



THE UNIVERSITY OF ARIZONA

NATIVE NATIONS INSTITUTE

Founded by the Udall Foundation
& the University of Arizona

Strengthening Indigenous Governance

POLICY BRIEF

Native Nation Rebuilding for Tribal Research and Data Governance

DANIELLE HIRALDO

STEPHANIE RUSSO CARROLL

DOMINIQUE M. DAVID-CHAVEZ

MARY BETH JÄGER

MIRIAM JORGENSEN



Tribal Research Review Processes

Indigenous Peoples conducted research long before their interactions with European settlers. Whether through observation or practice, research in a non-western context was woven into Indigenous ways of knowing and being. It continues to inform Indigenous Knowledges of landscapes and natural resources, governance systems, intra- and inter-governmental relationships, and behavior. The outcomes of this research are reflected in how Indigenous Peoples understand who they are today.

Research in Indigenous communities has evolved—and not always in positive ways. For decades, noncommunity-member researchers, including non-Indigenous researchers, have studied Indigenous Peoples and communities. Research practices range from collaborative to exploitative, with research outcomes and outputs often intended for the benefit of users outside a particular Native nation or cultural group. Some researchers honor tribal sovereignty in their research practices and seek tribal government and community guidance on research approvals and processes (or are attempting to pivot in this direction).^{1,2,3,4} Others have collected data from Indigenous communities for their personal or research advancement without concern for community desires,⁵ collected data without consent from Native nations, and misrepresented how data would be used.⁶ Such actions have led to contentious engagements among public institutions, researchers, and Indigenous Peoples.^{7,8,9}

Looking back, even within precolonial, wholly Indigenous settings, certain individuals, groups, societies, or clans guided or managed the research process, helping ensure the usefulness of research findings. Today, as Native nations navigate how outsiders and insiders might conduct research within their jurisdictions, they are taking a cue from their ancestors. They are pushing back on inappropriate practices by defining what research means to their own communities and by developing policies that articulate how research will be conducted: they are exercising tribal research and data governance. To this end, a few Native nations have—among other efforts—drafted research codes, established tribal-specific institutional review boards, and joined regional research review consortia.

Native Nation Rebuilding Learnings for Tribal Research and Data Governance

Over 30 years of research from the Harvard Project on American Indian Economic Development (HPAIED) and the Native Nations Institute (NNI) demonstrates that when Native nations, guided by public-spirited leadership, ground governing decisions in culturally appropriate institutions and the community's long-term priorities, they can successfully address challenges on their own terms. These practices are the core of Native nation (re)building—a process by which Native nations strengthen their capacities to govern according to their own values and their own rules.¹⁰

Strengthening tribal research and data governance capacities is an integral part of the overall task of rebuilding Native nations. At their core, tribal research and data governance capacities help Native nations move more effectively toward the goals they set for themselves. Native nations already undertaking these efforts provide important examples from which other Indigenous nations might learn.¹¹

JURISDICTION

Today, many Native nations are exerting their jurisdiction over people, places, issues, interests, and rights by adopting policies, practices, and laws that specifically define their authority—both on and off reservation lands.

Tribal child welfare policies are a case in point. The Fond du Lac Band of Lake Superior Chippewa Off-Reservation Licensing and Placement Agency recruits Native families residing outside of the boundaries of the Band's northern Minnesota reservation to participate in the state foster care program.¹² Through this program, the Fond du Lac Band extends its people- and interest-based jurisdiction (that is, its jurisdiction over tribal citizens and Indian child welfare) beyond its reservation boundaries.

Today, as Native nations navigate how outsiders and insiders might conduct research within their jurisdictions, they are taking a cue from their ancestors. They are pushing back on inappropriate practices by defining what research means to their own communities and by developing policies that articulate how research will be conducted: they are exercising tribal research and data governance.

The term used to express a tribe's authority over information derived from its territories, citizens, communities, and interests is "Indigenous data sovereignty." Tribal research and data governance systems are the means by which tribes exercise this jurisdiction over the collection, ownership, and use of their own data.¹³ Indigenous data sovereignty implies that a Native nation's research and data governance jurisdiction encompasses research on tribal lands and with tribal citizens living on those lands. It also means that a Native nation will have interests and rights with respect to research conducted on traditional territory, with tribal citizens living off tribal lands, and on specific issues such as the reuse of data stored in large publicly available data sets.^{14,15}

The Ysleta del Sur Pueblo (YSDP) offers one example of how a tribe can exercise this specific type of jurisdiction. Through its "Tiguanomics" initiative, the Pueblo annually collects demographic and socioeconomic information from all its citizens, regardless of where they live.¹⁶ This "for and by YDSP" data initiative allows the nation to develop and use data for its own purposes—in particular, to support informed decisionmaking about its progress toward self-defined goals. YSDP's nation-level mechanisms to control, store, and protect information generated through the research process are additional means of ensuring Indigenous data sovereignty and promoting Indigenous data governance.



