in the development of government NCRM policy and management.
✓ Increases capacity to regulate and manage recreational use and tourism of land and sea areas.
✓ Assists in the protection of sacred sites.
✓ Promotes understanding of the research process.
✓ Adopts a flexible and adaptable approach that provides the opportunity to modify project methodology once the project has commenced.
✓ Uses translators where necessary to improve communication.
✓ Is controlled and supervised by a relevant community organisation or a project management group drawn from and supported by community leadership.
✓ Effectively restricts and protects sensitive information.
✓ Involves non Indigenous researchers who have demonstrable cross cultural engagement expertise.

3. Adherence to the AIATSIS guidelines

NAILSMA endorses and expects that researchers adhere to the *AIATSIS Guidelines for Ethical Research in Indigenous Studies 2000*. Subscribing to these guidelines will be the formal basis for any research with NAILSMA involvement or research that NAILSMA supports. The AIATSIS guidelines are contained in the Appendix.

4. Compliance with the application and ethical clearance requirements of sponsoring institutions

This formal process complements our first three requirements.

5. Adherence to legislative permit requirements of the relevant state or Territory

These formal requirements complement our first three requirements.
References


Notes

Endnotes


Appendix

AIATSIS Guidelines for Ethical Research in Indigenous Studies
AIATSIS

The Australian Institute of
Aboriginal and Torres Strait Islander Studies

Guidelines for Ethical Research in
Indigenous Studies

May 2000
INTRODUCTION

It is essential that Indigenous peoples be participants in any research project that concerns them, sharing an understanding of the aims and methods of the research, and sharing the results of this work. The principles of the Institute’s Guidelines for Ethical Research in Indigenous Studies are founded on respect for Indigenous peoples’ inherent right to self-determination, and to control and maintain their culture and heritage. The Institute considers that these principles are not only a matter of ethical research practice but of human rights.

Ms Erica-Irene Daes, Chairperson-Rapporteur of the United Nations Working Group of Indigenous Populations, remarked¹ that:

Heritage can never be alienated, surrendered or sold, except for conditional use. Sharing therefore creates a relationship between the givers and receivers of knowledge. The givers retain the authority to ensure that knowledge is used properly and the receivers continue to recognize and repay the gift.

At every stage, research with and about Indigenous peoples must be founded on a process of meaningful engagement and reciprocity between the researcher and the Indigenous people.

It is important that the Institute’s Guidelines for Ethical Research in Indigenous Studies embody the best standards of ethical research and human rights. To this end, the Institute’s Council initiated a review of the 1985 Guidelines. The Institute’s Ethics Committee, together with the Research Section staff of the Institute held two workshops in 1999 to develop the new Guidelines, which were then redrafted by the research staff.

In compiling the Guidelines consideration was given to recent significant research in this area, including, the Australian Research Council, Commissioned Report No. 59, Research of Interest to Aboriginal and Torres Strait Islander Peoples, prepared by the Institute; Our Culture: Our Future, Report on Australian Indigenous Cultural and Intellectual property Rights, prepared by Terri Janke of Michael Frankel and Company, for the Institute and ATSIC; and the recent National Health and Medical Research Council, ‘National Statement on Ethical Conduct in Research Involving Humans’.

These Guidelines are primarily intended for research sponsored by the Australian Institute of Aboriginal and Torres Strait Islander Studies. However, the Institute recognises that it has responsibility as a leading institution in Australian Indigenous studies and recognises that its ethical guidelines inform all research in this area.

The Guidelines include a statement of the principles of ethical research in Indigenous studies, followed by an explanation of each principle, accompanied by some practical applications.

These practical points are not intended to be directive but are recommendations and suggestions to achieve the best standards of ethical research.
PRINCIPLES OF ETHICAL RESEARCH

A. Consultation, negotiation and mutual understanding

1. Consultation, negotiation and free and informed consent are the foundations for research with or about Indigenous peoples.

Researchers must accept a degree of Indigenous community input into and control of the research process. This also recognises the obligation on researchers to give something back to the community.

It is ethical practice in any research on Indigenous issues to include consultation with those who may be directly affected by the research or research outcomes whether or not the research involves fieldwork.

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.

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.

B. Respect, recognition and involvement

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.

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.

6. **The intellectual and cultural property rights of Indigenous peoples must 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.²

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

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 focused 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.

