

Eskinuapimk: Mi'kmaw Ethics Watch

TOOLKIT

Mi'kmaw Ethics Watch
UNAMA'KI COLLEGE | SYDNEY NS 2023

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Mi'kma'ki: Territory and Governance

Mi'kmaq People are the original peoples of Mi'kma'ki now called Atlantic Canada. Our origins are derived from many L'nu families who aligned themselves as Mi'kmaw around the tenth century. These allied families created tribal districts united by the L'nu traditions and



languages. Seven tribal districts (saqmawa'ki) are named Kespukwitek, Sipekne'katik, Eski'kewa'q, Unama'ki, Piktuk aqq, Epekwitk, Sikniktewa'q, and Kesp'e'kewa'q. However, the Mi'kmaq includes families in Maine and southern Newfoundland.

Mi'kma'ki includes all of what is now Nova Scotia and Prince Edward Island but also includes

the north shore of New Brunswick, inland to the Saint John River watershed and the Gaspé Peninsula of Quebec. Mi'kma'ki extends to eastern Maine and parts of Newfoundland including the islands in the Gulf of St. Lawrence as well as St. Pierre and Miquelon.

The Sante' Mawio'mi (Grand Council) unites the Mi'kmaw families into the Mi'kmaw Nation. The Sante' Mawio'mi is the traditional governing body of the nation and the holder of inherent and treaty rights. The executive officers of the Sante' Mawio'mi includes a kji'saqmaw (grand chief), a putus (treaty holder and counselor), and a kji'keptin (grand captain, advisor on spiritual affairs). Each Mi'kmaw district has at least one keptin that comprise the Sante' Mawio'mi.

The Sante' Mawio'mi authorized the establishment of the Mi'kmaw Ethic Watch (MEW). The MEW's jurisdiction extends to research on all Mi'kmaw communities that do not have their own community ethics governing board of their own. For example, Prince Edward Island has the L'nuey and Mi'kmaq Confederacy of PEI Research Ethics Board and does not fall under MEW's jurisdiction (<https://mcpei.ca/resources/>).

Origins of Eskinuapimk (Mi'kmaw Ethics Watch)

Wla wjit Mi'kmaq kisutmi'tij Sante' Mawio'mi 1999 ek. Wla nekmokw Sante' Mawio'mi ika'lapni maw ni'kmnew koqoey. Nike' wla Nipniku's 11, 2000 na elkitmi'tij Eskinuapimk ta'n kisutaq Sante' Mawio'mi wjit Mi'kmaq. Wla nike' ninen ewikasultiek kisi-te'tmek tlwisin "Ethics" *Eskinuapimk* weja'tekemk na tlwi'tisnen "Ethics" *Eskinuapimk*.

At Chapel Island on July 25, 1999, after careful consideration of the impacts and harm of potential and actual research among Mi'kmaw communities, the Sante' Mawio'mi (Grand Council) established a committee to study and develop principles and protocols that would protect the integrity of Mi'kmaw traditional knowledge and the Mi'kmaw people in research. The committee subsequently examined the local and national issues involved in research among Indigenous peoples, discussed with leaders and local people the issues involved, received direction, and developed a set of standards and processes to ensure Mi'kmaw people are informed of research –were treated fairly and ethically in their participation in any research, understood the research benefits and costs, and were informed of how they or the nation and people would benefit and gain from any research conducted about or among them. The *Mi'kmaw Ethics Watch ("MEW")* is a Mi'kmaw community-based initiative that came into existence in 2000 and helped determine the principles and processes for conducting review. That founding committee was as follows: Don Julien, Executive Director, Confederacy of Mainland Mi'kmaq, Stephen Augustine, Principal of Unama'ki College, Cape Breton University, Dr. Marie Battiste, Academic Director, Aboriginal Education Research Centre, Professor, Department of Education Foundations, University of Saskatchewan, Lindsay Marshall, Band Manager, Potlotek, Joe B. Marshall, professor University College of Cape Breton, Dr. Fred Metallic, Listiguj, Keptin Grand Council

