

JOLAN HSIEH, ENA YING-TZU CHANG AND SIFO LAKAW

FROM COLLECTIVE CONSENT TO CONSULTATION PLATFORM: AN EXPERIENCE OF INDIGENOUS RESEARCH ETHICS IN MAKOTA'AY'

INTRODUCTION

In 2015, six organisations, including the *Makota'ay* Community Development Association, Hualien Tribal College (HTC), and the project team of Dynamics of Eastern Taiwan in the New Century at National Dong Hwa University (NDHU) co-signed a Memorandum of Understanding (MoU) at *Makota'ay*, a *Pangcah*² tribal community on the east coast of Taiwan. The MoU establishes a community-focused interactive paradigm that aims towards collaboration in the promotion of indigenous education. By agreeing upon the MoU, the parties become partners in research. This moved research away from conventional paradigm where Indigenous peoples are subjects, and put *Makota'ay*'s input and aspirations towards constructing local knowledge at the centre of the multilateral relationship. One of the purposes of the MoU is to enact Article 21 of *The Indigenous Peoples Basic Law*, which mandates that research involving indigenous peoples should obtain the consent of the individual, and collective consent of the indigenous community. Following the signing of the MoU, debates from within the community took place over who has the right to adequately represent the community to exercise collective consent on behalf of *Makota'ay*. From this experience, we learned that while obtaining collective consent is of critical importance, it raises the complications and difficulties in practice. Consequently, we argue that those challenges could be significantly mitigated if a process was in place to inform and prepare both researchers and community members for productive dialogue prior to the decision to give collective consent.

The practice of indigenous research ethics in Taiwan is bound by *The Indigenous Peoples Basic Law* to consult and obtain community collective consent. However, most current discussions have focused on the latter, the obtainment of consent from indigenous peoples or tribes. The challenge lies in the fact that not only does the article define 'consent by indigenous tribes' as majority vote of the tribal council, of which meetings are difficult to call, but also that not every tribal community has a tribal council. In the case of *Makota'ay*, where there is no tribal council, it is very common for the Community Development Association to act as an interface between the community and

external stakeholders. As experience has shown however, some members of the community argue that the association's consent cannot represent the tribal community as a whole. Furthermore, tribal communities traditionally have their own decision-making structure/organisation, which varies from community to community, and nation to nation. It would be difficult to have a single protocol that could appropriately accommodate the differences of communities.

Thus, current scholarly debates on indigenous research have focused on how obtaining collective consent can be difficult and problematic. Against this background, this paper proposes to shift the emphasis from obtaining consent to the process of consultation. We suggest that a consultation platform should be in place, whereby indigenous community members, indigenous knowledge experts and academics serve as consultants to facilitate cross-cultural understanding and dialogue between local communities and researchers. This pool of consultants would function as facilitators to stimulate discussions prior, during, and after research to communicate the research aims, purposes, and feedback, as well as to ensure community voices are heard. They would also be able to offer suggestions, tailored to the divergent circumstances of each research project and community, as to how to comply with ethical guidelines and to identify appropriate ways to obtain a community's collective consent. We believe that the consultation platform would better prepare both communities and researchers in their partnership and collaboration and that collective consent would then be based on informed decision. Furthermore, if a relationship of collaboration can be established prior to conducting research, it may pave the way for indigenous communities and researchers to contribute to the co-production of local knowledge.

This paper aims to provide a reflection on current practices of indigenous research ethics through our experiences working with the *Makota'ay* tribal community. It will recount the process leading up to the signing of the MoU on the collaborative construction of indigenous knowledge as an attempt to find an alternative to the form of collective consent mandated by Article 21 since *Makota'ay* does not have a tribal council. It will do so first from the perspective of National Dong Hwa University considering research ethics as research in the field. It will then shift to the perspective of the Hualien Tribal College, with an emphasis on upholding the sovereignty of indigenous communities. Thirdly, it will look at practices of indigenous research ethics in Aotearoa New Zealand and in the United States, and discuss how they can contribute to an indigenous-focused research ethics. Lastly, it will provide a reflection based on our experiences and argue that the current predicament in obtaining collective consent can be addressed through a better-informed consultation process.

RESEARCH ETHICS AS RESEARCH IN THE FIELD: FROM NDHU'S PERSPECTIVE

Generally speaking, research ethics places emphasis on self-discipline on the part of the researcher, but for research involving indigenous peoples, research ethics is first and foremost a matter of the sovereignty of indigenous peoples. We prefer the usage of 'ethics in the field' as opposed to conventional research ethics. 'Ethics in the field' includes research ethics, but also refers to the wide spectrum of research, relationship building, interaction in general, observation and non-research participation-activities that do not fall into the strict category of research. It also means research participants of all parties should be able to be fully and effectively involved in the project. In particular, indigenous peoples should be able to practice collective decision-making based on the principle of indigenous peoples' sovereignty. The NDHU research team of Project *Makota'ay*, since the very beginning of its inception and prior to entry into any field site, was fully aware of its responsibility to comply both with research ethics and the collective consent

requirements particular to indigenous peoples. That is to say, regardless of how familiar one is with our field site *Makota'ay*, every member had to face issues including, but not limited to, active and effective participation, ethnic cultural sensitivity, and fair distribution of information, resources, and rights of collective consent.

