CHAPTER 8

Data Collection Versus Knowledge Theft: Relational Accountability and the Research Ethics of Indigenous Knowledges

Lauren Tynan

Introduction

I am a Pairebeenne Trawlwoolway woman from tebrakunna country in lutruwita/Tasmania, an island just below the mainland of the country now known as Australia. As someone relatively new to the academy and to research, I find research ethics fascinating and confounding. I have appreciated the process of applying for research ethics approval through the university, and simultaneously been deeply troubled by it.

I am writing this chapter because, even in the few short years I have been involved with academia, I am already tired of seeing settler researchers write and present *about* Indigenous Peoples' knowledges without Indigenous Peoples' involvement. This extends to many different communities who are subjects of research. Through research, peoples' knowledges and lives become data, published and owned by researchers.

L. Tynan (✉)
Macquarie University, Sydney, Australia
e-mail: lauren.tynan@mq.edu.au

H. Melber et al. (eds.), *Challenging Global Development*,
EADI Global Development Series,
https://doi.org/10.1007/978-3-031-30308-1_8

As Opaskwayak Cree scholar Shawn Wilson (2016, p. 5) says, 'communicating or describing knowledge does not mean it belongs to the communicator'. And while it is easy to point the finger at settler and non-Indigenous researchers, I am also bound within this same conundrum as an Indigenous researcher (see Sullivan, 2020).

I am also writing this chapter because I see ways that research can be done differently. I am learning from incredible Indigenous scholars who are theorising and practising research that is grounded in Indigenous knowledges. I am learning from Country and see how non-Indigenous scholars are working in powerful collaborations with Indigenous communities and Country to challenge the expectations of the academy (see Bawaka Country et al., 2015; Smith et al., 2020). Country is a term used across Australia to refer to Aboriginal and Torres Strait Islander land, encompassing all the more-than-human relations that make up Country, such as animals, spirits, memories, seas and people. All of Australia is Country and I, for example, am from tebrakunna country. Country has been mapped over by colonising naming practices that seek to inscribe foreign (British and now Australian) ownership over land and people who have been dreaming and living here for time immemorial. Country is agentic and plural which is powerfully different from the Western term country that reinforces a singular narrative, often about wealth and power.

In my research, I have a real concern for ethics, especially the broad area of Intellectual Property, and the emerging focus area of Indigenous Cultural and Intellectual Property (ICIP). I am working with Elders and knowledge holders from my Aboriginal community, and I see there are loopholes and incentives in research practice for me to record their knowledge (collect data), put my name to it (publish it) and become an expert (own it and profit from it). To tackle this, I believe a stronger research ethics can be found through relationships, specifically, relational accountability (Wilson, 2016). This goes beyond any bureaucratic process of research ethics and encourages ethical engagement through protocols (cultural and legal) and relationality. An ethical practice that engages with protocols and relationality decentres the academy as instigator and arbiter of ethical research and brings forth an ethical practice that is held in relationship with those who produce and own the knowledge, both people and Country.

This chapter begins by unpacking the differences between data and knowledge, before considering research within a colonising and decolonising framework. I then provide an overview of how research

ethics are being reinvigorated through relational accountability (Wilson, 2016), refusal (Simpson, 2014; Tuck & Yang, 2014) and Indigenous Data Sovereignty (Walter & Carroll, 2021). Indigenous Cultural and Intellectual Property (ICIP) and copyright is also discussed. These challenges and ideas are considered within the context of the academy and how researchers are advocating for a stronger engagement with ethical practice. Throughout, I reflect on my own research practices, providing examples of how I have come to understand and tackle my thesis, fieldwork and publications. The chapter concludes with suggestions for how development (and all) researchers can undertake stronger ethical practices and relations of accountability with their research communities.

In writing this article, it is not my intention to focus too heavily on colonisation and further critique the academy and research. My purpose in undertaking research is to celebrate Indigenous ways of knowing, being and doing by looking to the knowledge of Country and our Old People (ancestors and knowledge holders) to guide us into the future. However, as a Pairebeenne Trawlwoolway woman, our stories teach us that the future is not a fixed point yet to come, that time is simultaneously the past, present and future, and that the past has big messages for the future. It is also important for me to contextualise my work for a diverse audience who may not be familiar with my positionality. I write from a settler-colonial context, where our colonisers have never gone home, but live side by side with us and are being offered an opportunity by Indigenous Peoples to step into the Law/Lore of Country and help care for Country for the generations to come. I hope you will join me in this opportunity.

Data Versus Knowledge

Throughout my PhD research I often pondered about the fine line between collecting data and taking or stealing knowledge. The term data collection is used so frequently by researchers that it can obscure the reality that data often begins as knowledge (produced and owned by people or Country). I have started to think of data collection, analysis, and findings as a well-oiled machine that has the potential to decontextualise and fragment knowledge, creating a sterile end-product of data.

In this section, I consider the differences between data and knowledge and wonder if data is sometimes used as euphemism for stolen

knowledge. Understanding how data differs from knowledge is an important step in (re)considering research ethics and how researchers engage with the stories and statistics gifted to them by research participants or collaborators. We can think about how harms and benefits flow through research practices, and how we can reorient these flows towards relations of accountability. Aboriginal researcher Stuart Barlo and colleagues beautifully express the nuances of data and knowledge in research, noting that:

> In an Indigenous context, it is particularly important how we develop relationships with the data. What we call "data" in a research context is actually people's stories and life experiences and knowledges. These are gifted to the researcher by participants within the research relationship. We, as researchers, have to acknowledge and appreciate the gift of knowledge that is being offered, and we have to treat that knowledge with tremendous care and respect. This means that we have to develop respectful and accountable relationships with the data, and thus with knowledge itself. (Barlo et al., 2021, p. 44)

Similarly, Aboriginal scholars of the Palyku people, Ambelin and Blaze Kwaymullina, writing with non-Indigenous scholar Lauren Butterly, highlight that knowledge, in its vast array of forms is 'not lifeless data waiting to be collected' (Kwaymullina et al., 2013, p. 5). Instead, knowledge belongs to people and knowledge comes from Country. My own understanding of knowledge is informed by my epistemological and ontological position as an Aboriginal woman. This means that I understand knowledge as relational, subjective and connected to Country.

