



RESPONSIBLE RESEARCH

Researchers' responsibility to uphold Indigenous rights

Too often research brings harm to Indigenous peoples

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The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the most comprehensive international human rights instrument concerning Indigenous peoples, was adopted in 2007 by 144 countries to ensure protection of Indigenous rights and self-determination (1). While directed at states, UNDRIP should guide all levels of society. With governments lagging in its implementation, we argue that researchers—at universities, government institutions, consultancies, and elsewhere—have a responsibility to understand and advance these rights. As Indigenous and non-Indigenous researchers with backgrounds and experiences partnering with Indigenous peoples, we reviewed the articles of UNDRIP to identify those relevant to researchers. We summarized these into four themes: self-determination; free, prior, and informed consent; intellectual property; and engagement and learning. These articles provide a starting point for researchers to engage with and become allies in upholding Indigenous rights, in a way that supports Indigenous self-determination and sovereignty now and into the future.

Since 1948 the Universal Declaration of Human Rights (UDHR) has outlined fundamental rights to which all people are inherently entitled. Yet despite some benefits of the UDHR, such as influencing the development of international human rights law, its focus is on individuals, leaving many gaps for Indigenous peoples, who, despite UDHR, continue to be subjected to colonization, dispossession, discrimination, and

genocide. Although there are jurisdictions that recognize Indigenous rights in law, such as in Bolivia and New Zealand, this is far from universal, and rights in law are often not adequately enforced. In response to all of this, leaders of Indigenous communities increasingly pressed for a distinct document that would go above and beyond UDHR and emphasize and enshrine unique rights to self-determination, lands, territories and resources, culture, identity, and language. The culmination of this massive effort was the UNDRIP.

Indigenous peoples have inherent rights “which derive from their political, economic, and social structures, and from their cultures, spiritual traditions, histories and philosophies, and especially their rights to their lands, territories and resources” (1). Although UNDRIP does not go so far as recognizing Indigenous sovereignty, it does summarize the minimum standard of rights for Indigenous peoples to be respected by states. UNDRIP is important because it attempts to right wrongs; equalize the uneven power relationship that resulted from colonialism, exclusion, and systemic racism; and navigate toward potential futures that uphold the rights and sovereignty of Indigenous peoples. UNDRIP is unique because it comprehensively articulates Indigenous rights relevant to these aims, unlike other agreements that affect, but are not explicitly focused upon, Indigenous peoples (e.g., Nagoya Protocol on Access and Benefit Sharing; Convention on Biological Diversity).

Implementation of UNDRIP by states varies. Some countries (e.g., Ecuador) have aligned their constitutions with UNDRIP, and others have applied it to respect Indigenous rights in court cases (e.g., Belize, Chile), whereas others are lacking any implementation. Researchers thus have a responsibility to act now to uphold UNDRIP because too often research continues to bring harm to Indigenous peoples and their territories. How research is conducted can have implications for Indigenous rights, self-determination, and sovereignty, especially when research takes place on Indigenous lands and waters and in-

volves Indigenous peoples, their knowledge, wisdoms, cultural items, etc. (2). Some examples of violations of Indigenous rights by researchers include using biological samples for secondary research purposes without consent (3), and biopiracy of Indigenous knowledge for commercial exploitation (4). More subtle practices of scientific colonialism include non-Indigenous researchers implying ownership with phrases such as “my study sites” and “my Indigenous community,” not including original (Indigenous) names when referring to species and places, or claiming to have made “discoveries” while ignoring Indigenous knowledge. Such practices are common, amplifying the need for researchers to ensure that Indigenous peoples have the foresight, power, and authority to determine what, how, and why research happens in their territories.

UNDRIP implementation by researchers exists within three interrelated spheres of control, influence, and interest (5). Researchers hold power, privilege, and responsibility as they have control over where, when, how, and why their research is carried out, throughout all stages in the research process, at the project and program levels (5). Whereas these aspects of research are within the direct control of researchers, others can be influenced, but not controlled, such as how research is conducted at the institutional level (e.g., changing knowledge, attitudes, and skills through interpersonal relationship building; contributing to or chairing committees; and supporting institutional governance reform). Beyond their spheres of control and influence lies their sphere of interest, where decisions within the sphere of control (e.g., sharing research findings with practitioners and policy-makers) interact with governance and policy decision-making and can affect concrete social, economic, and environmental changes. How much researchers can affect the spheres of control, influence, and interest depends on the individual and the autonomy of their position (e.g., a research assistant may have little control, whereas a university president can shape policy).

RESEARCH-RELEVANT THEMES

The researcher-relevant themes that we identified in UNDRIP are especially important to Indigenous peoples because of the long-standing attempts by colonizers and settlers to erase their inherent rights and delegitimize their worldviews and relationality.

