

Research Ethics in the Kalahari: Issues, Contradictions and Concerns

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Abstract

The effects of ethical clearance or institutional review board practices are discussed in relation to the experiences of academic field researchers on the one hand and indigenous research participants and/or co-generators of knowledge on the other. Ethical procedures such as protection (do no harm), control (micromanaging methods) and exploitation (taking ownership) are discussed in relation to researcher experiences in Southern Africa. Researcher-researched relations, researcher and subject alienation, ethics creep and the clash of ontologies is examined. Some tentative solutions are mentioned.

Keywords

Kalahari, ≠Khomani Bushmen, Ethics, institutional review board, gatekeepers, indigenous rights

“You see this Jakob, this Jakob Malgas, I am a Professor... Yes! I am a Professor. I, Jakob Malgas, can show you many things. Many things! Things in South Africa that South Africa’s people don’t know about” (Interview, Witdraai, Northern Cape, South Africa, June, 2002).

Academic or scientific knowledge is not the only knowledge worthy of commanding respect. The very question of ‘who has knowledge’ is basic to any research encounter amongst the ≠Khomani, Northern Cape, South Africa, as they interact, trade and jostle with all manner of observers and researchers (Tomaselli et al. 2005; see also Glyn 2013).

For the traditional ≠Khomani, research is anticipated to confirm an imagined community from the ‘past’, one that supports their current performative livelihood strategies that re-create a simulacrum of Eden before the Fall. They often feel an abject sense of loss, of disconnection and of alienation from researchers when the reporting of the ‘results’ of research is delayed whether for good reason or not. The ≠Khomani

themselves are heavily invested in the work conducted by academics, and they resent it when they are excluded from knowing about the outcomes or when researchers flit here and there without establishing mutually beneficial working relations.

Perceptions of Researchers

Our 22 years of fieldwork amongst the traditionalist ≠Khomani¹ and other groups in Namibia has identified different perceptions of research and researchers. Antagonism is the first response. Researchers' practices are often described by our informants as exploitative, as the 'taking' of knowledge from the community for careerist and money-making purposes. Second, is an acceptance that research linked to development NGOs might offer symbolic benefit. The ≠Khomani and Ju/'hoansi, however, tend to understand this exchange in terms of commodity relations, something that they can themselves 'sell' to researchers as entrepreneurs of local knowledge. A third practice develops dialogical ethnographies and participant forms of writing, reporting and analysing (see Tomaselli et al. 2005).

Contestations, protectionisms and claims occur over 'who' is being studied', by whom, how and with what effect. Who gets the credit and who gets the 'blame' (for colonialism, exploitation, poverty, dispossession, and everything else). These are ever-present discourses amongst many of our ≠Khomani research participants. Over and above this are legal and institutional issues about who owns what data, how it can be used, and who benefits (Tomaselli 2014; see also Smith 2008; Denzin et al 2008). Ethical clearance committees, or what are known in North American contexts as 'institutional review boards' (IRB) sometimes complicate matters. Biomedical experimental assumptions are often imposed with little modification also to Humanities research proposals that do not apply trial, experimental, or survey procedures.

The result for qualitative social scientists and critical indigenous researchers can be serious dysfunction, with unintended consequences for both researchers and the researched. 'Protectionist' (do no harm) for one constituency is often interpreted as 'exploitation' by another. Approval procedures can actually conceal data by limiting/censoring what can be officially asked, who can be interviewed, and how.

However, one learns much from ‘unofficial conversations’ during informal interactions as these get beneath the hidden transcripts so often eliminated by instrumentalist ethical procedures and quantitative-led research. Conversations can address the often fictitious anthro-scripts that are sold researchers by informants who are themselves uncomfortable with formal research procedures. Our informants do know what social and cultural researchers want to find out and they engage in subversive games that: a) sell back to the researchers what they already ‘know’; and b) sometimes deliberately contaminate data (see Ellis 2014). Under-prepared researchers sometimes leave the field none-the-wiser and contribute to the very popularly-led myth-making that the academic enterprise is meant to deconstruct.

Short-term once-off researchers are especially vulnerable to this kind of reverse exploitation that results in much mirth around Kalahari campfires. Alternatively, local communities actually call in trusted anthropologists to correct mis-impressions as did the Ju/’hoansi on a documentary made amongst the Ju/’hansi in Namibia (see Biesele and Hitchcock 1999). Ironically, even this communally-instituted corrective action drew the ire of many Kalahari development workers, film makers and anthropologists who argued that the community concerned should not have cooperated with the Discovery Channel producers in the first place and that Hitchcock and Biesele should not have made themselves available as advisors on the film. Who speaks for whom? is the key question here.

