



The Australian Journal of **INDIGENOUS EDUCATION**

This article was originally published in printed form. The journal began in 1973 and was titled *The Aboriginal Child at School*. In 1996 the journal was transformed to an internationally peer-reviewed publication and renamed *The Australian Journal of Indigenous Education*.

In 2022 *The Australian Journal of Indigenous Education* transitioned to fully Open Access and this article is available for use under the license conditions below.



This work is licensed under the Creative Commons Attribution 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

Section C: Research

Indigenous Research Ethics: Policy, Protocol and Practice¹

Arthur Smith

*James Cook University
Townsville*



Introduction

There is growing interest and respect in the world regarding the knowledge and experience of Indigenous peoples. This is particularly so in industrialised 'post-colonial' societies such as Australia, which see themselves as committed to principles of equity and social justice.

There is a new political, economic and social context in which Aboriginal and Torres Strait Islander cultural knowledge is widely recognised and valued, even if not properly understood. In the search for a more precisely articulated national identity, Indigenous identity is claimed by many as integral to Australian identity. Coupled with this is a revised sense of coming to terms with the past, a recognition of what has been left out of histories taught from non-Indigenous perspectives. The cold war of invasion and resistance goes on but there are signs of an end in view.

Although there has never been 'conciliation' between Indigenous and non-Indigenous Australians, manifestations of social change are being enacted through a somewhat paradoxical framework of 'reconciliation'. There is a sense in which seeking the knowledge of cultural truth and

understanding will lead to a more tolerant, open, knowledgeable, just and equitable society.

Running parallel to this new or revised focus on Indigeneity and articulation of Australian identity and reconciliation, is the reclamation and strong public affirmation by Aboriginal and Torres Strait Islander people of their unique place and power in society; past, present and future. This is particularly evident in the context of both formal and informal education.

The right to cultural knowledge and identity is one of the most basic of human rights. As Indigenous Australians reclaim and name their cultural heritage, sharing what they will with the broader community, important ethical issues arise in relation to both process and product. Who owns and controls the knowledge, and what purposes will such knowledge be put to in the present and future?

Successful development of effective, inclusive, culturally rigorous research will no doubt be one of the main keys to success in this area. How, where, when, by whom and with whom the research will be carried out are, simultaneously, concerns, challenges and opportunities. As far as public domain knowledge is concerned, how and by whom will much of the hitherto hidden, unspoken, misrepresented, lost, or unwritten Indigenous knowledge be reconstructed and shared, and how will it be ensured that benefit derives from the research, particularly for Indigenous Australians? How will quality research connect with quality teaching, for all Australians in regard to Indigenous history and culture?

¹ Paper presented at the *Indigenous Research Ethics Conference, Townsville, Queensland, 27-29 September, 1995.*

In an age of continuing economic rationalism, high competitiveness, economic constraints, and heavy capital investment in research and development, ownership and control of intellectual property emerge as critically important issues. This is particularly so in higher education institutions where much research knowledge is generated, often in association with government bureaucracies and with business and industry. Knowledge in non-Indigenous terms, as ever, represents degrees of power, profit and, to a significant degree, privilege and socio-economic advantage. In this situation the ethics and value/relevance of research takes on special significance in respect of Indigenous cultural survival and empowerment.

Main Focus Questions

In this paper I will address the following questions relevant to Indigenous research ethics:

1. When we talk about Indigenous research are we talking about the same thing as non-Indigenous research?
2. What is ethical Indigenous research?
3. Why is there such an interest and upsurge in policy development and guidelines relative to ethics in research and, in particular, copyright, intellectual property rights and protocol matters?
4. What is the practice of Indigenous research?
5. What processes and protocols are appropriate for Indigenous research?

The paper itself represents one person's perspective, based on experience and long-standing personal and professional interaction with both Indigenous and non-Indigenous teachers and researchers. In this light it is intended to provide a basis for further discussion, decision-making and positive action concerning issues and questions which, until fairly recently, were not part of the public debate.

1. When we talk about Indigenous research are we talking about the same thing as non-Indigenous research?

There are numerous definitions in the literature and in the essentially 'Western' discourse of research that describe what it is and does. The most common among these are:

- a search for knowledge
- a search for truth or multiple truths
- problem posing and problem-solving aimed to right the wrongs of the world
- developmental activity aimed to improve the quality of life (whose life and for what ends or purposes?)
- critical investigation; careful 'search' or inquiry, **after** or **for** or **into** something.

