

# **Bangarra Dance Theatre**

## **ICIP Policy**

## Background

### About

This policy sets out the framework under which Bangarra Dance Theatre acknowledges and respects Indigenous Cultural and Intellectual Property rights.

Bangarra is an Aboriginal and Torres Strait Islander organisation and one of Australia's leading performing arts companies, combining 40,000 years of Indigenous culture with contemporary movement. Bangarra's relationship with Aboriginal and Torres Strait Islander people and communities is at the heart of our success. Over time we have ventured out of the performance space and into the education, and youth work areas to inspire and encourage young Aboriginal and Torres Strait Islander people to engage with their culture.

For over 25 years Bangarra has worked with Aboriginal and Torres Strait Islander people and communities using cultural protocols to develop and share innovative and creative Indigenous stories. This policy has been developed as a written guide and framework under which Bangarra, our artists and our Aboriginal and Torres Strait Islander collaborators will work, as well as to provide a public record of Bangarra's respect for culture.

Bangarra publishes this policy on the Bangarra website, and requires our artists to agree to the ICIP Framework as part of their contract of engagement.

### What is ICIP?

ICIP or Indigenous Cultural and Intellectual Property, refers to the cultural heritage of Aboriginal and Torres Strait Islander people. ICIP includes traditional knowledge, traditional cultural expression and artefacts. It incorporates all aspects of knowledge (sciences, plant and animal knowledge, stories, designs and symbols, ritual knowledge), artefacts (arts, crafts, weapons, tools), performances (ceremonies, dance and song) and human remains and includes the secret and sacred.

ICIP rights are the rights that Aboriginal and Torres Strait Islander people want to protect and control the use of their cultural heritage. Bangarra supports the United Nations Declaration on the Rights of Indigenous People, including article 31 which states that:

*Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*

Bangarra acknowledges the industry standards and protocols set by the *Australia Council Protocols for Working with Indigenous Artists*. Those protocols have been widely adopted in the Australian arts to respect ICIP and to develop practices and processes for working with Aboriginal and Torres Strait Islander people and cultural heritage. Bangarra incorporates ICIP into the very heart of our projects, from storytelling, to dance, to set design, language and music.

## **ICIP Framework**

### **1. Respect and acknowledgment**

Bangarra respects the right of all Indigenous people to control, use and maintain their culture, as expressed in Article 31 of the UN Declaration of the Rights of Indigenous People. ICIP is a living culture which may be reinterpreted by each generation in new and different ways. The rights in that culture are perpetual and never die. Unlike western property rights, ICIP rights are not individual rights but are communal rights, and can belong to nations, clan groups, communities and families.

Bangarra recognises that the right to control ICIP includes both the tangible and intangible aspects of cultural heritage. For example, the knowledge about a story, and the story itself or the knowledge about a dance and the choreography of the dance.

We ensure that the appropriate customs or cultural protocols are followed within Aboriginal and Torres Strait Islander communities, acknowledging that these protocols may differ. These cultural protocols can include who can speak for cultural heritage, how wide a consultation may be, and whether ICIP is appropriate to be shared with Bangarra. Bangarra respects these processes and the communities that it works with to develop our shows and other cultural experiences.

### **2. Self-determination**

Bangarra respects the right of Indigenous people to be involved in decision-making about the use of their cultural heritage.

This right extends not just to initial discussions around the use of ICIP, but maintain relationships over time as the use of ICIP, including the context in which it's presented, changes and adapts. Bangarra has worked hard over many years to develop and strengthen our relationship with the Indigenous communities who share their culture with us. These relationships are our most precious resource and set the foundation for our work. With this relationship comes the responsibility of giving back to our communities. As Bangarra continues its work, we may forge new relationships and work with different communities to share ICIP. Bangarra will seek to involve each Indigenous partner in making decisions about the use of their ICIP, where appropriate.

Bangarra draws inspiration from Aboriginal and Torres Strait Islander culture and has been able to do so by developing and maintain strong relationships with the communities it works with. Our Aboriginal and Torres Strait Islander staff, dancers and Artists-in-Residence come from different communities and are often involved in advising on who are local Elders, people and organisations in their respective communities to engage with.

Bangarra does not seek to own the ICIP that we incorporate in our work. This rightfully remains owned by the Traditional Owners of that ICIP who may authorise Bangarra and others to use that knowledge at their discretion.