The notion that Bushmen are *a priori* vulnerable even when working with (ethical) researchers is legitimated by an abiding alienated IRB discourse of victimology. This takes the form of paternalist protectionism that assumes that populations (made vulnerable by the state, often deliberately so), must now be protected from researchers wanting to work with them – or them wanting to work with researchers - even within action research frameworks. This is a double repression – the first is caused by material conditions and inexorable processes of history and subsequently enacted state policies. The second, a contemporary victimological legitimation, stems from IRBs now wanting to protect these same populations (potential research participants) from revealing their conditions to researchers, ostensibly to ‘protect’ them from what they already know and

live. The entity actually being protected may well be primarily Authority that has failed to manage the conditions appropriately in the first place.

Even the most vulnerable of our hosts exhibit positive agency, and actively leverage the research relationship to insist that their voices be heard beyond their villages. They might live in seriously exposed circumstances, but they are experienced and experiencing decision-making adults-who-express-agency in their daily lives. Their survival strategies include working with, and exploiting, and even abusing researchers, especially when drunk. But they are sometimes disrespected by IRBs that want to silence them further by refusing research permission unless all sorts of alienating and often inappropriate conditions are met by the researchers who are being controlled thus. The potential beneficiary research participants are rarely consulted by IRBs on research proposals except where ‘gatekeeper’ permission is required from supposed leaders, representatives and others who are assumed by Authority to officially ‘speak for’ groups and individuals who are interpellated as objects or subjects and who are imagined to operate within egalitarian communal networks. This is multiple silencing that locates total power in the hands of academic and ‘communal’ gatekeepers who may have no or little idea about actual conditions on the ground, how anthropological and action research relationships are established, or how these are nurtured over long periods of time (see Grant, 2016). They take no account of the participants’ own positions on the matter, or their hopes and intentions, their own frustrations with delay, cancellation or interruption of research projects.

Ethical clearance procedures are thus often distrusted by semi- or a-literate research participants. These rules and regulations protect the academy, tend to impede the work of critical indigenous researchers, and together with intellectual property rights are often seen by our informants/research participants as enabling theft of their ‘indigenous knowledge’. As a result, heavily-researched communities have developed a variety of strategies to (mis)manage the research encounter, to exploit researchers, and to ensure some forms of return-benefit (Ellis 2014).

Bodily fluid Theft - An anecdote from the field

An anecdote will clarify my argument. While the incident related below is a specific one, it is more likely a metaphorical exemplar of a broader set of indeterminate

discourses about how some ≠Khomani individuals position, leverage and exploit researchers across all disciplines. In this story everyone is to 'blame' even as the researchers and their IRBs might imagine that they are working ethically.

In late 2012 my team was standing about as one often does in the anthropological field. As participant observers we were waiting with our hosts for something to happen on Heritage Day. About 100 people were milling around at the 'Living Museum', located on a wildlife conservancy, talking, drinking, eating, smoking dope and tobacco, etc.

The Museum is very remote geographically. and central to the re-imagining of Bushmanness by local clans, especially the self-styled traditional ≠Khomani. This group leverage the cultural tactic of strategic essentialism to present themselves as performative primitives to tourists, researchers and media professionals as a way of earning a living. The partly traditionally-attired community was waiting for formal proceedings to start. A local ≠Khomani man was haranguing a representative of the South African San Council (SASC), an advocacy group acting on behalf of Working Group of Indigenous Minorities of Southern Africa (WIMSA) (see Francis and Francis 2010). Othered as 'those (urban, educated, Christian) Western Bushmen' by the traditional/local desert ≠Khomani- the SASC representative, who lives in the town of Uppington 180kms south, promotes the Council as representing traditional Bushmen even though he is considered 'coloured' by many ≠Khomani.

My role with the community, occasionally a contested one, saw me at this moment being buttered up by this key ≠Khomani individual who claims traditionality and who sometimes blamed me personally for his own personal and the ≠Khomani's historical plight. My partly inebriated ally now pitted me as something of a ≠Khomani 'insider' vis-à-vis this Western Bushman SASC alter ego. I was thus re-positioned because our long-term research was argued by Toppies to directly benefit his community – unlike the alleged controlling gatekeeping function of the Council. A year earlier, this same Council member had insisted on being the gatekeeper for an archaeological project (see Lange et al. 2013) and insisted that one of its members be employed (in addition to the four ≠Khomani whom we had already contracted through one of the sponsoring institutions). After half-a day in negotiations we declined, as the Council, we informed him, had no statutory function, and our budget did not include a line item for a

gratuitous gatekeeper tax. We also knew that the ≠Khomani had lost previous employment and research participant opportunities because a very prestigious UK university that erroneously thought it needed ‘gatekeeper’ permission had refused to be opportunistically taxed thus.