The name Mi'kmaw Ethics Watch, called *Eskinuapimk*, was inspired by a held position in the Grand Council, a person who stands at the door of the Grand Council's wigwam and is responsible for anyone entering the wigwam, directing them to the appropriate protocols, seating for discussion, etc., while also overseeing and guarding the opening of the wigwam. It was suggested as the appropriate word for the necessary watch of the protocols for entering, researching, and protecting Mi'kmaw knowledge. (<https://www.cbu.ca/Indigenous-affairs/mikmaw-ethics-watch/>)

The MEW drew upon the United Nations Principles and Guidelines for the Protection of Indigenous Heritage (Weisner and Battiste, 2000), and later upon the First Nation OCAP (ownership, control, access, protection) and United Nations Declaration of the Rights of Indigenous Peoples. Given that all knowledge in Mi'kmaw communities belongs to the people, the MEW was a process for Mi'kmaw community representatives to protect that knowledge by contributing to a review process involving research proposed with Mi'kmaw people. The

principles and protocols that emerged from this research continue to guide MEW today, although minor changes have been added.

MEW continues to encourage the highest standards of ethical research of Mi'kmaw people with the importance being on cultural sensitivity and protocols, informed and prior consent, capacity building in the development of research in communities, the protection of Indigenous knowledge and self-determination, and the inclusion of Mi'kmaw perspectives and voice in the interpretations and conclusions drawn from the research. The principles and protocols are also intended to guide research and studies in a manner that will guarantee that the right of ownership rests with Mi'kmaw People. The Governing Principles are below.

Mi'kmaw people are the guardians and interpreters of their culture and knowledge system – past, present, and future.

Mi'kmaw knowledge, culture, and arts are inextricably connected with their traditional lands, districts, and territories.

Mi'kmaw people have the right and obligation to exercise control to protect their cultural and intellectual properties and knowledge.

Mi'kmaw knowledge is collectively owned, discovered, used, and taught and so also must be collectively guarded by appropriate delegated or appointed collective(s) who will oversee these guidelines and process research proposals.

Each community shall have control over their own community knowledge and shall negotiate locally respecting levels of authority.

Mi'kmaw knowledge may have traditional owners involving individuals, families, clans, associations, and societies which must be determined in accordance with these peoples' own customs, laws, and procedures.

Any research, study, or inquiry into the collective Mi'kmaw knowledge, culture, arts, or spirituality which involves partnerships in research shall be reviewed by the Mi'kmaw Ethics Watch. (Partnerships shall include any of the following: researchers, members of a research team, research subjects, sources of information, users of completed research, clients, funders, or license holders.)

The Sante' Mawio'mi is the authorized body of the Mi'kmaq people and thus has the right and responsibility to delegate authority as to how the MEW is composed and communicated.

All research, study, or inquiry into Mi'kmaw knowledge, culture, and traditions involving any research partners belongs to the community and must be returned to that community.

The Mi'kmaw Ethics Watch (Committee, etc.) shall conduct a fair and timely review of all research conducted among Mi'kmaw people and shall maintain control over all research processes.

Issues with Colonial Research: Why we need the Mi'kmaw Ethics Watch

Research was assumed to be the abstract domain of academic researchers and not people in communities

Research conferred power and privilege to researcher(s) for the language used, the research question(s), methods of data collection, interpretation and analysis of the data, nature, and style of dissemination, and accrued benefits large and small.

Eurocentric driven research methods:

- allowed researchers unreflective intrusive data collection from Indigenous subjects
- did not give communities or cultures rights to their data in their community
- was subject to power over funded research that often-made wrong choices and created massive harm to families, children, communities, languages, cultural survival and more.

The context of Indigenous peoples was based on assumptions of the superiority of others in the research relationship and the Eurocentric analysis was usually examining the parts by outsiders in hopes of seeing the whole.

