



# IPinCH

Intellectual Property Issues in Cultural Heritage:  
Theory, Practice, Policy, Ethics

IPinCH Newsletter Vol 4.1 (Winter 2013)



The Ross River Drummers (Kaska) get the audience moving at the 2012 Moosehide Gathering, the biannual cultural celebration hosted by the Tr'ondek Hwëch'in First Nation at Moosehide Village near Dawson City, Yukon. Photo: Jo Anne Lauder / Cathy Bell.

## Secwepemc Territorial Authority Gathering

by Brian Noble (Dalhousie University), Arthur Manuel (Neskonlith, Indigenous Network on Economies and Trade), and Emma Feltes

On November 23rd and 24th, IPinCH's Secwepemc Territorial Authority case study came to fruition in a historic gathering that brought together Secwepemc land defenders with several of Canada's leading scholars on Indigenous Peoples' rights and relations. Over the course of two days spent at Quaaout Lodge in Skwłax (Little Shuswap Indian Band) Territory, near Chase, British Columbia, this unique collaboration addressed some of the most pressing challenges facing the Secwepemc peoples today through a dynamic, evolving, and genuine dialogue.

The group of about 25 included elders, ceremonial leaders, elected chiefs and councilors, activists, and others who practice and defend Secwepemc heritage, as well as allies from Syilx Territory (Okanagan). The Secwepemc joined in conversation with a selection of Canada's highly distinguished anthropologists, archaeologists, legal scholars, and political thinkers working in the realm of Indigenous rights and relations between Indigenous peoples and settlers in Canada. They were brought together by project leaders and co-facilitators Dr. Brian Noble, Dalhousie University professor of Social Anthropology and IPinCH affiliate, and Arthur Manuel, former Chief of Neskonlith Indian Band and spokesman for the Indigenous Network on Economies and Trade.

It was a bold experiment from the outset, dodging any set objectives in favour of allowing the discussion to unfold genuinely and move the gathering in the right directions. This meant putting a lot of trust in the people in the room to fully engage with this alternative method of research, build

.....see "Secwepemc," page 7

## Listening and Learning about Yukon First Nation Heritage Values

by YFN Case Study Team

This summer, in collaboration with our community partners Champagne & Aishihik First Nations (CAFN), the Carcross-Tagish First Nation (CTFN) and the Ta'an Kwach'an Council (TKC), IPinCH team members Catherine Bell and Sheila Greer travelled across the Yukon conducting focus

groups and participating in formal and informal discussions with Yukon First Nations (YFN) youth, elders, community members and heritage staff, seeking insight into what the concept of 'heritage' means to YFN communities and how heritage resources can be managed in such a way as to reflect and respect their values. JoAnne Lauder, a long-time friend of Catherine, came along to record the meetings. Throughout the journey the team was met with incredible hospitality, generosity of spirit and support by YFN citizens. Research partners Heather Jones (CTFN), Paula Banks (CAFN), Betsy Jackson (TKC), and Jodie Beamont (Tr'ondek Hwëch'in, THFN) worked tremendously hard to ensure all needs were met and also attended various sessions.

Following the settlement of their respective land claim and self-government agreements, Yukon First Nations own and have responsibility for man-

.....see "Listening and Learning," page 8

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# Moving IPinCH Forward: Setting Priorities, Making Plans

Over the past few months, the IPinCH Steering Committee has been working hard to establish priorities and to make and implement plans for the remaining years of the project. This work, coordinated by an ad-hoc 'Priorities + Planning' committee, began in earnest at the Steering Committee retreat in August and continued through the fall, culminating in a two-day planning meeting held in Vancouver November 30 and December 1. The priorities and plans described below summarize the outcome of these efforts to date, which draws on input received from a wide range of team members.

The Steering Committee all agreed on the need to limit the scope of the project in order to maximize our effectiveness and outcomes. Recognizing that the project's primary contributions are in the realm of academia, the following were identified as key priorities:

- To understand and support ethical and equitable research processes and outcomes;
- To identify issues related to ownership and control of cultural heritage research data and to identify ways to address these issues constructively for all parties involved;
- To understand relationships between intellectual property and cultural heritage embedded in different disciplinary traditions and cultural perspectives, and to communicate this to stakeholders and the public;
- To facilitate and share recommended practices for the identification, assessment, protection, and appropriate use of intellectual property in cultural heritage;
- To raise awareness of issues and provide evidence-based policy recommendations to funding agencies, research ethics review boards, and national research ethics policy bodies concerned with intellectual property in cultural heritage research and stewardship;
- To support networks of those engaged in community-based cultural heritage research as a way to share information and recommendations on intellectual property issues in cultural heritage; and
- To act on the above priorities in ways that contribute to measurable changes to the culture of academic research.

Making plans for project activities involves a combination of providing support for initiatives brought forward by team members and partners, and mapping out larger events and programs that will address project priorities and further broad project goals. Wherever possible, for example, we will continue to support initiatives proposed by Working Groups and Case Studies. We will also continue our commitment to student support through fellowships, travel funding, and research assistantships, and by providing opportunities for students to be involved in all aspects of the project.

In terms of larger project events, we plan to support a Case Study Research Workshop to bring team members involved in case studies and community-based initiatives together to share their findings with each other and to work towards making their studies more accessible to broader audiences. Tentative plans are to hold this workshop in mid-March 2014.

We are also working towards development of a national forum focused on research ethics, with a particular focus on the Canadian policy context. The idea here is to bring attention to research ethics at a number of levels—community, institution, and national policy—with a particular focus on issues of intellectual property and cultural heritage. Though still early in the development stage, this event may be scheduled for sometime in 2014.

The third project event under development is an international conference focused on IPinCH themes. This conference would bring together .....see "Moving Forward," page 4



Top: Steering committee members at the IPinCH summer retreat, L-R, Julie Hollowell, Brian Egan, Kelly Bannister, Sarah Carr-Locke, John Welch, and George Nicholas.

Middle: L-R, Joe Watkins, Cathy Bell, Alexis Buntin, Brian Egan, Kelly Bannister, John Welch, Julie Hollowell (via Skype) and George Nicholas at the Fall Planning Meeting.