However, deep, ethical engagement with knowledge is not only required when engaging with Indigenous communities. The way knowledge is construed in dominant research practices is often informed by Eurocentric and Western epistemologies and ontologies which, informed by the Enlightenment, understand knowledge as empirical, objective and connected to the mind. Canonical thinkers Foucault (1972) and Said (2003) concluded that knowledge is not innocent, it is an exercise and apparatus of power. Through processes of imperialism and colonialism, non-Western knowledges and peoples were/are positioned on the periphery as 'Other', relegated to the realms of mythology and primitivism. Western knowledges, on the other hand, were/are positioned at

the centre and 'taken for granted as having the status of scientific truth' (Said, 2003, p. 46).

The re-casting of diverse knowledges into a scientific truth has extensive and serious implications for research in many communities. Goenpul scholar Aileen Moreton-Robinson (2015, p. 12) asserts that many communities are silenced through 'the power of Western knowledge and its ability to be the definitive measure of what it means to be human and what does and what does not constitute knowledge'. Silencing also occurs through the universalising of knowledge, a process through which the West collects local knowledges, disconnects them from people and place, creating sterilised, objective and lifeless data (see Nakata, 2007; Smith, 2012).

Reflecting on the use of knowledge in development, Uma Kothari (2005, p. 433) notes that 'the development of tools and techniques designed and controlled by the development expert privilege forms of Western knowledge [whilst] masquerading as universal and neutral'. This chapter works with a plural, rather than universal or hierarchical understanding of knowledge. When disconnected from places, peoples and therefore, from forms of accountability, knowledge recast as data becomes ripe for extraction and collection in the research process. These collections are amassed into databases, with little attention paid to the data's original context, whereby access is either restricted to benefit a select few or deidentified, sterilised and subsequently shared publicly.

Throughout my training as a research student, I have been encouraged to find a niche area of research, one that is awaiting discovery, and to collect as much data as befits my narrowed scope, to interpret it, and to become an expert (Tynan & Bishop, 2022). Dominant research training programs re-iterate the idea that peoples' stories and statistics are data waiting to be collected, interpreted, and published by the researcher. Rather than problematising the ethics of knowledge and research, asking 'whether the research should be undertaken at all' (Kwaymullina, 2016, p. 440), research training tends to focus on the different methods researchers can use to best collect data, what I have referred to in other work as 'consumerist research practices' (Tynan, 2020, p. 164). While some qualitative researchers offer the idea of generating data to highlight the co-creation of data, the notion of 'collecting' largely goes unproblematised in research yet is linked to a long history of colonising practices where collecting is a euphemism for theft.

Research and Colonisation

Collecting is deeply tied to the colonial project in which research and scientific advancement were used to legitimate practices of theft. Ngati Awa and Ngati Porou scholar Linda Tuhiwai Smith (2012, p. 64) notes that 'the idea that collectors were actually rescuing artefacts from decay and destruction, and from Indigenous peoples themselves, legitimated practices which also included commercial trade and plain and simple theft'. Smith goes on to emphasise 'that colonialism was not just about collection. It was also about re-arrangement, re-presentation and re-distribution' (ibid., p. 65), similar notions that are applied to research and the role of researchers when it comes to the collection, interpretation and translation of data.

Collections have come under scrutiny by Indigenous Peoples as illegitimate havens of stolen wealth: 'these collections have become the focus of Indigenous peoples' attempts to reclaim ancestral remains and other cultural items (known in the West as 'artefacts') belonging to their people' (ibid., p. 64). Repatriation movements and Indigenous research projects are targeting museum collections, gallery collections, private collections and, increasingly, data collections, to reclaim stolen knowledges and return them to Country and community where they belong (see AIATSIS, 2021). Undertaking research from within the same Western institutions (e.g. universities) that legitimated this theft of knowledge, and are situated on stolen land is no easy task. I was certainly very hesitant.

When I started my PhD, I did not want to do fieldwork. I had read too many texts linking colonialism and research, showing how deeply colonising or 'dirty' research is, especially with Indigenous communities (see Nakata, 2007; Smith, 2012). I was fearful of bringing a(nother) colonising practice to Indigenous communities and Country, whether consciously or not. When I pictured fieldwork, I saw safari suits, specimen jars and super-structured interviews with hesitant people. I saw communities left in the dust, while researchers flew back to the big cities with hours of recordings and photographs, ready to write hefty manuscripts and claim another notch in their expertise. I wanted no part of this.

My supervisors challenged me early on: 'if you can't find a way to do research in a non-colonising way, with integrity, then what hope do the rest of us have? You have to find a way'. I began to step away from the dominant research discourse of 'fieldwork' to recognise that 'the field'

is actually Country and 'working in the field' means working within an infinite web of relations, of which I am only one tiny part. The field is a place of relations. It is not a research location to fly in and fly out of.

My decision to do fieldwork shifted when I realised it was actually an opportunity to deepen relations with Country, the place, the people and the knowledge. When I returned from my first research trip, I had a meeting with my supervisors to recap my time. In this meeting, I cried and was angry. I cried for the stories I heard about the devastation to Country and how we were going to heal. I was furious because I could see the easy pathways where I could run off with the knowledge shared with me and build my expertise as a researcher—where I could profit from the theft of knowledge, by calling it data collection and justify this theft by calling myself a researcher.

While the ongoing dominance of colonising research practices often defeats me as an early career researcher, I am also emboldened by the work of scholars who are reinvigorating research practices and proposing new or reclaiming ancient systems of ethics. Some of these systems work within Western law to protect Intellectual Property and copyright, while others are based on local Law/Lore of relational accountability and knowledge pluralism. Engaging with ethics as a practice of Law/Lore is powerful as Law/Lore refers to the overarching frameworks of accountability in many Aboriginal and Torres Strait Islander societies that dictate responsible behaviour and relations. The Lore/Law is informed by the stories held by knowledge holders over thousands of generations and is embedded in the land. Much of the work being done to transform research ethics responds to calls for more solidaristic, decolonial and convivial approaches to research and engagement.

