



# INDIGENOUS PROTOCOLS dot ART

Indigenous Protocols for the Visual Arts

*A practical guide for navigating the complex world of Indigenous  
Protocols for Cultural Expressions in the Visual Arts sector*



**CARFAC**

CANADIAN ARTISTS REPRESENTATION  
LE FRONT DES ARTISTES CANADIENS

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## Introduction



The purpose of this resource guide is to provide practical guidelines for respectful engagement with Indigenous Peoples.<sup>1</sup> It is part of an ongoing initiative to strengthen respect for First Nations, Inuit, and Métis visual art and artists, and legal and moral rights in the lands commonly known as Canada.

This resource recognizes and endorses Indigenous intellectual and cultural property rights — the rights of Indigenous Peoples to own and control their cultural heritage. These rights are confirmed in Article 31 of the [United Nations Declaration of the Rights of Indigenous Peoples](#) (UNDRIP, or the UN Declaration). The UN Declaration is a useful instrument for framing discussions, but practical, meaningful, and useful information and resources that will result in actual change are also needed. This needs to happen at the grassroots level, and then continue through organizations and governments at local, national, and international levels.

Discussions about Indigenous intellectual property often occur within a colonial context, and as such, they rarely reflect the complexity, nuance, or diversity of First Nations, Inuit, and/or Métis intellectual property and other cultural rights. Current laws, legislation, and policies fail to adequately protect intangible cultural heritage, such as Traditional Knowledge, and the collective rights of Indigenous Nations, communities, and families.

For decades, Indigenous artists have been concerned when people who share their territories as guests do not understand and respect their collective and individual ownership rights over traditional cultural material. Misappropriation of cultural expressions, infringements of copyright, and other forms of unauthorized use of artistic works frequently happen. This is especially problematic in the digital era, where images can be shared with such ease, and artists have little recourse to protect their work. Indigenous artists, Nations, and communities need to know how to protect their works and their rights. Non-Indigenous communities, including businesses, governments, and individuals, need to engage responsibly with Indigenous Peoples, without appropriating / misappropriating Indigenous imagery.

This guide provides information about existing legal protections, as well as the ethical and moral considerations for working with Indigenous Peoples, or the use of Indigenous cultural material. The resource is also useful for Indigenous artists who are not well-connected to their home communities and need links to those resources. It is designed to help Indigenous artists protect their work, to educate non-Indigenous stakeholders in responsibly engaging with Indigenous artists and their work, and to provide tools that can be used to advocate for stronger legislative change.

<sup>1</sup> 'Indigenous' refers to Status / Non-Status First Nation, Inuit, and Métis Peoples of Canada, for the purposes of this document.

Recognizing that longstanding discussions on Indigenous intellectual and cultural property rights are complex, dynamic, and unique to each Indigenous Nation and community, this document is designed to be a living guide, or pathway, that can be updated as discussions and new precedents emerge.



*Communities are still actually in the process of rebuilding... over time, due to Colonial interventions due to the Indian Act and other laws. So, a lot of those structures that used to be in place to support artists and Traditional Knowledge Keepers, singers, performers, dancers — all of the whole arts world — those structures were broken apart, and we've spent the last 50 to 70 years just slowly trying to piece it back together, or holding it together in the first place. I think this is going to help in that regard as well, and maybe even affect the larger change some of us are looking for, which is the addition of legislation in Canada to protect Indigenous arts.*

**- LOU-ANN NEEL**



## Who Should Read This?

This resource is for: Indigenous Nations, communities, and families; Indigenous artists; and non-Indigenous communities, including artists, government, businesses, organizations, and the public. A wide audience links several parties to discussions taking place across various communities, and with all levels of government.

This is a starting point. This resource guide is meant to be an active hub of information that will evolve as the discussion progresses. You are encouraged to follow a similar path and continue to build knowledge. This resource does not replace engagement with Indigenous Peoples. Anyone who requires specific advice on Protocols from a particular Nation or community should speak to people in authority or engage an Indigenous consultant with relevant knowledge and experience to help guide the conversation.





## What are Protocols?

Protocols are traditional ways of doing things in a particular territory. They range from hard rules and laws to softer customs such as good manners. Protocols are appropriate ways of engaging with Indigenous cultural material and interacting with Indigenous artists, Nations, and communities. Protocols arise from value systems and cultural principles developed within and across communities over time.

As the primary guardians and interpreters of their cultures, most Indigenous communities have well-established Protocols covering cultural production and sharing. However, many communities have had their Protocol administration disrupted by aggressive assimilation, and they are slowly recovering those ways of doing and being.

Contemporary art and life can be challenging for traditional communities. Elders and Knowledge Keepers are often interested in helping to craft new Protocols and to adapt traditional ones to engage new materials, technologies, and ways of doing things.

Honouring and complying with the Protocols of Indigenous Nations and communities promotes interaction based on good faith and mutual respect, and ongoing good relations. Responsible use of Indigenous Cultural Knowledge and expression ensures that First Nations, Inuit, and Métis cultures are maintained and protected so they can be passed on to future generations.

Indigenous Nations and communities are diverse. While Protocols differ from community to community, there are fundamental principles that may be shared which may guide respectful collaborations and conduct.

While Protocols differ from legal obligations, this resource outlines the current copyright legal framework, and some protections offered within it. Following Indigenous Protocols supports the recognition of Indigenous heritage rights. It encourages culturally appropriate working practices, and it promotes improved communications between all parties with an interest in Indigenous visual arts.

*Our geographical location has a big role in our governance for our survival, safety, peace among ourselves, and the continuous education from the time you are born. Take drum dancers and song composers, for instance. When a singer of the traditional ayaiyaa songs creates a song, there was no writing of the words but memorizing every word, until all words flowed. This song maker, let us call him Okpik, will sing about the life he has lived, or he could sing about someone else's. But if another song maker, let us call him Kublu, wanted to borrow a certain sound or a line from Okpik's song, then Kublu must ask permission from Okpik. Kublu cannot proceed without the consent of Okpik. There needs to be that mutual agreement. This is intangible intellectual property. This existed long before the mighty pen arrived among Inuit.*

- THERESIE TUNGILIK





## What is Indigenous Knowledge and Intellectual Property?

Indigenous intellectual property is not confined to intellect; it can include everything in our natural world and our lives because these are all interconnected and interwoven. In many cases, knowledge resides in things and places and is not the property of human minds, though people are responsible for connecting to, and keeping, this knowledge.

First Nations, Inuit, and Métis communities maintain their history through rich Oral Traditions. Unlike similar storytelling traditions in some European cultures, these Oral Traditions are used to make agreements of a legal nature within and beyond their communities. These stories simultaneously emerge from and inform the worldview of Indigenous Peoples.

