

**Archived:** Friday, October 29, 2021 4:21:50 PM

**From:** Heather Castleden

**Sent:** Tue, 5 Oct 2021 15:55:13

**To:** secretariat (SRCR/SCRR)

**Cc:** Lucas King; Sam Mishos; Dilber Yunus; Pauline Gerrard

**Subject:** Re: TCPS 2 CONSULTATION

**Sensitivity:** Normal

---

**\*\*\*Caution – email originated from outside of CIHR. Read the warning below / Attention – Ce courriel provient de l'extérieur des IRSC. Voir la mise en garde ci-dessous\*\*\***

Dear Secretariat,

If it is possible, two additional signatories would like to be added, despite the deadline having passed.

**Dilber Yunus**

Outreach Officer

IISD Experimental Lakes Area

**Pauline Gerrard**

Deputy Director

IISD Experimental Lakes Area

Thank you for including them in our submission.

Kind regards,

Heather Castleden

--

Heather Castleden, PhD

President's Impact Chair in Transforming Governance for Planetary Health

Professor, School of Public Administration, University of Victoria

Member, The College of the Royal Society of Canada

Canada Research Chair (2016-2021) and Fulbright Scholar in Social Sciences (2021-2022)

Research Director, Health Environments and Communities (HEC) [Research Lab](#)

Co-Director, [A SHARED Future](#) (Achieving Strength, Health, and Autonomy through Renewable Energy Development for a Shared Future)

Email: [castleden@uvic.ca](mailto:castleden@uvic.ca)

Mobile: 902.489.2412

Twitter: H\_Castleden

Pronouns: She/Her

As a white settler scholar, having lived in multiple Indigenous territories and having received teaching from many generous and patient Indigenous Elders and Knowledge-Keepers, I am grateful to now live and work (as an uninvited guest) in the traditional territories of the l'u601?k'u787?u695?u601?u331?u601?n speaking peoples: the Esquimalt, the Songhees and the W'u817?SANE\u262? First Nations. I acknowledge, with respect and deep appreciation, their close and continuing relationship to the land and waters surrounding us and I am committed to learning how to be a good guest here.

---

**From:** "secretariat (SRCR/SCRR)"

**Date:** Tuesday, October 5, 2021 at 5:30 AM

**To:** Heather Castleden, "secretariat (SRCR/SCRR)"

**Cc:** Lucas King, Sam Mishos

**Subject:** RE: TCPS 2 CONSULTATION

Dear Heather,

Thank you for your comments on the proposed guidance to the TCPS 2 consultation. Comments will be available on the Panel on Research Ethics' website following the consultation period.

Sincerely,

The Secretariat

---

**From:** Heather Castleden

**Sent:** Monday, October 4, 2021 11:33 PM

**To:** secretariat (SRCR/SCRR)

**Cc:** Lucas King ; Sam Mishos

**Subject:** TCPS 2 CONSULTATION

**cbpat2\*\*\*Caution – email originated from outside of CIHR. Read the warning below / Attention – Ce courriel provient de l'extérieur des IRSC. Voir la mise en garde ci-dessous\*\*\***

October 4, 2021

**Subject: TCPS 2 CONSULTATION**

Dear Members of the Panel on Research Ethics and the Secretariat on Responsible Conduct of Research,

We are writing to you today in response to the call for feedback on TCPS 2. We are members of a research collaboration between the HEC Lab and the QE3 Lab at Queen's University, Grand Council Treaty #3 (GCT3), and the International Institute for Sustainable Development-Experimental Lakes Area (IISD-ELA). Our inter-disciplinary team includes non-Indigenous and Indigenous social scientists, natural scientists, staff researchers, Anishinaabe knowledge-keepers from Treaty #3.

One of the key foci of our research is on how to develop policy that seeks to ensure academic and government researchers working within Treaty #3 territory are adhering to the laws and protocols of the Treaty #3 Anishinaabe Nation, particularly with respect to the Manito Aki Inakonigaawin (Great Earth Law) and the Nibi (Water) Declaration. The latter is intended to ensure that Treaty #3 Anishinaabe Nibi Inakonigewin (Water Law Principles) are guiding all decision-making processes related to water. The Declaration received unanimous support from the Anishinaabe Treaty #3 Chiefs National Assembly and serves as a call to action throughout Treaty #3 to protect Nibi and its wellbeing.

While the IISD-ELA has committed to engaging with Treaty #3 First Nations with the aim of conducting respectful research, we observed that this was not a requirement as their work falls outside the scope of TCPS2 and so there was mutual interest in exploring what that might look like. Our work has involved an in-depth review of the current version of TCPS2 (2018) and other research ethics protocols, policies, and procedures, which has highlighted a critical gap in this (and other) policies. Specifically, we are concerned about the lack of emphasis or clarity around the applicability of the TCPS2 to natural sciences and engineering research that involves human and other-than-human participants as well as notions of what constitutes Indigenous lands. While the TCPS2 speaks to western conceptualizations of what is 'human', it seems to also have an opening for speaking to Indigenous conceptualizations too, and we are interested in seeing this reflected in revising the current Policy Statement.