Decolonisation

Many Indigenous scholars, including myself, are hesitant to use the term decolonisation when it comes to challenging research and Western universities. While the structures and operations of the academy are deeply colonising, in countries like Australia, these structures sit on Aboriginal or Torres Strait Islander Country, a powerful force of Law/Lore that predates the recent arrival of Western knowledge institutions (by at least a mere 100,000 years or so). From this perspective, the concept of decolonisation recentres the colonial institution and decentres the a priori status of Indigenous sovereignty and land.

Understanding decolonisation in relation to sovereignty situates decolonial practices within a very explicit framework of land back; the return of land to Indigenous Peoples. Tuck and Yang's (2012) infamous work *Decolonisation is not a metaphor* cautions scholars against using decolonisation to further embed settler power and futurities. They note:

> Decolonisation, which we assert is a distinct project from other civil and human rights-based social justice projects, is far too often subsumed into the directives of these projects, with no regard for how decolonisation wants something different than those forms of justice. Decolonise (a verb) and decolonisation (a noun) cannot easily be grafted onto pre-existing discourses/frameworks, even if they are critical, even if they are anti-racist, even if they are justice frameworks. (Tuck & Yang, 2012, pp. 2–3)

In postcolonial contexts, especially in Development Studies, decolonisation is often used in ways that do not centre sovereignty, land return and just reparations. Sometimes this is due to an absence of recognisable First (and/or Indigenous) Peoples, or because it is easier to talk about tweaking systems than returning land and governance to the rightful people.

Decolonisation is often used to refer to the repealing of imperial (often European) rule from sites of colonial power, including former colonies and peoples. To date, decolonisation in this context has often had an epistemological focus, including the dismantling of colonial knowledge structures, histories, iconography and curriculum content. These challenges have occurred within (and without) universities and been championed by people of colour and often marginalised communities whose histories and voices continue to be erased. An example of epistemological decolonisation is the Rhodes Must Fall movement. It began with student protests at the University of Cape Town in 2015 and inspired the Rhodes Must Fall campaign at the University of Oxford (Ahmed, 2020; Rhodes Must Fall in Oxford, 2022; UCT Rhodes Must Fall Movement, 2015).

In my work, I support many of the interventions being undertaken by Indigenous, (former) colonised and marginalised communities that are attempting to recentre the knowledge claims of their own people and refute the universal authority of Western knowledges and research. Epistemological decolonisation is an important focus in the movement to reclaim histories and knowledges in the face of colonialism. However, in

writing from a settler-colonial context, I also maintain a strong commitment to a more ontological understanding of decolonisation, through the reclamation of and reconnection to Indigenous land and sovereignty.

Given that decolonial movements carry different goals in different contexts, it is important then, to demarcate the goals of research being done in the name of decolonisation. This chapter will not result in my community being given back our land tomorrow (unless you, dear reader, own some of that land and would like to contact me). However, this chapter does speak to how I, and you, will conduct ourselves while researching with that land, and its peoples who hold the land in our bodies, cell walls and deepest memories. By decentring the colonial values that are embedded in research institutions and that drive research agendas, such as researcher expertise, academic outputs and fieldwork timeframes, decolonial research practices can encourage researchers to recentre Country and its legitimate knowledge holders, and therefore, develop stronger relations of accountability. This applies to all research, including research with non-humans, those entities who hold their own agency, knowledges and accountabilities (see Tynan, 2020).

Decolonisation is a helpful umbrella term to articulate a stronger engagement with research ethics, and many scholars have pinpointed ways to do this. For this chapter, I first look at relational accountability and refusal, before engaging with Indigenous Data Sovereignty, Indigenous Cultural and Intellectual Property and copyright.

Relational Accountability

Relational accountability re-orientates the responsibilities held within research practice. Rather than researchers being accountable to universities and grant funders, first and foremost, relational accountability teaches that researchers are accountable to their relations which includes family, Country and their research communities (see Tynan, 2020; Wilson, 2016). Barlo et al. (2021, p. 40) note that Indigenous scholars have demonstrated how relational worldviews inform respectful research with Indigenous communities by providing an ontology that recognises and frames the ways we exist as and through our relationships—with our families and communities, with our research topic, with research participants and communities, with the Knowledges participating in our research, and with the Lands with whom we live and work.

Relational accountability is not limited to Indigenous research. Shawn Wilson (2016, p. 6) articulates relational accountability as 'a process of systematically bringing relationships into consciousness and becoming accountable with, for, and to them'. Relational accountability is inherently reflexive and responsive, moving with the rhythms of our research relationships. It requires constant checking in, with ourselves and our research collaborators, be they people, Country or the topic. Sometimes, this is a very confronting practice. Sometimes, it is deeply nourishing and unexpected (see Tynan, 2021). Relational accountability teaches that stronger ethical research is not necessarily found through stricter human research ethics policies at the university. Stronger ethics is found through relationships, which is a relational practice of research. Relational accountability is being accountable to the relationships that sustain our work—our family and research relations. If these relationships are not strong, there is no work. There may be data, but not knowledge. There may be quotes but not insight.

However, this is not always easy. For example, I am doing my PhD with my ancestral community in lutruwita/Tasmania, but I live on the mainland of Australia and I have two babies. My ability to spend time with my (research) relations has been heavily restricted due to COVID-19 and family obligations. However, I am learning to not see this as a limitation, because being accountable to my family is also part of the research relationship. Raising strong Aboriginal babies is being accountable to my community and our future. In my work (Tynan, 2020) I conceptualise my thesis as kin, as 'the sis', the sister; I cannot demarcate research as relation without extending or starting that accountability with my own relations, my family. This is about refusing the stereotype or reification of the Lone Wolf researcher (Kanngieser et al., forthcoming). It is taking our relationships seriously and respectfully. Because relationships are the path to decolonisation.

Relational accountability is that feeling you get in your gut, knowing you have not called your research collaborators recently. It is that moment before you present at a conference and realise you should not be standing there alone, that your collaborators should be with you. It is the writer's block you are feeling because you are trying to author a publication on your own. As Wilson (2016, p. 11) reminds us: 'Good conclusions ensue when all the relationships are accounted for, that is, when relational accountability is achieved'. Through relational accountability, research can

only ever be valid and legitimate when relationships are nourished and the research is held to account by those relationships (ibid.).

