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

A Word from the Director

As this issue goes to press, the IPinCH project is entering our fifth year. It's hard to believe four years have passed already. Nonetheless, it feels like our diverse and dedicated team of scholars, practitioners, elders, and students have been paddling this canoe together for a long time. While we still have a long journey ahead of us, it is gratifying—even heartwarming—to pause for a moment and appreciate how far we have come.

The Midterm Conference and SSHRC site visit in October 2011 represented nothing short of a tsunamic assemblage of work in progress and completed to date. That sharing of information, experiences, and energy was just the catalyst a project like ours needed for an extensive self-reflective exercise. It is superb news that we passed the mid-point review with "flying colors" and received the green light from our funder to proceed with the second half of the project. But more importantly, we pulled together as a team to share, celebrate, critically reflect and renew our plans to explore in innovative and meaningful ways the most pressing issues in intellectual property

Delegates at the IPinCH Midterm Conference, held at Simon Fraser University, Vancouver, B.C., listening to Daniel Gendron speaking on the Cultural Tourism in Nunavik case study.

and cultural heritage.

As a direct result of our external and internal feedback, we have embarked on a knowledge mobilization assessment to assist us in more effective and efficient inter-, intra-, and extra-project communication and implementation of our work. Our website is undergoing some significant revisions to ensure it better serves team members' needs and the wider public interests. We have also seized on the need to evolve our core staff position in line with the project's growth and maturation—we are thus very pleased to have Dr. Brian Egan as our new full-time project coordinator and communications manager, selected from an exceptional pool of bright and skilled applicants. And thanks to the initiative taken by our junior team members we have an expanded presence in the world of Facebook and Twitter.

Entering the second half of the project, we are truly excited at the lessons that are starting to emerge from the community-based initiatives that are well underway or in completion phases. As our Midterm Report (available online) documents, we

already have an impressive record of participation at conferences and workshops, academic and lay articles, and videos—with more to come. There is also increasing involvement of students, partners, and associates in Working Groups, workshop development, and other new initiatives.

However, the true measure of IPinCH's success is with how we learn to work collaboratively and how effectively the knowledge we gain can be shared with and utilized by others. This was eloquently acknowledged at the Midterm Conference by our Anishinabe Elder Sydney Martin when she shared these words with our team: "I told them that they have given birth, not only to ideas but to breaking ground for the world to know how to work with each other and learn to trust with each other, and in giving birth to that wonderful feeling of collaboration, respect. IPinCH now has its own spirit, and that means it was alive, it is alive, and that it will always be alive for future generations." These words capture so well our aspirations for IPinCH, and will guide us to move forward, with clear direction and intent, in the years to come.

Anishinabe elder Sydney Martin with IPinCH Project Director, George Nicholas, at the Musqueam Cultural Center during the IPinCH Midterm Conference, October 2011.

New Working Group Launched: Guide to Community-Based Cultural Heritage Research (CBCHR)

As a follow-up to the Midterm Conference and IPinCH's commitments to producing practical, plain-language research products, the Steering Committee has added the CHCHR GUIDE to the list of project Working Groups. Working Group co-chairs Kelly Bannister, Julie Hollowell and John R. Welch are serving as facilitators/compilers/editors.

Envisioned as a way to engage with and learn from the ongoing surge of writing on the principles and practices of community-based research (CBR), this Working Group is dedicated to gathering, creating, and making available guidance tailored to fieldwork or research that deals with cultural heritage issues. People pursuing CBR need background information and access to questions and case studies to help them think through the implications of their research overall and at each step of the research process.

The GUIDE is conceived as a multi-authored constellation of contributions that will be assembled into a book of practical guidance, not an academic volume . Toward this end, the Working Group will facilitate open collaborations among the IPinCH collective, with others invited to contribute to fill gaps and expand horizons. The initial stages, which were put into motion at the Midterm Conference, involve (1) obtaining feedback on what CBCH researchers would find useful, (2) identifying contributors, and (3) drafting content that can evolve "wikipedia style" using an internal online platform before being made public. There is the potential of more than one end product, including online guides and print volumes aimed at specific user groups (e.g., academic researchers, communities involved in research).

All IPinCH team members and others interested in creating or sharing practical guidance for community-based research on or relating to cultural heritage are encouraged to join this Working Group or otherwise participate.

Introducing IPinCH Project Coordinator, Brian Egan

In April, IPinCH welcomed Dr. Brian Egan as our new Project Coordinator. Brian is trained in both natural and social sciences, with over two decades of experience working on land, natural resource, and environmental issues. His work has been primarily in Canada but he has some professional and volunteer experience in Latin America. Brian's career has spanned a broad range of positions, including field ecologist, environmental consultant, research associate, policy analyst, and field operations supervisor. He has also worked in a diversity of settings, including in the non-profit and advocacy sector, in consulting and government, and in research and teaching capacities in post-secondary institutions.