In connection with discussions about holistic teaching, learning and research, additional questions arise such as:

- Is research activity art or science or both?
- Is it driven primarily by curiosity, imagination, free-ranging, exploratory or descriptive behaviour, or logical, rational, focused thought and action, or both?
- Is all research, by definition, scientific?

Is Indigenous research:

- None of the above?
- All of the above?
- All of the above plus something else?

Who defines what it is and/or sets the agenda:

- Are ethical considerations in research significantly different between Indigenous and non-Indigenous researchers?

Are the principles and value assumptions upon which Indigenous research is based different to those applied by non-Indigenous researchers? Does research in an Indigenous context, especially that carried out by Indigenous people themselves, have a meaning and purpose that is conceptually different from that of non-Indigenous people? In order to ground research in distinctive cultural and locational realities, these questions have to be addressed. There is no persuasive evidence to suggest that Indigenous researchers inquire into the nature of the unknown in different ways to non-Indigenous researchers. There is, however, a strong indication of different value positions and assumptions underpinning Indigenous research. The question of who 'owns' the knowledge, for example, is one which affects resolution of the debate about intellectual property and academic freedom.

In the realm of research, as in teaching, there are multiple cultural and epistemological realities. Against an historical background of culturally devastating colonial invasion and its aftermath, it is not surprising that the context for research is sociologically and psychologically complicated. There are also the key questions of perception and perspective. Most colonial and post-colonial (neo-colonial?) research in Australia has been conducted, interpreted, recorded and credentialled from non-Indigenous perspectives. It is self evident that Indigenous people now want their voice in research, and they want it to be heard and understood.

One overarching characteristic and purpose for Indigenous research is undoubtedly to tell

the Indigenous story. The story and experience of Aboriginal and Torres Strait Islander Australians has not, until recently, been part of the knowledge base and understanding of more than a minority of Australians.

But what of research priorities for Indigenous people themselves? There is a clear interest in critically analysing past and present results and practices of mainstream research, and setting in place procedures for re-claiming inquiry and the contemporary knowledge agenda.

There is also an expressed need and interest in addressing social and economic ills at community levels. The important thing is that the time has passed when non-Indigenous researchers could even presume to speak on behalf of Indigenous Australians or speculate for one moment about whether their research is different and what the current priorities are, or will be. This is Aboriginal and Torres Strait Islander business. The right to establish and control the terms and conditions of cultural research is an inalienable right for all

peoples of the Earth. The colonial era is dead, if not yet buried.

2. What is ethical Indigenous research?

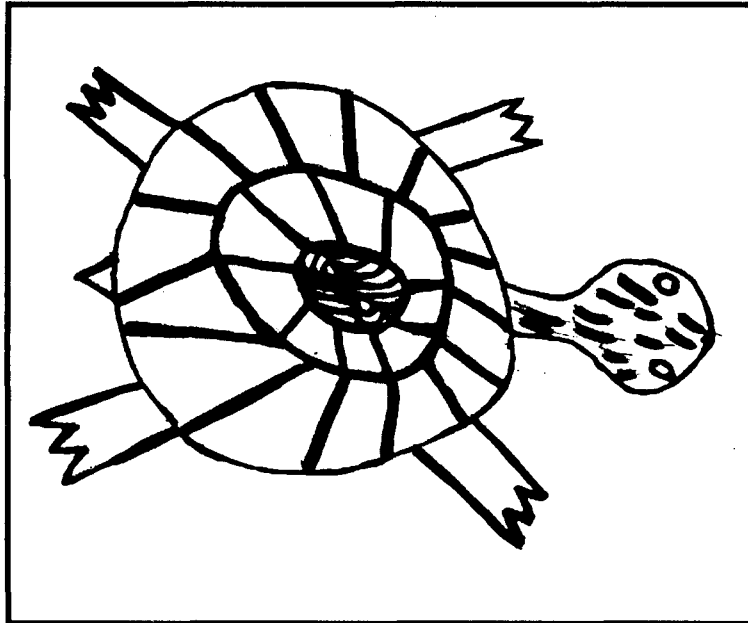
Ethical considerations, like all conceptual and behavioural phenomena, are constructed and enacted within specific cultural contexts. Until recently, guidelines for deciding what is just, fair, appropriate, and good as far as research was concerned, was mainly prescribed by non-Indigenous researchers. This situation is in the process of rapid change.

