

NAFWS Tribal Research Guide

A GUIDE FOR TRIBES FOR RESEARCH
WITH NON-TRIBAL ENTITIES

Written by the Native American Fish and
Wildlife Society Research and Publications
Committee





Purpose

Native Americans own, co-manage, and have authority over a vast land area within the United States. Collectively, tribes steward more than 70 million acres of lands and waters in the United States. These lands support healthy and well-protected populations of fish and wildlife while enabling people to live and thrive on the landscape.

For spiritual, practical, and other reasons, tribes have always placed a high value on supporting ecological integrity. Where tribal lands are still intact, the ecosystems they harbor often have equal or higher species diversity and densities of protected species than surrounding non-tribal lands. Most tribes support the ethical acquisition of knowledge and the active study of fish, wildlife, and their habitats. Tribal survival depends on successfully integrating and passing along a deep understanding of flora, fauna, ecology, movements, and behavior. However, there has been a long and often unethical history of non-Indian researchers mining intellectual property of tribes and tribal resources. For tribes, this is little different from the exploitation of the preceding five centuries of property theft and human rights violations.

More recently, many tribes have begun to develop guidelines for a more ethical and inclusive approach to the acquisition, dissemination, and use of knowledge and the sharing of intellectual property. “Co-production” aims to put principles of empowerment into practice, allowing tribal communities greater control over the research process.

The purpose of this Tribal Research Guide is to serve as a tailorable, living, and guiding document for tribal Nations that are approached and/or have received research proposals from outside the tribe.

This document includes:

1. A description of some of the warning signs of potentially troublesome researchers or research proposals.
2. Suggestions for analyzing potential benefits and harm to the tribal community from the proposed research.
3. A guide that tribes can tailor to meet their own needs.



Researcher Red Flags

Tribes from across the country are approached almost daily with requests to conduct research on tribal land. Many potential projects could and do provide benefits to the tribe and are conducted in a collaborative spirit and manner. However, many proposals do not meet these standards. The following are indicators of a potentially flawed project that should be examined carefully before proceeding:

- **Short turnaround times** require immediate action from the tribe. This may not allow adequate time for tribal review and approval and is an indication that a researcher's timeframe might not fit with tribal schedules and processes.
- **Limited to no direct benefit to the tribal community.** Tribes should examine any research proposals and ask: How is this research going to benefit us? If a research proposal or the researchers do not explicitly address these issues, it's an indication that a researcher may not have the tribe's best interest front and center.
- **Limited effort to engage in a dialogue with the tribe early on.** Has a researcher approached the tribe with a fully formed research plan that does not necessarily include tribal interests? Active and early engagement is a sign of a collaborative process; limited efforts to engage with the tribe in the development of research design is not.
- **Projects with short-term funding cycles** may require an abundance of effort on behalf of the tribe without providing lasting benefit. Short funding cycles often fit well within the career trajectories of non-tribal researchers but can be problematic for tribes and their staffs and tribal communities, as they are not conducive to developing lasting, long-term, collaborative relationships and truly collaborative research.

QUESTIONS TO ASK A POTENTIAL RESEARCHER

As tribes navigate the process of evaluating potential research, the following may serve as a resource to help guide conversations between the tribe and an external research entity. Some questions may be more applicable than others and can be revisited over time as collaboration proceeds. If warranted, it might be helpful to provide these questions to research in advance of their proposal, so they can be considered in advance of proposal submission.

- What are the objectives of this research collaboration?
- How does this research help the Tribe?
- How do you envision this research benefiting the Tribe, the Tribal community, and the Tribal staff in the short and long term?
- How does this research support the goals of the faculty, students, and others involved, including milestones such as tenure, promotion, credentialing, degree completion, postdoctoral training, and other career accomplishments?
- Will the Tribe have the opportunity to collaboratively dialogue and envision shared interests and goals, and collaborate on the development of research questions, methods, and the composition of the research team?
- Who will we mainly interact with (e.g., primary investigator (PI), research technicians, others)?
- Where will the data collected be stored in the short and long term? How will it be maintained? Who will have access to the data? Can you guarantee that these storage methods are secure?
- How much time and/or resources will be requested of the Tribe or Tribal staff members?



- Do you have a budget to pay for Tribal staff, including guides, assistants, technical staff, translators, elders, advisors, and others? Would you disclose information about some of the budget areas that, in some cases, have created inequalities, such as faculty summer salary, your indirect cost rate or overhead rate (and what those funds contribute to), salary savings, and other budget costs?
- What type of products do you envision as feasible outcomes of the research (publications, brochures, posters, etc.)? Are you willing to obtain written Tribal government approval on any published documents that result from this research?
- How do you plan to disseminate the results and progress of the research?
- How often do you envision meeting as a group to discuss project progress?
- What are your guidelines concerning authorship for any papers resulting from this research?
- In addition to any academic or formal publications, do you plan to produce less technical summaries or other deliverables for the tribal community?





Engaging in the Research Process

We recommend that all Tribes consider establishing an Institutional Review Board (IRB) or a Research Review Board (RRB) to review and evaluate research proposed to the Tribe. However, when an outside researcher expresses interest in conducting research on Tribal land, and there is no Tribal Institutional Review Board in place, we prioritize engaging in a thoughtful and collaborative review of all proposed research. Respect and understanding of Tribal sovereignty, culture, and values are paramount throughout this process.