For much of the last decade, Brian's work has focused on Aboriginal land and resource rights in Canada, with a particular focus on land and treaty issues in British Columbia. His doctoral dissertation, "From Dispossession to Decolonization: Towards a Critical Indigenous Geography of Hul'qumi'num Territory" (Carleton University, 2008) drew on political ecology, postcolonial theory, and critical geography. His post-doctoral work through the Department of Geography at Simon Fraser University in 2010 examined questions of property in the BC treaty process.

Beyond his research skills, Brian brings an impressive depth of experience in all aspects of research project management, administration and communication that will undoubtedly serve the IPinCH project well.

In his free time, Brian enjoys being active and outdoors – tromping in the woods, camping on the beach, cycling the backroads, swimming in oceans, rivers, and lakes, and digging in the garden. Brian looks forward to connecting with team members over the coming months. Brian can be reached at ipinchpm@sfu.ca.

Visit to Ziibiwing and *ezhibiigaadek asin* By Julie Hollowell

On June 26, 2011, nine of us who had come together for the WAC Inter-Congress in Indianapolis drove seven hours north to the Isabella Reservation of the Saginaw Chippewa Indian Tribe of Michigan to visit the Ziibiwing Center of Anishinabe Culture and Lifeways, home to one of the first community-based studies funded by IPinCH.

On the trip representing IPinCH were George Nicholas, Susan Rowley, Julie Hollowell, Anne Pyburn, and Stephen Loring. Also making the journey were Jordan Wilson (UBC student and member of the Musqueam Indian Band), Paul Tapsell (Director of Maori Studies at Otago University, NZ), Jessie Ryker-Crawford (Institute of American Indian Arts, Santa Fe), and archaeologist Joan Gero, along with Stephen and Joan's dog, Jack.

Ziibiwing's Assistant Director Judy Pamp and her son opened the Center on a Sunday afternoon exclusively for our group, and then treated us to an individualized tour of this amazing facility. We literally spent hours in "Diba Jimooyung: Telling Our Story," whose extensive exhibits reflect enormous care, intentionality, and multilayered research concerning the Saginaw Chippewa's past, present, and future. Clearly this is a place constructed by, for, and with Saginaw Chippewa people, while also serving as a regional attraction and an educational institution for everyone.

After a restful night, our caravan was led two hours eastward by Ziibiwing's curator, William Johnson, to Sanilac Petroglyphs State Park, located just a few miles from Saginaw Bay in the "thumb" of Michigan. William (or Willie, as he prefers) and Ziibiwing's director, Shannon Martin, serve as co-developers of this community-based study, along with IPinCH co-investigator Sonya Atalay, who is Anishinabe Ojibwe and an archaeologist at Indiana University-Bloomington. A short hike through the beautiful woods .

Rosemary Coombe: Thinking Globally to Expand Local Possibilities The fifth in our series of profiles of IPinCH team members

Rosemary Coombe, Professor of Law & Canada Research Chair Division of Social Science, York University

As a legal anthropologist, Dr. Rosemary Coombe has taught on intellectual property (IP) issues at the University of Toronto Faculty of Law for 12 years and has published widely on the ways IP shapes cultural life. Her interest in IP as a way of protecting Indigenous cultural heritage was galvanized by a phone call from Industry Canada's IP Directorate in 1998. The IP Directorate was seeking advice on Canada's obligations in protecting traditional knowledge under the UN Convention on Biological Diversity (CBD). Given her combination of IP expertise and anthropological interest in Indigenous concerns, Rosemary was well placed to write a report on the scope and consequences of granting such protections, specifically considering whether the issue was better understood as a human rights obligation. Rosemary was drawn to the challenges posed by a question transcending conventional legal fields, and as she learned more about human rights in the context of Indigenous environmental concerns, she became particularly interested in the Indigenous Peoples Caucus of the CBD.

Compelled to embark on ethnographic research in the international arenas in which Indigenous environmental and cultural heritage concerns were being considered, Rosemary found her interests becoming increasingly global in orientation. Although the relationship between Indigenous and state representatives at global forums is often fraught with tension, she credits the Canadian government with sending a fair number of Indigenous delegates to international meetings, thus helping to create a growing core of Indigenous people with ever more sophisticated expertise in international policy negotiation. Rosemary notes that Canadian Indigenous peoples have a long history of global advocacy and leadership and that "strong and savvy Indigenous intellectuals have done incredible work to get the UN Declaration on the Rights of Indigenous Peoples passed" while introducing Indigenous concerns into a range of international policy-making arenas.