Bottom: Joe Watkins connects with Kristen Dobbin, IPinCH Communications Specialist, based in Tartu, Estonia and SC Member Julie Hollowell, in Indiana, via Skype.



# Lena Mortensen: Understanding Heritage Tourism

The sixth in our series of profiles of IPinCH team members



Lena Mortensen, Assistant Professor of Anthropology at the University of Toronto and Cultural Tourism Working Group Co-Chair

Lena Mortensen, Assistant Professor of Anthropology at the University of Toronto, advocates that her students consider the cultural, economic and ethical implications of tourism development, and to think about tourism as a kind of cultural practice in and of itself, one that is shaped by expectations about difference that come from long histories of representing places and peoples.

But she tries not to turn students off of cultural tourism altogether. Lena notes that “one of the most interesting aspects of cultural tourism is that it almost always involves encounters that bring people face-to-face, which, despite the many unequal power relations that sometimes structure these encounters, open up at least a little space for exchanges of a more positive kind.”

Lena received her Ph.D. from Indiana University in 2005, with a specialization in Archaeology and Social Context, a program within the Department of Anthropology that she helped develop together with IPinCH Steering Committee member Julie Hollowell.

Lena’s field research has been conducted primarily in Honduras, and she has published on ethnographic approaches to archaeological work, archaeological tourism, and heritage management specifically as it relates to Copán, an archaeological park and UNESCO World Heritage site in the country’s northwest.

Lena first visited Honduras as an undergraduate student at Cornell University working on an archaeological salvage project in the Sula valley, an area with an incredibly rich history but a very low public profile. As she says, “I found myself wanting to know more about how the people I was working with, the local Honduran staff and crew, thought about the artifacts we were finding and the interpretations we were making; I wondered what relevance archaeological practice and reconstructions had for people who lived in these landscapes or who had intimate connections with these pasts.”

After graduation, Lena interned with a development program in Zimbabwe for a year and a half, working on alternative education initiatives for marginalized youth in the city of Harare. Following this, she was the Education Director of the NGO Cultural Survival, an experience that furthered her interests in Indigenous rights.

These experiences led Lena back to Honduras for her Ph.D., this time as an ethnographer, to study the contemporary contexts and values of the country’s highest profile archaeological site, Copán, a place where the archaeological past meant myriad things: economic development, national symbolism, Indigenous cultural history, and tourism fantasies.

While working with Julie Hollowell on the edited volume *Ethnographies and Archaeologies: Iterations of the Past* (2009), Lena was invited to join the core research team as the co-chair of IPinCH’s Cultural Tourism Working Group. Lena’s association with IPinCH was a natural fit: both her own research and the rationale for the project is “to take different perspectives on heritage very seriously, and help them find greater voice in policy and practices that affect the way we approach, handle or ‘manage’ all aspects of cultural heritage.”

“I was interested in being part of a larger project that had so many different kinds of committed people working towards similar goals,” she explains, “particularly the goals of more equitable and ethical research practices in

the field I feel most invested in.”

In her role as co-chair, Lena is most interested in developing resources for those working towards sustainable, community-based tourism, including Indigenous groups, and in finding ways to empower communities to participate in or create their own programs on terms that meet their community needs.

More recently, Lena’s research has been focused on the implications and effects of ‘culture-branding’ through the intersection of tourism marketing, academic production, public culture forms, and international cultural policy institutions. She is particularly interested in understanding the connections between the ways that archaeological research is highlighted and marketed across different media (magazines, documentaries, popular television, blockbuster exhibitions, etc.), and the kinds of privileged rights people then claim over these over cultural forms.

She continues to maintain an active interest in the ‘heritage politics’ of Honduras, and especially in the ongoing shifts in cultural policy, tourism trends, and funding priorities that work to privilege some histories over others, which then become an important basis on which to negotiate culture-based rights. As Lena says, “It has been exciting to see the increasingly important role that community-based voices and perspectives have to play in resource management.”

Lena’s research on Copán was recently included in an unprecedented volume put out by the Honduran Institute of Anthropology and History, the government agency responsible for the country’s patrimony. Lena believes that the volume, *Archaeology and Communities in Honduras* (2012, edited by Eva Martinez), has the potential to “speak back to the contexts where this work is hopefully most relevant.”

In her own research and her engagement with the IPinCH project, what continues to drive Lena is the desire to find ways of making those face-to-face tourism encounters, those little spaces of exchange, more beneficial and positive for all involved.

# New Case Study Approved: The History and Contemporary Practices of the Hopi Cultural Preservation Office



Led by principal investigators Leigh J. Kuwan-wisiwma, the Director of the Hopi Cultural Preservation Office (HCPO), and Justin B. Richland, Associate Professor of Anthropology at the University of Chicago, this study, which was recently approved by the IPinCH Steering Committee, will investigate how the HCPO manages Hopi

cultural knowledge resources, given the differences between Hopi notions of *navoti* ('traditional knowledge') and Euro-American understandings of intellectual property. The research team also includes Susan Secakuku, a Hopi consultant, and Stewart B. Koyiyumtewa, Archivist at the Hopi Cultural Preservation Office.

Hopi philosophy situates cultural knowledge as unique and sacred; no two Hopi villages will possess the same *navoti*. Nevertheless, the HCPO has established itself as the leading tribal institution policing the ways in which Hopi culture is represented and transmitted, sparking criticism from both Hopi and non-Hopi sources. As such, how are the concepts of *navoti* and 'intellectual property' deployed in the actual discourses and processes that constitute the central work of HCPO's cultural management activities? This

case study will focus on the issues of competing epistemological demands and the responses to them that sit at the very heart of the everyday practices of cultural heritage protection work.

At once historic and ethnographic, this study will draw on a methodology of archival research, oral history interviews, focus group interviews, and participant observation.

Among other publications planned, this study will result in the development of an official Hopi Cultural Preservation Protocol and Manual, a practical guide for the HCPO and the Hopi Tribe to use as the basis for sustainable cultural heritage management into the foreseeable future. While this initiative will be an important contribution to the IPinCH project, it is hoped that the Hopi Nation and others will also benefit greatly from the knowledge and insights generated.