It is not the purpose of this paper to enter into a detailed philosophical analysis of research ethics.

Considerable debate is already occurring in the community and in academic disciplines regarding this issue. There is essentially positive and constructive dialogue going on concerning what appears on the surface to be, the new everything—the new anthropology, the new psychology, the new technology, the new history, the new philosophy of the new—even, recently, suggestions of a new archaeology?

With the preceding assumptions and observations in view, what this paper does suggest is the necessity for an on-going dialogue with Indigenous teachers and researchers regarding the nature and practice of ethical research. What is it to behave ethically when undertaking research or development in an Aboriginal or Torres Strait Islander setting? This is a central issue.

While, as indicated, many discipline and subject areas in universities endeavour to develop acceptable principles of obligation and judgement on which to base views about what is morally right, wrong or obligatory, Indigenous people themselves



have not always been centrally located in the process, i.e. in conceptualisation and decision-making roles. In a society in which the First Australians are a numerical minority, it is a question of power, control, opportunity and social justice.

There is reason in the literature to suggest that high levels of moral or ethical awareness are a felt state akin to aesthetic or religious experience. According to moral educators we learn to be ethical in an incremental way. Perhaps in Indigenous terms, questions of research ethics are essentially spiritual in nature. These and other related issues, in my view, are worthy of further exploration.

While recognising that from cultural and/or academic disciplinary standpoints there may be many ethical 'realities', for the purpose of this paper what is ethical in Indigenous research is that which the stakeholders, together, collegially and collaboratively, decide is morally good, appropriate, honourable, just and fair.

3. Why is there such widespread interest and an upsurge in policy development and guidelines relating to ethics in research and, in particular, copyright, intellectual property rights, and protocol matters?

The inevitable question arises, what has this got to do with Indigenous research ethics? The simple answer is, everything!

At the risk of seeming slightly paranoid about conspiracy theories, is it purely coincidental that just at a point when Indigenous people seek to claim back ownership and control of intellectual, spiritual, physical, and other cultural property, legislation is enacted to 'protect and control' access to and ownership of knowledge?

The challenge, and perhaps an on-going crisis in Indigenous higher education, will be to develop policy and codes of practice that are culturally and morally/ethically appropriate for everyone. At the moment, even the experts have tended to put important questions relating to Indigenous intellectual property matters and protocol squarely into the 'too hard' or 'let's look at it later' basket. Why is this? What knowledge, sensitivities or processes are required to resolve what is at issue?

One of the perennial challenges in policy research is to identify and analyse all of the forces and factors which operate simultaneously in the policy space to affect **what is**. In the current situation it seems that research legislation and policy formulation is being driven, not surprisingly, by economic factors. In particular, Australia's overseas indebtedness and attendant interest payments, our need to increase productivity, attract overseas investment dollars and boost business and industry, all have a bearing on the conduct of business in government-funded institutions such as universities.

To offset the cost of increased public access to higher education and training in Australia, and for other reasons, business and industry have become more directly involved in tertiary education. Along with increased full fee-paying participation by international students, and the establishment within universities of private enterprise wings, and other forms of income-generating operations, substantial federal and state government funding is invested. Universities and TAFE Colleges are set to play a more collaborative part with the business, industry and labour market sectors in increasing Australia's productivity and overseas competitiveness as a manufacturing nation. Income-producing research and development operations are the focus for capital investment.

In this significantly altered operational climate, an emergent new business ethos understandably requires guaranteed returns on the investment dollar. For industry to start funding increased research through universities, industry requires investment protection. In this environment, academics, also, are saying that they want protection. Where do Indigenous researchers fit into this picture?

The research ethics, policy and procedures space in Australian universities is generally well-stocked at present in a wide variety of discipline and subject areas. General thrusts of policy reflect major elements and priorities of the economic scenario.

Although the following list is by no means exhaustive, it contains a plethora of statements of principle and intent which, collectively, have immense bearing on the research and development

practice of all Australian academics, including those involved in Indigenous research.