Self-determination

A core theme in UNDRIP is that “Indigenous peoples have the right to self-determination” (Article 3) and includes Indigenous peoples' right to self-government (Article 4), main-

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taining and strengthening their institutions (Article 5), the right to practice and revitalize cultural traditions and customs (Article 11.1), and a right to participate in decision-making (Article 18). This means that upholding UNDRIP requires conducting research in a way that allows Indigenous peoples to determine what and how research happens in their territories. Indigenous peoples draw upon origins from their worldviews, lands, and creation stories, which form their moral and societal responsibilities to the environment and their communities (6, 7). The implication for research in support of Indigenous self-determination will be the acceptance and manifestation of Indigenous ways of knowing and being across all research stages and disciplines. That researchers must recognize and engage with Indigenous ways of knowing does not necessarily mean it must then replace other ways of knowing. For example, the concept of *Etuaptmunk* (Mi'kmaw for “Two-Eyed Seeing”) provides a conceptual framework for embracing multiple perspectives within a system (8).

Researchers should be guided by UNDRIP in creating space for equitable relationships and places of sharing and learning. Researchers can create opportunities for Indigenous peoples to freely determine their own research agendas by co-creating research objectives, questions, and approaches. In relationship with their Indigenous community partners, researchers can bring to the forefront Indigenous epistemologies and Indigenous-led approaches that support Indigenous self-determination. For Indigenous peoples, these steps can help with the continued survival of their cultures, languages, and lands and ideally can support Indigenous sovereignty (9, 10).

Free, prior, and informed consent

UNDRIP states that Indigenous people must give “free and informed consent prior to the approval of any project affecting their lands or territories and other resources” (Article 32.2), and “before adopting and implementing [...] measures that may affect them” (Article 19). Researchers must ensure that free, prior, and informed consent is obtained for all stages of the research process, as is necessary for Indigenous self-determination. This goes beyond informed consent of individual research participants—which is required for all human subjects—to include ongoing consent to conduct research in Indigenous territories. Ensuring consent requires that researchers accept that Indigenous peoples may not be interested in the proposed research, i.e., researchers must be willing to accept “no” as an answer. Additionally, priorities may shift over the course of a project; informed consent must

be ongoing and revisited. If consent is withdrawn during the course of a research project, and the research cannot be reshaped to continue collaboration, researchers need to communicate with relevant parties (e.g., funders, other collaborators) to identify next steps. Ensuring consent, and preventing harms, require careful consideration of how data collection, new knowledge developed, and outputs generated could infringe on Indigenous peoples’ rights. It also requires understanding the Indigenous context, including historical experiences and desired futures. Repositioning Indigenous priorities within research can build beneficial and lasting relationships, address Indigenous needs, strengthen reconciliation, and improve research.

tural heritage, traditional knowledge, and traditional cultural expressions” (Article 31.1). Also emphasized is redress for “cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions, and customs” (Article 11.2).

Indigenous data sovereignty conveys the right of an Indigenous group to reclaim and govern the use of its own intellectual property, including data collection, organization, and storage (11). The importance of data sovereignty is further affirmed by recent development of Indigenous data governance frameworks [e.g., (11)] and tools, which include procedures that researchers must adopt to increase transparency, protect Indigenous intellectual property, and align with specific



Luis Levil, a Huilliche-Chilote fisher, and PhD student Jaime Ojeda feed hake offal to seabirds in southern Patagonia, Chile, as part of a research project about the hake fishery.

Engaging with the highest level of ethical standards, and analyzing risk, are important to identify potential research impacts at the outset. Many Indigenous communities have created their own ethics guidance to create equitable research processes [e.g., (10)], including how to obtain their free, prior, and informed consent. Indigenous peoples’ guidance should be followed where research is undertaken in their respective territories.

Intellectual property

Ensuring Indigenous peoples control their own intellectual property is reflected in several Articles of UNDRIP. For example: “Indigenous peoples have the right to maintain, control, protect and develop their cul-

ture, oral traditions, expressions of culture, scientific, technological and scientific knowledge, innovations and creations, and all forms of intellectual property, as well as their rights and interests in these various areas of knowledge and innovation” (Article 31.1). Also emphasized is redress for “cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions, and customs” (Article 11.2).

Engagement and learning

UNDRIP states that Indigenous peoples have a right to establish educational systems “in a manner appropriate to their cultural methods of teaching and learning” (Article 14.1); to access “all levels and forms of education of the State without discrimination” (Article 14.2); to transmit knowledge outside of educational institutions and to “retain their own names for communities, places and persons”

(Article 13.1); to be “appropriately reflected in education and public information” (Article 15.1); and to “understand and be understood” in policymaking (Article 13.2) and in media (Articles 16.1 and 16.2).