## Upcoming IPinCH Events

### **Commodification, Indigenous Peoples, and the Political Economy of Self-Determination, University of British Columbia, Vancouver, B.C., May 2-4, 2013**

Organized by Solen Roth and Sven Ouzman, co-chairs of the Commodifications of the Past? Working Group, this workshop will bring together scholars and community representatives to discuss the complex and myriad implications of commodification processes.

Participants will discuss how various commodification processes are being harnessed to not only undermine but also to reinforce Indigenous peoples' cultural, economic, and political autonomy. Moving past polarized debates, the overall aim of this workshop is to ask not how cultural heritage can be 'protected' from commodification altogether, but in what forms and under what conditions commodification has been and can be used as part of a decolonization project.

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•Solen Roth, Co-chair, Commodifications of the Past? Working Group:  
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•Brian Egan, Project Coordinator:  
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### **Stó:lō – People of the River Conference, Stó:lō Research and Resource Management Centre, Chilliwack, B.C., May 31, June 1-2 2013**

Hosted by our partners at the Stó:lō Research and Resource Management Centre (SRRMC), this conference is an opportunity to bring together innovative and challenging research associated with the Stó:lō-Coast Salish and S'ólh Téméxw (Our World). The conference is open for all to attend.

Cultural Tourism Working Group co-chairs Lena Mortensen and Dave Schaepe (also Director of the SRRMC) are organizing a session on intellectual property and cultural tourism for the conference. Further information on the session will be available shortly.

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www.stolonation.bc.ca  
www.srrmcentre.com

## Moving Forward

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team members from across the globe, along with others involved in intellectual property in cultural heritage work, to share concerns, successes, and latest research findings in this area. Scheduled for late 2014 or early 2015, this would also serve as fitting wrap-up event for the IPinCH project.

In addition to these events, we are developing a number of smaller initiatives to address community and scholarly needs in this area. These include scholarly publications, communication tools targeted to non-academic audiences (including podcasts and videos), and support for participation in smaller workshops and meetings.

We are still in the early stages of developing new initiatives and there is plenty of scope for more input and involvement by all team members. Indeed, we are always looking for more ideas and helping hands. We also encourage you to read a fuller description of project priorities and plans, that will be posted on the IPinCH website.





# From Tribal Etiquette to Trip Advisor: Updates from the Cultural Tourism Working Group

by Lena Mortensen (University of Toronto), Dave Schaepe (Stó:lō Research & Resource Management Centre), and Kristen Dobbin

In our rapidly globalizing world, partaking in cultural tourism is an opportunity that many of us take for granted. Often as tourists we seek to experience the 'authentic' and in the process we snap photographs, we participate in rituals and festivals, we eat traditional foods, and we take home souvenirs. From a visitor perspective, such activities are typically desirable, expected, and unproblematic. But what issues do these tourism practices raise for host communities?

Led by co-chairs Lena Mortensen, an anthropologist based at the University of Toronto, and Dave Schaepe, Director and Senior Archaeologist in the Stó:lō Research and Resource Management Centre, the Cultural Tourism Working Group (CTWG) has been exploring the range of intellectual property issues that emerge from cultural and heritage tourism contexts.

In the first three years of the project, IPinCH working groups gathered resources, discussed research questions, and generated ideas on a variety of topics, policies, concepts and theories. During this period, the CTWG analyzed intellectual property dimensions of some of the many charters and protocols created by international organizations, national bodies, and community and Indigenous groups to guide the practices of tourists and tourism operators. The group also examined a range of Indigenous and community-based tourism initiatives in Canada, including many partner communities affiliated with IPinCH. The group has also compiled bibliographies of academic literature related to intellectual property and cultural tourism. This research was added to IPinCH's Knowledge Base, the project's resource database, for other team members to access.

In the second phase of IPinCH, working groups are shifting to analysis and the preparation of publications. With the momentum of the 2011 IPinCH Midterm Conference at our backs, the CTWG has turned its attention towards producing more tangible resources and publications from the project's research efforts.

Currently, we are developing an IPinCH-

oriented reader as a resource for cultural and other tourism-related courses. Drawing on the expertise of CTWG members, the reader will include articles, excerpts and other resources that emphasize sustainable tourism and are sensitive to intellectual property issues and concerns as they inform contemporary tourism contexts.

The group is also compiling and analyzing protocols created by communities for tourists to their sites. Using a range of sources, from tribal websites to comments on TripAdvisor, we plan to publish a paper that addresses the role and efficacy of protocols made for tourists, in order to understand whether and in what ways they offer communities a means to navigate intellectual property concerns and maintain culturally appropriate practices, while at the same time fostering education and cross-cultural understanding.

One of the tasks of the Working Groups is to draw on the material generated by the Case Studies for discussion, comparison, and theoretical analysis. The CTWG is now coordinating and contributing to a publication that addresses parallel issues raised in two IPinCH Case Studies: the Ngaut Ngaut Interpretive Project based in Australia and the Education, Protection and Management of *Ezhibigaadek Asin* (Sanilac Petroglyph Site) Project based in Michigan, U.S.A.

Finally, the group is organizing a session on intellectual property and cultural tourism for the Stó:lō People of the River Conference, to be held by the Stó:lō Nation in Chilliwack, British Columbia from May 31 to June 2, 2013.

There are many others on the IPinCH team that are engaged with issues related to cultural tourism and the CTWG has benefitted tremendously from the enthusiasm of our group of contributors.



Above: The Apache Heritage Reunion event is held the second weekend of May each year at Fort Apache and Theodore Roosevelt School National Historic Landmark. The event draws many visitors to the site. Photos: J.R. Welch, Courtesy of White Mountain Apache Heritage Program.

# Partner Profile: Stó:lō Research and Resource Management Centre



Established in 2006, the Stó:lō Research & Resource Management Centre provides a range of professional and technical services to Stó:lō communities in British Columbia's lower Fraser Valley region. This includes management of archaeological and cultural resources, services in cultural interpretation, organization of events and educational tours, support in land and resource management, and outreach on treaty issues. The Centre also undertakes and facilitates research in all of these areas.