Participants in January in Tucson's "Indigenous Data Sovereignty" course. Indigenous Governance Program, University of Arizona.

Indigenous data sovereignty implies that a Native nation's research and data governance jurisdiction encompasses research on tribal lands and with tribal citizens living on those lands.

The Akwesasne Task Force on the Environment is another example. The task force exerts the Akwesasne Mohawk Nation's research and data governance jurisdiction by establishing a Research Advisory Committee that reviews and comments on "all projects or activities involving environmental and/or scientific research" conducted on Mohawk lands and among Mohawk citizens.¹⁷

DEPOLITICIZED PROCESSES

As elected or appointed leaders move towards nation rebuilding, they recognize that problems could arise if political and community factions control important tribal decisions. To mitigate these risks, Native nations have created independent constitutional reform committees (to depoliticize the process of rebuilding institutions from the ground up) and independent corporate boards (to minimize the risk that elected leaders can manipulate enterprise profits or job opportunities for their own gain).¹⁸

Policy Implications

Native nations can help ensure that researchers honor tribal sovereignty by developing their own data governance policies. The examples above, both research-focused and from other sectors, offer the lessons (below) for Native nations interested in strengthening tribal research and data governance. Researchers working within a Native nation's jurisdiction must recognize and respect the sovereign authority of the nation through adherence to its research and data governance policies and procedures. When these policies and procedures do not exist, it is the responsibility of the researchers to collaborate with Native nations and communities to establish project-based mechanisms such as data sharing and publication agreements.

1 | ADOPT TRIBAL DATA GOVERNANCE POLICIES, INCLUDING A TRIBAL RESEARCH CODE

By adopting overarching data governance policies and practices, a Native nation articulates to outsiders and to its own citizens the appropriate methods by which to collect, store, analyze, and use data and, as a result, the appropriate way to conduct research. Nation-specific research codes are a key component of this set of research governance policies and practices. Such codes can govern all research conducted within a nation's jurisdiction (by citizens and non-citizens), research with tribal citizens who are not residents on tribal lands, and activities on tribal traditional territories. Importantly, in order to protect and promote the interests of a nation, these codes should address more than research with human subjects. Assertions of jurisdiction could extend to Indigenous knowledge, values, culture, and other nation-specific issues.

2 | ESTABLISH AN INDEPENDENT RESEARCH REVIEW BOARD

Just as politics can hijack economic development and constitutional reform, research has the potential to be politically polarizing. Insulating the research review process from politics by creating a tribal IRB is one way to provide a fair and neutral process for decision making concerning research by both non-Indigenous researchers and a nation's citizens.

3 | COLLABORATE REGIONALLY, WHEN NECESSARY

Not all Native nations will want to implement a research review process or, due to lack of resources or of expertise, will be able to. Some nations may delegate decision-making authority to other bodies such as tribal colleges and universities, regional organizations, or other institutions. When a nation does grant decision-making authority to an outside organization, however, it is important for that organization to have a nation-specific policy or code to reference in its decisionmaking.

4 | ENGAGE THE COMMUNITY

Community engagement is fundamental in any Native nation rebuilding effort. Creating space for the community to come together and discuss concerns early in the standard-setting and code development process allows research to be driven by the community and aligned with its agreed-upon values. Once community input has been gathered, tribal officials can work on developing specific codes and implementation processes to suit the nation's needs. The final stage in this process requires officials to return to the community with an educational component for long-term sustainability and accountability purposes.