The hot mid-day tedium was relieved when a vehicle arrived. While mingling with the community their occupants handed out what appeared to be offprints of one of their studies of the San. On inquiring from some ≠Khomani, their response was that they were scientists who, five years earlier, had obtained permission from the San Council to secure DNA samples from them. The community had reluctantly agreed as the Council’s authority was deemed by it to be Authoritative. Individuals had partly cooperated because they assumed that the DNA testing would work in their favour with regard to their claim to authentic prelapsarian First People’s status (see Ellis 2014). This status of original innocence before the Fall (in the Garden of Eden) was the post-hoc basis of their late 1990s post-apartheid land claim (see Grant 2011), their claim to special ‘First People’s’ treatment, and legitimation of their performative economic livelihood strategies. For them, DNA testing linking them back to original man, anthropos, signifies cultural and ethno-political legitimacy as by that time it had become apparent that the ≠Khomani, who were awarded over 50 000 hectares as a result of the claim, actually had few intrinsic historical rights over some other previously dispossessed nomads who had historically migrated through the area. The claim to indigeneity was a post-apartheid response enabled by the state’s land restitution policyⁱ. Over and above this collective imagination, were personal considerations. Some individuals, imaged in the media and assumed by some NGOs and many researchers to be quintessential ‘Bushmen’, in fact, have not easily fitted into this community so artificially constructed to underpin the 1990s land claim. For these ‘outsiders’ – who want to be ‘inside’ - a personal DNA profile confirming their genetic Bushmaness, was expected to flow from DNA research.

We then approached the visitors who were from two different universities, one local and one overseas, and we discussed their study. Now, let me be clear, I had absolutely no doubt that Schlebusch et al. (2012) had secured ethical clearance if not from one, then from the two universities involved. Further, I am not in any way questioning genetics research or this particular study. What is of interest is the talk by some in the

community in response to informal discussion. The point of the illustration is not what research means to researchers but how it can be dis-articulated from what was intended and re-articulated into a whole new set of meanings and expectations that may have little to do with the objectives of the research. That is to say, the issue of the subjects' expectation is a whole different local discourse as they will themselves have linked the DNA testing to their own frames of reference (which may or may not be known to researchers). The researchers cannot be held responsible for this talk or hearsay as it is uttered in its various mediated, biased and often highly emotive terms. Anthropologists will be the first to offer caution on the unintended consequences of doing research – in whatever discipline.

The issue for some in the community was a generalised one, overlaid by caution about outcomes, in the context of research practice in general. For the ≠Khomani, unless they get to know research teams well over repeated visits, for them, one is the same as any other; all are blameworthy, and even the CCMS team has gotten stick for the sins of TV companies, photographers, journalists and all kinds of visitors of whom we have no knowledge. The same discursive game is played with other researchers also. Some are even known to have been summonsed by local leaders to account for what is perceived by the community to be their often fast-and-dirty foraging research practices.ⁱⁱⁱ

Patricia Glyn (2013), a journalist who conducted lengthy field work with the traditional ≠Khomani, for example, informally revealed that our team is very well respected by the community who remarked on our sustained commitment to it. As a journalist, however, Glyn could offer analysis not restricted by the realm of the evidentiary or methodologies that turn out to be unsuited for actual conditions. Neither are journalists, film makers or photographers impeded by unnecessarily restrictive ethical restrictions. Their job is to expose the gatekeepers where corruption is indicated. In contrast, academic protocol, nowadays, is to respect the gatekeepers no matter how corrupt they are.

The problem, thus, for us at least, largely lies in the academy.