“Oral traditions retain the history of Indigenous Peoples by passing cultural information from one generation to the next. For Indigenous communities, creation stories, connections to the land, historical accounts, traditional ecological knowledge, teachings, language,

and culture stories have been kept alive through oral traditions for thousands of years. These stories and accounts have been passed from generation to generation without ever being transcribed — when you think about it, that’s a stunning amount of information that has been and continues to be retained and shared.”<sup>2</sup>

*In Inuit Oral Tradition, for example, the Inuktitut language was a tool used for teaching and ensuring important life skills and respect of copyright and intellectual property were carried out. Without any need for a writing system or tools prior to colonization, the Inuit way of educating was through Oral Tradition. Learning took place everywhere (at home, in nature, and through stories and cultural practices), and respect was fostered for the environment, its occupants, and for the tangible and intangible. Customs and Protocols were respected and in place for obtaining permissions / consent to use intellectual property.*

- THERESIE TUNGILIK



<sup>2</sup> From [11 Things you should know about Indigenous Oral Traditions](#). Reproduced with the permission of Robert P. Joseph, President of Indigenous Corporate Training Inc. [www.ictinc.ca](http://www.ictinc.ca)

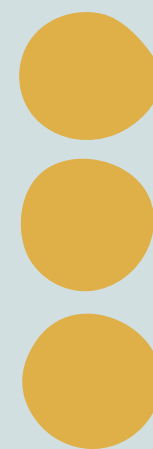
Indigenous Knowledge and Canadian intellectual property are based on different worldviews. Copyright assumes that creators are individuals and that protections are tied to that person and their heirs for a limited time. Traditional Indigenous Knowledge — which includes how to make certain items, who can make those items, what materials and representations are appropriate, and what their meanings are — are not authored or owned by individuals. This is shared Knowledge carried by Keepers through countless generations. Knowledge, and its use, is a responsibility, rather than property. Traditional Knowledge includes collective rights to histories, stories, crests, symbols, songs, dances, or related artworks and utilitarian belongings.

For further details on concepts related to Indigenous Knowledge, an invaluable list of terms such as *Traditional Cultural Expressions (TCEs)*, *Traditional Knowledge (TK)*, and *Customary Law* were published by Dr. Gregory Younging, a member of the Opsakwayak Cree Nation and an internationally recognized expert in Indigenous intellectual property rights.<sup>3</sup>

Because the Canadian [Copyright Act](#) does not recognize collective rights, Traditional Cultural Expressions are unprotected by Canadian law. Indigenous Peoples world-wide call for a recognition of these rights. In 2019, [British Columbia introduced legislation](#) to implement the UN Declaration as the province works towards

reconciliation, and a year later [the Federal Government committed](#) to bring Canadian law in line with the UN Declaration. Other efforts are also underway in Canada at [Innovation Science and Economic Development](#) and the [Standing Committee on Industry, Science and Technology](#), and internationally at the [World Intellectual Property Organization](#), to resolve these outstanding issues.

The Advisory Circle views the lack of protection as a serious gap in intellectual property legislation, and the current failure of the legal recognition of these inherent rights does not extinguish them as ethical rights.



<sup>3</sup>Term definitions can be found on pages 1-4 of Dr. Gregory Younging's PhD dissertation, [Intellectual Property Rights, Legislated Protection, Sui Generis Models and Ethical Access in the Transformation of Indigenous Traditional Knowledge](#) (University of British Columbia, 2006).



## CANADIAN INTELLECTUAL PROPERTY: KEY TERMS AND CONCEPTS

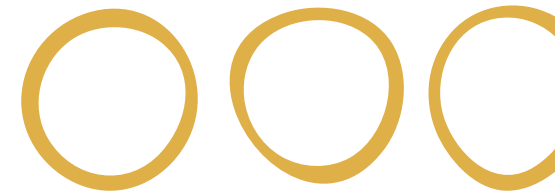
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*Around the Fall 2012, a friend of mine called me and asked if I was selling calendars in Germany. I had been talking about printing posters of my digital art online and asking friends for their opinions on what I should print. [I was] posting hi-res images on my blog for people to check out. That was a mistake, because of the online “tags” I used. It was easy to find my art, plus exhibitions, festivals, gig posters, record albums, and whatever else I did out there. It wasn’t hard to find my digital art in hi-resolution format. Which means people could print and copy really good copies of my art and sell it without my knowing or consent. This is what happened in Germany and other places as well. People used my art without my permission to make calendars, posters, postcards, prints and used it in their own presentations and whatever else without ever consulting me or paying me.*

*Thankfully in this instance, I was able to get a photo of a copy of the calendar from my friend, who found it in a German airport kiosk. I contacted the publisher who did it and asked for either a cease and desist, or a share of the revenue generated from sales. I did this through email and they apologized, stating they thought it was public domain and could use my art without permission. In the end, they didn’t want to pay me, and they scrapped the calendar and disappeared. I learned to post low-resolution images after that, and to try to digitally “watermark” my work with info embedded in the artwork. But so much is out there already, it’s impossible to keep track of, so make sure you have tight control over your art, images, and brand. People will take advantage of the fact you don’t.*

**- CHRIS BOSE**

The [Canadian Intellectual Property Office \(CIPO\)](#) serves as the administrative office that oversees the application processes for each of the five types of intellectual property flowing from the Canadian [Copyright Act](#) and [Industrial Design Act](#). CIPO is a special operating agency of Innovation, Science and Economic Development Canada. They deliver intellectual property services in Canada and educate Canadians on how to use intellectual property more effectively.





There are five types of intellectual property, each requiring different kinds of protections and considerations:

**Copyright** gives you the right to copy or present a work. In general, a copyright is the sole right to produce or reproduce a work, or a substantial part of it, in any form. It includes the right to exhibit or perform the work. If the work is unpublished, copyright includes the right to publish the work or any substantial part of it. Copyright provides protection for literary, artistic, dramatic, or musical works, and other subject matter known as performances, sound recordings, and communication signals.

**Trademarks** distinguish your product or service. A trademark may be one or a combination of words, sounds, or designs used to distinguish the goods or services of one person or organization from those of others in the marketplace.


**Patents** give you exclusive rights to your innovations. A patent is granted to you by the government. It gives you the right to exclude others from making, using, or selling your invention. Your Canadian patent applies within Canada for 20 years from the date you file the application. Patents cover new inventions (your process, machine, product, and/or composition) or any new and useful improvement to an existing invention.

**Industrial designs** relate to the visual appearance of a product. An industrial design is the visual features of shape, configuration, pattern, or ornament, or any combination of these features, applied to a finished article. For example, the shape and decoration of a piece of jewelry may involve industrial design. To be eligible for registration, your design must be original.

**Trade secrets** include any valuable business information that derives its value from secrecy. Trade secrets also include various assets such as sales methods, distribution methods, customer profiles, client lists, supplier lists, product ingredients, and formulas, etc.