We uphold trust as our core value and we practise some strategies to ensure that a relationship of equal footing includes: reduction of various levels of harm that may be caused by stigmatisation and marginalisation under the hegemony of mainstream knowledge and authority claimed by interpretation. We seek the establishment of a mechanism that ensures participation is active and sophisticated and avoidance of the possibility of oppression caused by power and resource imbalances. Furthermore, on the practice of fair distribution of interests and resources, we used the principle of 'collective sharing' in the indigenous tradition.

For example, the NDHU Project team member and Paiwan Professor Kui Kasirisir, who taught the 'Culture Camp' course, began negotiations with *Makota'ay* in April 2013. The concept of Culture Camp is based on the immersionist education method. The class was designed to situate students in the real cultural environment of the indigenous community, orienting students' sensibility that the tribal community is the sovereign subject of indigenous knowledge. This class is a required core course for the Indigenous Social Work Program at NDHU. Professor Kui Kasirisir first approached *Makota'ay* with facilitation from HTC to begin dialogue and to incorporate input from the community into the curriculum. Before the students' actual arrival to the community, members of the community were invited to have discussions in classroom settings, taking the opportunity to establish some background knowledge, ground rules and address any questions students might have. It was not until outcomes and feedback from these interactions had been gathered, and Professor Kasirisir had sat with HTC and the *Makota'ay* Elementary School, that curriculum was finalised. On sovereignty and community-focused indigenous education, Professor Kasirisir commented:

Education for indigenous peoples is a matter of a way of living. It is not dead but in a constant state of livelihood. The environment, people, events and objects all contribute to our growth and education. They let us learn who we are. In our communities, we take care of each other, nurture each other, and educate each other as one big family, because we are all children of the tribal community. However, as we drift into so-called mainstream education, we lose sight of ourselves. We are constantly 'corrected' to fit in with norms. We are taught that we are inferior. We internalise that and start to believe that we are inferior. That kind of botched education changed how we live and also changed how we connect to life itself. The intention of the Culture Camp course is to reactivate the educational functions of indigenous community, making it a site where students access local knowledge. We hope to see the community take charge of indigenous education. The community should be active agents in the production of knowledge, not passive objects of knowledge.

From the inception of the course, Sifo Lakaw, the CEO of HTC, negotiated between the *Makota'ay* community and the Department of Indigenous Development at NDHU. An MoU of collaboration among different participating groups was later put forth by HTC. The gesture of the MoU is indicative of the respect that HTC and NDHU, as outsiders, have for the sovereignty of the community. The MoU also functions as an agreement for HTC and NDHU to enter the field. Other members of the research team also kept to these fundamental 'ethics' and proceeded with the value of 'maximising

the interests of the community and minimising the harm that might be caused'. Most significantly, under the limited interpretation and ambivalence of Article 21 of the *Indigenous Peoples Basic Law*, we were able to establish an expression of our own where the community approves of our entrance into the field. Thus, in addition to allowing *Makota'ay* to take the subject position of research and educational activity, the MoU can also be seen as a way to exercise the right of collective consent.

In the three years since our initiation into the field the NDHU, together with HTC, *Makota'ay* Elementary School, the *Makota'ay* tribal community and the Community Development Association at *Makota'ay*, and local cultural and arts studios, has outlined a model of collaboration. Our direction is to move towards the exercise of the right of collective consent on the (re)construction of systems of indigenous traditional knowledge, and to put into practice an 'ethics in the field' not only concerned with the fair distribution of research outcomes, but more acutely, to re-establish a relationship with the tribal community based on trust.

We know very well that despite frequent collaborations, trust takes time to build. Even though we consider ourselves a research team, we do not enter the field with decisive purpose, for it is not our intent to carry out any agenda. On one hand, without a concrete structure to navigate our participation, we have open space for all possible interactions. On the other hand, the lack of a plan and expectations mean that we are more vulnerable to change, setbacks and the consequences of uncertainty. Nevertheless, it is our priority to rethink the nature of the research relationship and its inherent imbalance of power. We also have to reflect on the distrust and harm that have long existed within indigenous research. When the idea came up to sign the MoU on paper 'in protection' of the community, one of the leader of *Makota'ay* tribal community was hesitant, to say the least. He later explained to us that indigenous people strongly associate the signing of documents with losing land, because of vivid memories of real historical events.