Reporting in academic journals in an academic discourse ensures a research monologue among Eurocentric researchers and communities rarely had an opportunity to discuss or change the conclusions or outcomes of researchers.

Post-colonial lessons for research

Issues of right and wrong must be collaboratively and inclusively defined.

Systematic reflection is required on ethical issues in multiple contexts.

Uniform and fair policies and practices are required to guide research practices in diverse communities.

Discourses and meanings are socially constructed in society and research.

Researchers are not neutral subjects; their social constructions are largely dependent on their positionality related to power and privilege, whiteness and education, cultural identities, gender, religion, and economic locations.

Different interpretations exist for terms involving public and private, and issues of property.

Individual or collective considerations require more than individual consent.

How is Indigenous Knowledge protected?

Mi'kmaw language is itself a protection of Indigenous knowledge and wisdom of our People that has long been acknowledged by the Grand Council and its Keptins.

Mi'kmaw communities protect their knowledge by holding on to their language and community activated learning and activities on the land and with their children.

Indigenous knowledge is an Aboriginal right protected in Section 35 (1) Constitution of Canada and the article 6 of Indigenous Language Act (2019).

The Nova Scotia Mi'kmaw Language Act is a source of protection and source of strengthening Mi'kmaw language use and access.

UN Principles for the Protection of Indigenous Heritage

"The effective protection of the heritage of the Indigenous Peoples of the world benefits all humanity. Its diversity is essential to the adaptability, sustainability, and creativity of the human species as a whole.

To be effective, the protection of Indigenous Peoples' heritage should be based broadly on the principle of self-determination, which includes the right of Indigenous peoples to maintain and develop their own cultures and knowledge systems, and forms of social organization.

Recognizing, respecting, and valuing their customs, rules, and practices for the transmission of their heritage to future generations is essential to Indigenous peoples, their identity and dignity.

Indigenous peoples' ownership and custody of their heritage should be collective, permanent, and inalienable, or as prescribed by the customs, rules, and practices of each people.

To protect and preserve their heritage, Indigenous Peoples must also exercise control over all research conducted on their people and any aspect of their heritage within their territories.

The prior, free, and informed consent of the [traditional] owners should be an essential precondition of any agreements which may be made for the recording, study, display, access, and use, in any form whatsoever, of Indigenous peoples' heritage.

Any agreements which may be made for the recording, study, use or display of Indigenous peoples' heritage must ensure that the peoples concerned continue to be the principal beneficiaries of any use or application.

Nothing in the declaration may be construed as diminishing or extinguishing existing or future rights Indigenous peoples may have or acquire under national or international law; neither may it be construed as violating universal standards of human rights (Weissman & Battiste, 2000)."

Indigenous Knowledge (IK) is identified as an inherent right In the UN Declaration of the Rights of Indigenous Peoples as affirmed by UN Declaration of the Rights of Indigenous Peoples Act (2021)

What research requires review?

All research involving collective Mi'kmaw knowledge, culture, arts, spirituality, or traditions, or having the potential to impact treaty or Aboriginal rights must be reviewed by Mi'kmaw Ethics Watch.

All research that gathers Mi'kmaw perspectives, opinions, or knowledge as data (conversations, interviews, focus groups, talking circles, taped, virtual or face to face) from Mi'kmaq or Mi'kmaw subjects conducted within Mi'kma'ki must be reviewed by MEW.

Researchers who are partnering with or supervising graduate students who are gathering data from Mi'kmaw subjects.

Researchers funded by the federal Tri-Councils (SSHRC, NSERC and NIHC) are required further to abide by the TCPS 2 (2018) – Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada https://ethics.gc.ca/eng/tcps2-eptc2_2018_chapter9-chapitre9.html

Exemptions to review

Undergraduate research projects under the supervision of a course professor requiring students to conduct their own community research on a topic related to the course, (in this case the faculty member seeks exemption through their university and takes responsibility to ensure students are apprised of the correct protocols for taking information from community or family members.)