Research related policy documents and guidelines

1. AVCC (November, 1990) *Guidelines for Responsible Practice in Research and Dealing with Problems of Research Misconduct.*
2. AVCC (October, 1990) *Code of Practice for the Maintaining and Monitoring of Academic Standards in Higher Degrees.*
3. AVCC (January, 1995) Discussion Paper: *University Research — Some Issues.*
4. NHMRC (1990) *Statement of Good Scientific Practice.*
5. NHMRC (1992) *Statement of Human Experimentation and Supplementary Notes.*
6. NHMRC (1992) *Code of Practice for the Care and Use of Animals for Experimental Purposes.*
7. *Queensland Animals Protection Act, 1981.*
8. AVCC (1993) Discussion paper: *Ownership of Intellectual Property in Universities.*
9. *DIST: Guidelines for Protecting Intellectual Property in International Research and Development Projects.*
10. *Indigenous Cultural Heritage Policy: Treatment of Intellectual Property Created within Aboriginal and Torres Strait Islander Cultures.*
11. Attorney-General (June, 1994) Discussion paper: *Proposed Moral Rights Legislation for Copyright Creators.*
12. Attorney-General's Department (October, 1994) Issues paper: *Stopping the Rip-Offs: Intellectual property Protection for Aboriginal and Torres Strait Islander Peoples.*

Approximately 25 other research and development policy management documents currently implemented or under consideration for implementation at James Cook University need to be added to this list. One of these internal documents was distributed as a consultation paper for this conference: *Draft Guidelines for Aboriginal and Torres Strait Islander Research Ethics.*

4. What is the practice of Indigenous research?

As an outcome of its colonial past, Indigenous research in Australia, not surprisingly, has been controlled and dominated by non-Indigenous researchers, many of whom have been based in universities. This paper will not attempt to describe or evaluate, even in broad terms, the value and relevance of such research. Suffice to say, as with any group of people or academic endeavour, much of this research, considered in the climate of its times is, and was, valuable and enlightening. Much of it, also, notwithstanding the claim that all research is good in some way, was counter-productive. Some of it, with or without the value of hindsight, was plainly racist, inaccurate, and blatantly disparaging of Indigenous peoples.

The broad scenario alluded to above is from the past but, like all past events and circumstances, powerful ramifications exist in the present. Because, until the 1970s, Indigenous people were denied access to research institutions, including universities in many disciplines and degree programs, non-Indigenous researchers still tend to dominate the agenda.

Natural consequences of history, particularly periods of dramatic shift in power and responsibility, result in some degree of uncertainty, anguish, and disempowerment of people. Such is the case for some non-Indigenous academics who work in areas of Indigenous research. There is a shift in the power and responsibility relationship going on, from non-Indigenous to Indigenous.

Increasing numbers of Indigenous academics want to 'claim back the farm', so to speak, some without too much sympathy for those whose careers have been built on what is perceived as an Indigenous research and development industry. Many well-meaning academics who, inadvertently, have been engulfed by this situation are understandably confused, upset and, in some cases, angry and disappointed. Indigenous researchers could be forgiven for adopting a 'so what' attitude. Most have had good cause to be angry and disappointed since 1788.

Some non-Indigenous players in the research and development space will undoubtedly 'take their bat and ball and go home', leave the field and involve themselves in less politically complicated areas. Others will stay on in accordance with their own academic justifications, beliefs and obligations. Still more, hopefully an increasing number, will join with Indigenous researchers to set a new research agenda predominantly on Indigenous grounds. This will involve partnerships, with Indigenous researchers as the senior partners when it comes to Indigenous business; a reversal of the previous order.

5. What processes and protocols are appropriate for Indigenous research?

Major aspects of Indigenous research process and protocol have been referred to directly or indirectly throughout this paper. There has been an attempt to create a 'mind-set' and general operational environment in which Indigenous research and development can be seen clearly for what it is and for what it might become.

There is probably no one best way to undertake Indigenous research. It is very clear, overall, that Aboriginal and Torres Strait Islander people need to control the agenda. Collaborative research and partnership arrangements with non-Indigenous researchers will be possible, even mutually beneficial and potentially productive as a 'two-world' construction of knowledge, but such arrangements in the immediate future will need to be on Indigenous terms.