Ethics Clearance and Alienation

Technical and legal clearance as approved by remote committees who interpellate nameless and enddistanced human research participants as alienated anonymously

numbered subjects does not *a priori* make a project ethical. Allegations were made to us by our hosts, but not to the visitors, that “These people not only come here to steal our knowledge, but our blood, our bodily fluids also”. This discourse of ‘theft’ is a constant refrain, especially where researchers parachute in and out without getting to know their sources/subjects, or discussing the potential benefits of the research with them, or learning about their expectations from the encounter. Returning, allegedly, five years after the ‘theft’ without provision, again allegedly, of DNA certificates to the individual participants, positions such practices as questionable by such communities, notwithstanding the legalities approved by the academy or the good intentions of the researchers. However, many genetics research teams had passed through the area over the previous decade, interacting with the same and different gatekeepers and using different forms of address. The research group with which we briefly interacted, being then immediately accessible, ironically got the blame by actually being present. The general question is, which gatekeepers, traditional leaders, legal advisors, or NGOs, are approached by researchers? What is their respective credibility in these incredibly fluid communities? Who was in favour or out of favour at the time? In a survey of five other genetics studies, no acknowledgement of any cultural intermediaries was found although the researchers whom we approached all assured us that one or multiple representatives had been contacted.

It is the ‘blaming’ aspect that IRBs often misunderstand; it’s part of the game played during the encounter (see Dyll 2007; Mhiripiri 2012). People who show extraordinary agency, self-reliance and resilience are often cast as victims and as being ‘at risk’; they are constructed as vulnerable populations in need of institutional protection. Beyond such entities are the NGOs that themselves may want further contracts, payments and proposal approval rights. A third level of surveillance and control is found in some African states that require formal government approval for any research project. The levels of control are thus multiple; and controlling can be obstructionist and thus itself ‘do harm’ where the research in question might materially benefit communities in which researchers want to work. Approval under such conditions can take years and a student’s response may be to go elsewhere where there is less control and micromanagement of research methods, access and scope.

IRBs, whether singular or multiple, thus might constrain academics from playing the game and learning in the process something of significance. Chance happenings, the unpredictable, and the noumenal (scientifically unexplainable), the hidden and even visible transcripts are ruled out of order and beyond the academic lens. University-based researchers are required to stick to the superficial check-list script that will never access the sub-textual, deep seated discourses, those patterns and occurrences that defy rational logic, direct observation and clip board notations. The nuance, thick description, deep meanings and humanity is often lost in mechanistic ethics requirements that informants be protected via a biomedical discourse that identifies them as 'subjects' rather than as engaged participants^{iv}.

Ironically, it is within the hidden transcripts that the bedrock of anthropology and cultural and performance studies resides. Meanings are often concealed, buried by our research participants' layer upon layer, in sometimes bewildering multileveled heraldic, historically embedded significations. Positivist research will *never* unlock deep structures, concealed meanings and counter-narratives. Indeed, sometimes such signification ought not to be studied though many have descriptively visualized examples (see Fulchignoni and Rouch 1989; Stoller 1992). Part of the game, however, is that our hosts will let us 'in' provided that we show the kind of sensitivity that engages their trust.

Cultural scholars know that any kind of research will be leveraged by indigenous host communities in pursuance of their own agendas, objectives and identities. Research is often a tussle, with meanings being contested by all parties to the encounter. For literate urban subjects, survey research is generally just a temporary interruption, meaningless because it is unimportant in the general scheme of ordinary life, whereas for the Bushmen research has both social and symbolic value, it can be used for ontological construction, and it is useful politically. The blame game linked to imagined cultural recovery resulted, for example, in an otherwise startlingly improbable land claim success for the ≠Khomani.

In sum, from the perspective of local people, permission from the Council and its WIMSA parent is not really necessary for research to be undertaken, though these organisations' cooperation would be very helpful with facilitation and would protect

communities that are subject to exploitation. In fact, there is no ‘right’ body to have consulted, as the individuals who consented to the Schlebusch et al. (2012) study are adults and they would have done so in their individual capacities. Some may have felt patronised, used and abused by both the Council and multiple research teams passing through, and some do wonder about alleged payoffs (the gatekeeper tax) levied by the Council on consenting researchers. This impediment to research could be contravening the right to freedom of expression.: ‘the freedom to receive or impart information or ideas’ (Section 16: b: Constitution 1996). Provisions should be made for research contracts to include the individual who may be speaking in a personal capacity. It is disconcerting to note that during discussion with Council representatives, they themselves were not fully aware of the implications of their contracts. It is hoped that further discussions with NGO consultants as was the case with Julie Grant (Personal Communication: 20 January 2015), would facilitate clearer understandings between researchers, NGOs and indigenous people’s representative councils like WIMSA.

Gatekeepers: Good or Bad?