The Centre's mission is reflected in the Stó:lō phrase *S'ólh Téméxw te ikw'élò. Xólhmet te mekw' stám ít kwelát* – translated as “This is our land. We have to look after everything that belongs to us.” The organization's operating principles also reflect core Stó:lō values, including the importance of knowing one's own history,

*Left: In Halq'eméylem, the word Stó:lō means 'river', reflecting the centrality of the Fraser River to Stó:lō life and culture. The Stó:lō are part of the larger Coast Salish cultural group, whose territories extend across southwest British Columbia and northwest Washington State.*

respecting all things, taking care of past and future generations, doing what is right, and sharing with everyone. The Centre plays a key role in furthering research on and assertion of Stó:lō Aboriginal title and rights across the breadth of their ancestral territory, and in representing Stó:lō interests in land and resource development and planning processes.

The Centre's focus on both cultural heritage and research makes it an ideal partner for the IPinCH project. Following Stó:lō policies and protocols, the Centre works with academic researchers and institutions to advance the objective of protecting, managing, and increasing understanding of Stó:lō cultural heritage and practice, and to support cultural revival among Stó:lō communities. The bi-annual Stó:lō People of the River Conference offers a unique opportunity to profile research of relevance to Stó:lō communities. This year's conference (May 31-June 2, 2013) will feature a strong contingent of IPinCH team members.

Albert (Sonny) McHalsie or *Naxaxalhets'í*, the Centre's Cultural Advisor and Historian, and

Dr. Dave Schaepe, the Centre's Director and Senior Archeologist, are the key point of contact between the Centre and the IPinCH project.

Along with Sue Rowley of the Laboratory of Archaeology at the University of British Columbia, Schaepe is co-leader of 'The Journey Home,' an IPinCH-funded case study exploring the role of intangible knowledge production during the process of repatriating ancestral remains. At the core of the study is the need to develop guidelines for generating knowledge within a mutually acceptable framework of authority, control, and use in the context of such important cultural work.

Schaepe is also co-chair (with Lena Mortensen) of IPinCH's Cultural Tourism Working Group, a role that reflects Stó:lō interest in cultural tourism, interpretation, and education. While cultural tourism offers potential economic benefits, it also provides opportunities to increase awareness and appreciation of Stó:lō culture among non-Stó:lō neighbours and visitors. Culture and heritage lie at the heart of the Centre's work, shaping understanding of identity and place and driving concerns about the protection of lands and resources.

For more on the Stó:lō Research and Resource Management Centre, visit: [www.srrmcentre.com](http://www.srrmcentre.com).

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## New IPinCH Communications Specialist, Kristen Dobbin



We are pleased to announce the appointment of Kristen Dobbin as the new IPinCH Communications Specialist. Kristen brings an impressive

set of skills and experience to this new position, including technical abilities in a wide range of communication technologies and an in-depth knowledge of the IPinCH project. Over the past two years she has been a key member of the IPinCH team, working as both Research Assistant for the Cultural Tourism Working Group and as a consultant on project communications.

Educated in both anthropology and art history, Kristen's academic background reflects many of the scholarly themes that are central to the IPinCH project. Her MA studies in Anthropology at the University of Toronto, completed in 2011, focused on the intersection of anthropology and photography, specifically the 'visual repatriation'

of historical photographs by Indigenous Sami in Arctic Scandinavia.

Kristen has experience in the museum sector, and has held positions in research and collections management, as well as visitor services. Most recently, she worked in administration and communications in the architecture and urban planning industry.

In her new position, Kristen will take on a more strategic role in project communications, enhancing our capacity to communicate effectively both within the IPinCH team and with diverse external audiences. While she is currently based in Tartu, Estonia, Kristen will be relocating to Vancouver early in the new year. Welcome, Kristen!



# Secwepemc Territorial Authority Gathering

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a mutually respectful dialogue, and generate productive outcomes together. We started from a firm understanding that Secwepemc peoples have economic, political, and legal authority within their territory. From that core premise, we then looked at a number of past and current cases to examine how we would approach matters related to the care of and authority over Secwepemc heritage and what the relationship between Secwepemc and non-Secwepemc people should be in respectfully addressing these matters.

To begin, we broadened the category of cultural heritage to become what Brian Noble termed 'people's heritage'. This new category helped us to move away from conventional and colonial concepts of culture, to encompass Secwepemc peoples' laws, morals, ways on the land, economies, and their heritage of welcoming and making political relations with newcomers to their territory. From here, we developed a kind of narrative through four case studies—which we termed 'encounters'—each dealing with a different element of Secwepemc heritage. First, we examined what happened when a Canadian Pacific Railway construction team encountered a Secwepemc ancestral burial site. Next, we discussed political heritage in the Laurier Memorial—a letter written in 1910 to Prime Minister Wilfrid Laurier by Secwepemc, Syilx, and Nlaka'pamux Chiefs laying out a generous model of just relations with settlers and the Crown. Third, we addressed environmental encroachments on Secwepemc peoples' berry picking and medicinal harvesting. Finally, we looked at existing and proposed mega-mining projects that impinge on Secwepemc lands and rights.

Conversation oscillated between the most minute, practical matters, such as changing the archaeological permitting system, to the most overarching philosophical tenets, such as how Indigenous peoples and settlers might enshrine the kind of sharing and reciprocity laid out in the Laurier Memorial. We listened and learned together that the Secwepemc have endured so much wrongful treatment, even while continuing to be open to welcoming newcomers into their lands.

All told, we learned together how the Secwepemc lived on the land well and are still striving to keep living in that way. We learned how they have trusted that the Queen and the Crown would honour their lives all across their territory. And we also learned how successive Provincial and Federal governments have gone astray from honouring that trust, undermining the practice of Secwepemc people's heritage.

Through all of this, we acknowledged that the Secwepemc are the original people in their lands, and also that their authority and jurisdiction relates to all Secwepemc heritage and is articulated in that heritage.

The gathering concluded with a powerful sense of partnership and a shared commitment to tell the story of the gathering among our own respective communities through formal materials such as a forthcoming report as well as informal conversations and teaching opportunities. This important story challenges the conventional colonial narrative around how the relationship between Indigenous peoples and non-Indigenous settlers can unfold.



Top: The group sharing a meal together.

Bottom: L to R, Chief Wayne Christian (Spallumcheen First Nation), Ernie Philip (Little Shuswap Band), and Henry Saul (Neskonlith Band), at the Secwepemc Gathering.

