

Understanding Tribal Sovereignty: Seeking approval for prevention and research efforts

Tribal communities often are highly distrustful of research due to experiences with unethical practices, stereotyping, discrimination, stigmatization, failure to share benefits from research with their communities, and lack of respect for culture and beliefs. This pocket guide provides information on tribal sovereignty and appropriate steps prevention specialists and researchers should take when working with tribal communities.

What is Tribal Sovereignty?

American Indian tribes existed as self-governing peoples long before Europeans settled in the Americas. This sovereign status of tribes continues to be recognized by the U.S. government and upheld by the U.S. Supreme Court.

According to the National Congress of American Indians, tribal sovereignty is “the ability to govern and to protect and enhance the health, safety, and welfare of tribal citizens within tribal territory.”^{1,2}

The federal government derives its sovereign power from its voting citizens and each state derives its sovereign power from the federal government. Tribal governments derive their sovereign power from the people and from their connection to ancestral territory. In short, tribal sovereignty is recognized under U.S. law as inherent, not as a gift bestowed by an external government.³

Sovereignty for tribes includes the inherent right of tribal governments to establish their own form of government, determine membership requirements (enrollment), enact legislation, and establish law enforcement and court systems.

Tribal governments are responsible for a broad range of governmental activities on tribal lands, including education, law enforcement, judicial systems, health care, environmental protection, natural resource management, and the development and maintenance of basic infrastructure such as housing, roads, bridges, sewers, public buildings, telecommunications, broadband and electrical services, and solid waste treatment and disposal.^{4,5,6,7,8,9}

In many cases, tribal members are citizens of three sovereign governments: their tribe, the state in which they reside, and the United States.

Importance of Seeking Tribal Approval

There are 574 federally recognized American Indian tribes in the U.S. (not to mention scores of state-recognized tribes and an untold number of tribes that are not officially recognized by either their state or the federal government). Each of these tribes has its own government, culture, traditions, beliefs, and expectations of and from the community.

Rather than presuming that all tribal governments and communities are the same, prevention specialists and public health practitioners in general need to understand that each tribe is an autonomous entity that governs itself. It is therefore crucial to be familiar with and sensitive to cultures, traditions, and expectations of the community, building participatory type of relationships.

When working with tribes, harms and benefits may differ from other populations, it is the researcher’s responsibility to be sensitive to the community’s self-assessment of harms and benefits, including individual and community level harms and benefits, and to conduct their activities in a collaborative, transparent and respectful manner. This is particularly important when collecting data or information for program or research purposes.

When working with tribes, approval from your own IRB is not enough. You will need to work with tribal leadership, the tribal IRB, or another tribal entity that grants approval to conduct your project.

Types of tribal approval to seek

Just as institutions require an institutional review and approval process (usually an Institutional Review Board, or IRB) for research purposes, no research or data collection within tribal communities should begin without tribal approval or clearance. This could be in the form of a Tribal IRB and/or Tribal council approval.

Like any other IRB, tribal IRBs assume responsibility for the ethical review and oversight of all research occurring on their tribal land, including protection of human subjects, the tribe, tribal communities, and tribal resources.

Each tribe has its own procedures for approving external research or program implementation. It is best to seek guidance from the tribe on what is expected and the appropriate steps to take. Approval processes can take time and must be built into the timeline of the project.

Researchers should respect the community’s right to decline participation, preference for ownership of data, dissemination, and implementation, as well as ways to protect participant and tribal privacy and confidentiality.

For more information, contact:

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Steps to Building a Tribal Community Partnership

The Native American Center for Excellence (NACE) highlights steps for conducting research and evaluation in Native communities.

- Get to know the tribal community and establish respectful relationships with stakeholders.
- Attend meetings and gatherings to develop an appreciation for the history and culture of the tribe.
- Get a clear understanding of the historical trauma experienced by the tribe.
- Demonstrate respect for the community and its Indigenous expertise through a Memorandum of Understanding.
- Hire members of the community to serve as consultants on various aspects of the project, such as data collection.
- Accommodate the tribe's schedule for tribal ceremonies or rituals.
- Appreciate the Native community's strengths, assets, and challenges.
- Engage the community in the partnership with respect to tribal culture, language, and values.
- Be transparent.
- Undergo tribal and Institutional Review Board (IRB) review and approval.
- Respect the privacy of the tribal community.
- Employ blended research methods that include Indigenous ways of knowing.
- Limit scope of research to focus of questions only.
- Fully discuss data sources, measures, and collection of information with the tribe.
- Discuss intellectual and cultural property rights of the information, including tribal data ownership.
- Keep the community fully informed as the study progresses and recognize contributions of community members.
- Study findings should be discussed with tribal leadership first.



- Have tribal leaders and key community members review all abstracts, reports, and publications.
- Jointly determine how study results will be presented to the community and public.
- Consider sharing the results of the study in a public open community forum.
- Acknowledge and give credit to the community for the scientific results from the study.
- As applicable, consider including key community members as co-authors who participate in writing reports and publications.
- Discuss with the tribal community how they want to be recognized in publications and reports.
- Assist the tribal community in how to address findings of the research.
- Discuss with the tribe the storage and/or destruction of data, especially duration and access.
- Discuss with the tribe any next steps.

-Adapted from NACE Executive Summary: Steps for Conducting Research and Evaluation in Native Communities.⁸

For more information and examples of programs using strength-based approaches for prevention programs, check out our center's [repository on promising American Indian prevention programs](#).

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Tribal data ownership

Tribes have the right to ownership and control over data collected in their communities and may choose to share or not share ownership of the data. Full transparency is required especially as relates to secondary use of data. Some tribes may require data to be relinquished to the tribe for ownership. Whatever the case, it is important to provide findings back to community stakeholders in an on-going basis.

More information about specific tribal IRBs:

- **Cherokee Nation IRB:** <https://irb.cherokee.org>
- **Indian Health Service (IHS):** <https://www.ihs.gov/dper/>
- **Southwest Tribal IRB:** <https://www.aaihb.org/southwest-tribal-institutional-review-board/>
- **Navajo Nation Research Review Board:** <https://www.nnhrrb.navajo-nsn.gov/aboutNNHRRB.html>
- **Rocky Mountain Tribal Institutional Review Board:** <https://www.rmtic.org/rocky-mountain-tribal-institutional-review-board/>



References and resources

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