Survival International (SI), a UK-based NGO, with a primitivist agenda, has had a chilling effect, not only on anthropologists working with the Barsarwa in Botswana, due to its legal support for the somewhat successful Supreme Court case brought against the state for its dispossession of the Central Kalahari Game Reserve communities, but also on the work of some IRBs (Kiema 2010). Institutional caution is the result of the activist and politically contentious work of SI. Botswana equates anyone researching the Basarwa as extensions of SI, even if this is not the case. The CCMS team, for example, was once ejected from a private safari camp following a previous very open-ended discussion with the chief game ranger who must have been warned off by a state official in the interim. We are accused of “standing up for” and being interested in “indigenous” populations, and therefore the false assumption is made that we pose the same threat as do the journalists who work for SI bent on revealing alleged unconstitutional human rights violations, let alone indigenous rights.

Ethics Creep

A development anthropologist observed in response to the above-mentioned genetics story:

I had similar problems when the doctors came in -- the medical school took dim views of anthropology since we tended to be more qualitative, worked with groups that did not wish to sign consent letters, did not always speak English, and were considered by some to be 'vulnerable' populations and therefore had to go through the same hoops as people who study children and prisoners, etc. It was totally inappropriate (Hitchcock, email, 30 Jan 2014).

“My study was labelled “major risk” and yet not one person could actually explain why” (13/1/15) observed another anthropologist of his proposal that had been subjected to over 15 re-drafts that had to jump through both her own university’s IRB, and a second in the country in which he wanted to work, in which feedback was minimal and took many months.

In our own work throughout Southern Africa, we’ve had to explain to the powers that be that adult Bushman across the region – whose life experiences have prepared them for successfully dealing with hardships unimaginable by ethics committee members – don’t require ‘protection’ all of the ways in which it is offered by IRBs. They have survived and many have prospered without this paternalism. This is not to deny the need for ethical clearance procedures that are sensitive to the Humanities and participant communities’ concerns. But IRBs simply do not operate in the real time or real space or actual needs of the researcher or those of the research participants.

What the ≠Khomani ask is for them to be taken seriously by serious researchers who behave ethically and to be respected for who they are. They want recognition as research participants; they refuse to be anonymised. They want to be part of the academic record, not eliminated from it. While researchers with their assent try to make sense of their hidden transcripts and patterns of culture, positivist assumptions – unethically – beguilingly conceal researchers under the guise of objectivity, separation of Subject (the researcher) from the Object (the researched) and the illusion of impartiality. Consent forms are considered by our research participants as being duplicitous. Biomedical assumptions that discursively insist on detachment ensure that researchers are absent (from their texts) even as they are present in the field and, indeed, implicitly in the writing and again, as with the genetics article, in the return to the field with the published document. As indicated above, we researchers are indeed present as

far as our aboriginal research participants are concerned. We cannot by means of a form approved by an IRB magically make ourselves absent – even if the genre of writing selected may necessitate this. A critical discourse analysis would easily identify an author claiming to be absent.

This kind of experiential ethics is situational, learned in the field, and applied in practice, in a deep and lengthy relationship with research participants. In this paradigm, research is done *with* people, not on them, nor about them, and not necessarily for them though they should preferably find it useful. As Nyasha Mboti (2012: 65) argues, in lived research (objectified) findings are not to be found, because:

When the researcher loses his/her arrogant outsider's authority, he/she gains in trust and shared understanding. A sound platform for human dialogue about the past, the present, and the future, is built. Dialogue fails as long as objectivity shields the researcher from the researched's (sic) gaze. Too often, 'scientific' research speaks-to without listening-to. Research 'findings', also, are monologic because it is the researched who has been found, never the neutral(ised) researcher.

Ethical clearance became seriously biomedicalised and instrumentalised at my previous university in 2013, contingent with intellectual property rights (IPR) considerations a year earlier. What the university considered ethical and legal, my co-researchers and research participants considered blatant (if legal) theft and opportunistic commoditization of community-based knowledge – stories, information, discussion, tracings etc. (Tomaselli 2014). We thus, in the field itself started researching and writing on the contradictions of IPR and ethics when our students and their supervisors found themselves being micro-managed by a very remote university administration in terms of technical procedures, intellectual copyright and alarmist 'gatekeeping' strictures not previously known to us. Students and supervisors on occasion were 'disciplined' for actually doing interviews ahead of the issuing of approval letters that could take many months to process and deliver, tempered by all sorts of scheduling and other restrictions that bore little or no relationship to contextual conditions, including the academic year, student registration periods, budgets, and especially, host/research participant considerations. Under these requirements, ironically, hard-nosed lawyers

and media executives are deemed by some IRBs to be in need of protection, along with children, prisoners and Bushmen. This infantilising discourse is imposed by adults upon other adults. Here, I refer again to Jakob's injunction that kicked off this article that *he* is the professor and that I am the student. This is a common experience of academics in the field where the tables are turned on the researchers and ethics committees by research participants (see the video *Anthropology on Trial*, Gullahorn-Holecek, 1983).