Research in provincial preschool-12 contexts involving provincial school personnel in which the school protocols for research are respected. (First Nations schools continue to fall under MEW through the Mi'kmaw Kina'matnewey). Student research projects and teacher research for curriculum development are exempt.

Authors who write books and manuscripts that draw on secondary data (literature, archives, libraries, you tube videos, and other material in the public domain) on Mi'kmaw topics or themes are exempt. Note: MEW will not review these manuscripts for publication or authorize books.

MEW only reviews research projects that engage with human and animal subjects. Research projects that **do not** engage directly with human or animal subjects are exempt from review. Although the validity of some secondary data may arise in research, this does not fall under MEW's purview.

Researchers must complete and submit to MEW the Research Exemption form found at <https://www.cbu.ca/Indigenous-affairs/mikmaw-ethics-watch/>.

Researchers, institutionally connected with universities or with health agencies, are also required to receive their own institutional or organizational research ethics reviews from their REBs as well.

How should researchers approach their responsibilities to MEW?

Consider the research involving Mi'kmaw as belonging to Indigenous peoples' jurisdiction including their culture, heritage, spirituality, knowledge, and political and intellectual domains, and their Peoples' collective knowledge

Consider the populations and the history of harm former Eurocentric research has done among Indigenous Peoples, and focus a shift from Eurocentric assumptions, theory, and methods to engage an ethical space with Indigenous leaders/communities in their research.

Look for methodologies that fit not only with research goals engaging communities' voice and vision but also supports an engaged participatory and empowering research process.

Honour Indigenous theory and methods, when appropriate, and deconstruct Eurocentric disciplinary traditional research theory and methods as needed to adjust to distinctive knowledge system of the Mi'kmaw.

Consider respectfully the cultural, holistic processes for engaging with Indigenous knowledge, including learning, and respecting the reciprocal protocols, including offerings of tobacco, gifts, food, and honorarium.

Be aware of their social position and how this influences the way that they see and interpret the world and how this impacts their motivation for research with Mi'kmaw communities, while also being aware of the social location of their participants, understanding the power relations imbued in the research process. Researchers should be reflexive about addressing power imbalances in their research

Recognize the need for language and knowledge translation across cultures and knowledge systems, with attention to language and discourses that are not familiar to communities and individuals

Respect the need for Mi'kmaw language translators and interpreters when engaging with Indigenous Elders and other knowledge holders, especially in research involving traditional knowledge.

Recognize and respect widest community interest, impact, and benefit of research, including the need of communities to own and hold the data coming from their communities.

Explore further conceptual development in area of research ethics involving Indigenous Peoples.

Provide evidence of community consultation and appropriate protocols to be undertaken before conducting research in the community.

Be prepared to share the research results in community and in accessible languages and be willing to engage in dialogue about the research when the research is completed.

The responsibilities of researchers seeking to conduct research of or in Mi'kmaw communities.

Respect multiple jurisdictions for approval (community, university, medical, etc.)

Engage appropriate frameworks and appropriate methodologies as per the intersectionalities of position, such as class, race, gender identity and expressions, religion, ethnicity, etc.

Recognize the need for research and knowledge translation (in research processes and final reporting) across Indigenous languages communities.

Employ Indigenous theory and methods, when appropriate, and engage participatory research when possible.

Consider the widest community interest, impact, and benefit of research to the communities and nation, and being cautious of the impact on aboriginal and treaty rights and rights affirmed in the UN Declaration of the Rights of Indigenous Peoples.

Explore further conceptual and methodology development in research ethics involving Indigenous People and their distinctive knowledge systems.