Rosemary was motivated to join IPinCH after working on previous projects with a number of the committed, intellectually ambitious people who were involved in crafting IPinCH. For example, she contributed to the two volumes resulting from Catherine Bell's "Protection and Repatriation of First Nation Cultural Heritage in Canada" project, along with IPinCH Director George Nicholas and several other IPinCH team members. She first met George when he co-authored a chapter with Alison Wylie for the volume *The Ethics of Cultural Appropriation*, co-edited by IPinCHer James Young, which also included contributions from IPinCH team members Maui Solomon, Kelly Bannister, and Daryl Pullman.

Rosemary is Co-chair of the Working Group on Customary, Conventional and Vernacular Legal Forms. She describes her interests as exploring "the intersection between legal systems as a productive space for the emergence of intercultural norms" and "the way different forms of law come into dialogic negotiation and tension when issues of Indigenous cultural heritage are under consideration."

Rosemary is currently co-editing *Dynamic Fair Dealing: Creating Canadian Cultural Heritage Online* with Darren Wershler and Martin Zeilinger. The forthcoming volume explores necessary changes to copyright law in digital contexts. Addressing fair dealing as a practice, not simply a category in Canadian law, the book shows how Canadians in digital environments understand themselves to be acting fairly by exploring emerging ethics with respect to cultural goods—in publishing, music, and museums, for example—in post-colonial contexts. Rosemary shows how new publics are enabled by technology as relationships of respect and reciprocity are forged pertaining to cultural heritage, suggesting that we would be well advised to look to such practices for the purposes of forging national cultural policy. Several other IPinCH members have also contributed chapters, including George Nicholas and Nicole Aylwin, Rosemary's Working Group research assistant, who co-authored a chapter with Rosemary and contributed her own chapter addressing the principles of cultural diversity.

To put the idea of dynamic fair dealing into practice, Rosemary created Artmob (www.artmob.ca), an arts content management system offering a series of online tools for organizations and institutions to adopt and adapt so as to engage fairly with the cultural material they digitally archive. The architecture of the system was designed to support fair dealing and to protect attribution and other moral rights. It was also designed to enable users to contribute to knowledge with regard to cultural heritage, and ensuring originating communities are able to express concerns, while encouraging dialogue about a work and its history, thus supporting those with IP and cultural heritage rights to forge new relationships. The project is a testament to Rosemary's conviction that IP can and should be fashioned to address a diversity of needs, sensitive to social justice issues and the particularities of Canada's need to decolonize its public institutions.

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"Transforming Colonial Categories? Customary Law, Legal Pluralism and the Cultural Heritage of Indigenous Peoples" Workshop

In January 2012, the IPinCH Working Group on Customary, Conventional and Vernacular Legal Forms hosted the workshop "Transforming Colonial Categories? Customary Law, Legal Pluralism and the Cultural Heritage of Indigenous Peoples" at York University. Over two days, students and scholars from Canada and the United States explored the meaning of customary law and its relationship, both in theory and in practice, to legal pluralism, cultural heritage and intellectual property rights.

The first day opened with a keynote address by Dr. Haidy Geismar of New York University, focused on her recent work on intellectual property disputes in Indigenous communities in Vanuatu and Atorea. Arguing that customary law challenges the way in which culture is mapped onto property relations, Dr. Geismar questioned the firm distinction between customary law and "official law." She argued that processes of reification and objectification, often assumed to take place when customary practices are subsumed by "official law," do not signal the end of customary practice but rather, in many cases, represent the beginning of generative legal practices that draw strategically on both customary copyright law and official legal mechanisms.

Dr. Geismar's talk kicked off a Graduate Student Workshop filled with innovative and insightful student presentations exploring the relationship between cultural practices and customary law and drawing connections to notions of citizenship, the conditions of neoliberalism, and recognition of Indigenous sovereignty. Student papers also addressed such topics as the relationship between settler states and Indigenous cultural producers, Indigenous collaborative research practices, and challenges arising in reconciling Indigenous and Canadian institutional ethical and legal frameworks.

The workshop included an interactive session led by Dr. Catherine Bell, a member of the

Group discussion at York University workshop (above); workshop presentation by Brian Noble (below).

IPinCH Steering Committee, focused on legal pluralism in the context of collaborative policy development and academic research practices with Indigenous communities. The session explored the meaning of legal pluralism within the context of Canada's Tri-Council Policy Statement guidelines for conducting ethical research, Indigenous laws and protocols, grant transfer agreements, consent forms for ethnographic work, control over data and archives, and First Nation research protocols.