Endnotes

1. David-Chavez, Dominique M. and Michael Gavin. (2018). A global assessment of Indigenous community engagement in climate research. *Environmental Research Letters* 13(12), 123005. <https://doi.org/10.1088/1748-9326/aaf300>.
2. International Society of Ethnobiology. (2006). International Society of Ethnobiology Code of Ethics (with 2008 additions), <http://ethnobiology.net/code-of-ethics/>. Accessed April 14, 2020.
3. Marley, Tennille L. (2019). Indigenous data sovereignty: University Institutional Review Board policies and guidelines and research with American Indian and Alaska Native communities. *American Behavioral Scientist* 63(6), 722–742.
4. Smith, Heather A. and Karyn Sharp. (2012). Indigenous climate knowledges. *Wiley Interdisciplinary Reviews: Climate Change* 3(5), 467–476. <https://doi.org/10.1002/wcc.185>.
5. Deloria, Jr. Vine. (1969). *Custer Died for Your Sins: An Indian Manifesto*. New York: Macmillan.
6. Garrison, Nanibaa' A (2013). Genomic justice for Native Americans: Impact of the Havasupai case on genetic research. *Science, Technology, & Human Values* 38(2), 201–223.
7. Quigley, Dianne. (2001). *Compilation on environmental health: Research ethics issues with Native communities*. Syracuse, NY: Syracuse Initiative for Research Ethics in Environmental Health.
8. Sahota, Puneet Chawla. (2007). *Research regulation in American Indian/Alaska Native communities: Policy and practice considerations* (pp. 1–20). Washington, D.C.: National Congress of American Indians.
9. Smith, Linda T. (2012). *Decolonizing Methodologies: Research and Indigenous Peoples* (2nd ed.). London, UK and New York, USA: Zed Books Ltd.
10. Cornell, Stephen and Joseph P. Kalt. (2007). “Two approaches to the development of Native nations: One works, the other doesn’t” in *Rebuilding Native Nations*, ed Miriam Jorgensen. Tucson, AZ: University of Arizona Press.
11. NCAI Policy Research Center. (2019). *Research Policy Update: Final Rule Part 5—Tribal Research Codes*. National Congress of American Indians, January 2019.
12. Fond du Lac Lake Superior Band of Chippewa Social Services, <http://www.fdlrez.com/humanservices/socialsvc.htm>. Accessed March 27, 2020.
13. Carroll, Stephanie Russo, Desi Rodríguez-Lonebear, and Andrew Martinez. (2019). Indigenous data governance: Strategies from United States Native nations. *Data Science Journal* 18(1): 1–15. <http://doi.10.5334/dsj-2019-031>.
14. Around Him, Deana, Temana Andalco Aguilar, Anita Frederick, Heather Larsen, Michaela Seiber, and Jyoti Angal. (2019). Tribal IRBs: A framework for understanding research oversight in American Indian and Alaska Native communities. *American Indian and Alaska Native Mental Health Research* 26(2), 71-95.
15. Vivian, Alison, Miriam Jorgensen, Damein Bell, Daryle Rigney, Stephen Cornell, and Steve Hemming. (2016). Implementing a project within the Indigenous research paradigm: The example of nation building research. *Ngiya: Talk the Law* 5, 47–74.
16. Rainie, Stephanie Carroll, Jennifer Lee Schultz, Eileen Briggs, Patricia Riggs, and Nancy Lynn Palmanteer-Holder. (2017). Data as a strategic resource: Self-determination, governance, and the data challenge for Indigenous nations in the United States. *The International Indigenous Policy Journal* 8(2).
17. Akwesasne Task Force on the Environment, <https://docs.google.com/a/email.arizona.edu/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbXhdGZlb25saW5lfGd4OjNkMDdhMmE1OGViZDk1YWQ>. Accessed September 26, 2019.
18. Jorgensen, Miriam and Jonathan Taylor. (2000). *What determines Indian economic success? Evidence from tribal and individual Indian enterprises*. The Harvard Project on American Indian Economic Development. Harvard University. Cambridge, MA.
19. Ho-Chunk, Inc., <https://hochunkinc.com/governance.php>. Accessed September 20, 2019.
20. Navajo Nation Human Research Review Board, <https://www.nnhrrb.navajo-nsn.gov/aboutNNHRRB.html>. Accessed July 15, 2020.
21. Cornell, Stephen and Joseph P. Kalt. (2003). *Alaska Native self-government and service delivery: What works?*. Joint Occasional Papers on Native Affairs. Harvard Project on American Indian Economic Development. Harvard University. Cambridge, MA. And, Native Nations Institute. University of Arizona. Tucson, AZ.
22. Northwest Intertribal Court System, <https://www.nics.ws/>. Accessed July 23, 2019.
23. Hiratsuka, Vanessa Y., Julie A. Beans, Renee F. Robinson, Jennifer L. Shaw, Ileen Sylvester and Denise A. Dillard. (2017). Self-determination in health research: An Alaska Native example of tribal ownership and research regulation. *International Journal of Environmental Research and Public Health* 14(11), 1324. <https://doi.org/10.3390/ijerph14111324>.

Learn about NNI and Native nation building!

NNI is a self-determination, self-governance, and development resource for Native nations worldwide. To learn more about NNI and how it helps Native nations effectively pursue and ultimately realize goals, visit nni.arizona.edu.

Join the Network!

For more information on the US Indigenous Data Sovereignty Network and to join the community of practice that supports Indigenous data sovereignty through data governance-focused research, policy advocacy, and education, visit usindigenousdata.org.

Suggested Citation

Hiraldo, Danielle, Stephanie Russo Carroll, Dominique M. David-Chavez, Mary Beth Jäger, and Miriam Jorgensen. 2020. "Native Nation Rebuilding for Tribal Research and Data Governance." NNI Policy Brief Series. Tucson: Native Nations Institute, University of Arizona.

Acknowledgments

Work on this policy brief was supported by the Native Nations Institute through the generosity of the Morris K. Udall and Stewart L. Udall Foundation. The authors also wish to thank affiliates of the Collaboratory for Indigenous Data Governance (indigenoustalab.org), especially Ibrahim Garba and Desi Rodriguez-Lonebear, for comments on early drafts. Special thanks are extended to all of the Native nations whose codes and policies are cited in this document; by making this information publicly available, others are able to learn from it.

Layout Design

Amy Jorgensen