Clearly define methods (Example: if using Two Eyed Seeing, show they know what it means and not just using it as a vague concept)

Risks and Benefits of the study are clearly outlined (risk when deception is used as a tool for gathering opinions, or when study of Indigenous culture and knowledge may be interpreted wrongly by a non-Indigenous researcher for results that may affect their treaty rights (fishing, hunting, gathering food, use of land, water, resources)

Attention to collective Mi'kmaw knowledge, culture, arts, spirituality, or traditions, or having the potential to impact treaty or Aboriginal rights

Ensure Mi'kmaw participants are included in the interpretation and/or review of conclusions or presentation of findings

Clearly outline data storage and plans for future use (will the data be adequately stored and protected from other people or from other researchers who may use the data differently and for uses that were not intended.)

Confidentiality or anonymity (right to not be identified in the research, private and confidential, or be identified if the participant is offering traditional knowledge and wants or should be known to make sure it is correct.)

Publication and anticipated royalties (who can and should benefit from the sale of the knowledge coming from the community, even if the researcher is responsible for their own interpretations of the findings and its conclusions.)

All successful applicants to Mi'kmaw Ethics Watch are asked to deposit their final report to the Mi'kmaw Resource Centre (MRC) at Cape Breton University or in a local community resource bank, such as CMM.

How is MEW administered?

Cape Breton University's Mi'kmaq College Institute and subsequently Unama'ki College under the Dean of Unama'ki College now administer the MEW with a MEW coordinator assigned to the job.

MEW is Mi'kmaw led and our group of reviewers is made up of Mi'kmaw scholars and community members with expertise in areas related to language, health, culture, arts, sciences, and more.

People interested in applying to serve as a reviewer for MEW can apply by submitting a letter of interest to the administrator. Mi'kmaw applicants will be prioritized.

Non-Indigenous reviewers will be considered and if accepted, will be partnered with Mi'kmaw reviewers when evaluating applications to MEW.

Supporting reviewers of MEW when reviewing applications

All research on the Mi'kmaq is to be approached as a negotiated partnership, considering all the interests of those who live in the community(ies). Participants shall be recognized and treated as equals in the research done instead of as "informants" or "subjects".

All research partners must show respect for Indigenous/Mi'kmaw language, traditions, standards of the communities, and for the highest standards of scholarly research.

All research scholars shall assume responsibility to learn the research cultural protocols and traditions of the local people with whom they do research and to be knowledgeable and sensitive to their cultural practices and issues that ensure respect and accommodation to local norms.

All research partners shall provide descriptions of research processes in the participant's own language (written and oral), when possible, which shall include detailed explanations of usefulness of study, potential benefits, and possible harmful effects on individuals, groups, and the environment and how to reduce and ameliorate the harm.

Researchers must clearly identify sponsors and institutional interests, purposes of the research, sources of financial support and all primary and co-applicant investigators for the research (scholarly and corporate), tasks to be performed, information sought and requested from Mi'kmaw people, participatory research processes, the publication plans for the results, and anticipated royalties for the research.

Identity, positionality, and reflexivity: Researchers must clearly state their positionality (class, citizenship, ability, age, race, etc) and acknowledge how this shapes the way that knowledge is gathered, produced, and interpreted. They must also understand the social position of their participants in order to better understand the power relations imbued in research which allows them the opportunity to be reflexive about addressing it.

Consent: All consent disclosures shall be written in both Mi'kmaq and English, depending on the community norms. There will be no coercion, constraint, or undue inducements shall be used to obtain consent. All individuals and communities have the right to decline or withdraw from participating at any time without penalties. All research involving children (under the age of 14) or information obtained about personal histories of children will involve informed consent of parents or guardians.

All research partners shall inform participants in their own language(s) about the use of data gathering devices – tape, video recordings, photos, physiological measurements, testing instruments, their validity in our communities, and how data will be used.

They shall also provide information on the anonymity or confidentiality of their participation, and if not possible to maintain confidentiality or anonymity, to inform the participants when it is not possible and how the researcher intends to ameliorate or reduce the risks and harm to them

All research scholars should consider a variety of research processes, including qualitative and participatory research methods and move beyond the dominant quantitative methods to empower Indigenous voice and skills (Indigenous methodologies if possible).

