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TCPS 2 - Chapter 9

RESEARCH INVOLVING THE FIRST NATIONS, INUIT AND MÉTIS PEOPLES OF CANADA

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Introduction

Preamble

This chapter on research involving Aboriginal peoples in Canada, including Indian (First Nations¹), Inuit and Métis peoples, marks a step toward establishing an ethical space for dialogue on common interests and points of difference between researchers and Aboriginal communities engaged in research.

First Nations, Inuit and Métis communities have unique histories, cultures and traditions. They also share some core values such as reciprocity – the obligation to give something back in return for gifts received – which they advance as the necessary basis for relationships that can benefit both Aboriginal and research communities.

Research involving Aboriginal peoples in Canada has been defined and carried out primarily by non-Aboriginal researchers. The approaches used have not generally reflected Aboriginal world views, and the research has not necessarily benefited Aboriginal peoples or communities. As a result, Aboriginal peoples continue to regard research, particularly research originating outside their communities, with a certain apprehension or mistrust.

The landscape of research involving Aboriginal peoples is rapidly changing. Growing numbers of First Nations, Inuit and Métis scholars are contributing to research as academics and community researchers. Communities are becoming better informed about the risks and benefits of research. Technological developments allowing rapid distribution of information are presenting both opportunities and challenges regarding the governance of information.

This chapter is designed to serve as a framework for the ethical conduct of research involving Aboriginal peoples. It is offered in a spirit of respect. It is not intended to override or replace ethical guidance offered by Aboriginal peoples themselves. Its purpose is to ensure, to the extent possible, that research involving Aboriginal peoples is premised on respectful relationships. It also encourages collaboration and engagement between researchers and participants.

Building reciprocal, trusting relationships will take time. This chapter provides guidance, but it will require revision as it is implemented, particularly in light of the ongoing efforts of Aboriginal peoples to preserve and manage their collective knowledge and information generated from their communities. The Agencies – the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC) – are committed to the continued evolution of this Policy, as noted in the Introduction. As the Policy comes into effect, the approach of engaging communities will be applied not only to research projects but also to the further development of the Policy itself to ensure that it remains a living document.

This chapter forms an integral part of this Policy to which institutions eligible to administer and receive research funding from any of the three research agencies agree to adhere as a condition of funding (see the *Memorandum of Understanding on the Roles and Responsibilities in the*

Management of Federal Grants and Awards).² It has drawn on prior work, both within Canada and internationally, that recognizes the interests of Aboriginal peoples who participate in research and are affected by its results. Some of that work has been done by the three agencies responsible for this Policy. In particular, the CIHR and its Institute of Aboriginal Peoples' Health have engaged in extensive dialogue with community partners to develop the CIHR *Guidelines for Health Research Involving Aboriginal People*. The CIHR Guidelines remain an important source of additional guidance for health research involving Aboriginal peoples in Canada.

SSHRC and NSERC, likewise, have developed program guidelines for research involving Aboriginal peoples and issues. Aboriginal entities at local, regional and national levels have published and implemented principles and codes governing research practice – including ethical protections – that emphasize collective rights, interests and responsibilities.

This Policy provides guidance for research involving humans, as defined in Chapter 2. Other guidelines specific to particular programs, research domains and community settings may elaborate on the processes set out herein, or may address ethical concerns of broader scope than those covered in this Policy. Researchers and research ethics boards (REBs) are advised to consult reference documents that apply to their research undertaking. Examples of relevant resources are listed under References at the end of this chapter.

Neither this Policy nor this chapter are meant to reflect or introduce any change to other Government of Canada policies with respect to the issues addressed in this chapter.

Context

The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada, that is, the Indian, Inuit and Métis peoples of Canada, were recognized and affirmed in the *Constitution Act, 1982*.³

This chapter acknowledges the unique status of the Aboriginal peoples of Canada. It interprets how the value of respect for human dignity and the core principles of Respect for Persons, Concern for Welfare, and Justice (as articulated in Chapter 1) apply to research involving Aboriginal peoples. It accords respect to Aboriginal peoples' knowledge systems by ensuring that the various and distinct world views of Indian, Inuit and Métis peoples are represented in planning and decision making, from the earliest stages of conception and design of projects through to the analysis and dissemination of results. It affirms respect for community customs and codes of research practice to better ensure balance in the relationship between researchers and participants, and mutual benefit in researcher-community relations.