However, universities do not adequately support researchers to enact relational accountability. Fast deadlines for grant proposals and limited funding to support relationship building means many researchers are restricted in their ability to meaningfully engage through relationships. Relational accountability is not a tick-the-box exercise. It is not simply about producing a research report for your community at the end of the project. Instead, relational accountability takes the dominant concepts of ethics—reciprocity, beneficence, benefit-sharing—and places them firmly within a framework of ownership, authority and accountability.

Relational accountability does not just operate as a downward accountability from the vertical hierarchy of university funder to research participant (Banks et al., 2015). Relational accountability understands that everyone and everything is related, it operates outward and across relationships (Tynan, 2021; Wilson, 2016). While the hierarchy still exists within institutional research, it is disrupted by the powerful role of Country. Country is everywhere, across all time (past, present and future); Country cannot exist within a hierarchy. Relational accountability opens up beautiful opportunities for researchers as it focuses on being accountable to all research relationships, including nourishing relationships with family and Country—it starts at home with our babies. Relational accountability, therefore, is learning that your research relationships are more important than the research itself, and sometimes this requires of us an ability to step back from research and to refuse the expectations of the academy.

Refusal

Refusal is learning to say no. As a challenge to research practices, I primarily draw from the theorisations of Kahnawake Mohawk researcher Audra Simpson (2014), as well as Unangax scholar Eve Tuck and K. Wayne Yang (2014). Tuck and Yang (2014, p. 813) ask 'when we overhear, uncover, are entrusted with narratives that we know will sell, do we stop the sale?'. Refusal teaches us that ethical research practice must refuse the colonising right to know. It teaches us that peoples' stories and statistics are not lifeless data ripe for collection but are knowledges that do not belong to us. Tuck and Yang (2014, p. 812) advocate for a refusal 'of the settler's unquestioned right to know, and to resist the

agenda to expand the knowledge territory of the settler colonial nation'. Research is often defined by institutions as the discovery and advancement of new knowledge. However, refusal prompts researchers to ask: should this research be undertaken and if so, am I the best person to do so? And, if I undertake this research, what should be shared and what relationships and accountabilities need to be in place to make such decisions?

Audra Simpson's (2014, p. 105) notion of refusal 'articulates a mode of sovereign authority over the presentation of ethnographic data, and so does not present "everything"'. She situates refusal as the binding practice between Indigeneity and sovereignty, 'an ethnographic calculus of what you need to know and what I refuse to write (…) This is not because of the centrality of esoteric and sacred knowledge. Rather the deep context of dispossession, of containment, of a skewed authoritative axis' (ibid.).

Refusal blocks the settler gaze and the machinery of Western knowledge production that desires 'new' knowledge in the name of research (Tynan, 2020; Tynan & Bishop, 2019). My own research is on Indigenous fire practices, often referred to as cultural burning. I initially refused to research this topic. Cultural burning is a way of looking after Country with fire, using the knowledge of our Old People (Elders and ancestors). Cultural burning works from the premise that fire is a friend that nurtures and heals Country when used in the right way (see Steffensen, 2020, Tynan & Riley, forthcoming). Cultural burning is a practice that I am passionate about. It involves me and my family caring for Country on our weekends, camping with other community members and sharing knowledge. For me, it is a cultural practice that I undertake for love of Country and I am myself repaid in the process in ways that can never be accounted for; my spirit is filled up along with the opportunities to live and learn from a generous community. I was hesitant to apply a colonising research agenda to this practice, afraid of how it could compromise my relationships to Country, fire and people.

However, I realised that even if I enact a refusal to research this cultural practice, other researchers may not. As someone already embedded within the cultural burning community, I was well placed to undertake this research by (hopefully) finding a respectful pathway. It is this initial refusal to research this topic that spurs my commitment to methodology and ethical engagement. Of course, I am stumbling and learning along the way, with the love for Country and community steering my way. This is

how refusal binds to relational accountability. It calls on us to be accountable to the research community first and foremost; to be humble and respectful.

The COVID-19 pandemic has prompted many researchers to reconsider the importance of their research and, especially in development, sparked renewed discussions about localisation and the authority of local communities to govern, undertake and have ownership over research design and analysis (Cornish, 2020). In this context, refusal can be seen in community responses to research where, for example, access to vaccines and healthcare may take primacy over research topics on climate change. Similarly, researchers themselves may enact refusals to research funders by advocating for a shift in research funds and goals to support emergent community agendas.

Unable to travel to my own research community due to COVID-19, I have reallocated the designated travel funds to better remunerate research collaborators for their time (both continuing the research without my presence and co-authoring publications). In hindsight, I should have always had more budget set aside for this and take it as a key learning moment in my development as a more ethical researcher. Ethical research is about standing firm in the principles of beneficence, reciprocity and accountability and actioning these as a practice. *Practising* good ethics can be hard, and often requires researchers to be creative, for example, in justifying funding re-arrangements and changed project outcomes. Refusal is an act of agency that prompts researchers to question how research is undertaken and who benefits.

Indigenous Data Sovereignty

Indigenous Data Sovereignty (IDS) is a global movement that explicitly outlines the right of Indigenous Peoples to 'govern the creation, collection, ownership and application of their data' (Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective, 2021). It is strongly informed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Importantly, IDS reframes 'data' as knowledge itself, in any format. IDS is a critical intervention in the ongoing exploitation of Indigenous Peoples' agency and knowledges and collapses the divide between 'data' and 'knowledge' by holding researchers to account for *all* information collected on or about Indigenous Peoples. IDS provides important lessons for stronger ethical

engagement with research and can be used as best practice when working with any research community and their data.