All research partners shall provide each person or partner involved in the research with information regarding the anticipated risks involved in their participation, and any anticipated benefits.

All research partners must be duly informed of each research step along the way and be provided with information about the research process and the distribution of results and information. All research partners should attempt to impart new skills into the community, e.g., data collection, whenever possible, advisable, or desirable by the community.

All research scholars shall invite Mi'kmaw participation in the interpretation and/or review of any conclusions drawn from the research to ensure accuracy and sensitivity of interpretation.

Role and responsibilities of the proposal reviewers of MEW

Listen, understand, accept, value, and support Aboriginal communities' perspectives, protocols, needs, and goals in the research process.

Agree to interact respectfully, negotiate outcomes in their reviews, and help create an even playing field for Indigenous/Mi'kmaw communities involved in research activity.

Be confidential in conducting reviews, making sure all communications regarding the proposal for research are communicated only with the MEW Administrator.

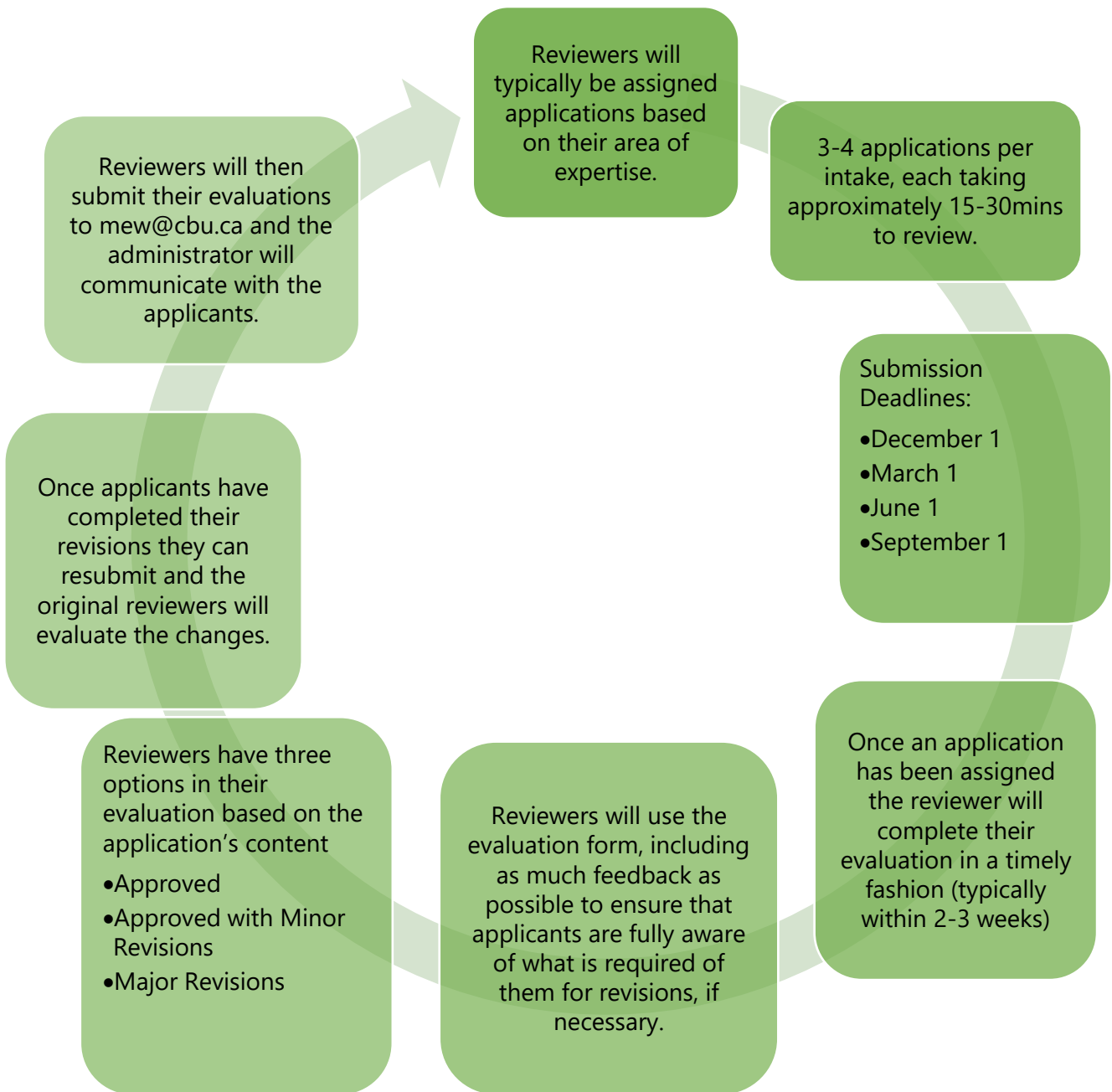
Conduct timely reviews of research proposals and communicate the results with the MEW Administrator.

