

IRCA MEMBERSHIP INDIGENOUS CULTURAL AND INTELLECTUAL PROPERTY POLICY



1. Purpose

The purpose of the IRCA Membership Indigenous Cultural and Intellectual Property (ICIP) Policy is to set out how ICIP is managed by IRCA and members.

2. Application

The Membership Indigenous Cultural and Intellectual Property Policy applies to:

- Access to and use of ICIP held in IRCA materials.
- Production of materials by members through IRCA programs, activities and events where some or all content holds ICIP.

3. Definition

Indigenous Cultural and Intellectual Property (ICIP) refers to the rights of Indigenous peoples to access, control and maintain their cultural heritage, including 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), human remains and includes the secret and sacred. These rights relate to world Indigenous peoples, which includes Aboriginal and Torres Strait Islander peoples.

4. Indigenous Cultural and Intellectual Property Policy

Both IRCA and members will abide by the ICIP Principles set out in Section 5 of this Policy in the production of materials for which IRCA has had a coordinating or production role.

5. Indigenous Cultural and Intellectual Property Rights Principles

Principle 1: Recognition and respect of Indigenous cultural rights

The rights of Indigenous peoples to their Cultural and Intellectual Property is recognised and respected in accordance with Articles 12 and 31 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Principle 2: Involving Indigenous stakeholders

In recognition of ICIP rights, Indigenous cultural custodians must be involved in the use of their cultural heritage.

Principle 3: Consultation

Indigenous peoples have the right to be consulted about the use of their ICIP. Consultation on ICIP will be respectful, informed, ethical and meaningful when consulting with Aboriginal and Torres Strait Islander peoples or other Indigenous peoples about their cultural heritage.

Principle 4: Informed consent

The importance and value of engaging Indigenous stakeholders in the ongoing use of their ICIP is respected and valued. The free, prior and informed consent of relevant Indigenous stakeholders is to be obtained before using or authorising the use of ICIP in cultural material.

Principle 5: Interpretation, authenticity and integrity

The rights of Indigenous peoples to be involved in the interpretation of their culture is recognised and valued. Interpretations of Indigenous cultural material will be respectful of the authenticity and integrity of that material.

Principle 6: Acknowledging cultural and customary laws for secret and sacred, privacy and representations of deceased people

Recognition is given that parts of Aboriginal and Torres Strait Islander culture are secret or sacred and/or not for general viewing and that viewing rights may be changed in accordance with cultural law at any given time. Cultural material that is private or secret or sacred will not be shown without the explicit consent of relevant Indigenous ICIP

custodians. Appropriate warnings concerning privacy or material associated with deceased persons in will be included. The instructions of ICIP custodians will be respected as an ongoing process of approval in respect to sorry and other sensitive cultural matters.

Principle 7: Acknowledgment

Aboriginal and Torres Strait Islander peoples will be acknowledged for the use of their ICIP. This includes individual acknowledgements, and where appropriate nation, language group, community or family acknowledgement.

Principle 8: Sharing benefits

The right of Aboriginal and Torres Strait Islander peoples to benefit from the use of their cultural heritage will be respected.

Principle 9: Recognising, maintaining and strengthening Indigenous culture

Indigenous cultures as varied, thriving and constantly evolving is recognised and respected. Ensuring that Aboriginal and Torres Strait Islander cultures are recognised, maintained and strengthened for future generations is central to working with ICIP custodians and cultural materials.

Principle 10: Recognition of ongoing rights

The rights of Indigenous peoples in regard to their cultural heritage is ongoing. ICIP custodians have the right to engage continuously with cultural materials and their usage.

6. Other relevant Membership policies

- IRCA Membership Code of Conduct.
- IRCA Membership Copyright Policy.

Version 1. 8 November 2016