### **3. Prior informed consent and consultation**

Bangarra supports the right of Aboriginal and Torres Strait Islander people to be consulted about the use of their cultural heritage, and to give their free, prior and informed consent for that use. This includes providing adequate time in which to engage in consultations to enable meaningful dialogue, and to provide time for Aboriginal and Torres Strait Islander people and communities to consider the implications of a project.

Bangarra always seeks approval for use of ICIP. Bangarra often engages cultural advisors who are involved throughout all stages of the development of a work to provide input and approval on the use of ICIP. Bangarra engages key cultural advisors to assist in the authentic delivery of Aboriginal and Torres Strait Islander programs. This often includes the sharing of stories from their respective communities, or families. As part of this role, advisors are asked to sign a contract under which they provide cultural consent to Bangarra to use any ICIP contained in their contributions. This consent is given on behalf of the community, and the advisor warrants that they are authorised to make this claim.

Other cultural advice comes from our Artists-in-Residence, dancers and creative Team, who are all Aboriginal and/or Torres Strait Islander, and storytellers with cultural knowledge.

### **4. Interpretation**

Bangarra acknowledges the right of Aboriginal and Torres Strait Islander people to be the primary guardians and interpreters of their cultural heritage. Bangarra not only stages inspiring productions, but also seeks to educate its audience, both nationally and internationally, about Aboriginal and Torres Strait Islander culture.

Bangarra is an Aboriginal and Torres Strait Islander dance company led by an Indigenous Artistic Director. Over 70% of its workforce is Aboriginal and/or Torres Strait Islander, and all of the dancers, Senior Artistic team and all Artists-in-Residence are Indigenous. The majority of Bangarra's Board is also Indigenous.

Bangarra engages its cultural advisors to work with us to develop and produce authentic Aboriginal and Torres Strait Islander stories, where appropriate. This involves sharing knowledge with Bangarra, providing advice on staging and context, as well as overall artistic involvement in the program. Our Artists-in-Residence, creative team and dancers also share their local knowledge and inspire works from their respective backgrounds in a contemporary setting.

### **5. Cultural integrity**

Bangarra always works to protect and uphold the cultural integrity of ICIP. We acknowledge that maintenance of cultural integrity strengthens Aboriginal and Torres Strait Islander people and communities.

Bangarra seeks community feedback over the integrity of culture in its shows in a number of ways.

Bangarra has a Return to Country initiative in which the Company takes a work back to the community (Country) that inspired its creation for the viewing of the local people. For example, in 2014 Bangarra staged a 'Best of' work as a tribute to the contributions of Kathy Marika and Djakapurra Munyarryun.

Engaging with our cultural advisors is also a source of ongoing feedback. Advisors are invited to attend rehearsals and opening night, to see the finished work and celebrate the launch of the work.

Feedback received enables Bangarra to deliver a show which is both authentic and maintains cultural integrity.

## **6. Secrecy and privacy**

Bangarra respects the right of Aboriginal and Torres Strait Islander people and communities to keep their secret and sacred cultural heritage private in accordance with customary laws. ICIP may be secret for a number of cultural reasons, or may have restrictions applied (such as gender restrictions).

Bangarra consults with its cultural advisors, and with key community members and groups to ensure that the ICIP in its productions do not incorporate or refer to any secret or sacred knowledge.

Sometimes Bangarra may include ICIP of a sensitive nature in its productions. This consultation may take some time, depending on the nature of any sensitivity. Bangarra is respectful of cultural sensitivities and works in a way that considers those impacted by these sensitivities to avoid any conflict. Any knowledge sharing of a private/sacred nature is exchanged with the understanding that it is private and therefore not shared to the public (such as men's/women's business and burial ceremonies).

As part of the Return to Country initiative, certain community sacred knowledge may be shared by with Bangarra by community members. This knowledge is respected and not used by Bangarra in its productions or in any other public way.

Bangarra acknowledges that use of images or the name of deceased people may be subject to cultural mourning practices in some Aboriginal and Torres Strait Islander communities. Where Bangarra becomes aware that a person whose name or likeness is featured in Bangarra productions or business has passed away, it will consult with the relevant family to ensure protocols are upheld. Bangarra acknowledges that in some instances it will not be possible to remove all references to the deceased person, such as where programs for previous shows have already been published and distributed.

In instances where Bangarra uses the image or likeness of a deceased person our production and or business, it will consult with the family and community and consider options to respectfully follow protocols such as including display a warning notice or sign advising viewers, readers or attendees (where practical) that the work may feature the image of deceased person/s.