Photos: Tania Willard

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## Want to Contribute to the IPinCH Newsletter?

Want to share some of your research findings? Would you like to write a profile of an IPinCH scholar? Do you have an IPinCH partner organization in mind that you want to tell us about? Is there anything else you'd like to see in the pages of the newsletter? Please let us know—we welcome contributions from all team members, including Partners and Associates!

Send news of your activities (publications, presentations, etc.) related to IPinCH to Kristen Dobbin, Communications Specialist ([dobbin.kristen@gmail.com](mailto:dobbin.kristen@gmail.com)), or Brian Egan, Project Coordinator ([ipinchpm@sfu.ca](mailto:ipinchpm@sfu.ca)), to be included in future issues of the Digest, Newsletter, and website.

# Listening and Learning about Yukon First Nation Heritage Values



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aging Heritage Resources on their Settlement Lands, while Canadian governments (Yukon and Canada) have responsibility for managing Heritage Resources on other lands in the Yukon Territory. Wherever located, heritage resources related to the culture and history of Yukon Indian peoples are to be managed consistent with Yukon First Nations values and culture. An important step towards realizing this objective is determining what YFN heritage values are and how they may differ from western heritage values—the primary goal of the ethnographic component of this IPinCH-funded study.

During travels that took them from cultural centres to fishing camps, and from Whitehorse to Moosehide (a traditional annual gathering place near Dawson city), the team listened and learned about how ‘heritage’ and ‘heritage value’ are understood, about who has relationships of belonging and responsibility, and about other topics central to developing heritage research management policy, practice and law around YFN ethnographic and archaeological heritage.

Joining them for the CAFN General Meeting and youth interviews was Jessica Lai, a doctoral student who just completed her dissertation in intellectual property law and continues to collaborate with Catherine on research relating to protection of Indigenous intangible heritage in museums. Nicole Aylwin, IPinCH research fellow, joined the final days of the research trip and attended a two-day retreat with an artist, council member, and elders of the CTFN at Millhaven Bay, where we shared stories, cooked and worked together, and took time to nourish our spirits by participating in a sweat lodge ceremony. The journey ended with an insightful discussion with YFN Elders, including exploration of possible processes to move forward with

more extensive discussions with CTFN members, at Skookie’s Camp, a traditional hunting camp now used as a central gathering place of teaching and learning.

The interview recordings are now being transcribed and the data thematically organized. YFN community partners will be provided with verbatim transcripts and thematically organized transcripts. Once this process is complete, Nicole and Catherine will develop a thematic summary from all sessions that will be circulated to our YFN partners for input and approval. This information will inform other projects that Catherine, Nicole and legal research assistants will complete, including development of a workshop for YFN partners on developing policy and legislation and academic research that will (1) compare YFN and mainstream Canadian legal and government understandings of heritage, rights, responsibilities, and management, and (2) compare national and international community driven and developed cultural policies with international cultural rights norms and other cultural policy conventions.

Some important themes emerging from the work so far include:

- ‘Things’ in and of themselves are not heritage; rather, it is the relationships, experiences and the stories embodied within these ‘things’ that constitute them as heritage. Also, heritage (both tangible and intangible) does not have to be ‘old’ to be ‘significant’;
- Heritage is a ‘verb’ or a ‘moving word’ that references the process of maintaining intergenerational continuity or a ‘bringing of the past into the future.’ It involves respecting the old, which is achieved through cultivating a connection to ancestors and being guided by the voice of the elders (including through elders’ councils), but also involves the opportunity and responsibility

*Above left: Performers from a Yukon First Nations dance group on stage at Moosehide Gathering, the biannual cultural celebration hosted by the T’rondeĥ Hwëch’in First Nation at Moosehide Village near Dawson City, Yukon.*

*Above centre: Current T’rondeĥ Hwëch’in First Nation Director of Heritage Jackie Olson (right) listens as former THFN Chief Angie Joseph-Rear (holding microphone), talks about Heritage values with IPinCH project note-takers Joanne Lauder (far left) and Sheila Greer.*

*Above right: Logistics are a regular part of research in the Yukon, as members of the Yukon IPinCH team arrive at Dora’s Fish Camp, on Millhaven Bay (Bennett Lake) in Carcross-Tagish First Nation traditional territory.*

*Photos: Jo Anne Lauder and Cathy Bell.*

of passing on tradition to the next generation;

- The concept of heritage is tied closely to the values of integrity and responsibility. Unlike westernized heritage logics that operate using a proprietary framework that emphasizes ownership and possessiveness, for YFNs in many instances it is more appropriate to speak of heritage in terms of stewardship and a duty of care;

- Education has a central role in managing heritage resources; it is only when people recognize these relationships that they can honor them. Teaching traditional knowledge and skills to the community’s youth is integral to the maintenance of heritage resources since they inspire young people and strengthen their bond to the community while also providing them with valuable skills; and

- There are clearly defined clan and family responsibilities in relation to certain forms of heritage. Engagement with citizens, families and clans should be central to YFN heritage management practice.

We look forward to learning more from this project as we move towards its final stages.



# New IPinCH People



**Robin R. R. Gray, Student Associate and Fellow:** Robin is Tsimshian from Lax'Kwalaams, Ginaxangiik Tribe, House of 'Liyaa'mlaxha, Gisp-wudwada (killer whale) Clan, and an enrolled citizen of the Mikisew Cree First Nation, a Treaty 8 First Nation from Fort Chipewyan, Alberta. She was born and raised in Coast Salish territory in Vancouver, BC, and is a long-time member of the Lax Xeen Tsimshian Dance Group. Robin's doctoral research at the University of Massachusetts-Amherst responds to community identified needs and celebrates the resistance and resilience of Indigenous peoples to survive and thrive in the face of direct colonial threat and imposition.

**Madeline Knickerbocker, Student Associate:** Madeline is a Ph.D. candidate in the Department of History at Simon Fraser University. Her research with Stó:lō Nation in BC's Fraser Valley focuses on the history of museum creation from the 1960s onwards. Exploring the development of Stó:lō museums and cultural centres as a political as well as cultural phenomenon, Madeline's work considers the extent to which the museums' activation of collective historical consciousness fosters local nationalism, and potentially thereby fuels Stó:lō assertions of political sovereignty.

