

Working on Country Protocol

FULL VERSION

FENNER DECOLONIAL RESEARCH AND TEACHING CIRCLE



Acknowledgement of Country

The Fenner Circle acknowledges this work was developed on unceded Ngunnawal and Ngambri Country. We acknowledge that this document is an evolving articulation of the value and practice of appropriate research protocols.

We acknowledge Country's ability to protect and sustain us. We acknowledge that our awe and respect for Country drives our research.

The Fenner Circle recognizes Indigenous Peoples' right to self-determination and strives to support Indigenous peoples in (re)building and maintaining their cultures, heritage, intergenerational connections to place and primacy in the custodianship of Country.

Introduction

As a School of 'Environment and Society', Fenner School is more obviously connected to Indigenous Peoples than other ANU Schools. As such, we have a specific obligation to set high standards when conducting research on Country. We are always on Country, regardless of current land tenure or whether in urban or rural, office-based or remote locations.

The research and teaching at Fenner School are tied to understanding landscapes, waters, animals and peoples and is thus inextricably linked to Indigenous ways of being and valuing. Yet this link is often not recognised or discussed in our work. Whether your focus is soil, fire, climate or frogs—articulating the importance of our shared histories is critical to complete and ethical research.

Through our research at Fenner School, we can recognise and interrupt the colonial power relations shaping the possibilities of research by and with Indigenous peoples. Such research furthers the interests of Indigenous peoples and complements on-going caring for Country efforts. The Fenner Circle recognises Indigenous Peoples' right to self-determination and strives to support Indigenous peoples in controlling and maintaining their culture, heritage, intergenerational connections to place and control of natural resources. Researchers who engage with Indigenous peoples solely for their own benefit (e.g. for winning grants or building expertise) can perpetuate extractive processes and further distrust in the academy.

It is a privilege if we have the opportunity to gain new perspectives and valuable insights into our research topics from Indigenous peoples. As ANU representatives, we want to act ethically and responsibly, without breaching protocols of the local Traditional Custodians. Conducting research on Country may require formal processes between Traditional Custodians and the researcher, reflecting the particular dynamics of each context, be followed. For example, working on Country overseen by the Kimberly Land Council requires a research contract ([Kimberley Land Council Research Protocol](#)). However, in many cases the processes or protocols to work ethically on Country are not readily available, either in writing or communicated directly. Our responsibility as researchers is to develop our cultural competence, and find out about local protocols for consultation and respectfully working on Country. It may take time to learn the protocols and will require experience on the ground. It is important we take the initiative to actively engage and open the conversations with the Traditional Custodians of the unceded lands we work on.

This protocol has been developed in the context of honest recognition of Australia's past, on-going Indigenous dispossession from Country and current structures which shape the context of our research. We commit to thinking about how our research connects to and impacts people.

It is intended that this protocol be reviewed approximately every 3 years by Fenner Circle.

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Scope

This document was developed by The Fenner Decolonial Research and Teaching Circle following yarns regarding knowledge gaps and poor practices within academia. It was developed for use by the FSES research cohort, including presentation at the HDR Inductions.

This protocol is not intended to replace the [ANU Human Ethics](#) procedures (see 'Key Guiding Resources' for further guidance) for students or academics conducting research with or about Indigenous peoples. It is offered as general guidance for researchers and may act as supporting documentation for the Human Ethics process.

Importantly, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Code of Ethics for Aboriginal and Torres Strait Islander Research (hereby 'AIATSIS Code') considers research "concern[s] Aboriginal and Torres Strait Islander peoples' lands or waters" as 'Aboriginal and Torres Strait Islander research'. By this understanding, the vast majority of research conducted in Fenner School is Aboriginal and Torres Strait Islander research.

The AIATSIS Code further states "It is the responsibility of the researcher and the responsible institution to ensure that any decision that ethical review is not required, accords with the standards of ethics and integrity established under the Australian Code for the Responsible Conduct of Research, the National Statement and this Code." These standards require researchers to engage with Aboriginal and Torres Strait Islander peoples and respect their legal rights and interests and local laws, customs and protocols, and provide evidence of such. Therefore, unless the research project falls within the scope of the ANU Human Ethics processes, application of this protocol and familiarisation with the AIATSIS Code is strongly recommended at a minimum for research conducted in the Fenner School.