*I simply just went online [for] advice and I found the intellectual property [website](#) through the Government of Canada. I went through the whole process of claiming my artwork as mine, and submitted what documents I needed [and] paid a small fee — and within about a week, I received my certification that my work was [protected by copyright] and it is. If you search my name, and you search the name of the artwork, it is protected under the Canadian copyright law.*

- ROSARY SPENCE



Unfortunately, none of these types of intellectual property specifically protects Indigenous intellectual and cultural property rights for individuals, families, and kinship groups (who have collective rights), and/or Indigenous Nations or communities (rights held and exercised by all members of an Indigenous Nation or community). It is important to distinguish between Traditional Knowledge which is held in common or by certain Knowledge Keepers entrusted by a community, and that of Indigenous artists that willingly create and share contemporary art as independent artists.

Indigenous artists enjoy the same rights as other artists. For example, copyright prohibits others from copying or exhibiting an artist's work without their permission. It also provides copyright owners with the exclusive right to earn money from the use of their work, which is how many visual artists earn a living. Contracts can help Indigenous artists protect their copyright, and other terms can also be negotiated in a contract.

Visual artists have **economic rights** in their work derived from copyright. This includes the ability to control how their work is exhibited or reproduced, by whom, and on what terms. The *Copyright Act* also protects an artist's **moral rights**, which includes: the *right of paternity* (the right to claim authorship, the right to remain anonymous, or the right to use a pseudonym or pen name); the *right of integrity* (the integrity of the work is violated if the work is distorted, mutilated, or modified in a way that is prejudicial to the honor or reputation of the author / creator); and the *right of association* (the author / creator has the right to prevent anyone from using their work in association with a product, service, cause, or institution). Civil and criminal remedies are available if these rights are infringed upon.



## SOME OPTIONS FOR THE LEGAL PROTECTION OF INDIGENOUS INTELLECTUAL PROPERTY

Legal frameworks may provide useful protections for Indigenous artists, Nations, and communities. For example, the [Igloo Tag Trademark](#) was created by the Government of Canada in 1958 and has been administered by the Inuit Art Foundation since 2017.

It is a recognized symbol of authenticity for Inuit art. The Igloo Tag Trademark was created to verify genuine artworks made by Inuit artists, and to formally distinguish them from mass-produced, fraudulent works not made by Inuit artists. In this case, a single trademark application can protect the rights of many Inuit artists, and provide collectors with greater confidence that they are not buying fake Inuit art. It is unique in its ability to provide collective protection for Inuit artists under Canadian law.

Additionally, [Appellation of Origin](#) is a special kind of geographical indication generally consisting of a geographical name or a traditional designation. It is used on products that have a specific quality or characteristics, essentially due to the geographical environment in which they are produced. So far, this type of intellectual property designation in Canada is mostly used in relation to wine. However, the definition of [Appellation of Origin](#) could be applied to Indigenous artistic traditions, practices, materials, and styles, as each is unique to different Indigenous Nations and communities, and their respective territories.





## Key Principles

CARFAC supports Indigenous communities in affirming, elaborating upon, revitalizing, and systemizing their respective laws, customs, structures, traditions, and practices. We also want to work with communities to initiate a dialogue on these issues — to spark discussions around topics of shared interest.

We suggest that Indigenous Nations and communities customize this information to suit their needs and plans. There are models in place that can guide this endeavour. For example, [OCAP®](#) (Ownership, Control, Access, Possession) is a registered trademark of the First Nations Information Governance Centre (FNIGC). The First Nations principles of OCAP® provide guidance on the standards for how First Nations data should be collected, protected, used, or shared. FNIGC offers tools to support the application of OCAP principles when anyone is conducting research with First Nations, in a way that places control under the authority of First Nations Peoples themselves.



In the following sections, you will find guidance and standards that support the rights of Indigenous Peoples to own and control their cultural expressions and heritage, through principles of:

### Respect

Indigenous Peoples have the right to own and control their heritage; which includes images, designs, stories, and other cultural expressions. Protocols vary widely across the many and diverse communities of First Nations, Inuit, and Métis Peoples.

Indigenous cultures are living and evolving entities, and Protocols are required for new situations. Applying Protocols to new and evolving circumstances requires great thought and deep understanding by everyone involved. Inappropriate or outdated perspectives and terminology must be avoided.

Indigenous visual artists come from a diversity of backgrounds. Some learn their craft from their families or a mentor, while others are self-taught and/or have received training in university or college, or other institutions. All methods of training are valued equally.

## Control

Indigenous Peoples have the right to self-determination over their cultural affairs, artistic expression, and cultural material. There are many ways in which this right can be respected in the creation, production, and public exhibition of art.

Who can give permission to use traditionally and collectively owned material? Speaking to the right people is critical, and the artists involved will be the conduits to making connections. It is advisable to reach out and begin to develop real relationships before you ask for something. The gallery, museum, or other party is responsible for locating the appropriate Indigenous authority, and to humbly seek guidance from the artists or community involved.

Many First Nations, Inuit, and Métis communities have offices who can help you locate Indigenous people with authority to speak for specific belongings and practices. Resource people may be found through local [Friendship Centres](#), the [Assembly of First Nations](#), and their [provincial / territorial counterparts](#). The Federal Government has a listing of [First Nations](#) and [Inuit](#) communities in Canada, and some provincial and territorial governments have maps of Indigenous communities in their region. Indigenous organizations like the [Inuit Art Foundation](#) or [First Peoples Cultural Council](#) may provide similar information in greater detail. For example, the [First Peoples' Map of British Columbia](#) provides Indigenous community-generated information about the 34 languages, arts, heritage, and communities in all regions of that province.

## Communication and Consent

Consent is necessary for the reproduction of Indigenous visual arts, and if traditional communal designs are used, consent may be required from Elders or Knowledge Keepers.

True consent must be informed, which means that people must be provided with the necessary information and then given time to consider the requests made of them. Decisions should not be rushed. Sensitive content, such as secret and sacred material, requires special communication procedures that should be ascertained first. Engagement may take time. Decision makers have the freedom to say no, and that decision must be respected.

There may be one or more groups that have custodianship of an image or other traditional belongings. Communication with, and consent from, each identified group should be sought. If consensus is required and cannot be reached, projects should be reconsidered.

Indigenous Protocols vary from community to community, and even if they are geographically close, there may be significant differences in cultural practices and language. It is important to do the necessary research and gain a base level of understanding about the communities you are approaching. Consent is required from all parties involved.

If an Indigenous artist is asked to collaborate with another artist, a group of artists, or an organization, it is essential to establish consent, copyright ownership, and a communication Protocol at the start of the project. Seeking consent will be a learning experience. Even if the project is not approved, knowledge, trust, and goodwill can be gained for future projects.



## Integrity and Authenticity

First Nations, Inuit, and Métis artists and their communities should have control over how their cultural heritage is presented. The presentation of a work includes its interpretation and cultural context, and consideration of its integrity and authenticity.

As Indigenous Peoples re-assert and reclaim control over their cultural heritage, Indigenous interpretation of the material illuminates the cultural significance of the work. The artist, Nation, and/or community should be given the opportunity to interpret their own work, and to influence its presentation.