Researchers in all disciplines must respect Indigenous methodologies and recognize the knowledge that already exists in areas where they study. Researchers have a responsibility to share findings with participants so they can be transmitted to future generations and should do so in an understandable format and without institutional barriers. Indigenous knowledge and perspectives should be appropriately represented in the work researchers share with their peers or the public. Indigenous researchers bear considerable responsibilities of representing Indigenous voices in research. Non-Indigenous researchers can support Indigenous peoples by improving capacity for collaboration and innovation to support self-determination.

Good practice in all community-engaged research—which is essential when working in Indigenous territories—is to share project updates and results frequently with the Indigenous communities with whom they collaborate; publish results in open-source journals and nonacademic formats whenever possible and where permission is granted; acknowledge relevant Indigenous community, history, knowledge, and place names; and support Indigenous colleagues and emerging scholars through supporting grant writing, hiring Indigenous research assistants, and creating mentorship opportunities.

MOVING FORWARD

Researchers have a responsibility to uphold Indigenous rights by reflecting on the articles of UNDRIP as they relate to their research. Researchers are well-positioned to lead by example not only in their own work, but also in influencing the related institutions and funders that support research. Working with and for Indigenous peoples in a good way requires understanding the effects of colonial histories on Indigenous peoples and the contribution of research and research institutions to past and ongoing colonial legacies, as well as the systemic barriers that continue to exist that disadvantage Indigenous peoples, recognizing existing capacities and strengths, and advocating for change.

Researchers control and shape how they carry out their own work and hence there is no excuse for not upholding Indigenous rights. To uphold UNDRIP, researchers must adopt a transdisciplinary research approach that engages Indigenous methodologies, where appropriate, instead of prioritizing Western research framing (12). Indigenous methodologies are based on the worldview,

values, and epistemology of Indigenous peoples, and hence are diverse. Often, they challenge dominant Western methodologies that marginalize, misrepresent, or silence Indigenous voices and perspectives. The potential misalignment between the two arises from fundamental differences in epistemologies, ontologies, and research methodologies. Frictions might occur as a result of siloed mindsets and Western methodologies that prioritize supposed objectivity and quantitative data over Indigenous ways of knowing, or when Indigenous frameworks challenge Western notions of ownership, consent, or data sovereignty. By rebalancing research dynamics and shifting power structures, knowledge coproduction becomes the standard, creating and maintaining ethical space (9). It takes time to conduct research respectfully through meaningful dialogue and relationships. Much guidance exists on partnering with Indigenous peoples (7–13), and researchers need to do their own learning and reflecting prior to engagement.

Researchers can play an important role in influencing institutions and education spaces (e.g., universities, government research institutes, funding agencies) to embed Indigenous self-determination in research practices (6) by compelling institutions to develop processes that ensure UNDRIP is followed. For example, much like requiring human and animal ethics applications, and permission to access private or state-owned lands, institutions must mandate researchers to follow protocols, conditions, and permissions set and required by the Indigenous peoples on whose territory (whether State-recognized or not) they wish to conduct research, and to only proceed with research when permissions are granted. Institutions must ensure that processes and resources are available, especially for Indigenous peoples to build and maintain the capacity to respond to research requests and participate as equal or leading research partners. Furthermore, researchers have the power to influence funders in adapting funding mechanisms that enable Indigenous peoples to lead research in their territories. Leadership is especially needed from senior researchers and disciplinary leaders to transform the performance measures and cultures dominant in many research institutions that hinder the development of research practices consistent with UNDRIP. This should not be a burden imposed solely on young researchers and Indigenous scholars and communities.

Implementing UNDRIP through researchers' spheres of control and influence will set the stage for supporting broader social, economic, and environmental desirable changes within their sphere of interest. Researchers can affect systemic change by support-

ing Indigenous sovereignty—for example, through sustained research partnerships and following Indigenous-led approaches. As such, researchers can contribute to broader policy changes needed to ensure that the inherent rights of Indigenous peoples are recognized in all aspects of society. Examples range from framing fisheries management with Indigenous lenses (13) to the Ecuadorian and Bolivian constitutions being based on Indigenous epistemologies (14).

It takes long-term commitment and creativity to move beyond the tried and tired research practices common among today's colonial research paradigms (12, 15). UNDRIP is a good starting point, but we also recognize that serious concessions continue to be required by Indigenous peoples within UNDRIP. For instance, although UNDRIP recognizes Indigenous self-determination, it does not go so far as to support Indigenous sovereignty. Indigenous ontological and epistemological frameworks offer different approaches in reconsidering more innovative research learning opportunities to guide our shared future. The research community has an opportunity and responsibility to work more closely with Indigenous peoples to create a more equitable and sustainable future based on the rights and concepts within UNDRIP, and beyond. ■

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