The second day featured faculty presentations on a diverse range of topics, including the need for effective Indigenous legal pedagogy, consideration of the meaning of "obligation" and "honor" in the context of Indigenous-Crown relationships, and the implications of the law resting on imaginative geographies and specific cultural narratives of victimhood as a means of issue mobilization. These presentations, among others, generated discussion and debate on definitions of legal pluralism and customary law, the place of cultural heritage practices within alternative legal orders, and the question of how intellectual property rights may be reconciled with issues of Indigenous sovereignty and governance.

The workshop concluded with participants agreeing to continue their conversation through the Customary, Convention and Vernacular Legal Forms Working Group to develop further initiatives related to this topic. Portions of the event were filmed and will be available on the IPinCH website soon.

ezhibiigaadek asin

ended at a tall chain-link fence surrounding *ezhibiigaadek asin*, a huge rock whose many petroglyphs were exposed in 1881 as the result of a major fire. A few years ago, funding cuts in Michigan's Department of Natural Resources (DNR) led to the state's inability to properly safeguard or interpret the petroglyphs, known as *ezhibiigaadek asin,* and the fence was built, although trails in the surrounding forest remain open. The DNR approached the Saginaw Chippewa Indian Tribe about co-managing the site, which prompted discussions among tribal members concerning appropriate ways to interact with the site and share its important teachings. For several years now, members of the tribe have performed annual ceremonies at the petroglyphs.

Funding from IPinCH is aiding Ziibiwing—the tribe's center for heritage research—to meet with spiritual leaders, elders and other tribal members, as well as officials from the DNR, to work toward developing a co-management agreement that takes into account the site's intellectual properties—images, stories, lifeways, ceremonies, interpretations, research data, et cetera. It was fascinating to visit *ezhibiigaadek asin* and witness firsthand the significance of the petroglyph and its teachings. George Nicholas remarked that one of the first indicators that the Tribe is truly co-managing the site will come when they have their own key to the 12-foot fence, rather than needing to call the DNR to come and open it for them. After a bag lunch prepared for us by Ziibiwing (with lots of extra goodies!), we headed back to Indiana, stopping for a night on Lake Maxinkuckee. All of us extend a gracious thanks to Shannon, Willie, Judy, and everyone at Ziibiwing for hosting us for this exciting and educational visit.

IPinCH visitors (left to right): Anne Pyburn, Julie Hollowell, Sue Rowley, Stephen Loring, William Johnson, and George Nicholas

Recent IPinCH Presentations and Publications

G. Nicholas, A. Roberts, D. M. Schaepe, J. Watkins, L. Leader-Elliot, and **S. Rowley.** 2011. "A Consideration of Theory, Principles and Practice in Collaborative Archaeology." *Archaeological Review from Cambridge* 26(2).

S. Atalay. "Participatory Planning, Core Tribal Values, and Knowledge Mobilization in Community-Based Research." Paper presented at Central States Anthropological Society Conference, Toledo, March 2012

J. Hollowell. "Building Capacity for Community-Based Research in the University: Lessons from IPinCH." Paper presented at Central States Anthropological Society Conference, Toledo, March 2012.

B. Noble. "As if History Happened: Indigenous Peoples and the Fabulations of Canadian Sovereignty." Paper presented in symposium "Where in the World is Dalhousie? Connecting Canada to the World in Research and Teaching", Dahousie University, Halifax, March 2012.

D. Schaepe. "Stó:lō Ritualization" and "Stone People and Stone Places: Two Archaeological Examples of Stó:lō Ritualization of Practice and Customary Law Associated with T'xwelátse and Xelhálh." Papers presented at "Ritual Places and Spaces" workshop, Simon Fraser University, Burnaby, February 2012.

G. Nicholas. "Intangible Heritage and Intellectual Property Considerations of Sacred Places and Secret Knowledge." Paper presented at "Ritual Places and Spaces" workshop, Simon Fraser University, Burnaby, February 2012

R. Coombe and **P. Goff** organized the workshop "Transforming Colonial Categories? Customary Law, Legal Pluralism and the Cultural Heritage of Indigenous Peoples" at York University, Toronto, January 2012, which included the following paper presentations by IPinCH scholars:

- **S. Carr-Locke**. "Opportunities for Graduate Students with the IPinCH Project."
- **C. Bell.** "Law, Ethics and Products of Research."
- **R. Coombe** and **P. Goff.** "Intellectual Property and Indigenous Peoples: Obstacles, Ontologies, Opportunities."
- **E. Feltes**. "Research Models Founded on Respect Between Sovereigns and Indigenous Legal Principles: The Laurier Example."
- **P. Goff**. "Accommodation Strategies in International Institutions."