It is important to ascertain if the subject matter of the work is suitable for the proposed use. For example, it is not acceptable to publicly share sacred or secret material. 'Sacred and secret' refers to information, methods, or belongings that are only available to the initiated; to be used for a particular purpose; to be used at a particular time; or only to be seen and/or heard by a particular group. This material is not suitable for commodification.



Part of the learning process for some emerging artists that are not from a community is how do they engage with that community, and if they even know what they can or cannot do with specific stories or images. You need to know what can or cannot be adapted or used.

- MARJORIE BEAUCAGE



## Protocols and Guidelines

The next three sections provide easy-to-follow guidelines about Indigenous Protocols and intellectual property rights. Key questions are provided to encourage meaningful reflection at the end of each section.

### SECTION 1 — PATHWAYS FOR INDIGENOUS NATIONS, COMMUNITIES, AND FAMILIES

This section offers advice to Indigenous Nations and communities, regarding pathways to protecting their respective intellectual property rights, and recognizing that the starting place on those pathways may vary from one community, or individual, to the next. The goal is to support their Nation or community's artists and artistic traditions.

Individual First Nations, Inuit, and Métis artists are connected through their respective families and kinship groups in their Nation or community. As such, the Protocols described in Section 1 also apply to Indigenous artists, who often face challenges when navigating complex circumstances when sharing their work. This section may also provide insight for non-Indigenous audiences wishing to engage with Indigenous communities.



### Considerations Related to Respect

For decades many Indigenous artists, Nations, and communities have worked to revitalize and rebuild structures and systems to reaffirm their Protocols, even though their laws, traditions, and customs may have been significantly disrupted because of colonization.

Current intellectual property language and vocabulary are framed by colonial assumptions, biases, and practices. Indigenous Peoples are set up to be in the position of reacting to the colonial perspective, structures, and actions, rather than being positioned at the centre, as experts who set the terms for the conversation. As such, a renewed discourse must be encouraged and supported, which comes from Indigenous Peoples and their respective laws, traditions, and customs.



Local and regional entities may be established or better resourced to support Indigenous artists, Knowledge Keepers, historians, and language speakers, to ensure the artistic histories, disciplines, and practices are transferred to future generations. This may include reviewing current organizational models (i.e. not-for profit societies, co-operative associations, collectives, community committees) through the lens of Indigenous traditional laws, systems, and structures, to imagine new, relevant arts and culture infrastructures.

### Considerations Related to Control

Consistent with UN Declaration, Article 11, First Nations, Inuit, and Métis Nations and communities have the right to define, elaborate upon, and affirm the nature of intellectual property amongst their respective communities based on their laws, traditions, and customs. This includes collective or shared rights, and the historic structures and systems that continue to be practiced (or need to be revitalized). These structures and systems inform and shape the way families and communities exercise and affirm their rights, in support of their arts, culture, and heritage.

Some communities might be in the early stages of reviving and clearly articulating their Nation's or community's traditional laws regarding arts, culture, heritage, and language, and it may be a challenge for some communities. Several actions can be

taken by Indigenous Nations and communities to work towards implementation, but it will start with conversations and discussions amongst the Knowledge Keepers, artists, and language and heritage champions.

Basing organizational infrastructures on Traditional Knowledge and governance models presents an opportunity to depart from colonial models of organization, and to instead develop organizations that are relevant to the needs of the Nation, community, and artists. Training and professional development for organizational leadership is central to understanding how traditional yet innovative organizational structures can be shaped and managed.

### Considerations Related to Communications and Consent

An important first step in communication, engagement, negotiation, and consent is Protocol. That is, determining the best way to organize formal discussions and agreements with arts, culture, heritage, and language Knowledge Keepers and practitioners, and between Indigenous Nations, specific communities, and their governments or other parties.

Communities often assert their claims to territory, intellectual property, and other belongings by referencing Oral Traditions and other declarations.



Geographic indicators, also known as Appellation of Origin, may include imagery or aesthetics that are unique to a region, Nation, or community. For example, ovoid, split U, crescent, and copper shield shapes are unique to specific Nations along the northern Pacific Coast, from current day Washington State to Alaska. Works containing these forms belong to, and are created by, artists of these particular Nations and communities. All works whose stories, legends, or artist statements are derived from a Nation's or family's histories are also geographic indicators, as their origins are intrinsically connected to a specific geographic area, and their inherent rights should be protected.

Each Nation or community has parameters about what is acceptable to share and what is not to be shared publicly. It is important to clarify whether belongings that may have been created only for use in ceremony or as part of the training within secret societies are being inadvertently displayed or inappropriately

labeled or exhibited. Some materials may only be viewed and handled by initiates of a secret society. Artists have a responsibility to be informed. Through their relationships, artists need to be able to access this information so that they can make sound decisions and act accordingly.

It is important that interpreters and translators be provided, particularly for international Indigenous discussions. Additionally, language and geographic diversity are connected, and it is necessary to ensure that various dialect groups are also consulted and provide consent, as their geographic and cultural differences, and unique Protocols, need to be respected.

### Considerations Related to Integrity and Authenticity

In this guide, 'authenticity' refers to the cultural provenance of an artwork: who made the work, and was it produced with proper regard to Indigenous customary law?

Each Indigenous Nation and community has its own definitions and relationships to their cultural materials and artistic traditions, so it is important that each community takes a lead role in describing their belongings. From there, it is important to ensure this is part of any declaration or agreement, and that approved information about cultural material is public, to ensure the public does not inadvertently misappropriate or misuse it.

When members of a secret society or Traditional Practitioners are caring for belongings that may remain within a museum, gallery, university, or private collection, society members need to be assured personal privacy to carry out their responsibilities. These are practices that are not intended for public viewing.

It is inappropriate to use Indigenous languages and imagery for non-Indigenous marketing campaigns, products, and services without permission. This is particularly true when the word, phrase, and/or imagery are intended only for secret, sacred, and/or ceremonial purposes.

When Indigenous art or belongings are exhibited, care must be given to ensure there is thorough and accurate attribution to an artist and their Nation or community. Where the artist is not known, this should be stated. For contemporary works, this should be straightforward, with appropriate attributions and artist statement provided.

In instances where attribution can be made, the artist's copyright / trademark / patent / industrial design / trade secret and/or geographic indicator must be indicated.

#### Key questions for Indigenous Nations / communities to consider:

- Is the work, and other similar works, communally owned?
- Is the work clearly based on traditions from the artist / artist's culture?
- Does the work involve cultural considerations that determine ownership and/or stewardship across your community or Nation?
- Is the work created with materials or histories from the land (i.e., historic and current geographical locations)?
- Can the community experts identify the artist who created the work?