Inspired by the Aotearoa New Zealand Māori's Treaty of Waitangi with the British Crown, Sifo Lakaw came up with the idea of a bilingual MoU to ensure that the agreement is contextualised and understood in both cultural contexts involved. In June 2015, almost two years since the inauguration of the collaborative project, a ceremony took place to sign the MoU. The event started with a traditional ritual conducted by local elders in the *Pangcah* language, followed by the actual signing of the MoU by all six parties present, followed by students' presentations of the results of their semester-long course. In return, the *Makota'ay* community held the traditional celebration to commence the closure of an event: pig-killing and pork sharing. Notably, there is an 'ethics' at the basis of the pig-killing where designated parts of the pig are given to the appropriate people.

In addition to the practice that took place at *Makota'ay*, members of NDHU and HTC visited Aotearoa New Zealand, with a dual focus on indigenous education and research ethics. We learned 'Kaupapa Māori' as a key concept for of Māori and indigenous studies, which "has become almost an orthodoxy when Māori are involved in research and debate".³ In learning the history and experience of the Māori's regeneration of their tribal and research ethics, we returned to Hualien to further our own indigenous cultural revitalization in general, particularly in terms of (re) construction of indigenous education and ethics. With the goal of regional resource integration to address the predicament of scarcity of resources in tribal communities, we aim to obtain a balance between protection of researched communities and research participation.

UPHOLDING INDIGENOUS SOVEREIGNTY: FROM HTC'S PERSPECTIVE

In *Pangcah*, the word that would translate into tribal community is *niyaro'*, which refers 'people within the fence'. Each *niyaro'* is a defence organisation with no relationships of subordination between different *niyaro'*. Therefore, a *niyaro'* is a sovereign entity with a clearly defined boundary that functions as a collective in matters of agriculture, hunting, ritual-making and diplomacy.

The (re)construction of traditional indigenous knowledge has always been a core mission of the HTC. HTC aspires to empower tribal communities to establish their own internal dialogue to find out the specific needs and practices for the creation of local knowledge that is distinctively their own - an exercise of tribal self-determination which is a right too often lost and neglected. As a result, it is with the willingness of indigenous communities to collaborate with HTC that the curriculum and material for localised learning are developed. At the forefront of this, the subjects taking charge of tribal lifelong learning are the indigenous communities themselves. By putting into practice the sovereignty and self-determination to regenerate the ancestral legacy of traditional knowledge, members of tribal communities are no longer passive 'receivers' of knowledge, but active 'producers' with clear awareness of subjectivity.

In the past, the state's school systems have served as fundamental sites for the colonial government to carry out an assimilationist education agenda. The residential school systems in Canada, the US, and Australia that were in place to eradicate indigenous knowledges, languages, cultural customs, and spiritual beliefs so children would be assimilate into mainstream society, have had detrimental effect on Indigenous wellbeing at individual and collective levels as well as inter-generational trauma.⁴ While Taiwan did not have a history of residential schools, the Japanese colonial government's 'civilising' and Chinese Nationalist's 'Sinonising' agendas functioned to denounce Indigenous languages, knowledge and practices, and to transform Indigenous children into 'proper' citizens. Chang⁵ showed how the monolingual ('Mandarin only' policy) environment in schools had fundamentally disconnected Indigenous students from their identities by replacing it with the dominant Han culture.

More recently, due to awareness-raising and advocacy movements for indigenous rights and sovereignty, schools now offer 'ethnic culture' courses in additional to general classes. However, these classes only take up three hours a week at most, making evident the marginal and meager status of indigenous knowledge within the existing ethnic culture education framework. The most critical task of HTC is, therefore, to promote authentic practice of indigenous education and accelerate the (re)construction of traditional knowledge frameworks and content. Key to these initiatives, be it the promotion of indigenous education or creation of indigenous knowledge, is to situate these issues within the perspective of the collective rights of indigenous communities.

Consistent with the values that the research team from NDHU upholds in terms of ethics in the field, HTC places emphasis on the sovereignty of the indigenous community at the heart of interaction. The NDHU team adopted the idea of 'the slower you go, the faster your get there' from an indigenous worldview in its interaction with the community. Quite often at the 'intellectual' level, with the goal of removing stigma or disadvantage, the workings of the normative power of mainstream knowledge and interpretive authority may in fact perpetuate stigma and do further harm. Despite good intentions, the hegemony of knowledge has an inherently oppressive side, from publication of research discourse to the right of interpreting knowledge, and even to attitudes

when interacting with the tribal community. With mutual understanding and consensus on a community-focused approach, where the community, not the researcher, is the subject in control, as the basis for collaboration, the NDHU team, HTC and *Makota'ay* Elementary School, met in May 2014. The focus of the meeting was the (re)construction of traditional knowledge and promotion of local knowledge. The parties agreed on the following aims:

1. Draft an MoU and decide on an appropriate time to sign.
2. *Makota'ay* Elementary to provide space for an office as a base for collaborative work.
3. Assist in the construction of seaside tribal community tradition knowledge, in conjunction with the development of the school's curriculum for exploratory education.
4. The NDHU team to provide manpower and pedagogic resources in accordance with local needs.