Palawa researcher Maggie Walter and Ahtna researcher Stephanie Russo Carroll bring an important evaluation to the knowledge versus data conversation. While qualitative research is often easily critiqued for its use of subjective knowledge, quantitative research is heavily lauded as the source of objective truth-telling through its use of statistics and data. Walter and Carroll (2021, p. 2) insist that,

These pervasive data are not neutral entities. Statistics are human artifacts and in colonizing nation states such numbers applied to Indigenous Peoples have a raced reality … Data do not make themselves. Data are created and shaped by the assumptive determinations of their makers to collect some data and not others, to interrogate some objects over others and to investigate some variable relationships over others.

IDS strips data and statistics of their function as an authoritative, objective truth by revealing the role of humans in the creation and interpretation of data. It teaches us to be sceptical of statistics and how they can be weaponised to create deficit discourses about many communities (Walter & Carroll, 2021). Hawaiian scholar Manulani Aluli-Meyer (2008, p. 225) captures this, cautioning 'we *still* believe statistics is synonymous with truth. It is a dangerous road to travel when we pack only empirical ways of being into our research backpack'.

IDS calls into question the right of researchers to solely determine how data is gathered, analysed and published. Walter and Carroll (2021, p. 2) state that 'for Indigenous Peoples, the statistics and data per se are not the problem. From a policy perspective, the far more critical question is how such numbers are deployed and what and whose purposes do they, and their attendant narratives, serve'. Kukutai and Taylor (2016, p. 3) respond, concluding that 'the collection of data on Indigenous peoples is viewed as primarily servicing government requirements rather than supporting Indigenous peoples' development agendas'. This is where researchers have a responsibility and a role to play in shaping how research data is translated and communicated to policy audiences. Researchers are able to enact refusals to the colonising right to know, to the colonising right to extract and collect data and to the colonising weaponisation of data by governments.

Another key concern of the IDS movement is Indigenous Data Governance. Many universities, at least in Australia, are currently introducing stricter measures for the management of research data. Researchers are

now required to produce formal data management plans to categorise, store and share their research data. While on the one hand this ensures the security of data, it is also based on the values of Western research that emphasise data sharing and the discovery of data for the public good. This raises concerns for key ethical practices of ensuring research data is owned by research communities and not held in data banks with university gatekeepers and researcher 'custodians'.

To date, the IDS movement has been more well established in settler-colonial nation-states, including Australia (see Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective, 2021), Aotearoa/New Zealand (see Te Mana Raraunga—Māori Data Sovereignty Network, 2021), and Turtle Island/United States (see United States Indigenous Data Sovereignty Network, 2021). However, recent publications such as *Indigenous Data Sovereignty and Policy* (Walter & Carroll, 2021) include contributions from Mexico, Basque Country, Sweden, Canada and Quechan communities. Researchers are also networking at the international level through the Global Indigenous Data Alliance.[1]

While the focus of the movement is centred within the rights of Indigenous Peoples, the principles of data sovereignty are important for researchers working with any community group, especially those often considered marginalised, or those communities they do not necessarily belong to. To encourage stronger ethical engagement with research communities and their data, researchers also need to be well-versed in Western legal traditions of Intellectual Property and copyright. It is through this literacy that researchers can be transparent with communities about how research data is collected, stored, disseminated and owned.

Indigenous Cultural and Intellectual Property (ICIP) and Copyright

I was appalled when I realised that whenever I publish something as a researcher, the copyright of that publication automatically rests with me. I realised that I would need to spend a large chunk of my PhD researching the Western legal system to understand how Intellectual Property and copyright functioned in research. I was even more troubled when

[1] Retrieved in September, 16, 2021, from: https://www.gida-global.org/.

I realised that other researchers around me did not carry this concern or necessarily knew the answers to my panicked questions about how it was legal for me to simply type up someone else's knowledge and then claim ownership and copyright over it. I believe this is a highly unethical process that needs careful attention from researchers when working with any community, especially Indigenous communities.

Formal research ethics applications will often ask a question akin to, 'will the proposed research activity involve the acquisition of material objects or information that is regarded by participants as valuable cultural property?' As both a participant and an investigator of different research projects, the response I most often see is, 'no, it is not the aim of the study to collect any sensitive traditional knowledge'. Researchers will clearly state to ethics committees and participants that they are not collecting Indigenous Cultural or Intellectual Property (ICIP). However, the key questions remain. Who decides what the research will collect? Can researchers define this from the beginning? And how does the researcher determine whether they have collected 'data' or 'Indigenous Cultural and Intellectual Property'?

ICIP rights are 'defined as Indigenous People's rights to their heritage and culture. Heritage includes all aspects of cultural practices, traditional knowledge, and resources and knowledge systems developed by Indigenous people as part of their Indigenous identity' (Kearney & Janke, 2018, n.d.). When ICIP covers all aspects of cultural practice as part of Indigenous identity, it is impossible to separate an Indigenous person from their ICIP. Similarly, it is impossible to separate an Indigenous person from their Indigenous community since the definition of Indigeneity is bound to the collective notion of community or Country.

The greatest concern about ICIP and copyright in research with Indigenous communities is that protections under Western legal regimes are only afforded to individuals and not to collectives providing yet another example of how knowledge is construed from a Eurocentric perspective. As Janke (2009, p. 7) notes with reference to the Australian system: 'whilst moral rights are part of the copyright law, these rights are given to individual creators, not communal groups. Currently there are no cultural integrity rights for Indigenous knowledge holders and no attribution right of knowledge holders if they are not recognised as "authors"'.

Here, the legal system under which research operates (at least in Australia) is unevenly weighted to give authors (i.e. researchers) the

power and authority over Indigenous Peoples knowledges and histories. While research participants technically retain any Intellectual Property over their personal interview recordings, once these recordings are *translated* (typed-up, paraphrased) into research outputs, the copyright rests with the author (often the researcher). This is why it is important that co-authorship of research outputs is not only normalised but considered best practice in research. Authorship helps protect copyright. Criteria for the co-authorship of academic publications is often very prescriptive, placing value on Western forms of knowledge such as the ability to write in print form (usually in English). While purporting to protect the integrity of academic authorship, such criteria place strict limits around what counts as knowledge, authorship and contribution. These criteria do not go far enough in recognising (and protecting) the role of knowledge holders and research participants. Thus, the antiquated culture of rewarding the Lone Wolf researcher (Kanngieser et al., forthcoming) must be shifted to incentivise collaborative, ethical research practice. Indeed, it is imperative that co-authorship of research outputs with participants and collaborators becomes the new norm.