My thoughts at the time were: 'If this instrumentalism continues unabated and uncontested, this may well spell the end of anthropology and many other field methods as we currently know them'. Do I tell my students that they should rather become journalists instead of researchers? In journalism, the job is to expose the corrupt gatekeepers, even to refuse the gatekeepers altogether and to find out what's happening on the ground and beyond by whatever (legal) means possible. They can do things legitimately for which, ironically, academics are punished. IRBs often over-imagine negative outcomes, they are risk-averse, and untrusting of their peers, sometimes for good reason, but often through naivety, inertia, a lack of appreciation for conditions in the field, and lack of understanding of the topic being researched.

The point of the above illustrations is not to dwell on what research means to researchers, but rather how the process can become dis-articulated by informants from what was intended into a whole new set of meanings and expectations that may have little to do with the objectives of the study.

Globalisation of Ethics Creep

These concerns led to the broader dialogue already evident in this paper with other researchers working from different contexts. The issues, as reported by one of our research informants working in a different country, involve feelings of institutional victimisation by research participants and researchers, the spectre of delayed degree completion, logistical mismatches following the under-capacity of the IRB / ethics committee to perform its obligations and "forgetting" the needs of the researcher and those of the researched. The dominance of IRB feedback – if and when received - is driven by the need to satisfy broad criteria and not to adequately deal with disciplinary specificities. The result is often an inability to offer guidance on how to act ethically.

Obscure gatekeeper associations often reveal how out of touch IRBs are with the communities they are meant to protect - even where sub-committees have been set up to serve/protect particular communities (such as local organisations and councils claiming to represent local communities). The educated thus preside over the uneducated, who are positioned as helpless, even as they resist such parenting and claim themselves to be our teachers. IRBs enforce textbook methods and are known to become laws-unto-themselves. In one case related to me by an anthropologist, no less than 24 university professors had to meet to consider applications where Khoisan were involved, and upon their approval she was required to transfer all publication rights beyond her PhD thesis to the IRB. As our informants tell us, ethics as applied under this kind of regime legitimises intellectual and cultural theft. In one South African case, no less than four committees at different levels of management consider applications over a period of not less than four months depending on committee schedules and efficiency. While there may be good reasons for this over-regulation, *due thought needs to be given to how procedure itself shapes research questions, practices and outcomes*. This, indeed, is the blind spot in the bureaucratization of research.

Clash of Ontologies

The above mentioned contradictions arise out of Western epistemology, the Cartesian ontological mind, and the notion that research necessarily must (if chimerically) separate the researcher from the researched, and be objective – indeed in treating subjects as objects. That may suit certain disciplines, from sociology to medical science, but this paradigm forgets that research participants don't necessarily engage in the same way as do scientists. In the case of Kalahari communities, the expectations of research outcomes are very high and even unrealisable. In one recent case, an individual with no educational qualifications who was often consulted by senior academics from a South African university was left with the false impression that he would be placed on the establishment staff as a paid professor. He, after all, like Jakob, was teaching all these professors who flew him and other ≠Khomani to their city to sit through their indigenous knowledge conferences. Conversely, international academics are expelled or banned from some countries for articulating positions contrary to government policy. Ethics regimes operate in concert with other legislation – censorship, secrecy, surveillance and those that control information flow.

Some solutions

Here's an observation from an anthropologist: "ethical" behaviour (like getting informants to sign informed consent forms from the outset) may be considered unethical because the informants: i) don't know you, ii) don't like you, etc. Informants are continuously left out of discussions on ethics, though they could be fully integrated into the process through some kind of feedback format. A prevailing notion is that research participants are not participants in their own right, but rather the property of the State. Khoisan research participants, despite being smart - even if not educated - and often having their own community representatives, are continuously presumed to be incapable of engaging with ethics matters for themselves and are thereby continuously denied voice. Well-intentioned procedures simply cannot be dealt with by institutions with little to no capacity. IRB procedures with regard to the "inconvenient indigenous" in Botswana (Saugestad 2001) partly derive from the state's need to checkmate Survival International journalists, whose aim is to expose alleged government human rights abuses, rather than to work with them. Academics in Botswana thus are being made, inappropriately, to atone for the way that SI's journalists work and how they frame their stories. Academics are being treated as misbehaving journalists, but are not accorded the same rights, concludes this informant who wishes to remain anonymous.