When there is no Tribal IRB or RRB, then the research ethics process usually is an approval from the Tribal council or other elected leadership body. There may be cases in which the Tribal council or similar elected body has delegated that approval to a particular department or agency in the Tribe. It is important to understand exactly what the schedule is for Tribal council meetings, what information decision-makers will need, and how long it may take for the research project to receive an audience and a decision about its acceptability.

Engagement and Relationship Building: If welcomed, these allow the researcher to engage with Tribal leadership, elders, and community members. Establishing trust and building relationships through open dialogue is crucial in understanding the intentions and impact of the research.

Community Consultation and Consent: We emphasize the importance of community involvement. Meetings or consultations are organized to present the research proposal, allowing the community to voice concerns, provide feedback, and grant informed consent, ensuring their voices are heard and respected.

Cultural Sensitivity and Respect for Traditions: We request the researcher to honor the Tribe's cultural practices, traditions, and protocols. It's essential that the research respects and aligns with Tribal ways of life.

Active Participation in Research Design: We encourage the researcher to involve Tribal members in shaping the research design, methods, and data collection strategies. Tribal input ensures the research respects Tribal values and accurately represents the Tribal community.

Ethical Guidelines Adherence: Despite the absence of a formal Tribal IRB or RRB, we expect the researcher to adhere to established Tribal and Federal ethical guidelines and standards, recognizing the importance of safeguarding the rights and well-being of Tribe's people.

Mutual Benefits and Knowledge Sharing: We seek to understand how the research will benefit the Tribe and how the knowledge gained will be shared. A commitment to reciprocal sharing of findings and benefits is essential.

Formalized Agreements with Transparency: We propose establishing clear, written agreements that outline the terms, responsibilities, time frames, and expectations. Transparency in this process is key to building trust.

By approaching research in this manner, we aim to ensure that any research conducted on Tribal land is respectful, beneficial, and aligned with Tribal cultural values and aspirations. It reflects the Tribe's dedication to safeguarding the Tribal community's welfare and promoting collaboration with external researchers in an ethical and mutually beneficial way.



Research Agreement Objectives

Creating a research agreement from a Tribal wildlife conservation perspective involves aligning with the Tribe's cultural values and conservation goals. Here are key considerations:

Tribal Sovereignty and Consent. Any agreement should clearly acknowledge the Tribe's sovereignty and the requirement for informed, voluntary, and culturally appropriate consent from the Tribe or its authorized representatives. Unfortunately, there is a long history of researchers "shopping" for permission, that is, searching until they find a tribal member (not necessarily one with the appropriate authority) to say "yes."

Research Objectives and Methods. Clearly outline the research goals, methodologies, and the specific areas of focus, ensuring alignment with the Tribe's conservation priorities and goals.

Cultural Sensitivity in Conservation. Tribes should stress the importance of understanding and respecting the Tribe's cultural values, traditional ecological knowledge (TEK), Indigenous Knowledge, Indigenous Science, and traditional or modern conservation practices.

Data Ownership and Control. Tribes should clearly define who owns and controls the data collected, ensuring the Tribe retains ownership and has control over how the data is used, shared, and stored, (including in the long term, after the immediate project has ended). It is extremely important to set clear data boundaries and insist on Tribal approval of any documents related to the research (publications, brochures, posters, etc.).

Community Involvement and Benefit. Specify how tribal members will be involved in the research, promoting community engagement, and ensuring the Tribe benefits from research outcomes.

Intellectual Property Rights. Address intellectual property rights regarding any Traditional Ecological Knowledge, cultural expressions, or innovations shared during the research.





Data Access and Data Sharing. Specify conditions for accessing and sharing research data, including restrictions and permissions for future research or collaborations involving the data.

Consultation and Communication. Define communication channels for ongoing consultation and collaboration between the research entity and tribal representatives throughout the research process.

Dispute Resolution. Establish procedures for resolving disputes or disagreements that may arise during the research, prioritizing tribal perspectives and customary dispute resolution mechanisms. Tribal law should govern all agreements and no agreements should impact tribal sovereignty, treaty rights, etc.

Ethical Review and Oversight. Ensure that the research adheres to applicable ethical guidelines and involves a designated oversight body (usually the tribal council) representing the tribal community.

Duration and Termination. Specify the duration of the research agreement, conditions for renewal, and the process for terminating the agreement, if necessary.

Education and Capacity Building. Tribes should include provisions for educational opportunities and capacity building within the tribal community, fostering skills and knowledge transfer.

Conservation Research Impact Assessment. Discuss how the research will assess its impact on wildlife, habitats, and conservation goals, incorporating tribal perspectives.

Post-Research Responsibilities. Address the responsible handling and return of any wildlife-related data, samples, or information obtained during the research upon its completion. Ensure the Tribe approves any research prior to publication and that the Tribe receives any final report.

Customizing the agreement to match the Tribe's wildlife conservation priorities and values is essential, ensuring a collaborative approach that respects tribal conservation efforts and objectives.

Additional Resources

Example of a Tribal Research Agreement:

Protocol with Agreement for Intellectual Property Rights of the Karuk Tribe

Written by Karuk Tribe

https://www.karuk.us/images/docs/forms/Protocol_with_Agreement_for_Intellectual_Property_Rights_of_the_Karuk_Tribe

Positive Examples of Co-Production:

Wildlife Stewardship on Tribal Lands

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Chapter 17- Research with Tribes: A Suggested Framework for the Co-Production of Knowledge