For this reason, best practice guides for ethical research call upon researchers to create protocols (ways of relating and benefit-sharing) with research communities and partners to negotiate such inequities. However, as shown below, the creation and success of protocols is still largely dependent on research actors and their assumptions about what knowledge is and how knowledge is constructed (see Raven, 2010).

Research Ethics and Protocols

Australia has quite a robust system of formal university research ethics approval. This has been, in part, due to the pressure placed on universities and research institutions to be held accountable for, and prevent the replication of, past research practices that exploited Indigenous and marginalised communities, resulting in the theft of knowledge, stories, ancestral remains, body tissue and, of course, ownership over research (Raven, 2010; Smith, 2012). The latest iterations of best practice research in Australia are set out in the *National Statement on Ethical Conduct in Human Research,* first published by the National Health and Medical

Research Council in 2007 (and updated in 2018)[2] and the *Code of Ethics for Aboriginal and Torres Strait Islander Research,* published by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) in 2020.[3]

While Australia may have some of the most stringent formal research ethics processes, the system still takes place within universities that are governed by patriarchal whiteness (Moreton-Robinson, 2015). As Wiradjuri scholar Corrinne Sullivan (2020, pp. 352–353) notes, when it comes to researchers working with Indigenous communities:

For many universities, the ethics review process, however, has become an exercise in compliance and risk management rather than ethical engagement. In complex socio-political settings, it seems to be easier for review processes to rely on rather colonial and categorical thinking about representative organisations and their gatekeeper roles than to support deeper ethical engagement with unrepresented or poorly recognised nonconforming groups that are not formally organised.

Sullivan (2020) reflects on the contentious and ambiguous concept of 'community' and how ethical engagement can be hindered by outdated ideas of a single community representative or organisation with whom to consult and from whom to seek approval. Under these circumstances, researchers must find ways to practice ethical research both within and without the constraints of formal ethical review processes. In my own research, guided by the work of best practice documents and Indigenous researchers such as Terri Janke (2009) and Vanessa Cavanagh (Cavanagh et al., 2021), I created a protocols document to be negotiated with the Aboriginal community I was researching with. Kearney and Janke (2018) explain that:

> Protocols are non-legal guidelines that offer a system of rules stipulating the correct procedures to be followed in particular situations [like research]. Protocols have been widely used in Australia to protect ICIP [Indigenous Cultural and Intellectual Property] in areas where the law falls short. They provide a mechanism for the protection and recognition of ICIP … While the law remains limited in its protections, protocols

[2] Retrieved on January 31, 2023, from: https://www.nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018.

[3] Retrieved on January 30, 2023, from: https://aiatsis.gov.au/sites/default/files/2020-10/aiatsis-code-ethics.pdf.

> provide the best alternative to ensure that ICIP is valued and defended. (n.p)

The protocols document I produced outlined the purpose of protocols, the key principles guiding my research, intellectual property and copyright and what this looks like in the research and reciprocity and how it will be honoured. My main impetus was to clearly communicate my concerns about intellectual property and copyright, to be transparent with the community about how I would prefer to negotiate the terms of my research to ensure research collaborators are sufficiently acknowledged, and to ensure that I was properly 'giving back' to the community as a form of reciprocity.

I was not sure how the process of creating and sharing a protocols document would be received by the community. The process took time, as the Circle of Elders (part of the Aboriginal organisation I was working with) wanted to thoroughly consider the document and what I was asking of them. Given the emphasis on beneficence in ethical guidelines, I was surprised that the community felt the document was overly prescriptive in its suggestions for how reciprocity could be honoured. However, the organisation asked if the document could be used to help inform a local university process for ethics processes.

What was revealed through the process was the tension between ensuring transparency in the research terms (by setting out a protocols document) and my fear of unwittingly introducing an onerous and colonising paperwork process to a very small, volunteer-run community organisation. This led me to question whether my attempt to practice a strong ethics placed undue emphasis on Western values of ethics (a prescriptive, print-based agreement). My concerns about research as a colonial practice led me to question if I was unwittingly colonising our research relationship.

This realisation came when the organisation responded to my list of suggestions for honouring reciprocity that included helping to develop community resources, presenting to community groups and paying knowledge holders. They commented that they would prefer to honour reciprocity by conducting reciprocity through family business, through relationships and through relational accountability. I had unknowingly prescribed the terms of how I could be beneficent and reciprocal in ways that potentially undermined those very principles. The notion of conducting reciprocity through 'family business' came about because of

my ancestral connection to this community—they are my extended family, even if I did not know them well. It shows that reciprocity is often not prescribed and prompts us to consider what reciprocity might look like in research and relationship building.

Reciprocity—'They're Gonna Think I'm Part of the Exhibition!'

I am in nipaluna/Hobart, the capital of lutruwita/Tasmania, attending an academic conference. This is my first time in the city and I have an opportunity to meet some of my extended family and to share with them my research ideas about Aboriginal fire practices. The next day, one of them gifts me some river reed, a very special fibre used by our ancestors to weave with, now scarce due to recent flooding events. In the next conference session, I clumsily weave the reed into a basket, my first time using this magical fibre, and gift it back to my relative.

On the last day of the conference, this newly acquainted relative takes us for a fieldwork trip to some special local sites. While there, he brings us into Country through a smoking ceremony, smoking us with the beautiful firestick he has made, the same style used by our ancestral grandfather, mannalargenna. At the end of the day, he drops me at the Tasmanian Museum and Art Gallery where I hope to catch two of their exhibitions in the thirty minutes before they close. He opens the boot of his car to reveal a cave of treasures. He hands me the half-burned firestick we used previously in the day, the shells of two abalone he caught and shared with us during the week, a bag full of prepared river reed for weaving and a new, fully formed firestick (Fig. 8.1). I am lost for words with this overwhelming generosity.