- **B. Noble**. "Ways of Pluralizing around Intellectual Property."
- **S. Robertso**n. "The Stewardship Model of Property: Toward an Indigenous Cultural Heritage Protection Model?"

B. Noble. "Working Together Toward Shared Futures, as Peoples." Research presentation for "Jiksitatulti'kw – Listening to Each Other: Developing Mutual Frameworks for Research Design/Methodologies in Aboriginal Communities" workshop, Atlantic Policy Congress of Chiefs, Dalhousie University, Halifax, December 2011.

B. Noble. "Obliging the Settler and the Expert: The Engaged, Political, Pragmatist Anthropologies of Michael Asch and Isabelle Stengers." Paper presented in the panel "The Settler Question in Canada: Anthropological History and the Challenge of Living Together on Indigenous Lands" organized by Joshua Smith and Brian Noble, Annual Meeting of the American Anthropological Association, Montréal, November 2011.

S. Loring organized the session "Reversing the Legacy of Colonialism in Heritage Research" at American Anthropological Association meeting, Montreal, November 2011, which included paper presentations by the following IPinCH scholars:

- **A. Roberts**. "Community Initiatives and Archaeology: The Ngaut Ngaut Interpretive Project."
- **D. Schaepe**. "In the Face of Exploitation: Empowering Sto:lo Cultural Landscape Management and Heritage Preservation."
- **M. Baird.** "Internal Colonization and World Heritage: Contexts, Histories, and the Cultural Politics of Heritage."
- **S. Loring**. "Now Yesterday's Gone: Negotiating Cultural Heritage Initiatives with the Innu In Nitassinan (Labrador, Canada)."
- **G. Nicholas.** "When Descendant Communities are in the Driver's Seat."

B. Noble. "Crabgrass: Stories from a Pesky Little Anthropology." Paper presented at annual meetings of Society for Applied Anthropology, March-April 2011, Seattle, and Canadian Anthropological Society, May 2011, Fredericton.

E. Feltes. "Reciprocity, Protocol and the Research Relationship." Paper presented at Society for Applied Anthropology meeting, March-April 2011, Seattle.

J. Smith. Panelist in session "Learning from Sol Tax in 2010" at Society for Applied Anthropology

meeting, March-April 2011, Seattle.

S. Carr-Locke. "Indigenous Intangible Cultural Heritage in Museums." Paper presented at Society for Applied Anthropology meeting, March-April 2011, Seattle.

M. LaSalle. "Making Nature." Paper presented at Society for Applied Anthropology meeting, March-April 2011, Seattle.

E. Feltes. "Reciprocity, Protocol and the Research Relationship." Paper presented at Society for Applied Anthropology meeting, March-April 2011, Seattle.
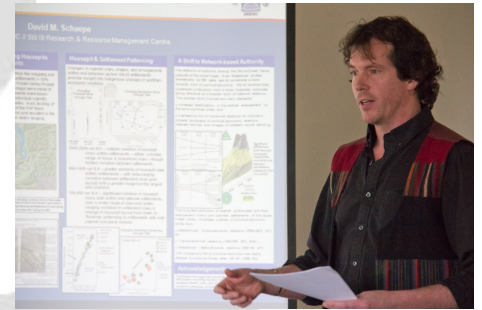
Dave Schaepe (above) and George Nicholas (below) speaking at the "Ritual Places and Spaces" workshop at SFU, February 2012, organized by Suzanne Villeneuve and Brian Hayden, sponsored by the Wenner-Gren Foundation.

IPinCH
Midterm Conference
Simon Fraser University
Vancouver, B.C.
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Intellectual Property Issues in Cultural Heritage Project

Case Studies in Progress

The Ngaut Ngaut Interpretive Project: Providing Culturally Sustainable Online Interpretive Content to the Public

The Nguat Ngaut rock shelter was the first "scientifically" excavated site in Australia in 1929, but it has much deeper meanings for local Indigenous people. In conjunction with the other River Murray and Mallee Aboriginal people, the Mannum Aboriginal Community Association Inc. (MACAI) shares stewardship responsibilities with the State of South Australia for this iconic place, known as Devon Downs in the archaeological literature. Existing online information concerning Ngaut Ngaut is viewed by MACAI as incomplete or inaccurate at best, and overtly wrong and offensive at worst. These concerns are addressed in this IPinCH case study developed by Isobelle Campbell (MACAI) and Amy Roberts (Flinders University). New internet resources are being developed in a collaborative, structured and culturally sustainable manner, reflecting both the tangible and intangible values of the site, through fieldwork, community consultation, and a visit by MACAI members to the South Australian Museum, which houses artifacts collected from the site. The South Australian Department of Environment and Natural Resources has offered to host an online booklet with the potential to address such intangible values as cultural meanings and interpretations of rock art, dreamings, oral histories, and more. New additional interpretive signage is planned, along with printed booklets to assist MACAI in promoting the significance of the park and to encourage greater protection of the cultural heritage of the area.