C. **Benefits, outcomes and agreement**

8. **The use of, and access to, research results should be agreed.**

Indigenous peoples make a significant contribution to research by providing knowledge, resources or access to data. That contribution should be acknowledged by providing access to research results and negotiating rights in the research at an early stage.

The community’s expectations, the planned outcomes, and access to research results should be in agreement.

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.

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.
11. Negotiation should result in a formal agreement for the conduct of a research project, based on good faith and free and informed consent.

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.
1. Consultation, negotiation and free and informed consent are the foundations for research with or about Indigenous peoples

Researchers must accept a degree of Indigenous community input into and control of the research process. This also recognises the obligation on researchers to give something back to the community.

It is ethical practice in any research on Indigenous issues to include consultation with people who may be directly affected by the research or research outcomes whether or not the research involves fieldwork.

<table>
<thead>
<tr>
<th>Research concerning Indigenous peoples should be carried out with appropriate consultation about the aims and objectives and meaningful negotiation of processes, outcomes and involvement. Relevant communities and individuals should be involved at all stages of the research process, from formulating projects and methods to determining research outcomes and interpreting results.</th>
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To facilitate appropriate consultation, negotiation and free and informed consent:

- Identify appropriate individuals and communities who should be consulted about your research project. There is almost always someone to speak for a particular place or area. For more general research, identify and consult individuals or communities who have made an important contribution in relation to your topic.

- Allow appropriate individuals for the area/topic to be identified from within the community.

- Identify community, regional or other Indigenous umbrella organisations.

- Identify any written research protocols or other protocols that you will need to follow.

- Observe appropriate community behavioural norms and protocols.

- Identify potential political issues that may be affected by your research or the outcomes of the research.

- Communicate with relevant individuals and organisations by appropriate means. Face-to-face meetings are always desirable. The budgetary and funding implications of such visits should be considered.

- Introductions to the relevant individuals and communities should clearly identify the researchers and any other participants, any institutional affiliation and key stakeholders, and sources of financial support.

- From the outset, objectives should be clear, while maintaining flexibility and a willingness to modify your goals and ways of working.

Also:

- Consider any permits or permissions that may be required from Indigenous organisations and from State or Territory or local authorities.

- Consult ethical guidelines or codes of ethics of the appropriate professional body or association.
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 results.

6
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.
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<th>4. Indigenous knowledge systems and processes must be respected</th>
<th>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:</th>
</tr>
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<tr>
<td>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.</td>
<td>• Recognise the value of Indigenous perspectives and their contribution to the research.</td>
</tr>
<tr>
<td>Researchers must respect the cultural property rights of Indigenous peoples in relation to knowledge, ideas, cultural expressions and cultural materials.</td>
<td>• Research that has Indigenous experiences as its subject matter should reflect those perspectives and understandings.</td>
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<td></td>
<td>• Take into account and respect the knowledge and experiences of Indigenous peoples.</td>
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<td>• Incorporate relevant Indigenous knowledge, learning and research processes into all stages of research including project design and methodology.</td>
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<td></td>
<td>• Ensure research design and methods protect the privacy, integrity and well-being of participants.</td>
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<tr>
<td></td>
<td>• Respect Indigenous peoples’ right to maintain the secrecy of Indigenous knowledge and practices.</td>
</tr>
</tbody>
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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.  

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.
<table>
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<th>7. Indigenous researchers, individuals and communities should be involved in research as collaborators.</th>
<th>Researchers should facilitate direct involvement of Indigenous researchers and community members in their research:</th>
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<tr>
<td>Indigenous communities and individuals have a right to be involved in any research project focussed upon them and their culture.</td>
<td>• Recognise the specialist knowledge of particular community members and their potential contribution to the research endeavour, and involve such persons wherever possible and appropriate.</td>
</tr>
<tr>
<td>Participants have the right to withdraw from the project at any time.</td>
<td>• Encourage and support community members to be involved in the research as collaborators, advisers or assistants.</td>
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<tr>
<td>Research on Indigenous issues should also incorporate Indigenous perspectives and this is often most effectively achieved by facilitating more direct involvement in the research.</td>
<td>• Acknowledge that Indigenous culture may be transmitted orally and value contributions made in this way.</td>
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<td>• Be prepared to pay those contributing to the research.</td>
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<td>• Recognise that certain cultural information is owned and may need to be paid for.</td>
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<td>• Do not to raise unrealistic expectations about benefits of the research to the community, and any personal advantages to be gained through involvement.</td>
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</table>
8. The use of, and access to, research results should be agreed.