Ensure that Mi'kmaw communities and participants are given adequate information from the researchers about the research and its questions, purposes and processes their rights as participants including: the right to not answer any questions they feel uncomfortable answering the right to leave the study at any time without consequence to themselves or to their families the right to be informed of any use of their voice or taped transcripts the right to sign off or adjust or change any of their transcripts before their input is used in any documents or reports.

Reviewers must ensure that participants will be informed of the following: how the research benefits them or the community if there are any risks that will accrue because of their participation in the research the need for their consent to the future use of their comments, answers, quotes or data in future research or future reporting. Participants should be able to decide who keeps the information and know how it will be stored for further future use, and what the research may be and if they can consent to the future use of their data.

Ensure that researchers make provision for appropriate feedback on the outcomes of any research done in the communities, provide a process and event that highlights research undertaken to ensure the communities are appropriately and adequately apprised of research in the community context. The results and findings must be delivered in non-technical language and format acceptable to Aboriginal participants.

The evaluation process.



Additional Resources

Useful documents related to protocols and responsibilities for research.

- UN Declaration of the Rights of Indigenous Peoples 2007
- UN Principles and Guidelines for the Protection of Indigenous Heritage (Weisner & Battiste, 2000)
- Canadian Secretariat on Biodiversity
- First Nation OCAP (Ownership, control, access, & protection) (1998)
- Tri-Council Policy on Research Involving Indigenous Peoples (2015)
- Assembly of First Nations Ethics Guide on Research and Aboriginal Traditional Knowledge (n.d.)

https://www.afn.ca/uploads/files/fn_ethics_guide_on_research_and_atk.pdf

Indigenous authors who have contributed to the conversation on Indigenous research and ethics and protocols.

- Marie Battiste (2008)
- J. Youngblood Henderson. (2000; 2021).
- Marlene Brant Castellano (2004)
- Willie Ermine (2007)
- Margaret Kovach (2010)
- Albert and Murdena Marshall with Cheryl Bartlett (2015)
- Martin Nakata (2002)
- Michelle Pigeon (2019)
- Linda Tuhiwai Smith (1999/2012)
- Shawn Wilson (2001; 2008)
- Julie Bull (2010; 2019)

Current frameworks which support decolonizing methods

- Ethical Space-encounter and interaction, an ethical moral manner to work together for a future possibility, new understandings (Ermine, Sinclair, & Browne, 2005)
- Two-Eyed Seeing (Marshall, Marshall & Bartlett, 2015)
- Cultural Interface (Martin Wilson, 2002)
- Epistemic pluralism (Carter 2017)
- Trans-systemic Knowledges (Battiste & Henderson, 2021)

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<https://journals.sagepub.com/doi/abs/10.1177/1468794118781380>
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