#### Key questions for Indigenous families to consider:

- Is the work your family's particular style?
- Is the work based on traditions or histories from your family, specifically?
- Are there teachings intended only for artists in your Nation or community?
- Is the work based on a form of shared ownership or stewardship within your family / extended family?
- Is the work created with materials or histories from the land (i.e., your Nation / community's historic and current geographical locations)?

## SECTION 2 — PATHWAYS FOR INDIGENOUS ARTISTS

This section is designed for First Nations, Inuit, and Métis artists, to consider their rights and responsibilities regarding the use of traditional and contemporary imagery in their work. It may also be useful for anyone who wishes to work or collaborate with an Indigenous artist.

It is important to define the scope of artistic genre and applicable mediums, for the purpose of this resource. There is a wide range of traditional (customary) and contemporary art (living cultures) created by Indigenous artists, and it is necessary to keep in mind that, within their respective contexts, these can be interwoven and therefore regarded as individual and/or interdisciplinary genres, including:

1. visual art
2. dance
3. music
4. storytelling / literature
5. theatre
6. performance art
7. video / filmmaking
8. augmented / virtual reality

This resource focuses on the visual arts. Traditional and contemporary Indigenous visual arts include, but are not limited to, the following mediums:

sculpture / carving: wood, stone, etc.	film / video	printmaking
jewelry making	ceramics	drawing / illustration / animation
hides, including drum-making	weaving: bark, cedar, roots, etc.	fish scales
glass / metal art	bark biting	beadwork
textiles, including wool weaving	photography	digital art
tattooing	furs / quillwork / hair tufting	land-based art
	painting	embroidery

Indigenous art is increasingly recognized by non-Indigenous institutions and funders as fine art, craft, handiwork, and high art, after being regarded as 'artifact' or 'object' by non-Indigenous explorers and academics until recently.

Indigenous artists should be thoughtful when placing a monetary value on their work, and be wary of undervaluing their creations and designs. Artists should take care to research the market, talk to a trusted and knowledgeable person, and be self-aware, regarding their skill level and abilities when pricing their work for sale.

## Considerations Related to Respect

Artists affirm their unique roles, responsibilities, obligations, and duties through their artistic works, and their contributions and involvement in the community, cultural gatherings, and artistic practice overall. All Indigenous artists are responsible for safeguarding Cultural Knowledge that they use in their work. They need to reflect on how they are reciprocating and contributing to the protection of that Knowledge, so it is nourished for the benefit of past and future generations.

Through their artistic training, Indigenous artists also take on the roles, responsibilities, obligations, and duties associated with being an artist. They must remain conscious of their rights related to their duties and obligations to their families, Nations, and communities. They must also ask themselves what independent rights they have now, exercised in the world of modern / contemporary art and commerce.

## Considerations Related to Control

Each First Nation, Inuit, and Métis Nation or community has unique artistic genres, styles, aesthetics, practices, materials, and overall disciplines that originate from their respective lands. Much like Indigenous languages, traditional art practices are informed by the natural world, and they are intimately connected to those places from one generation to the next since time immemorial.

Indigenous artists making traditional customary art, and Indigenous artists making contemporary art that references Indigenous form or content, are responsible for safeguarding Cultural Knowledge.

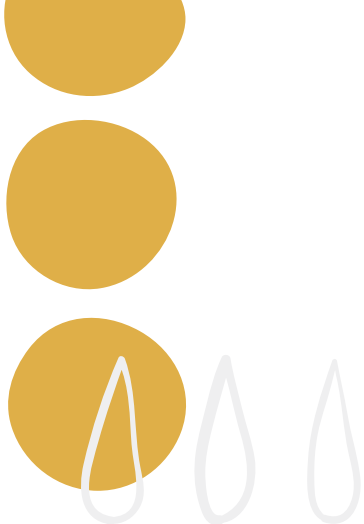
## Considerations Related to Communications and Consent

Within some Indigenous Nations, the laws, customs, traditions, and practices relating to creation and artistic disciplines were managed through special societies, each respecting and reflecting the principles and governance structures of the Nation, while contributing to the needs of people through their respective creations.

Re-affirming and revitalizing special artists' societies could be a necessary and important aspect of ensuring the traditional artistic disciplines, practices, standards of excellence, and associated rites are transferred to future generations. This would also create opportunities for sharing and encourage dialogue on current matters that impact artists. This would contribute to a network at local, regional, national, and international levels that will remain active in discussions around intellectual and cultural property, and more.

*When a person seeks questions for that Knowledge, they can be passive observers. They have to be willing to participate in whatever's happening. They have to be willing to listen. That is one of the most key things — to be able to listen, and listen without thinking about a response... because sometimes the Elders, when they speak, you ask them a question, then they're not gonna tell you right away. They're going to tell you a story. And in that story, there'll be an answer, but you just have to wait and listen for it.*

- WILFRED BUCK



### Considerations Related to Integrity and Authenticity

While some Indigenous artists make customary art meant to continue a specific tradition that they are entitled to participate in, others may instead use non-traditional material and make no reference to traditional culture. If they do cite their culture in a manner that might infringe on community moral rights, they are obliged to seek permission. It is not acceptable to copy styles or images from other Indigenous artists, Nations, or communities.

When non-Indigenous people misrepresent themselves as Indigenous, that is fraud. An Indigenous artist is a First Nations, Inuit, and/or Métis person who identifies and has been accepted as such by their Nation or Indigenous community of origin as well as the Nation / community in which they live. Some people are working to rebuild relationships because of historical alienation from the home community. This resource does not offer guidance for verifying identity claims. It is advisable to privately discuss the matter with an Indigenous person with authority, such as a community member, Elder, or Knowledge Keeper, from the Nation or community that the artist claims to be from.

### Key questions for Indigenous artists to consider:

- Is your work an original creation or invention based on your own ideas?
- Is your work based on traditions from your own Nation, community, or family? Are those connections and relationships clear?
- Are there teachings intended only for artists in your own Nation, community, or family?
- Does your work involve any sacred or secret content?
- Is the work based on a form of shared ownership or stewardship practiced by your Nation or community?
- Is the work created with materials or histories from the land and current geographical locations?
- If you intend to break or bend a Protocol, have you consulted with an Elder or Knowledge Keeper about the consequences?



## SECTION 3 — PATHWAYS FOR NON-INDIGENOUS AUDIENCES WHO WANT TO ENGAGE WITH INDIGENOUS COMMUNITIES

This section of the resource applies to various non-Indigenous audiences, and it is intended to build understanding and respect between Indigenous and non-Indigenous artistic communities. Settlers in Canada need information about who has the right to reproduce, present, and reference Indigenous images, stories, and symbols.

**Non-Indigenous** artists must be well informed and introspective about what they should and should not do with certain images, forms, and artistic styles. Most Settlers know and accept that it is fraudulent to pass their work off as Indigenous. However, some artists are unaware of what kinds of image uses are not respectful and what may be off-limits. Others do not accept that cultural appropriation is immoral, disrespectful, and potentially illegal. More education is needed in this regard, especially at the earliest stages of an artist's development.