I trudge through the museum entrance, looking for a locker to store my gifts. I am here to see the permanent exhibition about Tasmanian Aboriginal People and the new exhibition *Tense Past, Past Tense* by Tasmanian Aboriginal artist Julie Gough about our Country and family. With mud caked to my boots from slipping in the riverbank to harvest the reeds, the sounds of shells clattering together, and firesticks falling out of my bag, I think to myself, 'they're gonna think I'm part of the exhibition!'.

As I hastily move through the museum exhibitions, I peer into glass cases containing the images and possessions of my Old People, our ancestors. Material culture is precious, but I wonder how many people think

Fig. 8.1 Researcher holding a firestick; a bundle of gifts including firesticks, shells and river reed (*Source* The author)

these items are just artefacts and relics of the past. In lutruwita/Tasmania, a myth endured for centuries that my people were extinct (tebrakunna country & Lee, 2019), playing into deeply racist and Social Darwinian theories. Far from being objects of the past, these items are living culture, and in that moment, living in a plastic bag I shoved unceremoniously into a locker downstairs. This experience caused me to reflect on the protocols document. Rather than treating it as a formal document to be displayed behind a glass case, protocols need to be living processes (Smith et al., 2020). Protocols can be messy, take time, and change, reflecting the nature of relationships.

When I return home to mainland Australia, I receive news of a family reunion being organised with one of the Elders from Tasmania traveling up to meet this branch of the family. Unbundling the river reed gifted to me in Hobart, I weave a basket and gift it to this Elder at

the reunion. She takes the basket back to Hobart, and the circle of gift-giving and reciprocity returns in full. These are serendipitous moments of a relational research practice, where everything is in relationship and those relationships are constantly moving, never prescribed (Tynan, 2020, 2021). These moments occur when relational accountability is thriving, and the research process remains open. They occur when universities do not expect research students to have concrete research questions, theoretical frameworks and tick-the-box ethics applications. These moments of relational and ethical engagement come from a willingness to be open, to be convivial and solidaristic.

Conclusion: Explaining Reciprocity and Ethical Engagement

In this chapter I have tried to explain the nuances of reciprocity and ethical engagement and the ways researchers, like myself, are drawing on relationality to strengthen ethical research practices. I wasn't even sure whether to include the personal stories in this chapter, as it breaks away from the conventional academic genre of speaking *about* something. Stories attempt to speak *from* a place of relationality, showing how it is practiced. However, I think about the risks when time is not taken to explain reciprocity, ethical engagement and permissions granted as part of the research process. I think about the litany of conference presentations I have sat through and asked in my mind: who are you? Where are you from? Do you have permission to research and share this knowledge? How do we know if you do?

Questions like this are prompting even further interventions in the ways researchers are expected to conduct themselves when presenting and sharing research, especially with Indigenous communities. Frustrated by the anthropological hangover in research that still manages to produce scores of white researchers researching *about* Indigenous Peoples and knowledges, academic associations such as the Australian Association of Research in Education (AARE) and World Indigenous Peoples' Conference on Education (WIPCE) are introducing measures of accountability to their conferences. If non-Indigenous researchers submit abstracts to present research *about* Indigenous Peoples and knowledges, they must conform to various accountability measures. These include that Indigenous People must be listed as first authors, non-Indigenous researchers must submit their abstract along with an explanation of how they have

gained consent and permissions to share this research, researchers must include a slide at the beginning of their presentation outlining their positionality and role in the research project and only Indigenous Peoples can present within 'Indigenous' streams and sessions.

These are examples of how researchers are refusing the colonising traits of research practice, and calling for a stronger ethics of accountability. In this chapter, I have brought to the fore the many scholars and community members who are pushing the boundaries of research practice by dismantling the lines of accountability that traditionally flow back to the university. These scholars are re-instating lines of accountability and benefit back to those who *own* the knowledge, which extends outward to Country itself (see Bawaka Country et al., 2015; Smith et al., 2020).

While I have shared examples from Indigenous research contexts, the chapter aims to speak to a much broader audience. In considering how we practice stronger research protocols and relations of accountability with our research communities, we need to consider what research actually is, who benefits from it, and how we can dismantle the knowledge hierarchies attached to the role of researcher and attached to the ways research is expected to be communicated. Ethical research is a practice that begins at home, with our babies, the Country we reside on, and the relationships we hold. These relationships inevitably extend outward, to encompass new research relationships, and new forms of accountability. To practice ethical engagement with knowledge and research, we must recognise that research is not something that happens 'over there', but a practice that extends our relationships, creating stronger accountabilities here, there and everywhere.

References

Ahmed, A. (2020). #RhodesMustFall: How a Decolonial Student Movement in the Global South Inspired Epistemic Disobedience at the University of Oxford. *African Studies Review, 63*(2), 281–303. https://doi.org/10.1017/asr.2019.49

AIATSIS. (2021). *Return of Cultural Heritage*. Retrieved on January 31, 2023, from: www.aiatsis.gov.au/about/what-we-do/return-cultural-heritage

Aluli-Meyer, M., et al. (2008). Indigenous and Authentic: Hawaiian Epistemology and the Triangulation of Meaning. In N. K. Denzin (Ed.), *Handbook of Critical and Indigenous Methodologies* (pp. 217–232). Sage.

Banks, N. et al. (2015). NGOs, States, and Donors Revisited: Still Too Close for Comfort? *World Development*, *66*, 707–718. https://doi.org/10.1016/j.worlddev.2014.09.028

Barlo, S. et al. (2021). Yarning as Protected Space: Relational Accountability in Research. *AlterNative: An International Journal of Indigenous Peoples*, *17*(1), 40–48. https://doi.org/10.1177/1177180120986151

Bawaka Country. et al. (2015). Working with and Learning from Country: Decentring Human Author-ity. *Cultural Geographies*, *22*(2), 269–283. https://doi.org/10.1177/1474474014539248

Cavanagh, V. et al. (2021). Igniting a Conversation: Indigenous Intercultural Doctoral Supervision. *Geographical Research*. https://doi.org/10.1111/1745-5871.12481

Cornish, L. (2020). *Is It Finally Time for the Localisation Agenda to Take Off*? Retrieved on January 31, 2023, from: https://www.devex.com/news/is-it-finally-time-for-the-localization-agenda-to-take-off-97323

Foucault, M. (1972). *The Archaeology of Knowledge*. Tavistock.