Purpose

The purpose of this protocol is to:

- prompt researchers to recognise that we are all working on Traditional Lands and Waters, and should do so in respect for the long and lasting relationship between the land and Indigenous communities.
- guide researchers to considerations and protocols for working on Country, encouraging personal reflection, so that research is conducted in a mindful and respectful way.
- ensure that Traditional Custodian are informed about activities on their Traditional Lands and have the opportunity to benefit from it.
- prompt researchers to learn about the local contexts, including local priorities, aspirations and on-going work in the early stages of developing a research proposal (which may require relationship building over time) and avoid retrofitting elements of Indigenous engagement into established project ideas.
- create space and opportunities for Aboriginal and Torres Strait Islander people's interests, rights, livelihoods, concerns to be heard, supported and addressed.
- enable FSES to lead the way in good practice for researchers working on Country, beyond the established ethics processes.
- reinforce that we are all always working on Country and that this protocol applies to all researchers, not just those wanting to collaborate with Indigenous people or access Indigenous knowledge.

Table 1 UN Declaration on the Rights of Indigenous Peoples – example statements

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of Traditional Custodianship or other traditional occupation or use, as well as those which they have otherwise acquired.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

Principles

To achieve best practice in conducting research on Country, researchers should act in accordance with the following principles: trust, respect, reciprocity, relationality, transparency, obligation, integrity, justice. These principles reflect those of free, prior and informed consent found in the UN Declaration on the rights of Indigenous Peoples (Table 1). To this end, researchers will need to consider their positionality and seek to honour the relationships that enable projects to be undertaken (e.g. access to Country), both during and after the implementation of the project.

Australian laws and University policies are not complete in their respect for, and protection of, Indigenous rights. Therefore, while we must comply with them, we go beyond the legal and administrative requirements to act with integrity and respect. FSES researchers should act in accordance with the Australian Code for the Responsible Conduct of Research, AIATSIS Code and UN Declaration on the Rights of Indigenous Peoples.

We support Indigenous people's rights to maintain, control, protect and develop their cultural heritage, including their traditional knowledge, traditional cultural expressions and intellectual property. This includes scientific knowledge of fauna and flora, medicines, technologies, natural resources, etc. As this protocol represents an effort to decolonise colonial academic practices, it should also be seen as an act of sovereignty and nation (re)building.

Celebrate and Value

Indigenous Australians maintain the oldest living cultures on earth and are the first researchers; FSES researchers have an incredible opportunity to support and learn from Indigenous communities. Indigenous knowledges and sciences have been developing over many thousands of years, building deep experience and a deep connection to Country, kin and ancestors. Indigenous knowledges may represent the best available information of Australian landscapes and ecosystems, how to live with them and influence our ability to adapt to change.

Vocabulary

Please refer to the Fenner School's [Learning to write respectfully about Australian Indigenous peoples](#) document. Further discussion of decolonising academic writing can be found in a [decoloyarning](#) article.

Country – not only the Land and Waters to which Indigenous people have a traditional relationship with, but is also inextricably linked to kinship, knowledge, beliefs, language and identity (AIATSIS Code).

Indigenous - Refers to both Aboriginal and Torres Strait Islander peoples (AIATSIS Code). However, broad groupings can be inappropriate in many cases and specific identities should be referred to wherever possible.

Traditional Custodian – (also called Traditional Owner, however some communities have specific preferences about which term to use) is an Indigenous person or group of Indigenous people directly descended from the original Indigenous inhabitants of a culturally defined area of land or country and who has or have a cultural association with this country which derives from the traditions, observances, customs, beliefs or history of the original Indigenous inhabitants of the area (Making Two Worlds Work Information Guide).

Words like 'your people' or 'your Country' can be offensive due to the history of oppression and segregation experienced by Indigenous people. The [Making Two Worlds Work Information](#) Guide has explanations of common terms to use and avoid.



gugaa ra ngurambang wiradyuri/goanna on wiradyuri country

Protocol

Consultation is necessary for all new projects unless Traditional Custodian and other interested Indigenous people determine otherwise. Researchers should recognise the diverse cultures of Aboriginal and Torres Strait Island Nations, including differences in language, history and perspectives.

Be prepared to engage with another culture, different priorities, views, practices and communication styles. Be open to the hard work of continually reflecting on your own viewpoints, positionality and cultural identity. This will help you understand your place on Country and influence how you interact with Country.

Acknowledge that Indigenous people may have had negative or damaging experiences with researchers in the past and as such may be reluctant to be involved in your work.

Your initial engagement may be as simple as sending an email to the relevant community representatives to present yourself and your research and present the opportunity to provide comment, raise concerns or collaborate.

Get to know the Country

- Prior to seeking engagement, undertake some research of your own to reduce the burden on Indigenous people to educate researchers about the context in which they seek to operate. Desktop research won't tell you everything you need to know, but it will provide a good start and will show that you are willing to put in some effort.
- Seek to understand who the Traditional Custodians are and who represents the community.
 - o You can ask people directly if they are the Traditional Custodian of an area.
 - o Engagement should not be limited to Local Aboriginal Land Councils or known individuals.
- Learn about and follow local Indigenous protocols;
 - o it shows respect and encourages transparency.
 - o it levels the positions of the people involved.
- Spend time with the local community, if possible.
- Look for the relevant approvals and permits required by the local communities.
- It is good research practice to find out if the local community has previously been involved in similar research, to avoid repetition and research fatigue among the community.