Despite the agreement of all parties involved on the rights of indigenous collective consent, and although collaboration was operating under the understanding of respecting indigenous culture and expansion of knowledge, no representatives were present from either the *Cepo'* or *Makota'ay* community. In April 2015, the 'Culture Camp' class began its course development with a discussion with the *Makota'ay* community. Out of respect for the sovereignty of the tribe and upholding community empowerment, the Culture Camp course began with a consulting group with members of the tribe. Local elders were active in the design of a curriculum that is fitting to the local context and with appropriate pedagogic strategies, providing students of the School of Indigenous Studies with a chance to get into the community and learn from a localised curriculum.

The Culture Camp course has as its core curriculum the concept of the *Pangcah* 'home house' (*loma'*). The content of the course includes the concept of the home house, its structure and organisation, the kinships within the family and that of the clan, the choosing of the position of the house, and its construction. In addition, there was also a whole range of knowledge related to living in the house, such as ceramics (clay gathering, clay preparing, and glaze firing), irrigation (water-irrigation management, source-tracking, household use versus agricultural usage, waterway maintenance), canoe-carving (form, material, tool, and technique), clothing (embroidery, cloth decorating technique, embroidery patterns, and type and color of thread) and other house-related ceremonial and ritual knowledge. As emphasis has been placed on a community-focused paradigm and adoption of local values, classes are taught by local elders with translation and guiding support by the next generation who speak Mandarin. This way, students are fully immersed in the traditional *loma'* cultural environment. In this type of community-led cultural activity, not only do students learn directly from local knowledge of everyday life, but in return provide service and documentation of activities to the community.

As mentioned above, prior to entrance into the tribal community, the Community Development Association of *Makota'ay*, Department of Indigenous Development at NDHU, *Makota'ay* Elementary School and a local NGO co-signed an MoU on collaboration for this course. The central idea behind this partnership is to create a space that shows respect towards the sovereignty of the community, with concrete practices such as a community-led, locally integrated curriculum and contribution back to the community from the students.

The course would have not been possible if the community's involvement had not served as its backbone. The empowerment of the community to take the lead in cultural education constructs and brings into life the system of traditional knowledge, which is on the verge of collapsing. It is only through actual practice that the original value and meaning of indigenous knowledge can be regenerated and restored. On the other hand, the course provided an exceptional opportunity for students to understand the reality of tribal communities today. Through interaction with community instructors and experiences of tribal life, students learnt local knowledge and culture, and developed localised knowledge and cultural perspectives.

This win-win situation is the result of a community-focused framework. Through the guidelines provided by the MoU, the sovereignty of the community is secured. The MoU can also serve as a paradigm for future partnerships between higher education/research institutions and indigenous communities. Such collaborative work will not only encourage the localisation of training for higher education professionals, but also push research involving indigenous peoples in the correct direction. The MoU for the Culture Camp course served as a pioneer in ethical models for collaboration, and opens up space for dialogue for a more general MoU for further research and educational alliance that is grounded in the sovereignty of the tribal community.

After the signing of the MoU for the Culture Camp course, and with growing discussions and concerns that the (re)construction of indigenous education is imperative, it became evident that an MoU should be established on a broader scheme to further the expansion of indigenous knowledge. As events unfolded, six parties, the Community Development Association of *Makota'ay*, HTC, the NDHU team, the College of Indigenous Studies at NDHU, *Makota'ay* Elementary School, and a local NGO, together drafted an MoU for the 'Construction of a Traditional Knowledge System and Promotion of Indigenous Education'. The most exciting and unprecedented feature of this MoU is that it was first written in the *Pangcah* language, thus operating within a cultural framework, and then translated into Mandarin Chinese. This *Pangcah* first, Mandarin second approach suitably illustrates the power structure of collaboration, asserts the sovereignty of the local community, and also puts understanding of the MoU on equal footing.

Items of collaboration in the MoU:

1. *Mapapadang a mihalaka to malodemak a mipasifana' to sowal no Pangcah* (Assist in the design of *Pangcah* language education curriculum and activities)
2. *Mapapadang a mikadkad to fenek no Pasawali, to malokakawiten a mihalaka to sapasifana'* (Assist in the building of a database for knowledge specific to the seaside tribal community and production of educational material)
3. *Macacoker a mitanam (i lesafon no serangawan to macacayatay ato serangawan a nananamen)* (Co-promote the cultural experience [culture camp]-related course)
4. *Masipalada' to kinaira na matatahic a mikadkad lakaw no caway no Makota'ay, 'arec, ato fenek no pariyar i Pasawali* (Share cultural, historical, artistic and oceanic knowledge constructed via collaboration)
5. *Romaroma o nihadaan no enemay ano eca tosaay a kasakapot.* (Execute other projects agreed upon by all six or any two parties)