## **7. Attribution**

Bangarra recognises that Aboriginal and Torres Strait Islander people and communities have the right to be attributed or credited for the use of their ICIP. Bangarra consults to ensure that it attributes individuals and communities in accordance with their wishes (including correct wording and pronunciation), and may use a traditional custodian's notice where appropriate.

A traditional custodian's notice advises a viewer or reader that the work contains ICIP and is being used with the consent of the traditional owners and that no further reuse is permitted.

Bangarra credits its Aboriginal and Torres Strait Islander cultural advisors and contributors in many ways, including acknowledgement in production programs, on CD leaflets, on the Bangarra website, and where possible, during interviews or public forums and in the media.

## **8. Benefit sharing**

Bangarra acknowledges the right of Aboriginal and Torres Strait Islander people to benefit from the sharing of their culture. Bangarra has worked to develop a cultural exchange of knowledge, skill and art over its many years. Bangarra understands that relationships between Aboriginal and Torres Strait Islanders and non-Aboriginal and Torres Strait Islanders are important, and that we have a responsibility to facilitate cultural exchange through our company's performances and activities.

Bangarra offers the opportunity for Aboriginal and Torres Strait Islander dancers across Australia to learn from leading dancers and to work as professional dancers with the company. In addition to dancers, Bangarra also works with Aboriginal and Torres Strait Islander choreographers, artists, musicians, set designers and other cultural and artistic practitioners to create immersive cultural performances. Bangarra facilitates the careers of emerging and leading artists and is committed to supporting and nurturing the Bangarra clan.

Bangarra dancers and artistic partners make regular trips to Aboriginal and Torres Strait communities to discuss the use and sharing of culture. As part of this, Bangarra organises free community performances of its shows to share its artistic vision with the communities that have shared their cultural knowledge.

## **9. Maintaining Aboriginal and Torres Strait Islander culture**

Bangarra acknowledges that it has a responsibility for maintaining Aboriginal and Torres Strait Islander cultures, and connections to country for future generations. Bangarra actively support the transfer of skills in dance, art, song and story and encourages pride in Aboriginal and Torres Strait Islander identity. Bangarra has a strong culture of fostering this cultural exchange through our main company workshops, in both regional and remote communities, as well as our youth programs.

In 2013 Bangarra launched its Rekindling program to inspire and develop the next generation of Aboriginal and Torres Strait Islander story tellers and dancers. Rekindling is an intensive dance based program for secondary students exploring 'who you are' and 'where you come from'. The

participants research and gather stories with the help and guidance from Elders within their communities, to develop dance, performance and creative skills to produce dance theatre in collaboration with local Elders. The program is designed to maintain culture by way of a cultural exchange, with Bangarra sharing its skills and knowledge, which were based on to us by our Aboriginal and Torres Strait Islander contributors. As its name suggests this program also aims to rekindle culture for participants who may be disconnected from it. This is heavily reliant on community involvement, including Elders, who share local culture and stories which some of the participant may not otherwise experience.

## **10. Recognition and protection**

Bangarra supports the *Australia Council's Protocols for producing Indigenous Australian performing arts*, as well as the *United Nations Declaration on the Rights of Indigenous People* and believes that Aboriginal and Torres Strait Islander people and communities must be recognised as the guardians of their culture.

Bangarra recognises the rights of Aboriginal and Torres Strait Islander people to their cultural heritage. Bangarra implements these rights in several ways. Firstly, it has developed this ICIP Policy which explicitly states the principles under which Bangarra operates to recognise ICIP rights. Secondly, Bangarra ensures that its contract and agreements reinforce the principles in this Policy and make it clear that Bangarra does not own the ICIP which has been shared with us by our Aboriginal and Torres Strait Islander communities. This knowledge belongs to Aboriginal and Torres Strait Islander clans and communities, and Bangarra recognises that it has been permitted to use that ICIP with the consent of the community.

## **Implementation**

### **Adoption and use of Policy**

Bangarra's Board has approved this ICIP Policy. This Policy and its ICIP Framework form the working guidelines for Bangarra in its interaction with ICIP and Aboriginal and Torres Strait Islander people and communities. All Bangarra staff members are obliged to act in accordance with this Policy.

This Policy is incorporated by reference into Bangarra's suite of contracts to ensure that its partners uphold the ICIP framework and recognise ICIP rights of Aboriginal and Torres Strait Islander people and communities.

A copy of the ICIP Policy is available for viewing on the Bangarra website [www.bangarra.com.au](http://www.bangarra.com.au).