TAU PROJECT FINAL REPORT draft Boudina McConnachie

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OUTPUT TITLE: Come through the door, not the window – approaches to ethical research with Indigenous communities

Introduction

The aim of this project is to address legal and ethical approaches to fieldwork and research relating to Indigenous Knowledge (IK) and Traditional Cultural Expressions (TCEs) in the form of an inclusive postgraduate short course at Rhodes University. The main goals are based on two main stakeholders, student researchers and their community research partners. The goals are to:

1. Develop students with field-work confidence and clear ethical research understanding
2. Develop students with knowledge on Intellectual Property (IP), Memoranda Of Understandings (MOU)/documentation relating to field work
3. Develop a shared ethical manifesto where communities and researchers understand their rights
4. Put communities at ease and allow them to establish their agency by developing research trust
5. Form an epistemic community of interested parties who will engage in transdisciplinary IP curriculum development relating to IK and TCEs at Rhodes University.

Background

Rhodes University is based in the Eastern Cape and houses the International Library of African Music (ILAM) where I work. This institute is a living archive of African music and traditional African instruments where we research indigenous approaches to teaching and learning using an embodied, transgressive framework. The deeply embedded use of IK and TCEs in Music, History and Heritage Studies curricula (amongst others) is vital in order to revalue traditional African and indigenous ways of teaching and learning. A transformative agenda, however, must be carefully negotiated for indigenous culture and knowledge bearers to maintain agency and be rewarded for their contribution to the generation of research data in projects initiated by university staff and students. Living archives such as ILAM serve the public interest by enabling education and research, providing entertainment and protecting human rights. To achieve this, archival institutions undertake three core functions: they acquire, preserve, and make available for use records of value. IP issues arise in all three core areas. ILAM respects the interests of rights holders and complies with copyright law, however, South African IP laws do not fully recognise community ownership. Suggested amendments to the South African Copyright Act 98 of 1978 have been tabled and may fundamentally change the way in which protection of TCEs are viewed, as the Bill proposes to empower South African indigenous communities and give them the ability to earn compensation for the use of their cultural heritage. However, despite being first

suggested in 2008, the new laws are far from ready to be implemented, and archives and academics engaged in research relating to TCEs and IK need to implement their own strategies to overcome the issues at stake. Researchers and archives need to vigilantly track legislative developments to follow through their mandates to keep IK, information and TCEs available for generations to come, while maintaining rigorous efforts to compensate and invigorate future creative endeavour. Importantly however, researchers need to be aware of developments regarding the field of *Indigenous Research Ethics*. This space is a collective and diverse set of responses to the way in which research has historically been, and continues to be, something that has been done to, rather than with, indigenous peoples and communities. More specifically, the wide range of writings on Indigenous Research Methods is a call for a critical rethinking of the way that research has, and continues to contribute to 'ongoing experiences of colonisation, theft of lands and resources, disruption to societies and families, and the suppression of culture and identity' (the Australian Institute of Aboriginal and Torres Strait Islander Studies, 2020: 11). Treated as passive objects of study, indigenous peoples have become accustomed to being disregarded as being 'agents themselves, as capable of or interested in research, or as having expert knowledge on themselves and their conditions' (Smith, 2012: xi). Unfortunately, members of indigenous communities have reported encounters with academic research governance structures which continue to demonstrate little, if indeed any, knowledge of indigenous cultural traditions and protocols.