**Jenny Lewis, Fellow:** Jenny is a Ph.D. student in the Department of Archaeology at Simon Fraser University. Her research examines various stakeholders' use, commodification, and rehabilitation of archaeological heritage associated with Fort Apache-Theodore Roosevelt School in Arizona. This site has recently been designated a National Historic Landmark and still operates as an Indian boarding school. Her work at Fort Apache provides an opportunity to examine larger intellectual property issues emerging at previously-colonial sites, as Indigenous groups assert their active role in colonial processes, and non-Indigenous group claim these sites as representative of their own history.

**Gwyneira Isaac, Associate:** Gwyneira is Curator of North American Ethnology at the National Museum of Natural History at the Smithsonian Institution. Her research investigates the dynamics of and intersections between culturally specific knowledge systems. Central to this study is her fieldwork and ethnography of a tribal museum in the Pueblo of Zuni, New Mexico, where she examined challenges faced by Zunis operating between Zuni and Euro-American approaches to knowledge. Through the book *Mediating Knowledges: Origins of a Museum for the Zuni People* (2007), she argues that the Zuni museum worked to reconcile internal and external expectations about Zuni history.

**Emilie Ruffin, Student Associate:** Émilie is a multi-disciplinary cultural worker with training in Urban Planning and Cultural Geography, and is employed by the Avataq Cultural Institute. She is working to complete a Ph.D. in Cultural Geography at Laval University on housing and urban planning in Indigenous communities in Québec. She is a member of the IPinCH-funded Cultural Tourism in Nunavik project, and has been conducting research in Kuujuaq, Kangiqsualujuaq, and Kangiqsujuaq. She works primarily on cultural dynamics, land, governance and self-determination issues for the Inuit, as well as for Algonquian and Cree nations in Québec.

**Erin Hogg, Student Associate and Fellow:** Erin is an MA candidate in the department of archaeology at SFU, working under the supervision of Dr. John Welch. Her research looks at the conditions that promote respectful behaviour towards heritage sites, through comparing state- and community-based heritage site conservation. She aims to identify and understand community-based cultural heritage conservation and the values and interests that underlie these institutions. She hopes that her research can allow us to understand the behaviour that promotes cultural heritage to create successful future policies and practices.

**Gordan Lobay, Associate:** Gordon is interested in the strategies governments use to protect cultural property, and his research focuses on archaeological looting, the antiquities trade, and the impacts of legal instruments on both the market and the protection of archaeological sites. He is also interested in exploring markets of scientific specimens in geology, meteorites, and palaeontology. Gordon holds a Ph.D. in Archaeology from the University of Cambridge, Homerton College (2007). His dissertation examined trends in the antiquities market using auction sales, and assessed the impact of interventions such as legislation and international agreements on market activity.

**Jobe Gabototwe, Associate:** Jobe Gabototwe is a San youth activist from the rural village of Kedia in central Botswana. Jobe has recently completed a year-long curatorial program in Cultural Heritage Practice at the !Khwatlu San Culture & Education Centre in South Africa. Previously, he was an intern at the Iziko South African Museum where he worked with Sven Ouzman, co-chair of our "Commodifications of the Past?" working group. Jobe also met with Rachel Giraudo and Alexis Bunten during their recent fieldwork in Southern Africa. He is keen to work with scholars and other Indigenous communities on issues of intellectual property and on ways to protect cultural heritage. Jobe is also closely involved in providing opportunities for other San youth through !Khwatlu and in the political-scape of southern Africa, including organizing a San youth caucus.

For full bios of all of the IPinCH team, visit the project website: <http://www.sfu.ca/ipinch>

Top (L-R): Gray, Knickerbocker, Lewis, Isaac  
Bottom (L-R): Ruffin, Hogg, Lobay, Gabototwe



# Recent IPinCH Presentations and Publications



Joe Watkins, IPinCH Steering Committee Member and Director of Native American Studies at the University of Oklahoma, speaks at the conference "Indigenous Cultural Heritage and Tourism: Potential in Hokkaido" in Hokkaido, Japan. Photo: Courtesy of Hokkaido University Centre for Ainu and Indigenous Studies.

## Presentations

**Mellow Mays Undergraduate Fellowship Program Alumni Symposia, Dartmouth College, Hanover, NH, February 24, 2012:**

• **Alexis Bunten**, "Gold Mines for Fish: Indigenous Land Claims, Corporations, and Decolonizing Praxis."

**Sharing Our Knowledge: a Conference of Tlingit, Haida and Tsimshian Clans, Sitka AK, March 29-April 1, 2012:**

• **Alexis Bunten**, "Balancing Protocol and Law for Intellectual Property: Examples and Ethical Dilemmas From Southeast Alaska."

**Society for American Archaeology Conference, Memphis, TN, April 18-22, 2012:**

• **Sonya Atalay and Shannon Martin**, "Learning Together: Core Tribal Values and Shared Benefits at the Flint Stone Street Ancestral Recovery Project."

• **Eric Kansa**, "Linking Archaeological Data to Enable Collaboration on a Massive Scale."

• **George Nicholas**, "Marx, Indigenous Peoples, and the Postcolonial Challenge."

**Aboriginal Self Governance: Dreams and Realities Since 1970, Berkeley, CA, April 28, 2012:**

• **Alexis Bunten**, "Comparative Legal Frameworks for Self-Governance: Lessons from IPinCH Case Studies."

**Native American and Indigenous Studies Association Conference, Mohegan Sun Resort, Uncasville, CT, June 4-6 2012:**

• **Sonya Atalay**, panel chair, "Indians, Ancestors, and Researchers: Demanding Better NAGPRA Accountability at the Crossroads: Schaghticoke," also presenter, "Enduring Responsibility to the Ancestors: Repatriation Strategies and Barriers on University Campuses."

• **Jane Anderson**, panelist, "The Road to Engagement: Indigenous Justice and Sovereignty in New England: Schaghticoke."

**Dalhousie University, MacKay Lecture series on Reconciliation (organized by Brian Noble), October 4, 2012:**

• **Michael Asch**, "Back to the Future: The Confederation Treaties and Reconciliation."