In my own experience, I have personally been berated by Botswanan students (but not Basarwa) registered at northern universities for allegedly failing occasionally to get state permission to work with Barsawa communities; thus do our peers implicate themselves in both surveillance and repression, control and excommunication.

My earlier writings on this topic have identified many problems; less easy is it to propose solutions. Given the history of medical and psychological abuse that was characteristic of Nazi Germany, the Soviet Union and apartheid, even post-apartheid vis-à-vis HIV/AIDS during the period of denialism, we must start from the basic assumption that ethics procedures are necessary. However, cultural researchers cannot accept that mechanistic one-size-fits-all models are the only automatic choice in the humanities. Added to this are intellectual property rights issues, and the question of how to deal with corrupt, opportunistic and obstructive gatekeepers who claim to speak for all individuals within a non-statutory community.

The paradigm developed by CCMS largely followed a participatory communication action research approach that explains how the researcher-researched relationship is repositioned in terms of co-researcher relations generating jointly derived knowledge, and how researchers are then viewed as research intermediaries by previously sceptical hosts/subjects/co-researchers. This inversion of the Subject-Object division is anathema to generic biomedical ethics assumptions. These forms construct an idealised researcher, a pre-digested methodological regime that is not permitted to respond to what is actually found in the field, because only pre-approved categories of findings are what are to be found. The idealised informants – who do not exist – are often written out of the record even as they are assumed to have populated its content. The assumptions by IRBs assume that participants don't know what is good for them, or what will harm them. This is understandable but it is also patronising.

Notwithstanding determining IRB oversight, WIMSA has come up with its own inter-reticulated media and research contract that prescribes and manages who can speak to whom. Here are a few clauses from its 2001 (reissued in 2015) contract:

1. Only recognized San leaders, duly trained and authorized, are entitled to provide permission to individuals or organizations from any branch of the media, to publish information on the San.
2. Any individual or organization wishing to engage in any form of media transmission, whether of film, video, radio, newspaper, magazines, photographs or the popular press, which transmission involves the San peoples, must apply for permission from a designated leader. The application should contain the details requested for in the information sheet on the basis of which permission may be granted.
3. If permission to publish is granted, it shall be provided on the WIMSA media contract form, which sets out the rights and obligations of the media. A WIMSA bank account is provided: To remit to WIMSA five percent (5%) of all and any income received in respect of the project.

4. Failure by the media person or organization to comply with the terms of the contract will lead to cancellation of the contract, and to appropriate punitive action.

In terms of research, this rather fuzzy and over-determined contract has arisen for very good reasons: academics with the best intentions whose work is approved by their IRBs have often blundered into the field and caused all kinds of unintended consequences that have to be dealt with by the subjects and subsequent researchers after the former have returned to their institutions. This contract also wants to prevent harm, but in doing so, it is interfering with freedom of expression and freedom of association (especially on the part of Bushmen informants who decline to be managed by externally authorised gatekeepers not recognised by the locals). Although the SASC wants to co-ordinate research and sign contracts, only one member lived among the ≠Khomani land claim community, where most researchers and media folks visit. As Julie Grant, who works from our Kalahari research sites observes, “Lack of engagement with subject communities means that researchers may fail to realise that their "ethical" agreement with the supposedly representative councils may not be perceived as ethical by subject communities. This also reveals lack of familiarity with relevant literature on ethical procedures that do address such contradictions" (Grant, email 1 May 2015).

The media and researchers, should they concede to the WIMSA, will find themselves constricted by yet another layer of bureaucracy and control, even to the extent of being threatened with unspecified punitive measures. The enddistancing between researcher and researched will be thus widened. With regard to the ≠Khomani, their response, as indicated, is to strategically navigate the gatekeepers, and to ignore such contracts, developing informal individual or communal relations with researchers and media professionals instead. This is a freedom that cannot be denied them by any contract.

The ≠Khomani, who do not easily connect research or media depiction of them with broader policy, rarely make distinctions between intellectual property and the social, economic and other data needed for planning purposes. Everything is read at the level of the local, the individual, the anecdote. If their immediate expectations are not fulfilled, the informants complain of being personally exploited and their dignity impaired. Visitors are constructed as “employers” who have some responsibility for their well-being (which is what the WIMSA contract tries to enforce). In the field itself

one DNA or social researcher blurs into another and Council members and NGOs are assumed to be the beneficiaries of all manner of payments, gatekeeper taxes and royalties (as indeed some are).