The purpose of this chapter specifically, and the Policy in general, is to provide guidance to researchers on the ethical conduct of research involving Aboriginal peoples.

The desire to conserve, reclaim and develop knowledge specific to First Nations, Inuit and Métis communities, and to benefit from contemporary applications of traditional knowledge, is a motivating force in community initiatives to assume a decisive role in research. The guidance provided in this chapter is based on the premise that engagement with community is an integral part of ethical research involving Aboriginal peoples.

This Policy acknowledges the role of community in shaping the conduct of research that affects First Nations, Inuit and Métis communities. The Policy also respects the autonomy of individuals to decide whether they will participate in research in accordance with Articles 3.1 to 3.6. Articles in this chapter give guidance for balancing individual and collective interests. In light of the diversity within and among First Nations, Inuit and Métis communities, and the ongoing development of community codes of research practice by these communities at the local, regional and national level, ethical review of a proposed project shall be attentive to the specific context of the project and the community involved (see Articles 9.8 and 9.9).

A. Key Concepts and Definitions

Definitions of key concepts used in this chapter are provided to assist in applying the guidance in this Policy (see Chapter 1 regarding the scope of definitions used in this Policy) and to facilitate dialogue between researchers and Aboriginal communities. Since there is not universal agreement on the meaning of some terms, the definitions provided are intended for the purposes of this Policy only. This terminology will require periodic revision, particularly in light of the ongoing debate on the terms of art used in international and domestic contexts. This is in keeping with a commitment to the continued evolution of this Policy.

- Aboriginal peoples – include persons of Indian, Inuit or Métis descent regardless of where they reside and whether or not their names appear on an official register. The term “Aboriginal” fails to reflect the distinctions among First Nations, Inuit and Métis peoples, who have their own histories, cultures and languages, so an attempt has been made to limit use of the term in this Policy to instances where a global term is appropriate. Indian peoples commonly identify themselves by distinct nation names such as Mi’kmaq, Dene or Haida, and as First Nations. In the international context, the term comparable to Aboriginal peoples is Indigenous peoples.
- Community – describes a collectivity with shared identity or interests, that has the capacity to act or express itself as a collective. In this Policy, a community may include members from multiple cultural groups. A community may be territorial, organizational or a community of interest. “Territorial communities” have governing bodies exercising local or regional jurisdiction (e.g., members of a First Nations resident on reserve lands). “Organizational communities” have explicit mandates and formal leadership (e.g., a regional Inuit association or a friendship centre serving an urban Aboriginal community). In both territorial and organizational communities, membership is defined and the community has designated leaders. “Communities of interest” may be formed by individuals or organizations who come together for a common purpose or undertaking, such as a commitment to conserving a First Nations language. Communities of interest are informal communities whose boundaries and leadership may be fluid and less well-defined. They may exist temporarily or over the long term, within or outside of territorial or organizational communities.

An individual may belong to multiple communities, both Aboriginal and non-Aboriginal (e.g., as a member of a local Métis community, a graduate students’ society and a coalition in support of Aboriginal rights). An individual may acknowledge being of First Nations, Inuit or Métis descent but not identify with any particular community. How individuals define which of their community relationships are most relevant will likely depend on the nature of the research project being proposed.

- Community customs and codes of research practice – may be expressed in written or oral form. Consistent with the world views of particular First Nations, Inuit and Métis peoples, community customs and codes of research practice may embody kinship networks and responsibilities that include multi-generational obligations to ancestors and future generations. Ethical obligations often extend to respectful relations with plant, animal and marine life.
- Community engagement – is a process that establishes interaction between a researcher or research team, and the Aboriginal community relevant to the research project. It signifies a collaborative relationship between researchers and communities, although the degree of collaboration may vary depending on the community context and the nature of the research. The engagement may take many forms including review and approval from formal leadership to conduct research in the community, joint planning with a responsible agency, commitment to a partnership formalized in a research agreement, or dialogue with an advisory group expert in the customs governing the knowledge being sought. The engagement may range from information sharing to active participation and collaboration, to empowerment and shared leadership of the research project. Communities may also choose not to engage

actively in a research project, but simply to acknowledge it and register no objection to it.