Secwepemc Territorial Authority: Honoring Ownership of Tangible/Intangible Culture

Developed by IPinCH co-investigator Brian Noble (Dalhousie U.) and Arthur Manuel (Secwepemcul'w and Indigenous Network on Economies and Trade spokesperson) this initiative will bring together Secwepemc community leaders and knowledge holders from Neskonlith, Adams Lake, and Splats'in Bands of interior British Columbia with a group of social, legal, and political scholars. A four day discussion this spring (2012) will explore the premise that Secwepemc Peoples' have economic, political, and legal authority within their territory, starting with the case of an ancestral burial site that will help people in the circle think and talk about how researchers and others might (a) most respectfully undertake political-legal relations with Secwepemc people concerning tangible-intangible culture and (b) develop fruitful scholarly and/or economic collaborations, while (c) fully honouring Secwepemc Peoples' assertions of the territorial authority. To do this, the group will carefully consider and study the sources and kinds of locally, historically, socially bound obligations, duties and practices between host Indigenous peoples and visiting peoples within Secwepemc territory. Discussions will introduce the context of historic positions consistently put forward by the Interior peoples of British Columbia and consider the full meaning of Free Informed Prior Consent on Indigenous land, arising from the UN Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity. It is anticipated the study will build understandings around good practices, providing guidelines to other future research projects on tangible and intangible culture and heritage that respect Indigenous self-determination and territorial authority.

The Journey Home: Guiding Intangible Knowledge Production in the Analysis of Ancestral Remains

This initiative builds on existing relationships between researchers and the Stó:lō First Nation of British Columbia, and focuses on intangible knowledge production in a respectful process for understanding the most appropriate way of learning about and bringing ancestral huamn remains home. The project was co-developed by Susan Rowley, Laboratory of Archaeology, University of British Columbia, and Dave Schaepe, Stó:lō Research and Resource Management Centre representative. Consultation between Stó:lō cultural /spiritual leaders and bioanthropologists is helping to address questions arising from or relating to repatriation, including: What types of anthropological research and scientific analyses can be applied to answer community-based questions? What are the details and cultural implications of analyses—both destructive and non-destructive? Who decides which questions to ask and which means of research to implement? Who interprets the results? Who owns those data? How do "scientific" and "cultural" ways of knowing relate? and Who is allowed to share in and benefit from this knowledge? The research plan addresses the types and parameters of research to be pursued and equitable sharing of resulting information. The anticipated Memorandum of Understanding or Agreement could later be adapted by others engaged in related work.

Yukon First Nation Heritage Values and Heritage Resource Management

Heritage values are key to fulfilling Yukon First Nations' (YFN) rights and obligations established under their respective land claim and self-government agreements. Designed and directed by the Heritage staff of three partner nations, this case study explores YFN heritage values through collaborative, community-based ethnographic research. Initiating and conducting the research are Sheila Greer, Sheila Joe Quock, and Paula Banks (Champagne & Aishihik First Nations); Heather Jones and Susan Mooney (Carcross-Tagish First Nation); Mark Nelson (Ta'an Kwach'än Council); and IPinCH co-investigator Catherine Bell. While First Nations signatories to the Yukon Land Claim Agreements own and have responsibility for managing heritage resources on their Settlement Lands, the governments of the Yukon and Canada have responsibility for managing Heritage Resources on other lands in the Yukon Territory, wherever they are located. This study seeks to (a) identify YFN values; (b) determine how the values compare to those expressed in Western heritage resource management concepts and practices; and (c) consider how adoption of Yukon Indian values could potentially impact the management of the heritage resources by self-governing YFNs under their respective land claims. This project has already developed a guidebook to ethics and ethnographic research and held a Research Partner and Planning Workshop.

Grassroots Resource Preservation and Management in Kyrgyzstan: Ethnicity, Nationalism and Heritage on a Human Scale

How best can heritage preservation and education be promoted in the post-Soviet nation of Kyrgyzstan where ties to the past have been attenuated? This is the impetus for this study of the nature of Kyrgyz intellectual property and cultural heritage from a community-based perspective developed by former IPinCH Advisor Anne Pyburn (Indiana U.), Asipa Adumbaeva (Kyrgyz Heritage Association), Kubat Tabaldiev (National University of Kyrgyzstan), and representatives of the American University of Central Asia, Osh State Museum, along with extensive community member input. The goal is to develop, promote, document, and evaluate a set of small-scale heritage and cultural property preservation/education projects designed by ordinary citizens of the Kyrgyz Republic.