After all six parties had read and confirmed the content of the MoU in both *Pangcah* and Mandarin Chinese and reached an agreement on its implications, a ceremony took place on June 19, 2015 to sign the bilingual MoU. The ceremony was held according to traditional standards and conducted by the *Makota'ay* elder *Kaco Lekal*, in the company of the Chairman of the Community Development Association of *Makota'ay* and the Head of the Village, all of whom are of leader status in the community. Facing east and speaking to the land's *Pangcah* ancestors, *Kaco Lekal* said:

You are the ones that made the *Pangcah* way of life so wonderful. Our culture should never be forgotten, we insist on carrying on the knowledge you passed onto us...Now we are passing the knowledge we know to them. They will organise the knowledge and pass it on to our next generation.

Notice the usage of 'you', 'we', and 'they': *Kaco* spoke on behalf of the community to their ancestors, while the other parties are termed as 'they'. *Kaco's* prayer indicated the core value of the MoU – a partnership that is community and traditional knowledge-centered. Yet through integration of resources that the other parties could provide, the parties also pledged to collaborate on the construction of local traditional knowledge, and that the outcomes of such an alliance would stay in and benefit the community, and be passed on to the next generation through the efforts of the community and the elementary school. It should be noted that the *Makota'ay* Elementary School was recently under pressure from the possibility of being closed down due to the county government's budget concerns. The idea behind the promotion of indigenous education, however, is not only to keep the school open, but to reclaim it from the dominant ideology as a site for proper indigenous education. *Kaco* said, again to the ancestors: "Look at our school, such a beautiful school, it should be the base for the regeneration of culture. Please don't forget the school, take care of it and keep it here." It is important to highlight here that the elder expressed his wish - that the school as a site of culture should be preserved - to the present parties in the hope that the MoU partnership can work towards such aspiration.

It is our hope to participate in the restoration of ethics in indigenous communities. We also hope to participate in fair collaboration between tribal communities and research institutions, built on the basis of compensating for the scarcity of manpower and resources through regional integration, but most crucially, by never losing sight of tribal sovereignty. As *Sakoma*, the Head of the *Makota'ay* tribal community stated during the ceremony: "There have been numerous academic and research visitors here, both as individuals and in groups, they come and take away our traditional wisdom and creative assets, without ever leaving any documentation behind. . ." In the indigenous worldview, a healthy research relationship is one that upholds the precarious balance between the researcher and the researched both as individuals and as a collective. Such a balance implies respect, responsibility and sharing. Obviously, due to cultural, linguistic, and structural differences, as well as unequal power bases between the parties, trustworthy relationship will take time and effort to build up. Such stable partnerships would allow the putting into practice of 'research' ethics that are necessarily and naturally community focused, and mutually beneficial for all parties involved. Through the regulation of research activities and other institutions hoping to carry out their intentions to respect the needs and the community, the MoU of partnership is one way to realise Article 21 of the *Indigenous Peoples Basic Law* and fulfill the requirement of collective consent.

KAUPAPA MĀORI IN AOTEAROA NEW ZEALAND

It is difficult to engage fully with Kaupapa Māori theory as it is both made and remade within a dynamic process of organic enactment and critical reflection. Graham Smith⁶ states “When people are speaking about Kaupapa Māori theory, I often challenge them: show me the blisters on your hands – in other words, How is your theorizing work linked to tangible outcome that are transformative?”

Indigenous peoples around the world have long been the subjects of studies by anthropologists, historians, social scientists, and biomedical scientists. The driving motivations behind the research have been as diverse as the range of disciplines: from the pure pursuit of knowledge, to interest in history and artifact, riveting exoticism, to addressing social-economic issues, furthering political agendas, curing diseases, policy implementation and so forth. However, the experience and consequence of being the subject of research has not always been positive, if not mostly negative, for some indigenous peoples as Linda Smith⁷ says, “. . . ‘research’ is probably one of dirtiest words in the indigenous world’s vocabulary.” Informed by post-colonial scholarship, issues of appropriate representation, research ethics, and colonial assumption, a serious concern is the harm research might do despite good intentions.

Smith⁸ also states “in term of Kaupapa Māori research, the more important questions is related to issues of social justice.” The signing of the MoU for partnership for the (re)construction of traditional knowledge and promotion of indigenous education at *Makota’ay*, where all parties involved have agreed that any work to be carried out must be done based on the needs and interests of the community, demonstrates a way to allow ‘outside’ intervention into tribal communities while upholding the sovereignty of the community. From the perspective of researchers, however, the space between research methodology, ethical principles and the interests of the researched community is a tricky ground.⁹ While codes of conduct and ethical guidelines are available, it might not be readily apparent where appropriate methodology and positionality lie in each individual case. Furthermore, one might argue that the concept of ‘ethics’ as a science of morals is already an imposition of Western values. ‘Ethics’ comes from the Greek root ‘ethos’. It refers to the character or guiding belief of an entity, be it a nation, community or individual. Ethics is wisdom in practice and a philosophy that naturally sets the correct path whereas rules and protocols only aid the understanding of how to act. When it comes to research ethics, and in particular research ethics for indigenous studies, it is evident that if research is to be grounded in indigenous worldviews and philosophy, so should notions of research ethics.