- First Nations, Inuit and Métis lands – include Indian reserves, Métis settlements, and lands governed under a self-government agreement or an Inuit or First Nations land claim agreement.
- Indigenous knowledge – see traditional knowledge, below.
- Indigenous peoples – a term used in international or scholarly discourse; there is no consensus on the definition of the term “indigenous.” In some countries, other terms may be used. Self-identification is a fundamental criterion for defining Indigenous peoples.⁴
 - Traditional knowledge – the knowledge held by First Nations, Inuit and Métis peoples, the Aboriginal peoples of Canada. Traditional knowledge is specific to place, usually transmitted orally, and rooted in the experience of multiple generations. It is determined by an Aboriginal community’s land, environment, region, culture and language. Traditional knowledge is usually described by Aboriginal peoples as holistic, involving body, mind, feelings and spirit. Knowledge may be expressed in symbols, arts, ceremonial and everyday practices, narratives and, especially, in relationships. The word tradition is not necessarily synonymous with old. Traditional knowledge is held collectively by all members of a community, although some members may have particular responsibility for its transmission. It includes preserved knowledge created by, and received from, past generations and innovations and new knowledge transmitted to subsequent generations. In international or scholarly discourse, the terms traditional knowledge and Indigenous knowledge are sometimes used interchangeably.

B. Interpreting the Ethics Framework in Aboriginal Contexts

Chapter 1 identifies three principles that express the core ethical value of respect for human dignity – Respect for Persons, Concern for Welfare, and Justice. The three core principles are interpreted in this chapter as follows:

Respect for Persons is expressed principally through the securing of free, informed and ongoing consent of participants. The concerns of First Nations, Inuit and Métis for their continuity as peoples with distinctive cultures and identities have led to the development of codes of research practice that are in keeping with their world views. Aboriginal codes of research practice go beyond the scope of ethical protections for individual participants, and extend to the interconnection between humans and the natural world, and include obligations to maintain, and pass on to future generations, knowledge received from ancestors as well as innovations devised in the present generation.

Historically, the well-being of individual participants has been the focus of research ethics guidelines. In this Policy, the principle of **Concern for Welfare** is broader, requiring consideration of participants and prospective participants in their physical, social, economic and cultural environments, where applicable, as well as concern for the community to which participants belong. This Policy acknowledges the important role of Aboriginal communities in promoting collective rights, interests and responsibilities that also serve the welfare of individuals.

Aboriginal peoples are particularly concerned that research should enhance their capacity to maintain their cultures, languages and identities as First Nations, Inuit or Métis peoples, and to support their full participation in, and contributions to, Canadian society. The interpretation of Concern for Welfare in First Nations, Inuit and Métis contexts may therefore place strong emphasis on collective welfare as a complement to individual well-being.

Justice may be compromised when a serious imbalance of power prevails between the researcher and participants. Resulting harms are seldom intentional, but nonetheless real for the participants. In the case of Aboriginal peoples, abuses stemming from research have included: misappropriation of sacred songs, stories and artefacts; devaluing of Aboriginal peoples’ knowledge as primitive or superstitious; violation of community norms regarding the use of human tissue and remains; failure

to share data and resulting benefits; and dissemination of information that has misrepresented or stigmatized entire communities.

Where the social, cultural or linguistic distance between the community and researchers from outside the community is significant, the potential for misunderstanding is likewise significant. Engagement between the community involved and researchers, initiated prior to recruiting participants and maintained over the course of the research, can enhance ethical practice and the quality of research. Taking time to establish a relationship can promote mutual trust and communication, identify mutually beneficial research goals, define appropriate research collaborations or partnerships, and ensure that the conduct of research adheres to the core principles of Respect for Persons, Concern for Welfare – which in this context includes welfare of the collective, as understood by all parties involved – and Justice.