Indigenous peoples make a significant contribution to research by providing knowledge, resources or access to data. That contribution should be acknowledged by providing access to research results and negotiating rights in the research at an early stage.

The community’s expectations, the planned outcomes, and access to research results should be in agreement.

The rights to, the forms and presentation of, individual or community use of, and access to, research results should be agreed:

- Agree at the outset on the ownership of research results, including institutional ownership of data, individual rights of researchers and Indigenous participants, and collective rights of Indigenous community groups.

- Agree when and how results of research will be fed back to and discussed with relevant individual community members and/or appropriate community organisations.

- Make clear the level of community control over access to, and use of, any research results, including print, pictorial, audio and video and digital materials.

- Report research results to the community before publication and before discussion with the media.

- Negotiate with the community any discussion with the media of the research project and its results.

- Make the research results available to the community in accessible formats.

- Agree on the disposition and storage of results of research, including primary data.

- Discuss thoroughly matters of confidentiality and agreed restrictions on use of information.

- Explain fully any limits on confidentiality, for example, where field notes or research data might be subpoenaed for legal proceedings.
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.

<table>
<thead>
<tr>
<th>There should be benefits to the community for participation in research:</th>
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<tbody>
<tr>
<td>- Discuss openly and negotiate with the community any potential benefits.</td>
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<tr>
<td>- Do not overstate benefits to the community.</td>
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<tr>
<td>- Provide to Indigenous participants and community all the relevant information to weigh potential benefits against any possible risks or disadvantages.</td>
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<tr>
<td>- Incorporate into the project any local research needs where possible.</td>
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<tr>
<td>- Aim to make the benefits to the community or individual participants proportionate to the demands of their participation.</td>
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<tr>
<td>- Where the benefits are not general, for example, employment opportunity or financial compensation, allocate benefits in cooperation with the group and the individual participants.</td>
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<tr>
<td>- Pay adequate financial compensation to participants, particularly where significant time is given outside normal personal or community commitments.</td>
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<tr>
<td>- Ensure that a community or individual is aware of the right to withdraw from the research at any time.</td>
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<tr>
<td>- 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.</td>
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<tr>
<td>- Ensure that payments or financial benefits accruing to the participants are considered by an ethical review panel.</td>
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<tr>
<td>- Do not create or contribute to circumstances where exploitation of an economic, cultural or sexual nature can occur.</td>
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</tbody>
</table>
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.
11. **Negotiation should result in a formal agreement for the conduct of a research project, based on good faith and free and informed consent.**

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).

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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.*

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.
REFERENCES AND FURTHER READING


ATSIC. 1997. *Protocols for undertaking research relating to, involving and about Aboriginal and Torres Strait Islander peoples*. Aboriginal and Torres Strait Islander Commission, Canberra (reprinted: AIATSIS 1999: Appendix 2B)


ENDNOTES

2 Janke 1999: xvii.
3 For examples of research agreements used by Indigenous organisations, governments and funding agencies, and developed by researchers and Indigenous community members, see AIATSIS 1999: Chapter 4: ‘The Ethics of Research’, and Appendix 3: ‘Ethics guidelines, sample protocols’.
5 ‘Heritage protection, intellectual property rights, and ownership of cultural material should not be considered to be lost by those individuals and communities who are able to demonstrate a traditional claim to that cultural heritage’ (ATSIC 1997:3).
6 ‘Any person who trespasses on indigenous land risks endangering not only themselves, but also the traditional land owners who have the obligation to protect the sacredness and integrity of their country’ (ATSIC 1997:2).
7 ‘Aboriginal and Torres Strait Islander peoples have distinctive languages, customs, spirituality, perspectives and understandings, deriving from their cultures and histories. Research that has indigenous experience as its subject matter must reflect those perspectives and understandings’ (ATSIC 1997:2).
8 Janke 1999: xvii.
9 For examples of research agreements used by Indigenous organisations, governments and funding agencies, and developed by researchers and Indigenous community members, see AIATSIS 1999: Chapter 4: ‘The Ethics of Research’, and Appendix 3: ‘Ethics guidelines, sample protocols’.