**Federal, provincial, territorial, and municipal governments** must support the revitalization and formal instatement of relevant Indigenous organizational and governance infrastructure. This will ensure Indigenous artists, and Traditional Knowledge Keepers and Practitioners have the supports they need to protect individual and collective / communal cultural and intellectual property.

All **businesses**, from sole proprietorships to corporations, need information on neighboring Indigenous Nations' declarations, laws, and customs related to intellectual property, and methods to ensure these are honored and respected. Many **organizations, including public museums and galleries**, also need this information, particularly when seeking to collaborate or partner with neighboring Indigenous artists and/or communities.

**Public education** about Indigenous art and the rights of Indigenous artists is long overdue. One of the reasons people appropriate Indigenous art forms, and related imagery and ideas, is that they are simply not aware that this is illegal and/or unethical. Public schools and post-secondary institutions also need to include classes and/or workshops about copyright, intellectual property rights, and the rights of the artist.





### Considerations Related to Respect

The visual arts sector can adopt a 'best practice' approach by encouraging respect for Indigenous cultures. They can do this by acknowledging their innate value, their difference from other cultures, and by respecting Indigenous ownership and control of Indigenous heritage.

When organizing an exhibition or event, it is respectful to provide an acknowledgement of the territory / territories and stewards of that land. A land or territory acknowledgment is a way that people insert an awareness of Indigenous presence and land rights in everyday life. Land acknowledgments are done at the beginning of events, ceremonies, lectures, and public gatherings. The land or territory acknowledgement is said by the first person who speaks at an opening of an event or ceremony, as a way to recognize the Indigenous Peoples of the land the event is taking place on.

An Elder or Knowledge Keeper may be invited to assist with the official opening of events. This must be done in a good way, and within the Protocols established by the Nation or community where the event is to take place. It is respectful for others speaking officially at an event, such as an organizational host or master of ceremonies, to also acknowledge the territory and custodians at the site of the event. What can often be forgotten or missed is the closing of an event. It is important to ensure the event is closed in a traditional way. The closing is also done by the same Elder who conducted the opening ceremony.

It is good practice to seek prior input and approval from an Indigenous Nation or community when installing / placing art on their lands. With respect to public art, ensure the planning process begins with the involvement, guidance, direction, and advice of the local First Nation, Inuit, and/or Métis Nation(s) or communities.

Seek advice from the local Indigenous Nation(s) or community regarding local Protocols, including the preferred manner of acknowledgement and the relevant groups to be acknowledged. Protocols regarding offering gifts or honorariums may vary from one Nation or community to another. For example, not all Elders accept tobacco. It is recommended practice to contact the local First Nation, community Elders, or Knowledge Keepers. Indigenous arts organizations, or a tourism office in the area where an event or activity is to take place, or where an artwork originates, might be a good starting point to initiate inquiries for engagement or consent. A contact list of organizations is provided under [Library](#).

*When an organization wants to speak with an Elder, they would pass tobacco. And they say 'here's \$100 to come and speak'. They have thousands of dollars for a speaker to come in and do a workshop with them, and meanwhile they are giving \$100 to an Elder to do basically the same thing. So I've been telling people your \$100 is not going to cut it no more. It's not just tobacco and \$100. Some people who are inviting Elders out are also dividing the tobacco into little tiny pouches, so instead of a pouch of tobacco, you get this tiny little thing in a Ziploc bag, and maybe a tiny piece of cloth attached to it. That, to me, is totally disrespecting the initial encounter of inviting an Elder to open or close an event and offer an opening statement.*

- WILFRED BUCK

### Considerations Related to Control: Indigenous Sovereignty

Examples of projects that could promote Indigenous control and leadership, either independently or in collaboration with others, may include a community arts project initiated and managed by an Indigenous arts organization, the commission of new work from Indigenous artists, an exhibition developed and managed by an Indigenous curator, a large-scale visual arts conference steered by an Indigenous advisory group, or an Indigenous Elders' committee appointed to oversee and interpret an art collection at a gallery, museum, or cultural centre.

When hosting exhibitions of Indigenous artists' work, it is important to involve and really listen to an Indigenous curator, consultant, and/or advisory group, and the artists. This will inform decisions about how to exhibit, interpret, and promote the work. To gain a working knowledge of what is appropriate, consultation with the artist, the local community, and/or an Indigenous curator is recommended. If the artist is deceased, the artist's family or community must be consulted so that the appropriate Protocols are observed.

If you are not Indigenous, and/or your institution / organization is primarily non-Indigenous, it is important to establish your goals when working with an Indigenous artist, Nation, or community. Consider who you are employing, consulting, and collaborating with, and how Indigenous sovereignty will be recognized and affirmed.

Respect the artist's copyright. Artists retain their copyright, even after they sell or donate their work, unless they sign it away. The buyer owns the artwork but generally does not own the intellectual property associated with it. The artist has economic and moral rights attached to their work. This means the artist retains the rights to grant or withhold permission to publicly exhibit or reproduce it, and to be paid for any uses. For collaborative works, the collaborating artists share copyright. In Canada, copyright protection exists for the life of the artist and for 50 years after their death.



Indigenous artists must be paid as professionals according to (or ideally above) the [CARFAC-RAAV Minimum Recommended Fee Schedule](#) for exhibitions, reproductions, and other professional services. Discuss issues such as payment, transport, childcare, and other services when arranging speaking engagements, consultation meetings, and installation of the work. When commissioning artworks, fees should be paid to artists at the appropriate industry rate, and parties should discuss and develop clear agreements related to copyright ownership upfront.

If the Indigenous artist is present at an exhibition of their works, it is an essential courtesy to acknowledge them publicly, and to offer them all applicable royalties and artist fees, hospitality, and support. This is particularly important if they have travelled to the exhibition and are in an unfamiliar environment, or from a remote community. Senior and Elder artists may require a travel companion. Allow the Indigenous artist and/or a relevant community representative to interpret and present their own stories, texts, and biographies. If you want to exhibit a work from a public or private collection, permission must be obtained and royalties paid, unless otherwise agreed to.

Museums and galleries provide opportunities for artists' work to be purchased for their permanent collections. Many museums and art galleries have developed policies for the acquisition and display of their Indigenous art collections. Some, like the Royal BC Museum and the Haida Gwaii Museum at K̓ay Llnagaay, have also developed

a [handbook](#) to support planning for the repatriation of traditional cultural objects and ancestral remains held in their collection.

Many Indigenous communities have concern about the use of their images in photographs. It is courteous to ask an artist's permission to photograph them at events, and to use their image, especially for wide promotions on social media or elsewhere on the internet. Care should also be taken to honour the artist's or Nation's Protocols related to photographs of the deceased.

### Considerations Related to Communication and Consent

Indigenous artists, especially those in remote communities, may require interpreters. Ask the artist or their representative if they require translation. If it is required, ask them to identify a suitable person to translate, and pay them for their services.