**The Memory of the World in the Digital Age: Digitization and Preservation UNESCO Conference, University of British Columbia, Vancouver, Sept 26-28, 2012:**

• **Kate Hennessy**, "Digital Heritage and Local Cultural Property Rights Discourse."

• **George Nicholas and Kim Christen**, "Addressing Indigenous Intellectual Property Concerns through the IPinCH Project: Digital Heritage and Traditional Knowledge Licenses and Labels."

• **Kim Christen and Jane Anderson**, "Digital Preservation and indigenous Cultural Heritage: The Mukurtu CMS Platform."

**Hokkaido University International Symposium, "Indigenous Cultural Heritage and Tourism: Potential in Hokkaido," Hokkaido, Japan, Oct 13-14, 2012:**

• **Joe Watkins**, keynote speaker, "Why Indigenous Archaeology is Important as a Means of Changing Relationships between Archaeologists and Indigenous Communities."

**American Anthropological Association Conference, San Francisco, California, November 14-18, 2012:**

• **Julie Hollowell**, session organizer, "Community Based Research: Theory, Practice, Policy and Ethics," chaired by Alexis Bunten.

• **Rosemary Coombe**, discussant, "What Piracy Teaches Us About States, Markets and International Law" panel.

• **Josh Smith**, "Challenging Indian Policy: The

Anti-Colonial Politics of Archie Phinney and Franz Boas."

• **Robin R.R. Gray**, "The Poetics and Politics of Reclaiming: Indigenous Peoples & Anthropology."

• **Adam Solomonian**, "On Surfaces and Depths: Photography, In/Visibility, and the Image as Contact Zone."

## Publications

**Atalay, Sonya.** 2012. *Community-Based Archaeology: Research With, By and For Indigenous and Local Communities*. University of California Press, Berkeley.

**Bauer, Alexander A.** 2013. "Multivocality and 'Wikiality': The Epistemology and Ethics of a Pragmatic Archaeology." In *Appropriating the Past: Philosophical Perspectives on the Practice of Archaeology*, edited by G. Scarre and R. Coningham, pp. 176-194. Cambridge University Press, New York.

**Bell, Catherine and Caeleigh Shier.** 2012. "Control of Information Originating from Aboriginal Communities: Legal and Ethical Contexts." *Études/Inuit/Studies* 35(1-2): 35-56. "Intellectual Property and Ethics" Thematic Issue, edited by M. Nagy.

**Brown, Deidre and George Nicholas.** 2012. "Protecting Indigenous Cultural Property in the Age of Digital Democracy: Institutional and Communal Responses to Canadian First Nations and Maori Heritage Concerns." *Journal of Material Culture* 17(3): 307-324.

**Brown, Michael.** 2012. Cultural Property, Control of Meaning, and Paths to Recognition. In 'Obsuzhdenie stat'i S. Sokolovskogo "Neskol'ko istorii pro kopirait i kul'turu"' [A Contribution to a Discussion of Sergei Sokolovskiy's Article "Copyright and Culture: Some Case Histories"], *Antropologicheskii Forum* 16: 184-188.

**Bunten, Alexis.** in press. "'You Never Know Who is Going to be on Tour': Reflections on the Indigenous Host Gaze from an Alaskan Case Study." In *The Host Gaze in Global Tourism*, edited by O. Moufakkir and Y. Reisinger. Cabi, Oxfordshire.

—. 2012. "A Call for Attention to Indigenous Capitalisms". *New Proposals: Journal of Marxism and Interdisciplinary Inquiry* 4(3): 60-71.

**Hennessy, Kate, Ryan Wallace, Nicholas Jakobsen, and Charles Arnold.** 2012. "Virtual Repatriation and the Application Programming Interface: From the Smithsonian Institution's



MacFarlane Collection to Inuvialuit Living History." In *Museums and the Web 2012: Proceedings*, edited by N. Proctor and R. Cherry, online. San Diego: Archives & Museum Informatics.

**Kansa, Eric.** 2012. Openness and Archaeology's Information Ecosystem. *World Archaeology* 44(4): 498-520.

**Lilley, Ian,** Christophe Sand and Frederique Valentin. "Collaborative Research in New Caledonia." In "Special Forum on International Collaborations," edited by K. Supernaut, *SAA Archaeological Record* 12(4): 40-42.

**Lyons, Natasha.** 2011. "Creating Spaces for Negotiating the Nature and Outcomes of Collaborative Research Projects with Aboriginal Communities." *Études/Inuit/Studies* 35(1-2): 83-105, "Intellectual Property and Ethics" Thematic Issue, edited by M. Nagy.

**Lyons, Natasha, Kate Hennessy, Mervin, Charles Arnold, Stephen Loring, Albert Elias, and James Pokiak.** "The Inuvialuit Living History Project." In "Special Forum on International Collaborations," edited by K. Supernaut, *SAA Archaeological Record* 12(4): 43-46.

**Meskell, Lynn.** 2012. *The Nature of Heritage: The New South Africa*. Wiley-Blackwell, Oxford.

**Nagy, Murielle,** ed. 2011. *Études/Inuit/Studies* 35(1-2), "Intellectual Property and Ethics" Thematic Issue, edited by M. Nagy.

— 2011. "Introduction: Intellectual Property and Ethics." *Études/Inuit/Studies* 35(1-2): 7-33. "Intellectual Property and Ethics" Thematic Issue, edited by M. Nagy.

— 2011. "Access to Data and Reports after Completion of a Research Project." *Études/Inuit/Studies* 35(1-2): 201-221, "Intellectual Property and Ethics" Thematic Issue, edited by M. Nagy.

**Nicholas, George,** and the IPinCH Collective). 2012. "Collaborative, Community-Based Heritage Research, and the IPinCH Project." In "Special Forum on International Collaborations," edited by K. Supernaut, *SAA Archaeological Record* 12(4): 30-32.

— 2012. Comment on "On Copyright and Culture" by Sergey Sokolovsky. In 'Obsuzhdenie stat'i S. Sokolovskogo "Neskol'ko istorii pro kopirait i kul'turu"' [A Contribution to a Discussion of Sergei Sokolovskiy's Article "Copyright and Culture: Some Case Histories"], *Antropologicheskii Forum* 16: 209-216.