1. The TCPS 2 states under Article 9.1:

*"The conditions under which engagement is required include but are not limited to: a. **research conducted on First Nations, Inuit or Métis lands,**" which are defined under A. Key Concepts and Definitions as including "Indian reserves, Métis settlements, and lands governed under a self-government agreement or an Inuit First Nations land claim agreement."*

This definition is problematic, as it fails to account for the interconnectivity of all lands and waters throughout an Indigenous peoples' traditional, unceded, or treated territory like Treaty #3, thereby undermining the ability of Anishinaabe to steward the lands and waters in accordance with Manito Aki Inakonigaawin or Anishinaabe Nibi Inakonigewin.

Additionally, the United Nations' Declaration on the Rights of Indigenous Peoples' Article #25 reinforces this right, stating: "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."

2. The TCPS 2 states under Article 9.2:

*"Research that involves the collection and analysis of tissue samples from animals or plants and **not involving human research participants is not covered within the scope of this policy and does not require institutional REB review. However, funding program guidelines and licensing requirements in the North may impose obligations to engage communities. Community customs or codes of research practice may require securing regional and local permission and reporting findings to communities** (see NSERC literature on the Northern Research*

*Program for professors and students/fellows, and Article 9.8). ”*

While we appreciate the different policies and licensing requirements that apply to engineering and natural scientists conducting research in Northern territories, we are concerned about the lack of institutional ethical oversight outside of these regions. For example, Tri-Council-funded researchers who are natural scientists and engineers have been conducting research on lands, waters, plants and animals within Treaty #3 territory, have been doing so without obtaining free, prior, and informed consent from GCT3.

Respectfully, we ask that the Members of the Panel on Research Ethics and the Secretariat on Responsible Conduct of Research consider extending the scope of TCPS2 to ensure that all researchers, including those in natural sciences and engineering fields, are adequately engaging with and receiving consent from the governing bodies of the Indigenous territories in which they are conducting their research.

Signatories,

Name	Province	Affiliation	Capacity	Discipline
Heather Castleden	BC/ON	U.of Victoria/ Queen’s U.	Researcher/ Former REB Member	Social Sciences
Sam Mishos	ON	Queen’s U.	Graduate Student	Interdisciplinary Sciences
Lucas King	ON	Grand Council Treaty #3	Director, Territorial Planning Unit	Indigenous governance in land and water

--

Heather Castleden, PhD

President’s Impact Chair in Transforming Governance for Planetary Health

Professor, School of Public Administration, University of Victoria

Member, The College of the Royal Society of Canada

Canada Research Chair (2016-2021) and Fulbright Scholar in Social Sciences (2021-2022)

Research Director, Health Environments and Communities (HEC) [Research Lab](#)

Co-Director, [A SHARED Future](#) (Achieving Strength, Health, and Autonomy through Renewable Energy Development for a Shared Future)

Email: [castleden@uvic.ca](mailto:castleden@uvic.ca)

Mobile: 902.489.2412

Twitter: H\_Castleden

Pronouns: She/Her

As a white settler scholar, having lived in multiple Indigenous territories and having received teaching from many generous and patient Indigenous Elders and Knowledge-Keepers, I am grateful to now live and work (as an uninvited guest) in the traditional territories of the Inuit speaking peoples: the Esquimalt, the Songhees and the W̱u817?SÁNE First Nations. I acknowledge, with respect and deep appreciation, their close and continuing relationship to the land and waters surrounding us and I am committed to learning how to be a good guest here.

This email originated from outside of CIHR. **Do not click links or open attachments unless you recognize the sender and believe the content is safe.** For more information, please visit [How to Identify Phishing emails](#) on the CIHR Intranet.

Ce courriel provient de l’extérieur des IRSC. **Ne cliquez pas sur les liens et n’ouvrez pas les pièces jointes, à moins de connaître l’expéditeur et croire que le contenu est sécuritaire.** Pour de plus amples renseignements, veuillez consulter [Comment identifier des courriels d’hameçonnages](#) dans l’intranet des IRSC.

This email originated from outside of CIHR. **Do not click links or open attachments unless you recognize the sender and believe the content is safe.** For more information, please visit [How to Identify Phishing emails](#) on the CIHR Intranet.

Ce courriel provient de l’extérieur des IRSC. **Ne cliquez pas sur les liens et n’ouvrez pas les pièces jointes, à moins de connaître l’expéditeur et croire que le contenu est sécuritaire.** Pour de plus amples renseignements, veuillez consulter [Comment identifier des courriels d’hameçonnages](#) dans l’intranet des IRSC.