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Research Involving Indigenous Peoples in Other Countries

Although the present chapter addresses research involving Aboriginal peoples in Canada, researchers, REBs, participants and the research community at large may find the guidance articulated here useful when undertaking research or reviewing a proposal involving Indigenous peoples in other countries who endorse collective decision making as a complement to individual consent. It is critically important, however, to seek local guidance in the application or adaptation of this Policy to Indigenous peoples outside of Canada.

For considerations that apply to research conducted in another country, see Chapter 8, Section B.

C. Applying Provisions of This Policy in Aboriginal Contexts

Requirement of Community Engagement in Aboriginal Research

Article 9.1 Where the research is likely to affect the welfare of an Aboriginal community, or communities, to which prospective participants belong, researchers shall seek engagement with the relevant community. The conditions under which engagement is required include, but are not limited to:

- (a) research conducted on First Nations, Inuit or Métis lands;
- (b) recruitment criteria that include Aboriginal identity as a factor for the entire study or for a subgroup in the study;
- (c) research that seeks input from participants regarding a community's cultural heritage, artefacts, traditional knowledge or unique characteristics;
- (d) research in which Aboriginal identity or membership in an Aboriginal community is used as a variable for the purpose of analysis of the research data; and
- (e) interpretation of research results that will refer to Aboriginal communities, peoples, language, history or culture.

Application Paragraph (a) refers to First Nations, Inuit and Métis lands that include Indian reserves, Métis settlements and lands governed under a self-government agreement or an Inuit or First Nations land claim agreement. Researchers should become informed about formal rules or oral customs that may apply in accordance with a particular First Nations, Inuit or Métis authority. In different jurisdictions, research activities may be regulated in various ways.

Paragraph (c) refers to cultural heritage, which includes, but is not limited to, First Nations, Inuit and Métis peoples' relations with particular territories, material objects, traditional knowledge and skills, and intangibles that are transmitted from one generation to the next (e.g., sacred narratives, customs, representations or practices). Cultural heritage is a dynamic concept, in that

materials, knowledge and practices are continuously adapted to the realities of current experience.

Cultural heritage research such as archaeological research involving burial sites or sacred landscapes and handling of artefacts may raise ethical obligations important to the Aboriginal community that may not be addressed in academic research proposals. Researchers and communities should agree in advance on how to reconcile or address these divergent perspectives (see Articles 9.8 and 9.12).

Appropriation of collective knowledge, treatment of such knowledge as a commodity to be traded, or making unauthorized adaptations for commercial purposes, may cause offence or harm to communities from which the knowledge originates. Such conduct has prompted initiatives in various countries and international agencies to address unethical, unfair, and inequitable treatment of traditional knowledge and knowledge holders (see Article 9.18).

Paragraph (e) refers to both primary collection of research data and secondary use of information collected originally for a purpose other than the current research purpose (see Article 2.4 and Chapter 5, Section D). Articles 9.20 to 9.22 address community engagement and individual consent for secondary use of identifiable information and human biological material for research purposes.

Nature and Extent of Community Engagement

Article 9.2 The nature and extent of community engagement in a project shall be determined jointly by the researcher and the relevant community, and shall be appropriate to community characteristics and the nature of the research.

Application Diversity among and within communities makes generalizations about the form of community engagement inappropriate. Diversity within Aboriginal communities may encompass differences in levels of formal education and employment, mobility, generational differences and intermarriage with non-Aboriginal persons. This diversity increases the importance of clarifying mutual expectations and obligations with the community, and incorporating them into a research agreement.

Community engagement as defined in this Policy can take varied forms. In geographic and organizational communities that have local governments or formal leadership, engagement prior to the recruitment of participants would normally take the form of review and approval of a research proposal by a designated body. In less structured situations (e.g., a community of interest), a key consideration for researchers, prospective participants and REBs is determining the nature and extent of community engagement required. In some situations, if the REB is satisfied that participants are not identified with a community or that the welfare of relevant communities is not affected, the REB may waive the requirement of a community engagement plan (see Article 9.10). In these cases, consent of individuals is sufficient to participate.

Communities lacking the infrastructure to support pre-research community engagement should not be deprived of opportunities to participate in guiding research affecting their welfare (see Article 9.14).

The following list, which is not exhaustive, provides examples to illustrate the forms of community engagement that might be appropriate for various types of research.

