CASE STUDY 59[[1]](#footnote-1)

**The Canning stock route project**

**Introduction**

This case study tells the story of an oral history project in Western Australia and the comprehensive approvals and consent process developed in partnership with the Aboriginal stakeholders involved. The case study presents a good example of an ethical approach to recording and disseminating intangible cultural heritage. It also initiates thinking about some ethical dilemmas that may arise when there are multiple stakeholders involved in research partnerships.

**Key words**: Ethics; Intellectual property; Informed consent; Indigenous peoples; Benefit sharing; Communities; documentation; digital archiving

#### **Background**

In 2006, an Australian non-profit cultural organisation called FORM initiated The Canning Stock Route Project. The Canning stock route is a dirt track, nearly 2000 kilometres long, developed on Aboriginal homelands as mining and pastoral industries expanded in Western Australia at the turn of the 20th century. The aim of the project was to tell the story of the stock route through Aboriginal art and voices, including the creation stories about the surrounding countryside, oral traditions and traditional knowledge concerning the desert environment.

More than 100 people from 12 language groups and 17 remote communities contributed their stories to the project. Their oral histories merged life stories, with stories of culture, creation and traditional law. The knowledge gathered over the six years of the project’s development represented an incredible repository of the intangible cultural heritage and signalled to the Aboriginal contributors that their stories were considered an important part of Australia’s national heritage. The project’s archive contains over 250 oral histories, including audio and filmed interviews, approximately 7,000 clips of raw film footage, around 150 short films, over 20,000 photographs, historical records and a range of other research materials.

In 2009, FORM entered into a partnership with the National Museum of Australia to co-produce the exhibition Yiwarra Kuju: The Canning Stock Route, incorporating the oral histories that were recorded over the life of the project.

#### **Consent**

The project involved a comprehensive process of community consultation and consent from the outset. The process for approvals in the lead up to the exhibition took three years and multiple trips to the communities to complete.

First, researchers sought individual permissions to record materials. Aboriginal translators and cultural advisors worked closely with the researchers to ensure that the indigenous cultural intellectual property was handled appropriately and that cultural sensitivities and the needs of communities were carefully addressed. Aboriginal translators first translated oral histories into English from traditional languages and transcribed these on paper.

Second, the research team conducted consultations to establish individual clearance to use certain elements of the recorded materials for specific purposes; for instance, for use in the exhibition, publications, online access, storage in public collections and community archives. This involved the research team returning to communities with detailed permission forms, accompanied by senior project translators and cultural advisors, who would interpret and provide advice to elders, and direct non-indigenous team members in relation to sensitive cultural issues, such as images of recently deceased persons.

Third, the research team sought collective approvals from communities, regarding the final layout of materials in the exhibition, book and multimedia publications. Content approval workshops were held in 17 communities where the materials were presented to the participants to ensure that they were satisfied with the accuracy and cultural appropriateness of its content. Translators and cultural advisors were present at these meetings. Men’s and women’s issues were discussed separately in smaller meetings where appropriate.

During these return trips, Aboriginal contributors often added new information, further enriching the materials already collected. Cultural advisors, translators and family members provided invaluable guidance at this stage of the project in helping to determine which stories were ‘open’ and which stories should be protected for the benefit of communities.  Some stories, which were generously shared in the privacy of contributors’ homes, were not intended to be communicated widely beyond that environment. Though not strictly secret-sacred, they were considered culturally sensitive for a number of reasons, and were not included in the collection.

#### **Benefit Sharing**

An important feature of the project was the return of the content collected to communities. The project collected around 40,000 content items and an innovative and sustainable digital solution was required to repatriate the materials to the 17 remote Aboriginal communities who participated.

The *Mira Canning Stock Route Project Archive*[[2]](#footnote-2) was established to facilitate the digital repatriation of materials to communities. Mira means ‘to bring something hidden into the light’ in Martu language and is an online portal that allows participants to download, view and share content that was collected over the course of the Project. Each community was also given an additional hard drive back up. The archive contains a wealth of materials, such as short films demonstrating traditional methods to hunt Goanna monitor lizards, recordings of traditional songs and dances and Dreaming stories. The archive provides remote community access to the materials, but also broad public access to a vast amount of the Project’s content in accordance with cultural protocols established by Aboriginal contributors and communities.

The process of developing and implementing the digital archive also involved extensive community consultation, including repatriation trips to the communities in 2012 and 2013 once the project was complete. To develop this framework, the project collaborated with the Arts Law Centre of Australia to advise on and develop a legal framework around Indigenous Cultural Intellectual Property, which allowed for the return of commercial benefits to the communities involved.

#### **Discussion questions**

**Ethics:**

The comprehensive process of community consent was fundamental to the ethics of the Project. In how far does the case study align with the Ethical Principles for safeguarding ICH? Does this case study represent an example of community-based research ‘done right’?

The final exhibition involved an engagement between at least three major stakeholder groups: (1) the Indigenous Australian art centres and participants representing community interests; (2) FORM, the not-for-profit cultural institution who initiated and managed the project; and (3) the National Museum of Australia. Each stakeholder group represents different interests and agendas, which must be reconciled, requiring both negotiation and compromise. Can you think of ways in which the different interests of these stakeholder groups may come into conflict? For instance, how do you think that the time and the budgetary constraints of the project posed an obstacle to ensuring that ethical behaviour in the research and delivery of the exhibition was maintained?

Hypothetical situation: Five years after the project finished, a film company approached FORM to discuss producing a documentary about the project. The film team would like to use footage that was recorded during the project, featuring images of deceased persons. How should FORM handle this request?

The Mira Canning Stock Route Project Archive is a rich digital repository of intangible cultural heritage. Each item in the archive is linked to a webpage that contains detailed information about the element. This includes information on cultural protocols, sharing protocols, communities, rights, contributors, traditional knowledge etc. Choose an example from the archive and examine the entry as a group exercise. Is the entry complete or is there information which participants think would be useful to add?

The case study describes a process of returning the content collected during the trip to participants. Why is this important? What opportunities and challenges can you see in this example?

#### **Other useful resources**

* A case study produced by the Arts Law Association of Australia discussing Indigenous Cultural Intellectual Property is available here: <https://www.artslaw.com.au/case-studies/entry/yiwarra-kuju-the-canning-stock-route/>
* The exhibition’s website, including background to the project and relevant essays available here: http://www.nma.gov.au/exhibitions/yiwarra\_kuju/home
* Educational resources for primary school students that were produced as a result of the project are available here: <http://www.nma.gov.au/__data/assets/pdf_file/0018/19404/Yiwarra-Kuju-introduction.pdf>
* Catalogue produced as a result of the project is available to view online here: <https://issuu.com/formwa/docs/form_csr_chogm_final>

#### **Audio-visual resources:**

* Youtube video discussing the project and indigenous cultural intellectual property with Project participants: <https://www.youtube.com/watch?v=7D7ydx1toTk>
1. . **WARNING:** THIS CASE STUDY CONTAINS IMAGES, NAMES AND STORIES OF ABORIGINAL PEOPLE WHO HAVE PASSED AWAY. [↑](#footnote-ref-1)
2. . http://mira.canningstockrouteproject.com/ [↑](#footnote-ref-2)