When engaging with Indigenous communities, avoid tokenism and work to establish real relationships and meaningful involvement. When collaborating with Indigenous artists, ensure that it is a true collaboration with equitable benefits to each artist, and establish a Protocol for the long-term control and use of the works, including copyright ownership of the works produced. When using traditional and communally owned photographic images, consider a fair balance of the rights of the photographer with the subjects or content in the photograph.

When seeking consent:

- allow time (perhaps more than one meeting) for communication of a proposal;
- allow time for a decision to be considered and made;
- remember that decisions will be made on other bases than the ones brought from outside the community, and different types of knowledge operating in Indigenous communities may conflict with the requirements of a project;
- be prepared to take 'no' for an answer, and don't take it personally;
- respect the views of everyone in a community; and
- ensure that consent comes from the appropriate rightsholder(s) for a particular activity or project.

Always obtain a clear understanding of the appropriate use of cultural expressions when working in partnership or collaboration with Indigenous artists and Nations or communities. Some Indigenous cultural material is not suitable for wide dissemination on the grounds of secrecy and confidentiality. Those putting together arts projects must first discuss any restrictions on use with the relevant Indigenous groups. Protocol may prevent some Indigenous cultural belongings or Knowledge to be disclosed.

## Considerations Related to Integrity and Authenticity

When reproducing Indigenous works, discuss the context of reproduction and any proposed material alterations first with the artist. Be prepared to change your proposed use if the Indigenous artist, Nation, or community do not agree with the proposed alteration or use.

Authenticity is a major concern in the Indigenous arts sector. It is offensive for Indigenous Peoples to see their cultural heritage copied by non-Indigenous artists with no attachment or belonging to their culture. This is especially true when it is available for commercial profit and when items compete with their own markets and audiences.



Authenticity of a work should be verified by an appropriate authority. The rise in demand for Indigenous art has led to many rip-off practices including, for example:

- production of paintings in the Ojibway Woodlands style by non-Indigenous artists that are passed off as 'First Nations art;'
- production and sale of a Métis sash by someone who is not verified but advertised as Métis;
- mass-production and importation of beaded moccasins by non-Indigenous people or businesses, which are then marketed and sold as authentic Indigenous products; or
- the inappropriate use of the Inukshuk by graphic designers for a corporate logo.

These practices of misappropriation undermine the authenticity of Indigenous arts and rob Indigenous artists and their communities of artistic opportunities and income.

For businesses and organizations marketing Indigenous art, respecting authenticity and integrity of works is a priority. It is important for the artist to be fully informed about the use of their works, including reproductions and use of biographical material and text. It is necessary to ensure that appropriate attribution is given to Indigenous groups, and that the integrity of the work is respected by observing relevant Indigenous Protocols.

Best practices for galleries and retailers who sell Indigenous art need to be articulated. It should include recommendations on

appropriate ways to display and sell Indigenous art, and ensure proper certification and labelling of authentic arts and crafts. The [Inuit Art Foundation's Igloo Tag program](#) and the [Indigenous Art Code in Australia](#) are good examples of codes of conduct that already exist.

*Cultural appropriation, or the “misappropriation” of culture, is a concept dealing with the representation of cultural elements, in part or explicitly, from a minority culture by members of a dominant culture. It is distinguished from cultural exchanges due to the imbalance of power and a lack of consent from both groups. Cultural appropriation occurs when privilege goes unchecked, violating collective intellectual property rights of an originating, minority culture. It is often a by-product of colonialism and oppression, commonly referenced by Indigenous cultures living under colonial rule. An individual is committing an act of cultural appropriation when they depict any other cultural group's traditions, fashion, symbols, language, and songs, or when then attempt to represent the views, beliefs, or ideologies of a culture they are not part of themselves. This is done often without any understanding of the original cultural context and against the expressly stated wishes of members of the originating culture.*

- CLAYTON WINDATT

### Key questions to consider when planning an exhibition or using Indigenous cultural material:

- Do you recognize and affirm the rights of Indigenous Peoples to own and control their culture?
- Do you recognize and affirm that Indigenous Knowledge, lifeways, and customary laws should be respected in contemporary artistic and cultural life?
- Do you understand that Indigenous cultures are living cultures, and that the diversity of those cultures must be acknowledged and respected?
- Are Indigenous people, including artists, curators, and communities, involved in all stages of the project?

### If your answer is yes, continue, and consider your potential biases or blind spots:

- Is your project team entirely or mostly non-Indigenous?
- Is there a likelihood that the project could include fraudulent elements, such as fake Indigenous art, people claiming to be Indigenous who are not confirmed by their community, and/or the sharing of secret or sacred belongings, methods, or knowledge?
- Is there opposition from an Indigenous artist, or from a community that may be affected by your project?
- Do you propose to expose confidential, personal, or sensitive material?
- Does the project reinforce negative stereotypes?
- If an artist feels the necessity to break or bend a Protocol, and you choose to exhibit the work, what measures have you taken to explain, defend, or mitigate the choice with affected Indigenous people?

**If your answer to any of these questions is yes, stop, and consider whether the underlying rationale for your project benefits you more than the Indigenous artist and/or community. If you want to try again, commit to doing so with greater care and respect for Indigenous Protocols and ensuring they are central to your plans.**

**If you are confident you are moving forward in the spirit of respect and good faith, consider working with an Indigenous consultant to help you learn more and navigate through the following questions:**

- Have you contacted the First Nation, Inuit, and/or Métis Nations / communities on whose land the project is to take place? Do you nurture an ongoing relationship with them?
- Have you correctly identified and contacted the relevant Indigenous people with authority, for geographic locations and areas of practice being engaged, by consulting with Indigenous artists and/or organizations?
- Have you discussed the implications of consent with Indigenous people involved in the project?
- Have you discussed control and use of the works to be used, including copyright ownership, payment, and attribution?
- Do you know what you do / do not have permission for?

**If your answer is yes, then you are on the right path. If not, reflect on potential barriers and start again, or do not proceed.**







## Conclusion and Calls to Action

The Protocols in this guide are not definitive, but you can use them to develop policies for your visual arts project, program, or practice. Further work is required to offer greater understanding and compliance, and to advocate for better policies and legislative change that respect Indigenous artists and communities. The following recommendations demonstrate CARFAC's commitment to the long-term goals of this initiative.

1. We respect the need to recognize and follow Indigenous Protocols. We also acknowledge that the current Canadian legal system does not adequately protect Indigenous intellectual and cultural property. Despite this current reality, we affirm that Indigenous Peoples retain an inherent right to their individual and collective rights.

We call on the Canadian Federal Government to adopt stronger legislative protection for Indigenous intellectual property and cultural expressions, which may be achieved in various ways, such as:

- the adoption of the United Nations Declaration of the Rights of Indigenous Peoples; and
- amendments to the Canadian *Copyright Act* to include Traditional Knowledge and other provisions to better protect Indigenous intellectual property and cultural expressions.