1) Research directly involving a community on First Nations, Inuit or Métis lands with a formal governance structure. For example, a project that examines the incidence of diabetes in Pond Inlet, Nunavut, or the impact on Inuit health of contaminants in animals and plants used for country food.

- Permission of the Nunavut Research Institute that carries authority to approve research in Nunavut is required. Agreement of the hamlet council in Pond Inlet will normally be a condition of approval. The local health committee may co-manage the project.

2) Research involving Aboriginal people who comprise a sizeable proportion of the study or community and where Aboriginal-specific conclusions are intended. For example, a comparative

study of access to public housing in Prince Albert, Saskatchewan.

- First Nations in the district, represented by their tribal council, the local Métis association, and urban Aboriginal and women's organizations may partner with the Prince Albert city council to sponsor, implement and use the results of the housing study.

3) Research focusing on a larger community that is known to include Aboriginal people (regardless of their proportion), and where Aboriginal-specific conclusions are anticipated. For example, a study of student retention in high schools in the Sault Ste. Marie district of Ontario.

- A committee representing First Nations, Métis organizations and urban Aboriginal people whose children may be affected by the study may be convened to advise the District Board of Education and the researchers involved.

4) Research involving Aboriginal people who comprise a sizeable proportion of the larger community that is the subject of research even if no Aboriginal-specific conclusions will be made. For example, research on employment development programs serving residents of the inner city of Winnipeg in Manitoba.

- Aboriginal service agencies or political organizations may be engaged to help recruit Aboriginal participants and secure community representation on an oversight committee, and to ensure cultural sensitivity in collecting and interpreting data on employment program impacts.

5) Interviewing a sample of individuals of Aboriginal ancestry across Canada on the impact of a policy on their lives, where the results are not attributable to, or likely to affect, the community or communities with which they may identify. For example, survey research on the implementation of *Indian Act* provisions requiring ministerial approval of an "Indian's" will.

- First Nations, Inuit and Métis persons, whether or not they identify as members of an Aboriginal community, enjoy freedom of expression as does any citizen. They are free to consent and to participate in research projects that they consider to be of personal or social benefit. If the project is unlikely to affect the welfare of the individuals' communities, local community engagement is not required under this Policy. The necessity or desirability of engaging regional or national representatives of Aboriginal communities in policy research may, however, be determined by other considerations.

6) Natural sciences research on First Nations, Inuit or Métis lands where Aboriginal people may act as co-investigators, or benefit from findings. For example, research focusing exclusively on contaminants in animals or plants in Nunavik that does not make inferences regarding food intake.

- Research that involves the collection and analysis of tissue samples from animals or plants, and not involving human research participants, is not covered within the scope of this Policy and does not require institutional REB review. However, funding program guidelines and licensing requirements in the North may impose obligations to engage communities. Community customs or codes of research practice may require securing regional and local permission, and reporting findings to communities (see NSERC literature on the Northern Research Program for professors and students/fellows, and Article 9.8).

7) Research that incidentally involves a small proportion of Aboriginal individuals but is not intended to single out, or describe, characteristics of Aboriginal people, for example, a study of the effectiveness of therapies to control high blood pressure in a sample of hospital outpatients, which is not designed to collect Aboriginal-specific data.

- Since Aboriginal participation is incidental rather than scheduled, community engagement is not required. If Aboriginal individuals self-identify during the collection of primary data, researchers should inquire whether culturally appropriate assistance is desired to interpret, or support compliance with, the research project. However, it should be noted that including markers of Aboriginal identity in data collection may reveal anomalies that warrant further, more targeted research, which, if followed up, would require community engagement.

8) Research based on publicly available information as defined by this Policy, for example, historical, genealogical or analytic research based on public records, or data available or accessible in accordance with legislation.

- Such research does not involve the collection of data from communities directly or from living persons and is not subject to REB review (see Article 2.2). Community engagement is not required. Findings of such research nevertheless may have an impact on the identity or heritage of persons or communities. In order to minimize any harm, researchers should seek culturally informed advice before use of such data to determine if harms may result and if other considerations such as sharing of the research results should be explored with the original source community (see Article 9.15).