The Aotearoa New Zealand model of indigenous research, Kaupapa Māori is a research approach firmly grounded in Māori self-determination and philosophy that is intrinsically ethical, as opposed to checkboxes that guard against unethical practices. Kaupapa Māori, translated as ‘the Māori way’, is a research that upholds Māori values and is also a resistance to and a critique of the dominant Western research ideology. It is research “by Māori, for Māori, with Māori values”, “wherein research is conceived, developed, and carried out by Māori, and the end outcome is to benefit Māori.”¹⁰ It also means “knowledge is co-created” through “narrative pedagogies.”¹¹ As the subject of research in a variety of fields such as medicine, genetic studies, public health, resource management, anthropology, history, politics, and art, Māori experience with research has been mostly negative, not just in terms of unequal power and unethical measures, but also violent imposition of colonial ideology, Western cultural values, and epistemology.

The Kaupapa Māori research framework was developed as a way to counter the domination of the Western paradigm. When studies revealed that the Māori language was endangered in the 1960s, actions were taken to revitalize Māori culture. In the 1970s and 1980s, various activist groups, such as the well-known *Te Kōhanga Reo* (Language Nest) advocated for Māori rights, sovereignty and the necessity of regenerating Māori language and culture. Against this historical backdrop, and as part of the social-political movement, Māori scholars have worked on a research methodology that is grounded in Māori philosophy and epistemology, reversing the domination of the Western paradigm. Kaupapa Māori is not a set of regulations and procedures against which research ethics is evaluated, but a way to understand the world under a framework embodied in 'being Māori' that challenges existing notions of research.¹² One can grasp the magnitude of such a shift in the positionality of the subject in the question that Linda Smith, one of the pioneers of Kaupapa Māori asks: "what happens to research when the researched becomes the researcher?"¹³ Here, Māori become active subjects of research, taking charge and assuming control.

It has been said that one of the idiosyncrasies of Kaupapa Māori is that most writers do not tell you how to do Kaupapa Māori. Instead, they tend to give descriptions of what it is and the effect it has.¹⁴ Perhaps one way to begin to clarify what is Kaupapa Māori, is "whether or not a non-Māori researcher can be involved" – a question to which scholars have different answers. While some contenders may take a stark position and deny non-Māori participation, others move away from essentialism and challenge what it means to be Māori. Irwin, who defines Kaupapa Māori as "culturally safe" (merely culturally sensitive is not satisfactory) and states that it "involves mentorship of elders", argues that the researcher should be Māori, not a researcher who happens to be Māori.¹⁵ Russell Bishop, whose model of Kaupapa Māori is framed by discourses related to the Treaty of Waitangi, argues that "non-indigenous people have an obligation to support Māori".¹⁶ The range of positions on what it means to be Māori reflects how robust debates are part of Māori tradition.

The way in which the principles of Kaupapa Māori are articulated is also telling of the firm position of Māori self-determination. There are five principles of Kaupapa Māori: *tino rangatiratanga*, social justice, *Te Ao Māori* Māori worldview, *te reo*, and *whanau*. *Tino rangatiratanga* means self-determination, autonomy, and independence; by virtue of being situated within a Māori context, Māori values and concepts of knowledge become the norm and legitimate. This is significant because like those colonised elsewhere in the world, Māori have internalised the coloniser's values, accepting the idea that anything Māori is invalid in, and inferior to, the dominant ideology. As the first principle, social justice addresses the power imbalance and ensures that the research benefits Māori. The Māori worldview offers an epistemology that is radically different from the dominating Western paradigm. *Te reo* refers to use of the Māori language. Research should ideally be conducted in *te reo* to gain coherent insight in Māori knowledge. *Whanau*, which means family, signals the concept of collectivity that is central to Māori tradition. As opposed to an emphasis on individualism, Māori believe knowledge and research is shared and impossible without input from community members.¹⁷

Consistent with the emphasis placed on *whanau*, the approach of 'community-up' is another key element to Kaupapa Māori. Smith¹⁸ says, "For indigenous and other marginalized communities, research ethics is at a very basic level about establishing, maintaining, and nurturing reciprocal and respectful relationships, not just among people as individuals but also with people as

individuals, as collectives, and as members of communities.” In contrast to the typical top-down approach where moral philosophy frames the meanings of ethics and the powerful decide for the powerless, community-up is a research perspective that is grounded in collectivity and proceeds with community values. Most importantly, it creates space for the negotiation of what is meant by ‘respect.’¹⁹ ‘Respect’ is one of the three principles of the Belmont Report 1979²⁰, which serves as the fundamental guideline for Institutional Review Boards (IRB) around the world today. However, what is ‘respect’, how is it done, and what implications does it have for day-to-day interaction? Smith²¹ identifies seven Māori cultural principles and shows that ‘respect’ is not a universal principle, but that it varies in different cultural context research methodologies.