— 2012. Comment on "Casualties of Heritage Distancing," by Patricia McAnany and Shoshau-

na Parks. *Current Anthropology* 53(1): 98-99.

**Nicholas, George P. and Alison Wylie.** 2013. "Do Not Do Unto Others...": Cultural Misrecognition and the Harms of Appropriation in an Open-Source World." In *Appropriating the Past: Philosophical Perspectives on the Practice of Archaeology*, edited by G. Scarre and R. Coningham, 195-221. Cambridge University Press, New York.

**Pullman, Daryl and George Nicholas.** 2012. "Intellectual Property and the Ethical/Legal Status of Human DNA: The (ir)Relevance of Context." *Études/Inuit/Studies* 35(1-2): 143-164, "Intellectual Property and Ethics" Thematic Issue, edited by M. Nagy.

**Roberts, Amy and Isobelle Campbell.** 2012. "The Ngaut Ngaut Interpretive Project: Collaboration and Mutually Beneficial Outcomes." In "Special Forum on International Collaborations," edited by K. Supernaut, *SAA Archaeological Record*, 12(4): 33-35.

**Roberts, Amy,** and the **Mannum Aboriginal Community Association.** 2012. *Ngaut Ngaut: An Interpretive Guide*. IPinCH Project and the Mannum Community Association Inc., Nildottie, South Australia.

**Smith, Claire,** and Gary Jackson. "Shared Lives: A Collaborative Partnership in Aboriginal Australia." In "Special Forum on International Collaborations," edited by Kisha Supernaut, *SAA Archaeological Record* 12(4): 47-50.

**Solomon, Maui and Susan Thorpe.** 2012. "Taonga Moriori: Recording and Revival." *Journal of Material Culture* 17(3): 245-263.

**Strathern, Marilyn.** 2012. Comment on "On Copyright and Culture" by Sergey Sokolovsky. In 'Obsuzhdenie stat'i S. Sokolovskogo "Neskol'ko istorii pro kopirait i kul'turu"' [A Contribution to a Discussion of Sergei Sokolovskiy's Article "Copyright and Culture: Some Case Histories"], *Antropologicheskii Forum* 16: 234-244.

**Young, James.** 2013. "The Value of the Past." In *Appropriating the Past: Philosophical Perspectives on the Practice of Archaeology*, edited by G. Scarre and R. Coningham, pp. 25-41. Cambridge University Press, New York.

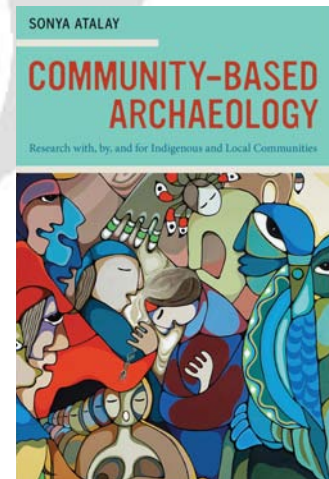
**Zimmerman, Larry J.** 2013. "On Archaeological Ethics and Letting Go." In *Appropriating the Past: Philosophical Perspectives on the Practice of Archaeology*, edited by G. Scarre and R. Coningham, pp. 98-118. Cambridge University Press, New York.

\*Please note that many recent publications and presentations by team members that are not directly related to IPinCH themes are not included in this list.

Send publications and presentations to Kristen Dobbin, IPinCH Communications Specialist (dobbin.kristen@gmail.com)



"The Nature of Heritage: The New South Africa" by team member Lynn Meskell (Wiley-Blackwell, 2012).



Sonya Atalay's new book, "Community-Based Archaeology: Research With, By and For Indigenous and Local Communities" (University of California Press, 2012).

# PinCHes of News

IPinCH Fellow and Student Associate, **Robin Gray**, has taken over from long-time IPinCHer **Sarah Carr-Locke** as the **new Student Rep** on the IPinCH Steering Committee. Many thanks to Sarah for her significant contributions, and a warm welcome to Robin!

The **Ngaut Ngaut Case Study** project, based in South Australia, has completed a major milestone with the publication of *Ngaut Ngaut: An Interpretive Guide*. Ngaut Ngaut is the traditional name for the rockshelter known as Devon Downs in the archaeological literature. This was the first Australian site to be scientifically excavated in 1929 and provided the first clear evidence for the presence of Indigenous Australians in one place and over a long period of time. One of the goals of this IPinCH-funded project was to develop and disseminate accurate content about tangible and intangible values around this key heritage site through this guidebook, which was prepared by **Amy Roberts** and the **Mannum Aboriginal Community Association**, and co-published by IPinCH and the Mannum Aboriginal Community Association Inc. Printed copies are being distributed by the community; a pdf version will shortly be available on the IPinCH website, along with a longer report on the Ngaut Ngaut initiative.

In November 2012, IPinCH announced the awarding of five **new graduate student fellowships**, three for doctoral students and two for students undertaking MA studies. The awards went to **Robin Gray**, a doctoral student in sociocultural anthropology at the University of Massachusetts Amherst; **Erin Hogg** for her MA studies in the Department of Archaeology at Simon Fraser University; **Claire Poirier**, a doctoral student in archaeology at the Memorial University of Newfoundland; **Irine Prastio** for her MA studies at Simon Fraser University's School of Interactive Arts and Technology; and **Adam Solomonian**, a doctoral candidate in anthropology at the University of British Columbia.

The **IPinCH website** is undergoing structural adjustments to make it more engaging and convenient. Changes include an amalgamated blog, more user-friendly navigation, and a greater focus on visual content. In 2013, we will be featuring regular contributions from our team members on our **new and improved blog**, an amalgamation of the previous three IPinCH blogs. Both IPinCH scholars and students will contribute posts discussing their experiences with the project, their own research, book reviews, and more. Check back soon for these updates!

IPinCH team member, **Sarah Carr-Locke**, continues to maintain our **social media accounts**, keeping the project's many followers informed by Facebook and Twitter about IP issues as they arise.

## Contact Us

[www.sfu.ca/ipinch](http://www.sfu.ca/ipinch)



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