Janke, T. (2009). *Writing Up Indigenous Research: Authorship, Copyright and Indigenous Knowledge Systems*. Terri Janke and Company Pty Ltd.

Kanngieser, A. et al. (forthcoming). *Practicing Relationality: Embodying Six Possible Protocols for Collaboration*.

Kearney, J., & Janke, T. (2018). *Rights to Culture: Indigenous Cultural and Intellectual Property (ICIP), Copyright and Protocols*. Terri Janke and Company Pty Ltd. Retrieved on August 22 2021, from: http://www.terrijanke.com.au/single-post/2018/01/29/Rights-to-Culture-Indigenous-Cultural-and-Intellectual-Property-ICIP-Copyright-and-Protocols

Kothari, U. (2005). Authority and Expertise: The Professionalisation of International Development and the Ordering of Dissent. *Antipode, 37*(3), 425–446. https://doi.org/10.1111/j.0066-4812.2005.00505.x

Kukutai, T., & Taylor, J. (2016). *Indigenous Data Sovereignty: Toward an Agenda*. ANU Press.

Kwaymullina, A. (2016). Research, Ethics and Indigenous Peoples: An Australian Indigenous Perspective on Three Threshold Considerations for Respectful Engagement. *AlterNative: An International Journal of Indigenous Peoples*, *12*(4), 437–449. https://doi.org/10.20507/AlterNative.2016.12.4.8

Kwaymullina, A., et al. (2013). Living Texts. *International Journal of Critical Indigenous Studies, 6*(1), 1–13. https://doi.org/10.5204/ijcis.v6i1.106

Maiam nayri Wingara Indigenous Data Sovereignty Collective. (2021). *Maiam nayri Wingara Indigenous Data Sovereignty Collective*. Retrieved on September 16, 2021, from: https://www.maiamnayriwingara.org/

Moreton-Robinson, A. (2015). *The White Possessive: Property, Power, and Indigenous Sovereignty*. University of Minnesota Press.

Nakata, M. (2007). *Disciplining the Savages: Savaging the Disciplines*. Aboriginal Studies Press.

Raven, M. (2010). Protocols: Devices for Translating Moralities, Controlling Knowledge, Defining Actors in Indigenous Research, and Critical Ethical Reflection. *Australian Aboriginal Studies, 2010*(2), 33–47.

Rhodes Must Fall in Oxford. (2022). *Rhodes Must Fall in Oxford*. Retrieved on June 6 2022, from: https://rmfoxford.wordpress.com/

Said, E. (2003). *Orientalism*. Penguin Books.

Simpson, A. (2014). *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Duke University Press.

Smith, L. T. (2012). *Decolonising Methodologies: Research and Indigenous Peoples*. Zed Books.

Smith, A. S. et al. (2020). Yandaarra Is Living Protocol. *Social & Cultural Geography, 21*(7), 940–961. https://doi.org/10.1080/14649365.2018.1508740

Steffensen, V. (2020). *Fire Country: How Indigenous Fire Management Could Help Save Australia*. Hardie Grant.

Sullivan, C. T. (2020). Who Holds the Key? Negotiating Gatekeepers, Community Politics, and the 'Right' to Research in Indigenous Spaces. *Geographical Research, 58*(4), 344–354. https://doi.org/10.1111/1745-5871.12415

Te Mana Raraunga—Māori Data Sovereignty Network. (2021). Retrieved on September 12 2021, from: https://www.temanararaunga.maori.nz/

tebrakunna country & Lee, E. (2019). 'Reset the Relationship': Decolonising Government to Increase Indigenous Benefit. *Cultural Geographies*, *26*(4), 415–434. https://doi.org/10.1177/1474474019842891

Tuck, E., & Yang, K. W. (2012). Decolonisation Is Not a Metaphor. *Decolonisation: Indigeneity, Education & Society*, *1*(1), 1–40.

Tuck, E., & Yang, K. W. (2014). Unbecoming Claims: Pedagogies of Refusal in Qualitative Research. *Qualitative Inquiry, 20*(6), 811–818. https://doi.org/10.1177/1077800414530265

Tynan, L. (2020) Thesis as Kin: Living Relationality with Research. *AlterNative: An International Journal of Indigenous Peoples*, *16*(3), 163–170. https://doi.org/10.1177/1177180120948270

Tynan, L. (2021). What Is Relationality? Indigenous Knowledges, Practices and Responsibilities with Kin. *Cultural Geographies, 28*(4), 597–610. https://doi.org/10.1177/14744740211029287

Tynan, L., & Bishop, M. (2019). Disembodied Experts, Accountability and Refusal: An Autoethnography of Two (Ab)original Women. *Australian Journal of Human Rights, 25*(2), 217–231. https://doi.org/10.1080/1323238X.2019.1574202

Tynan, L., & Bishop, M. (2023). Decolonizing the Literature Review: A Relational Approach. *Qualitative Inquiry*, *29*(3-4), 498-508. https://doi.org/10.1177/10778004221101594

Tynan, L., & Riley, J. (in press). Climate Change Is Colonial (Mis)management of Country: Wildfires and Indigenous Cultural Burning in Australia. In F. Miller et al. (Eds.), *Handbook on Climate Change Vulnerability, Environments and Communities*. Edward Elgar.

UCT Rhodes Must Fall Movement. (2015). Retrieved on June 6, 2022, from: *UCT Rhodes Must Fall Mission Statement*. https://www.lse.ac.uk/sociology/assets/documents/events/UCT-Rhodes-Must-Fall-Statement.pdf

United States Indigenous Data Sovereignty Network. (2021). Retrieved on September 12 2021 from: https://usindigenousdata.org/

Walter, M., & Carroll, S. R. (2021). Indigenous Data Sovereignty, Governance and the Link to Indigenous Policy. In M. Walter (Ed.), *Indigenous Data Sovereignty and Policy* (pp. 1–20). Routledge.

Wilson, S. (2016). Using Indigenist Research to Shape Our Future. In M. Gray (Ed.), *Decolonizing Social Work* (pp. 311–322). Routledge.