2. We recognize and support the empowerment of Indigenous Nations, communities, and families to articulate and assert their own cultural Protocols. They should be engaged to

ensure guidelines can be continually developed as changes in legislation, policies, and practices unfold.

3. Governments should adequately fund Indigenous-run organizations that support Indigenous artists and Traditional Knowledge Keepers. This may include the establishment of an Indigenous branch of CARFAC, or an independent organization, working together as true partners with similar goals and commitments.
4. We recognize and support the need to share more information and resources for Indigenous and non-Indigenous artists and communities about their rights and responsibilities as it applies to Indigenous Protocols and intellectual property. We commit to participating in continued conversations about these issues and revising these guidelines as a living document, under the guidance of an Indigenous Advisory Circle.
5. We call on organizations, businesses, and governments to develop policies to follow Indigenous Protocols (laws and customs), as they relate to the use of visual art and cultural expressions. CARFAC will continue to support the development of toolkit materials and templates, based on community input and need. This may eventually include a package of workshops on Protocols for Indigenous and non-Indigenous audiences, a curriculum package with templates for teachers, a Community Mapping Handbook, and more.



## ADDITIONAL RESOURCES

Additional resources are available at [IndigenousProtocols.art](https://IndigenousProtocols.art).

For example, we offer a series of podcast interviews, in our efforts to share as many voices and perspectives as possible. For communities where online access is not practical, other formats can be obtained free of charge by calling toll-free: 866-344-6161, or by request at: [outreach@carfac.ca](mailto:outreach@carfac.ca).

## ACKNOWLEDGEMENTS

We offer our sincere thanks to the members of the Advisory Circle for their time, expertise, and guidance: Tracey Kim Bonneau, Audrey Dreaver, David Garneau, John G. Hampton, Angela Marston, Lou-ann Neel, Sarah Timewell, Theresie Tungilik, Camille Georgeson-Usher, Clayton Windatt, and Bryan Winters. Additional participants were invited to review, comment, and/or edit drafts of the materials, and they include: Jason Baerg, Lori Beavis, Chris Bose, Michel Boutin, Cathi Charles Wherry, Rebecca MacKenzie, Monique Manatch, Adam Martin, and Daina Warren. Their feedback and recommendations helped to shape this living document as a resource. We are also grateful for the advice and written contributions provided by the Australia Council for the Arts and Robert Joseph from Indigenous Corporate Training.

To compliment the written materials in the toolkit, one-on-one interviews were commissioned as a podcast series. Many of the quotes throughout this document are excerpts from the podcast interviews. We thank all participants for generously sharing their stories: Merle C. Alexander, Marjorie Beaucage, Wilfred Buck, David Garneau, Christine Kirouac, Blandina Attaarjuaq Makkik, Lou-ann Neel, Alys Procida, Rosary Spence, and Camille Georgeson-Usher.

Lou-ann Neel was contracted to facilitate the discussion at the first Advisory Circle meeting, and to conduct research, compile, and prepare the contents of this resource guide. Lou-ann has been an active volunteer in the Indigenous arts community for the past 40 years, specializing in copyright and intellectual property rights of Indigenous artists, their families, communities, and Nations.

Liz Barron was hired in 2020 as Project Manager to produce a [podcast series](#), to convene Advisory Circle meetings, and to facilitate public information sessions. As a consultant, Liz has been dedicated to building strategies and programs that target, motivate, and engage Indigenous artists and organizations for over 25 years.

Additional administrative support has been provided by Nicole Laurendeau as Community Outreach Coordinator and Emma Burry as Online Content Coordinator. CARFAC's Executive Director April Britski, and editors Nadine Ryan and Autumn Jonssen, provided substantive editing and proofreading assistance. Graphic designer Michaela Benoit developed the design and branding for the project, and Shelby Millwater developed the project website.

## Remembering Dr. Gregory Younging

This initiative is very much informed by the work that Dr. Gregory Younging contributed as a leading expert in intellectual property, and an advocate for Indigenous Knowledge and Traditional Cultural Expressions. Greg was immensely generous with his time and expertise. He was supportive of our initiative and he was influential in its early development. CARFAC worked with him to deliver several presentations for artists on Traditional Knowledge and cultural appropriation, and in 2018 we asked if he would be interested in developing a public education strategy on these issues within the visual arts sector. He recommended that we develop a resource guide, or toolkit, on Indigenous Protocols, and he expressed his interest in being involved. Like many who were honoured to know Greg, I have simultaneously felt his absence and his presence since his passing and especially as this project has moved forward. I will always be grateful for his leadership, his kindness, and his mentorship.

- APRIL BRITSKI, NATIONAL EXECUTIVE DIRECTOR OF CARFAC



## Wey' xast xl xalt i7 p isnqsilxw

It comes with the highest honor and respect that I humbly share a few words in remembrance of my friend Dr. Gregory Younging, one of Turtle Island's most brilliant Indigenous Scholars. Greg was a member of the Opaskwayak Cree Nation in northern Manitoba. I met Greg on June 8 in 1987 at the first World Conference of Indigenous People on Education at the University of British Columbia, located on the traditional, ancestral, and unceded territory of the Musqueam people in Vancouver, BC. Over 1,500 delegates from 17 countries attended this conference. The sun was incredibly radiant that day, I recall how bright his young, shy eyes shone as he nervously approached my mother Jeannette Armstrong and introduced himself. The softness of his voice was comforting. He explained he was a young writer and student at Carleton University in Ontario, and he invited my mom to Carleton to speak with the Indigenous students and discuss her poignant novel *Slash*.

It was three years later, in 1990, at the height of the Oka Crisis in Kanesatake, that Greg's passion as a writer led him to settle his roots within the En'owkin Centre. The En'owkin Centre is located in my birthplace: Penticton B.C, the traditional, ancestral, and unceded territory of our syilx nation. Greg was hired as the managing editor for Theytus Books Ltd., and, during that time, he published many editions of the Gatherings Journals. Greg

soon became a trusted family member of the En'owkin Centre and community friend. On many occasions Greg was invited to our ceremonies, and he met several Traditional Knowledge Keepers during our food feasts and sacred storytelling fires.

Over the next 25 years, Greg and I would spend countless hours together, organizing grassroots advocacy events. We hosted land-based meetings, writers' workshops, conferences, and critical discussion circles, focusing on the many ways we could educate ourselves and assert our rights as Indigenous artists. Greg was guided by his passion to make things right, when it came to the protection of our intellectual property and rights as Indigenous Peoples. He spent the majority of his adult life researching the gross injustices involving our People's rights — which later became the thesis of his dissertation, that he defended so honorably. Befittingly, Greg was asked to represent our people on world councils, commissions, and grassroots committees.

I miss my friend; he was like a brother. He is with the star people and the time he spent with us was truly a gift for all of us.

Wey' limlæmt.

- TRACEY KIM BONNEAU



INDIGENOUS  
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