Journalists and academics are accused by the ≠Khomani of forging their careers through their theses, articles and books, and via the global syndication of their photographs and writings. Some ≠Khomani feel a loss of control over how the information they have imparted is used, abused, repackaged, syndicated and sold (refer again to the WIMSA contract). They rarely see, read, or recognise themselves in these documents, stories and pictures when they do come across them. These studies require participants' knowledge but the theorisation phase often eliminates the personalities involved. One result is that the ≠Khomani have commodified their knowledge, image and interactions, to sell these like they sell crafts while WIMSA has attempted a different strategy. Anyone asking questions of any kind, in any place, in any situation, is deemed a potential buyer (of crafts, talk, information and even hand-shakes). Such purchasers will be reminded of their pre-assigned role in both subtle and unsubtle ways. So, how will WIMSA implement its contract? Will every interaction with any and every Bushman require a pre-approved contract, payment of fees, and the spectre of punishment if not adhered to? Where is the line to be drawn? Recently, a sculptor wanting to see a tourist dance for inspiration was threatened with the police by the Council unless he signed a contract with it.

Individual researchers often spend extended periods in or close to the community, becoming quite socially intimate with informants. When the researchers return to their institutions, the relationships are interrupted, a confusing development for communities where life-long interdependence is a mark of any form of intimacy and social cohesion.^v The problems (and associated solutions) are threefold. Firstly, that subjects are left out of the process by which universities actually acquire permits, and ethical clearance is on occasion taken over by often corrupt or self-interested gatekeepers (more often than not) disconnected from the communities themselves. Secondly, even where researchers do everything to respect communities and act ethically, subjects make up their own minds about the research and what to expect from it (could this not be avoided by involving them in the initial gatekeeper discussions?). Finally, the academy itself is set to respect

gatekeeping institutions, "no matter how corrupt they are", even where informants tell one otherwise (Anonymous, email, 2 May 2015).

Conclusion

Local people take exception to the idea that researchers can't do more, when often in fact they can. The problem often is not in the academy, but in the fact that the governments whose citizens participate in the research (specifically Botswana) trust councils like SASC entirely. Decisions are not allocated to the participants themselves (because governments and local gatekeepers deem them to be uneducated, too marginalised, to make decisions for themselves. Or, they want to themselves leverage power, access and outcomes).

The problem in dealing with individual needs within structurally induced destitution is the bugbear of all development agencies. Policy work of the kind conducted by the South African San Institute (SASI) takes time, while implementation via donors and state agencies takes much longer if recommendations are accepted. But destitute individuals have real and pressing daily needs. IRBs need to understand this. A balance between regulatory regimes in the academy and in the field needs to be found.

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ⁱ The terms 'Bushmen', 'San' and '≠Khomani' are used interchangeably. 'San' is politically correct, although it translates as bandit, forager. 'Bushmen' is more commonly used by the community themselves. '≠Khomani' refers to a particular community of recent origin in the Northern Cape.

ⁱⁱ Some of the "original claimants" and their forefathers were living in the Transfrontier Kgalagadi Park, prior to the evictions and have been in the area longer than the coloured Mier community (although many will have mixed with the ≠Khomani). So some would have had historical rights over certain areas/places, .i.e., the Transfrontier Kgalagadi Park (Grant 2012).

ⁱⁱⁱ As one anthropologist observes: "In my own experience, participants (especially given that they are marginalised and depend upon partnerships whether they want them or not) often show hostility to one researcher about another. These are often simply remarks based on whether they personally like the researcher. The participants the genetics team dealt with could have made unfair comments simply for the sake of it, because they feel angry that researchers seem to be so wealthy and they imagine it is only because they use this data, and these comments don't mean they actually behaved in an unethical manner. The point is that gatekeeping structures (especially those at the community level) are meant to be in place to deal with these problems as they arise (email, Anon, 2 May 2015)

^{iv} I have shifted from my earlier position (Tomaselli 1996) as my later field experiences contradicted my desk-led assumption that academics inevitably Draw-the-Line-around-Them. In specific Kalahari contexts our research participants actually are more likely to Draw-the-Line-Around-Us. The power relation is never totally fixed.

^v In throwing some light on this kind of problem, the reader is referred to a number of books and articles in which our research participants are not only listed as contributing characters as in a playscript, but also as co-authors, including in their own languages (Lange 2011; Lange et al 2013; Tomaselli et al. 2005, 2007; Bregin and Kruiper 2004; Kruiper and Kruiper 2014, and videos like *Voice of our Forefathers* (Hart 2012; Dockney2012). Journalists like Glyn (2013) and Isaacson (2001) have animated the concerns of their Kalahari hosts in similarly compelling ways.