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 (I). 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 to these aims, unlike other agreements that explicitly articulate Indigenous rights relevant to their lands, territories and resources (I). 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 involves 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 interconnected 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-
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 Etuaptmumk (Mi’kmaw for “Two-Eyed Seeing”) provides a conceptual framework for embracing multiple perspectives within a system (6).

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.

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 cultural heritage, traditional knowledge, and traditional cultural expressions” (Article 31.8). 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.
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-
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