Engage

- Use ANU networks, across disciplines, to connect with researchers in your study area.
- Only engage with genuine intent to respect the position and wishes of the Traditional Custodians.
- Maintain communications with early consultations, on-going interactions and reporting back. Summaries of findings for communities, in plain English, are recommended. If you don't engage early, consider how you may still engage, because late engagement is likely to be better than none at all.
- Use appropriate communications, such as face-to-face, and consider the financial and time implications for those involved.
- Consider how any contribution of Indigenous people can be recognised, for example, employment as community researchers, payment, acknowledgement, authorship, etc.
- Allow time and be flexible.

- Include men and women as they may have different responsibilities. Be aware that women may want to work with women and men with men.
- Position yourself and identify any other research participants and stakeholders, including institutional affiliations and cultural identity, being sure to acknowledge how their interests shape the research context. Critically understanding, and meaningfully sharing, your cultural identity, and other aspects of positionality, can demonstrate to Traditional Custodians that a researcher is thinking about their own bias and has an intention to decolonise their work.
- Identify the key people related to your field. There will be certain people who have the authority to talk to you about your research and your topic areas.
- Follow up with people you have been directed to talk to.
- Consider whether an interpreter is needed. Be sure to check with the person if they are comfortable using an interpreter, even if they seem comfortable using English. Hearing loss is a more prevalent issue in Indigenous than non-Indigenous populations – it may be a sign language interpreter that is required.
- Consider community participation in the budget.
- Carefully consider whether the research may have unintended negative consequences, such as reduced control by the Traditional Custodian over natural resources.
- Account for the fact that Indigenous people are likely to have more pressing responsibilities than the research project.
- Don't expect high local buy-in if the research is not based on local priorities.
- Always be genuine and act with integrity.
- Always protect the privacy, integrity and wellbeing of participants.
- Establish honest and frank agreements and principles.
- On-going, informed, free and prior consent
- Identify any relevant political issues that may be affected by the research or its outcomes.

Open the conversation

- Consider your potential unconscious biases formed from cultural viewpoints and conditioning and be open minded to different points of view and approaches.
- Don't privilege western science or use esoteric language.
- Generate discussion and ask questions.
- Be broad and open, with questions such as:
 - o What are you interested in?
 - o Are there important areas, important issues and potential risks?
 - o What are you concerned about?
 - o Do you have goals for these areas/issues/environmental elements?
 - o Can I support your efforts or goals?
 - o What opportunities does the research present?
 - o Would you like to collaborate or be involved in any way?
- When asking more specific questions, reflect on the cultural bias they may infer. It may be appropriate to reframe or reconsider some questions.
- Explain what you view as the potential benefits and outcomes of the research, without overstating them, and make the risks clear. Check to see if the Traditional Custodian agrees.
- Determine whether the research conflicts with individuals' rights, wishes or freedom. If so, do not continue.

Be clear and honest about:

- your cultural identity and personal and research objectives.
- your limitations and the limitations of your research.
- the parameters of the research program and scholarships, including potential conflicts with scholarship providers or other roles you may perform.
- Timeframes and institutional obligations may need to be negotiated. This can be challenging and time-consuming but is an important part of the process.
- who owns and can access the knowledge and information that results for them project.
- future directions and uses of the research and knowledge.



Sullivan's creek, ANU Ngunawal Country

Project design

- Support with project design from Traditional Custodians, Indigenous colleagues or practitioners could include Indigenous members on PhD Supervisory Panels or Indigenous mentors to guide the project.
- You could participate in an Indigenous-led (and designed) project.
- During research design, consider the continuing Indigenous traditional knowledge and actions on the research topic.
- Protect the communal rights of Indigenous people for cultural expressions, designs, knowledge and performances that may be related to the project.
- Co-design is necessary for research about or with Indigenous communities (see Key Guiding Resources)

Throughout the project

- Maintain consultation throughout the research that sustains a mutual understanding of the research. Make room for Traditional Custodian to guide you on their expectations.
- Follow up on conversations and commitments.
- Check whether your actions support and strengthen the community as they have indicated that they would like.
- Check whether your actions continue to respect local laws and customs.
- Act in a relationally accountable manner.
- Check whether consent is still given freely, with full knowledge of the research being undertaken.
- Do not rush the project or the Indigenous participants to meet your timeline.
- Continue to reflect on your position and unconscious biases.