In addition to the reversal of the hegemony of the Western research paradigm, where indigenous people become active agents in research, the notion of research ethics review, that is Institutional Review Boards and Research Ethics Committees, is another target of critique for Kaupapa Māori. In Aotearoa New Zealand, the National Ethics Advisory Committee (NEAC) serves as an independent advisor to the Ministry of Health, which reviews research involving health and disability issues. Currently, Aotearoa New Zealand does not have a national statement, such as Canada’s Tri-Council Policy Statement 2 (TCPS2), when it comes to research ethics.²² A document with the closest standing at the national level is the Standard Operating Procedures published by the Health and Disability Ethics Committee (HDEC) in 2012. In its instructions for applicants, it states (paragraph 19, page 6) if the project in question meets the criteria for Māori consultation, then the researchers should refer to the Health Research Council (HRC) publication ‘Guidelines for Researchers on Health Research Involving Māori.’²³ In 2012, ‘Māori Research Ethics: An overview’ was published by the NEAC to supplement the HRC publication ‘Te Ara Tika: Guidelines for Māori Research Ethics’. However, there is no separate committee at the national level that is responsible for and reviews specific Māori research ethics proposals.

Indigenous research ethics in Aotearoa New Zealand has progressed as a collaborative effort among many researchers with and without government affiliation. To some, IRB standards are considered ‘condescending’ ethics, as they imply that there exists only one ethical correctness which is the Western model, while other worldviews are illegitimate. Reid and Brief²⁴ note that “ ‘Condescending ethics’ positions participants and ‘Other’, reinforces powerlessness, and further marginalizes them with knowledge production processes.”

As a non-Māori scholar with experiences working with Māori and Canadian First Nation communities and indigenous advisors, Tauri²⁵ writes of his Research Ethics Board experience in New Zealand:

. . . ethics deliberation centred on institutionally defined risk avoidance to researcher and research participant in a way that masked the power differentials at the same time that they were seen as protecting what they perceived as a vulnerable research subject. This Western liberal gaze may be seen as the empowerment and privileging of the institutional research norms and values in a universalizing framework.

Here we see that the imposition of the Western framework happens on two levels: on the level of knowledge and research, and on ethical judgment. If the standards for ethics are determined by degrees of risk avoidance, then the question must be asked: whose risk? The assumption that indigenous people are by default at risk and vulnerable cannot be taken for granted and must be examined.

Another point of critique of IRBs as condescending ethics is the individual-focused consent process which disregards the kind of collectivity, and *whanau* basis, inherent to Māori culture. These critiques have led institutions such as *Te Wānanga o Aotearoa* (TWOA) to move away from standardised IRBs and put together guidelines and training courses to ensure research involving Māori happens under a meaningful framework, namely Kaupapa Māori. This is part of the greater Māori movement to take matters back into their own hands and also a part of the decolonising process.

Recently, research communities in Taiwan have had similar debates about the validity and effectiveness of IRB-based research ethics. IRB for biomedical research has been in practice since 2006, yet for social sciences and humanities research involving human subjects, it was not until 2013 that Taiwan's Ministry of Science and Technology (MOST) introduced a scheme for ethics reviews of projects granted funding. This initiative faced severe criticism from many academics, who formed an action alliance questioning the practice, its assumption, and its very legality. They called for freedom of academic research, respect for the differences across disciplines, and that ethics should be a matter of self-discipline, not external examination. When it comes to ethics particular to indigenous research, however, it becomes trickier. On the one hand, laws demand individual and collective consent, and on the other, it is unclear how to proceed with collective consent. As the MoU discussed earlier has shown, there are ways to foster collective informative understanding in tribal communities. Research ethics for indigenous studies is not just a matter of collective consent, as required by law, but also about ways to approach research that upholds the sovereignty of the tribal community, their worldviews and values.

FROM COLLECTIVE CONSENT TO CONSULTATION PLATFORM

After the signing of the MoU, debates from within the *Makota'ay* community took place on social media. The main question was centred on who can effectively and sufficiently represent the interests of the tribal community. As was explained earlier, in a community where a tribal council is not in place, the Community Development Association is generally considered a gateway between the tribal community and the outside world. A second subject underpinning the debate was why knowledge of the community should be shared with NDHU and HTC. While these challenges raised by some members of the community were quickly dissolved by intense dialogue and thus were productive, it was evident that not only is collective consent extremely difficult to obtain in practice, but also that a productive procedure for sufficient communication, understanding and trust-building between multiple stakeholders must be in place.