Method

When researching for this project in late 2021, I met with colleagues from the South African Institute for Aquatic Biodiversity (SAIAB) involved in a shared heritage project to discuss what content would be valuable to include in the curriculum. Prof Francesca Porri, Dr Kerry-Anne van der Walt from SAIAB and community partners Michaela Howes, Veronica Betani and Cebo Mvubu from the Keiskamma Trust form the core research group of the IMiSEE project. We had to deal with several delicate ethical clearance issues relating to IP ownership of co-created knowledge and biodiversity and heritage. These consultations in the form of workshops, meetings (formal and informal) then led to meetings with the IP division of RU guided by Pamella Ntshakaza. These were undertaken via Zoom. Thereafter Prof Porri, Dr van der Walt and I partook in a World Intellectual Property Organisation (WIPO) online course relating to TCEs and IK. Meeting with Lucky Dlamini, the SAIAB media consultant in a face-to-face consultation in June 2022 was also important. Lucky outlined how important it is to understand how media (both social and mainstream) must be dealt with ethically by researchers. This content forms part of the curriculum. In addition, the course outline has been contributed to by the following groups: Music and Musicology, Journalism (Humanities ethics coordinator), and Rhodes University Community Engagement (RUCE). The main scope of the course was developed with the IMiSEE group while the post-graduate coordinator from Music and Musicology made fruitful suggestions after the departmental presentation in early June 2022 regarding duration and approach. The Humanities ethics

coordinator agreed to co-present and develop materials to ensure that the course is of a transdisciplinary nature. This presentation took place in early June 2022. In addition, when the course was presented to the RUCE representative during the same period she forwarded documentation regarding the application for the method to run as an accredited short course next year. The strength of the course lies in the transgressive nature of the presenters as well as the involvement of the community researchers. My expertise in the area is based on my Masters in Copyright and IK (McConnachie 2008), the WIPO qualification as well as experiences in the field and in negotiating curriculum development with IK. This course is also regarded as an eco-creative pedagogical output for the transdisciplinary project titled IMIsEE which is shared between ILAM and SAIAB. In this project heritage and TCEs form the backbone of the research.

Scope and development

This project is directly linked to curriculum development and transformation, as outlined in the RU UCDG project proposal. The core change driver is pedagogical renewal, epistemological diversity, responsiveness to the social context, and institutional culture of openness and critical reflection. After consultation with Dr Dylan McGary from the One Ocean Hub at the Environmental Learning Research Centre (ERLC), Rhodes University in April 2021, I was directed to the San Code of Research Ethics which clearly demonstrates how an indigenous community would like to be treated by researchers. This document and other manifestos which I subsequently found can help researchers avoid poor research conditions. Some of these documents have been collected to form the basis of the new post-graduate course developed through the TAU fellowship and include The San Code of Research Ethics 2017; Australian Institute of Aboriginal and Torres Strait Islander Studies 1989; and Equitable research partnerships: a global code of conduct to counter ethics dumping 2019).

Using these manifestos, the curriculum presents a novel way to develop new knowledge regarding ethical field-work practice. The documents form the accessible basis through which more complex issues can be extrapolated. The 6-week course introduces each manifesto, discusses the points and guidelines, and introduces practical resources that student researchers can use to protect both themselves and the communities they are working in. It takes place in Term 2, Semester 1 of the university calendar in order for the students to have developed a clear idea of their project aims. Although the course is aimed at all post-graduate students at any stage of their project, the essential target is Masters students who are working with indigenous communities. The main change agent in this course is that a representative of the community with which the student researchers will be working, can be invited to attend the course to develop a partnered approach to the project they are working on. Thus, both parties in the research relationship are given agency to develop a shared research manifesto which benefits everyone. As the students graduate from the short course, they leave with a portfolio of resources that will guide their research. This includes ethics clearance documents, example manifestos, example MOUs and IP guidelines. At the end of each

course a co-created group manifesto is developed as an output that the students in each cohort can use and turn to as guidance for their own research. These will be kept and collated in order to develop more resources for the university and course presenters to work with in the future. The presenters involve the following faculties and Institutes: Music and Musicology, Journalism, Anthropology, ILAM, the RU IP Division and the South African Institute for Aquatic Biodiversity (SAIAB) through the IMiSEE project. It is the hope that after the first iteration, a more diverse group of presenters will be involved.

Output

CHERTL accredited postgraduate course (first presentation April 2023); Co-authored Peer-reviewed article with IMIsEE (end 2022).

References/readings for course

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