Publications and research outputs

- Acknowledge information obtained from Indigenous Peoples.
- If Indigenous knowledge is to be recorded, it must be protected in accordance with their perspectives, protocols and cultural values (or further information, see the [World Intellectual Property Organization The Protection of Traditional Knowledge: Revised objectives and principles](#)).
- If relevant, discuss co-ownership of intellectual property and co-authorship. It is the researcher's responsibility to negotiate intellectual property rights with the university.
- If Indigenous knowledge is to be published or shared, it must only be with definite permission from those responsible for it. Consider the impact on the wider cultural source group, and whether wider consultation is required prior to disclosure.
- Seek input from Traditional Custodians to ensure that you present the information and data to them in a way that is useful.

Associated formal processes

Researchers should be familiar with, and if relevant, must comply with, the following:

Human ethics approvals – these are out of scope of this protocol but are important processes that must be followed by those conducting research with or on Indigenous people. Local processes may be incorporated into the ANU process.

Intellectual Property – be aware that ANU Policy doesn't allow for intellectual property to sit with Indigenous communities but there are opportunities for researchers to negotiate this.

Frequently asked questions

What if my research covers all, or a substantial portion of, Australian territories?

- You will need to consider each Country separately and develop a protocol for working with each.

What if different Indigenous groups want different outcomes from your research? How do you decide who to work with?

- Is there a way you can design the research project to accommodate the different outcomes requested? If not, can you connect one or more of the Indigenous groups with a more appropriate research partner so they can realize their research aspirations?

What do I do if research timeframes and budget don't allow for proper consultation/relationship building prior to commencement or during the project?

- Contact may be as simple as a phone call or email

What if I don't get a response from the people I contact?

- Potentially a refusal of participation, at this point in time or indefinitely. Potentially other reasons. Try new approaches, other avenues? Without keeping at those who have declined to respond.

How do I know I'm talking to the right people?

- Speak to many people. Ask them who they think the most appropriate people are.

What if I make a cultural faux pas?

- You almost certainly will. Most of us do. It is incumbent on us to acknowledge our mistakes and try to repair the relationship.
- Humility is important. Acknowledge you are not the expert and be committed to continued learning and improvement.

What if there is a person who I am told I need to talk to due to their cultural standing, but also told *not* to talk them by others due to conflicts over custodianship?

- These situations are specific to their context in a particular place and time and will require a judgement call. We may not always get it right but the important thing is we learn from such experiences.

What if my research is short-term and it's not possible to develop relationships – am I better off avoiding doing this research?

- Yes. Until you are able to develop appropriate relationships with the Traditional Custodian's it is more respectful to not conduct the research.
- Should you be in a situation where it is deemed the research proceed despite lacking any relationship with the local Indigenous peoples, there should be some contact with the relevant Traditional Custodian's, Land Council or similar letting them know what research is scheduled, when.

This working on Country protocol was developed by Indigenous and non-Indigenous participants of the Fenner decolonizing research and teaching Circle, and was approved for widespread sharing by the Australian Indigenous peoples in the Circle.

The Fenner Circle forms in the Fenner School of Environment & Society, at the Australian National University.

We hope this protocol helps you work respectfully on Country.



bila burkes ngurambang wiradyuri/Burkes Creek, wiradyuri country

Key Guiding Resources

Australian Government. [Engage early - Indigenous engagement guidelines \(PDF - 1.64 MB\)](#)

[Australian Heritage Commission. Ask First: A guide to respecting Indigenous heritage places and values](#)

[Australian Institute of Aboriginal and Torres Strait Islander Studies 2020 Code of Ethics for Aboriginal and Torres Strait Islander Research](#) and A Guide to applying The AIATSIS Code of Ethics for Aboriginal and Torres Strait Island Research

Australian National University [Core Cultural Learning](#) online training is available to all ANU staff and students and provides a foundation for understanding of traditional knowledges, cultural expression and experiences of Aboriginal and Torres Strait Islander Australians.

Bawaka Country [Intercultural Communication Handbook](#)

[Kimberley Land Council Collaborative Science on Kimberley Saltwater Country – A Guide for Researchers](#)

[Kimberley Land Council Research Protocol](#)

[Kimberley Land Council Intellectual Property and Traditional Knowledge Policy](#)

Mungabareena Aboriginal Corporation & Women's Health Goulburn North East (2008) [Making of Two Worlds Work information guide](#). *Making of Two Worlds Work*.

Narragunnawali [Terminology Guide](#)

[United Nations Declaration on the Rights of Indigenous Peoples](#)

Woodward, E., Hill, R., Harkness, P. and R. Archer (Eds) 2020 [Our Knowledge, Our Way](#) in caring for Country: Indigenous-led approaches to strengthening and sharing our knowledge for land and sea management. Best Practice Guidelines from Australian experiences. NAILSMA and CSIRO.

[Australian Code for the Responsible Conduct of Research](#)

[National Statement on Ethical Conduct in Human Research](#)