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Respect for First Nations, Inuit and Métis Governing Authorities

Article 9.3 Where a proposed research project is to be conducted on lands under the jurisdiction of a First Nations, Inuit or Métis authority, researchers shall seek the engagement of formal leaders of the community, except as provided under Articles 9.5, 9.6 and 9.7.

Research ethics review by the institutional REB and any responsible community body recognized by the First Nations, Inuit or Métis authority (see Articles 9.9 and 9.11) is required in advance of recruiting and seeking and obtaining consent of individuals.

Application Formal leaders with governance responsibilities on First Nations, Inuit or Métis land are charged with protecting the welfare of the community. Article 8.3(b) applies in such cases, requiring ethics review of research proposals by both "(i) the REB at the Canadian institution under the auspices of which the research is being conducted, and (ii) the REB or other responsible review body or bodies, if any, at the research site." A local authority may approve research or delegate responsibility for reviewing research proposals to a local or regional body (e.g., the local health board or a body like the Mi'kmaq Ethics Watch).

Research involving multiple geographic communities raises complex issues of review and approval. Regional bodies or national organizations may facilitate research ethics review and make recommendations, but the decision to participate normally rests with the local communities. Engagement with formal leadership is not a substitute for seeking consent from individual participants, as required by Chapter 3.

Engagement with Organizations and Communities of Interest

Article 9.4 For the purposes of community engagement and collaboration in research undertakings, researchers and REBs shall recognize Aboriginal organizations, including First Nations, Inuit and Métis representative bodies, and service organizations and communities of interest, as communities. They shall also recognize these groups through representation of their members on ethical review and oversight of projects, where appropriate.

Application Organizational communities and communities of interest may exist within the boundaries of territorial communities. Overlapping interests in these cases are considered in Articles 9.5 and 9.6. A majority of persons who self-identify as Aboriginal live in rural and urban communities outside of discrete First Nations, Métis or Inuit communities. Political organizations, friendship centres, housing associations, health access centres and other groups operating in rural or urban centres have been created to enhance the welfare of their own members or the populations that they serve. Organizations and communities of interest are potential partners in research on issues relevant to their communities, and are to be recognized as communities for the purposes of community engagement under this Policy.

An organization may participate in research focusing on its members (e.g., the board and staff of a friendship centre), or it may facilitate ethical engagement with the population that it serves (e.g., the clientele of a health access centre). A community of interest (e.g., Aboriginal youth who use

an urban service program) may designate a local organization to provide advice and ethical protection for a project in which they participate.

Prospective participants may not necessarily recognize organizational communities or communities of interest as representing their interests. Where researchers and organizational communities or communities of interest collaborate in research (e.g., through a research agreement), prospective participants shall be informed about the extent of such collaboration (including how data will be shared) as part of the initial and ongoing consent process (see Article 3.2[i]).

Complex Authority Structures

Article 9.5 Where alternatives to securing the agreement of formal leadership are proposed for research on First Nations, Inuit or Métis lands or in organizational communities, researchers should engage community processes and document measures taken, to enable the REB to review the proposal with due consideration of complex community authority structures.

Application Researchers and REBs should not assume that approval of a project by formal leaders is the only avenue for endorsing a project. In some communities and some domains of knowledge, authority to permit and monitor research rests with knowledge keepers designated by custom rather than by election or appointment. In First Nations settings, a confederacy council spanning several communities may be recognized as having authority over its members' traditional knowledge. In an Inuit community, the hamlet council, an Elders' circle, and a hunters and trappers organization may have overlapping responsibility and expertise with respect to the knowledge being sought. Métis Elders dedicated to conserving Michif language may assert their autonomy from political leaders, but choose to collaborate with educational or cultural agencies (see also Article 9.15).

The preferred course is to secure approval for research from both formal leaders of a community and customary authority. This is especially important for outsiders to communities, whose presence or intentions might be challenged as inappropriate. Researchers should engage community processes, including the guidance of moral authorities such as Elders, to avert potential conflict. These measures should be documented to assist the REB in considering the community engagement processes proposed (see Article 9.10). Where no agreement exists between formal community leadership and customary authority regarding the conduct of the proposed research, researchers should inform the REB. When alternative community engagement processes are followed to endorse a project, all other ethical safeguards set out in this chapter remain applicable.