The case study consists of five integrated, small-scale, community-embedded projects that includes teacher education workshops on cultural property and Kyrgyz archaeology; the collection and sharing of petroglyph images to aid in preserving oral traditions; development of an ethnographic map of sacred places; and a conference and educational outreach sessions on cultural tourism and cultural property. A variety of products will be developed for Kyrgyz communities, such as workbooks for students, lesson plans and resource materials for teachers, information packages for tourists, radio shows and podcasts, and a website for the general public.

Cultural Tourism in Nunavik

This initiative was developed by the Avataq Cultural Institute, Nunavik's official archive and Arts Council, to help preserve Inuit language and culture in the context of increased cultural tourism in Nunavik (Northern Québec and Labrador) in Canada. Avataq archaeologist Daniel Gendron coordinates the case study in collaboration with Rhoda Kokiapik, Nancy Palliser, and Nancianne Grey.By identifying Inuit interests in tourism development and ways that Inuit might affect that development, Avataq's study will help the Nunavimmiut define tourism issues with a potentially negative impact on their traditions and culture, and identify how best to address these. Currently, non-Inuit cultural tourism stakeholders take Inuit culture and its apparent strength for granted, often failing to implement mechanisms for ensuring preservation of Nunavimmiut (Inuit of Nunavik) culture and traditions. The Avataq team is also exploring the impetus for cultural tourism in Nunavik, focusing on the development of two major tourism projects in Kangirsujuaq and Kangiqsualujjuaq, and on how regional authorities and the Québec Government are ensuring involvement, cooperation, and collaboration of community members. Research is aided by interviews conducted in Nunavik by Tommy Weetaluktuk, a community member and Avataq archaeologist, and by Université Laval Geography PhD student Émilie Ruffin. Ultimately, a cultural tourism package proposal responsive to Nunavimmiut interests, and an Avataq policy on cultural tourism will be produced.

Traditional Knowledge Licensing and Labeling Website 1.0:

localcontexts.org

Indigenous people are under-served by both traditional all-rights-reserved copyright and Creative Commons licenses because they do not account for: the second and third party ownership of this material; the cultural protocols and access restrictions that govern access to material within Indigenous contexts; the fact that a significant amount of Indigenous cultural material is already in the public domain and also inevitably circulating in the digital domain; that Indigenous communities are wanting to share certain material whilst also making users aware of the appropriate codes of conduct for access, use and future circulation of that material. There is an urgent need to develop a set of specific licenses and labels that can recognize the special status that Indigenous cultural material has and the legitimacy of already existing and developing Indigenous knowledge control strategies.

The Traditional Knowledge Licensing and Labeling Website 1.0, funded in part by IPinCH, is a project for the development of an accessible digital platform that will contain a set of standardized licenses and fair-use labels that can be applied to already existing and future generated content that contains community-recognized traditional and Indigenous knowledge. The project is led by Dr. Kim Christen (Washington State University) and Dr. Jane Anderson (University of Massachusetts). For many Indigenous communities, materials (e.g. photographs, sound recordings, films, videos and manuscripts) that contain cultural information or representations of cultural practices need to be managed according to alternative sets of rules to those provided by copyright and creative commons license models. These alternate rules derive from the specificity of the contexts from which such materials derive and reflect cultural conditions of circulation and use particular to the materialized knowledge. For instance, some material has rules regulating access according to gender, initiation and/or the secret nature of the material.

The website will offer Indigenous peoples and communities, as well as those working in collaboration with Indigenous communities, an opportunity to apply legal licenses and educative labels to digital cultural content. The licenses are designed to be legally defensible across multiple jurisdictions, while the labels are designed as a non-legal, educative and social strategy that can deal with cultural material in the public domain.