Our experience with the *Makota'ay* community, where an alternative to collective consent was the establishment of an MoU that upholds the sovereignty of the community, was met with challenges from the community. This experience had led us to reflect on the problematics of the collective consent-based research ethics and explore ways in which countries such as Aotearoa New Zealand and United States practice indigenous research ethics. We propose a platform of consultation prior to, during and after research projects, one which, although it is no substitute for collective consent, still upholds indigenous sovereignty. Article 21 of the *Indigenous Peoples Basic Law* states that:

When governments or private parties engage in land development, resource utilization, ecology conservation and academic research in indigenous land, tribe and their adjoin-land which owned

by governments, **they shall consult and obtain consent by indigenous peoples or tribes, even their participation, and share benefits with indigenous people.** (emphasis added)

As indicated at the beginning of this paper, current discussions of indigenous research ethics have focused on the difficulties of obtaining collective consent, however, we have suggest that the emphasis should be shifted to the process of consultation.

In the context of indigenous research ethics, the United States does not have a Federal enforced protocol.²⁶ Some states, including Arizona, require each university to establish their own policies and procedures with regards to research and educational engagements with Native Nations and Indigenous Peoples (Guidelines 3). In the *Guidelines for Research and Educational Engagements with Native Nations and Indigenous Peoples*,²⁷ the University of Arizona states that:

[The university] is committed to moving from the paradigm where perceived engagements, including research, mostly in the past, was conducted on Native Peoples to a more respectful policy of educational collaborations **with** Native Nations and Indigenous peoples; and Extension/ Outreach/Service has been **for** and **to** Indigenous Peoples **to, for** and **with them.** (Guidelines 3, emphasis original).

The Guidelines specify sovereignty, consultation and authority as concepts fundamental to an ethical collaboration with Native Nations or Indigenous communities. The State of Arizona and the University recognises that Native Nations, Tribes and Indigenous Peoples are distinct inherent sovereigns and that the relationship between the State and each Native Nation is that of government-to-government. Furthermore, the Guidelines identify cultural competency as a concept deserving careful consideration.

The Native Peoples Technical Assistance Office (NPTAO) at the University of Arizona has worked with many Native American Nations across Arizona to obtain copies of the most up-to-date policies and protocols that control research processes and outline procedures for conducting research. NPTAO's Tribal Community Profiles provide a current leadership roster and census-based snapshot of Arizona's Native Nations, citations of sections within each tribe's constitution, and Tribal and federal laws that may pertain to institutional research or community engagement. In addition, there is the Tribal Consultation Policy, to develop their relationships with sovereign tribes and the Universities.²⁸ This policy reflects the Board's commitment to these important government-to-government relationships by recognising and affirming fundamental principles of consultation and respect.

From Kaupapa *Māori* and the consultation policy at the University of Arizona, we learned that research ethics is not only an issue of academic ethics, but first and foremost one of indigenous sovereignty. We hope to establish a platform that gathers a group of consultants which includes (1) local representatives, (2) indigenous knowledge experts, and (3) academics. This pool of consultants would be able to offer suggestions, tailored to the divergent circumstances of each research project and community, as to how to comply with ethical guidelines, and identify appropriate ways to obtain a community's collective consent. The consultants would also be involved in the design of research plans, actual research processes, and research findings and publications. It should be noted that the platform would not be a substitute for collective consent.

By shifting the emphasis from obtaining collective consent to establishing a consultation platform, the relationship between Indigenous peoples and academic institutions and individuals can be one of partnership and collaboration, and outcomes would benefit communities and their members. It is our hope that this process would mitigate the unbalanced power dynamics in conventional research, re-conceptualise indigenous studies as collaborations between researchers and indigenous communities, and facilitate indigenous knowledge co-production, where the upholding of indigenous sovereignty, worldviews, and values is normalised.

Jolan Hsieh is a professor of Ethnic Relations and Cultures at the College of Indigenous Studies and Director of Center for International Indigenous Affairs at National Dong Hwa University in Taiwan. She belongs to the Taiwanese Indigenous Siraya Nation and currently serves as co-chair of World Indigenous Higher Education Consortium.

Ena Ying-tzu Changis a cotutelle PhD candidate at National Dong Hwa University (Taiwan) and Macquarie University (Australia). Her thesis is on Indigenous health in Eastern Taiwan, focusing on the negotiation of the complex terrains of local sociality, cultural sovereignty, and biomedical hegemony.

Sifo Lakaw is a Ph.D student of Department of Ethnic Relations and Cultures at National Dong Hwa University. He belongs to *Pangcah* Nation and is CEO of Hualien Indigenous Community College.

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