Recognizing Diverse Interests within Communities

Article 9.6 In engaging territorial or organizational communities, researchers should ensure, to the extent possible, that they take into consideration the views of all relevant sectors – including individuals and subgroups who may not have a voice in the formal leadership. Groups or individuals whose circumstances make them vulnerable may need or desire special measures to ensure their safety in the context of a specific research project. Those who have been excluded from participation in the past may need special measures to ensure their inclusion in research.

Application Groups or individuals whose circumstances may make them vulnerable or marginalized within territorial or organizational communities should not be deprived of opportunities to participate in, and influence, research affecting their welfare. For example, people living with HIV/AIDS, impoverished youth or women who have suffered abuse may experience barriers to participation.

Gender-based analysis is being applied in First Nations, Inuit and Métis organizations and communities to promote or restore recognition of women's responsibilities in the conduct of community life – including decision making that directly affects their welfare. The legacy of patriarchal governance structures continues to pose challenges to women's full participation. Approaches that are attentive to cultural considerations help to ensure the equitable participation and benefit of women throughout the life cycle of a research project (see Article 4.2).

Research undertaken secretly or as a direct challenge to legitimate authority may increase risks to participants whose circumstances make them vulnerable, may deepen rifts within the community, and actually impede the advancement of social justice. Strategies that have proven effective to secure the inclusion and promote the safety of diverse sectors within a community include: advocacy by moral authorities in the community; special measures to protect the identity of participants in small communities; identifying research questions that include rather than divide interest groups; or expanding the coverage of a project to multiple communities. In some cases, the risks to participants and communities involved with, or affected by, the proposed research outweigh the potential benefits likely to be gained, and the research should not be undertaken.

Critical Inquiry

Article 9.7 Research involving Aboriginal peoples that critically examines the conduct of public institutions, First Nations, Inuit and Métis governments, institutions or organizations or persons exercising authority over First Nations, Inuit or Métis individuals may be conducted ethically, notwithstanding the usual requirement of engaging community leaders.

Application Considerations in conducting critical inquiry are discussed more fully in Article 3.6. As in the case of research involving groups whose circumstances make them vulnerable, or communities of interest within an Aboriginal community (see Article 9.6), researchers undertaking critical inquiry research will need to adopt appropriate approaches to ensure that cultural norms are respected, that the safety of participants is protected, and that potential harms to the welfare of the larger community are minimized to the extent possible. Researchers may need to consult culturally relevant regional or national Aboriginal organizations for guidance.

For example, the Sisters in Spirit project of the Native Women's Association of Canada (NWAC) that was launched in 2005 for a five-year period illustrates research of a national scope that incorporated a critical dimension. The project involved interviewing families of missing and murdered First Nations, Métis or Inuit women in urban and rural settings, and on First Nations territory. It examined, among other matters, the adequacy of public institutions and services, Aboriginal and non-Aboriginal, to protect the women's well-being and support families in their efforts to deal with their losses. The objective was to effect policy change and improve the safety and well-being of Aboriginal women in Canada. NWAC has published its commitment to participatory research and the principles and practices that protect the privacy and well-being of participants. The project built on NWAC's ongoing efforts to develop meaningful research relationships reflecting Aboriginal ways of knowing.


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Respect for Community Customs and Codes of Practice

Article 9.8 Researchers have an obligation to become informed about, and to respect, the relevant customs and codes of research practice that apply in the particular community or communities affected by their research. Inconsistencies between community custom and this Policy should be identified and addressed in advance of initiating the research, or as they arise.

Application First Nations, Inuit and Métis codes of research practice derive from procedures and customs of predominantly oral cultures. While some rules may be in written form, their interpretation is dependent on experiential knowledge acquired through interactions in the community. An example is the strict limitation on making publicly available sacred knowledge that might be revealed within a trusting relationship. In academic culture, rules regarding limits on disclosure of information would reasonably be incorporated into a research proposal, and should be integrated into research agreements between communities and researchers where such exists.

The absence, or perceived absence, of a formal local research code or guidelines does not relieve the researcher of the obligation to seek community engagement in order to identify local customs and codes of research practice.