Other central principles and values suggested are as outlined hereunder although it is misleading and inappropriate, perhaps, to infer a type of linear checklist. Within a holistic model of research it is the process, principles, ends, means, and purposes, including cultural integrity and human relationship matters, that are important.

Consultation

This needs to occur at all points in the process of research, from initial conceptualisation right through to report writing and dissemination of results. It is a two-way process and involves talking **with** rather than talking **at**, or talking **to**. It is on-going and more often than not requires skills of listening and hearing more than talking.

Effective non-paternalistic and non-patronising communication, and a genuine recognition of the value of collaboration and 'two-way' naming and knowing the world are centrally important.

Indigenous community and organisation protocols

As in any social organisation, there are respectful and appropriate procedures for beginning communication and exploring possibilities for research or development at community levels. In collaborative research, Indigenous researchers will normally provide advice and initiate communication links. It is better for non-Indigenous researchers, in particular, to undertake research on an invited basis. Talking with the 'right' people and adopting accepted protocols for entering and leaving community research settings is important. It is a matter of respect and sensitivity to cultural differences, and being flexible enough to adapt.

Ownership of knowledge and process

If people give a researcher part of their knowledge they are giving part of themselves. Individual and group ownership of knowledge should always be respected and strict rules of confidentiality should be observed. Indigenous participants should essentially own the process and be an integral part of all aspects of the inquiry and dissemination of results procedure. Due respect should be paid to secret or sacred knowledge and, once again, cognisance should be taken at all times of questions of confidentiality. Indigenous participants should have the final say about what is public domain knowledge.

Timeframes

More often than not in universities the timeframe for research submissions and completions is strictly limited. Meaningful consultation and empowerment through research takes as long as it takes. If there is not sufficient time to work within an Indigenous cultural time framework on these matters then the funding body should be advised that quality work cannot be produced. Researchers who are unable to understand and respect Indigenous timeframes for research should not be involved. Funding bodies who accept the outcomes of Indigenous research that is 'fast and loose', and beyond the cultural tolerance bounds of Indigenous participants, should be properly educated about

ethical issues.

Motivation

Reasons for undertaking the research, aims and rationale, should be made clear to everyone involved. There will usually be multiple stakeholders in the research. Researchers themselves should critically examine their reasons for doing the research. At the end of the day, who stands to benefit, and will this research make a positive difference in the field?

Partnership

It makes sense for research to be collaborative and for both Indigenous and non-Indigenous researchers to, wherever appropriate, work together. Both broad groups, and individuals within each group, have the potential to bring new perspectives and a wide range of expertise to the research. If contractual arrangements exist between the researcher(s) and Indigenous communities and organisations, then all agreements should be honoured and a reference group or steering committee established to monitor the research and provide advice.

Dissemination of results

All materials from the research, reports, books, film, sound recordings, and summaries of findings should be cleared by the owners of the knowledge for distribution. Full acknowledgement should be provided of the owners of the knowledge in all publications. Research results should be disseminated in such a way as to maximise opportunity for benefit to Indigenous people.

Payments to consultants

While not breaching accepted financial protocols in specific communities, researchers should guarantee that all Indigenous consultants involved in the research are paid in the same way as consultants, co-researchers and researchers are paid in the mainstream.

Negotiation and mediation

These are essential elements of the research and development process in any cultural setting. In particular, such procedures as are acceptable to the community or organisation in which the research is taking place, should be adopted at all stages of the research.

Power of veto and ownership of the project

This should unambiguously be vested in the community or organisation in which the research is being conducted.

Conclusion

This paper has provided, overall, a carefully considered non-Indigenous perspective. It should be seen clearly in this light, and further views sought from Indigenous colleagues qualified and experienced in research. Such people will not necessarily or exclusively be university academics. They could be community members, Elders, representatives of Aboriginal and Torres Strait organisations, teachers or students.

Further suggested protocols for Indigenous research and development are contained in the *Indigenous Research Ethics Guidelines* developed as a Consultation Paper by the Centre for Aboriginal and Torres Strait Islander Participation, Research and Development at James Cook University, North Queensland, Australia.

Dr Arthur Smith is Co-ordinator of Research and Development at the Centre for Aboriginal and Torres Strait Islander Participation, Research and Development at James Cook University of North Queensland. □