The website has been registered as "localcontexts.org" because the site is meant as a springboard for many types of tools and educative devices around Indigenous peoples' intellectual property needs which are always, by definition, embedded in and derived from local contexts. In addition to offering both licensing and labeling options for holders and owners of Indigenous cultural material, the website will also provide accessible explanations and tutorials for when and how traditional knowledge licenses and labels can be used and for what kind of material. For the first time, Indigenous peoples and communities will have access to a resource tool that offers specifically tailored license options for cultural content that recognizes unique needs in relation to access and control of this material and that incorporates already existing and context-driven rules and obligations for sharing knowledge and cultural material. Localcontexts.org will provide a platform for dialogue, a set of licenses and labels, and an educational toolbox to address the mismatch between Western IP systems and the varied indigenous concerns over the circulation of, access to, and control over their traditional knowledge in its many forms. The licenses and labels are already being tested as part of the production of Mukurtu CMS (www.mukurtu.org) a community driven free and open source content management system and digital archive platform designed around the unique needs of managing, sharing, and preserving Indigenous digital heritage. Over the next six months, Drs. Anderson and Christen will work in partnership with Dr. Michael Ashley and his team of developers at the Center for Digital Archaeology at the University of California Berkeley to design, produce, test and launch the site. The development process will be open for comments and suggestions and the end product will be a free and open source platform.

New IPinCH People

Gloria Bell, Associate Scholar. Gloria is an interdisciplinary cultural worker with Aboriginal communities in Ontario and is currently involved in several projects around storytelling and traditional knowledge research, and self-determination and colonial art. She is Métis with ancestral ties to the Red River Settlement and James Bay, holds an MA degree in Art History and Native Studies from Carleton University, and blogs on Aboriginal cultural heritage issues at metisramblings.blogspot.ca.

Claire Poirier, Student Associate: A doctoral student in Archaeology at Memorial University in Newfoundland, Claire's research examines how different ontologies interact through the process of heritage management in the Treaty Six region. She will be working closely with Plains Cree nations in Central Alberta to identify strengths and weaknesses of current intellectual property guidelines in the province's Heritage Resource Act.

Soudeh Jamshidian, Research Assistant: Soudeh is a doctoral student in the School of Resource and Environmental Management at SFU and is studying the effects of protected areas and community-based natural resource management on local institutions and the role of traditional knowledge in new conservation practices in post-conflict Afghanistan.

Ruth-Rebeccalynne Tyana Lokelani Aloua, Student Associate. Born in Wailuku, Maui, Ruth is Native Hawaiian from Kailua-Kona, Hawai'i, and currently an MA Candidate in Archaeology at Simon Fraser University. Her research seeks to identify and create opportunities to engage Native Hawaiian communities as research partners in archaeological research, exploring this issue through a case study of Kaloko-Honok'hau National Historical Park in Kailua-Kona.

Mique'l Icesis Dangeli, Student Associate: Mique'l is a doctoral candidate specializing in Northwest Coast First Nations Art History at the University of British Columbia. Raised in the only Indian Reserve in Alaska, Mique'l Dangeli is of the Tsimshian Nation of the Metlakatla Indian Community. She is a member of Metlakatla's tribal right committee, the community's Healing Art Curator, Director of the Duncan Cottage Museum, and an accomplished dancer and choreographer.

Rachel Giraudo, Scholar Associate: Rachel is an Assistant Professor in the Department of Anthropology at California State University, Northridge. She recently completed her Ph.D. in Anthropology at the University of California, Berkeley. In her dissertation, which is based on the case study of the Tsodilo World Heritage Site in Botswana, Rachel examines heritage tourism as a means of sustainable development for ethnic minorities in southern Africa.

Josh Berson, Post-Doctoral Fellow: Josh holds a PhD in History and Sociology of Science from the University of Pennsylvania. He has been a postdoctoral fellow at the Max Planck Institute for the History of Science, Berlin. His research is principally concerned with how register boundaries between different kinds of expertise become productive sites for the articulation of law and public policy and with how abstract registers of economic value shape the articulation of property and value in material space.

Rachel Hirsch, Post-Doctoral Fellow: Rachel completed her PhD in Geography at the University of Western Ontario. Now based at the Faculty of Environmental Studies at York University, Rachel is a Postdoctoral Fellow in Arctic Climate Change Policy. Since taking on this role in 2000, Rachel has developed a new research program entitled, "Sharing research findings in the Canadian Arctic: Assessing the integration of Inuit knowledge in policy communications about climate change related food insecurity."

Adam Solomonian, Student Associate: Adam is a doctoral student in the Department of Anthropology at the University of British Columbia in Vancouver. His PhD research with the shíshálh Nation on the Sunshine Coast of British Columbia combines the anthropology of photography, materiality, and cultural memory.

Kimberly Christen, Associate Scholar: Kim is an Associate Professor in the Department of Critical Culture, Gender and Race Studies and the Director of Digital Projects at the Plateau Center for American Indian Studies at Washington State University. Her research focuses on contemporary indigenous alliance-making globally.

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

Top (L-R): Bell, Poirier, Jamshidian, Aloua, Dangeli

Bottom (L-R): Giraudo, Berson, Hirsch, Solomonian, Christen.
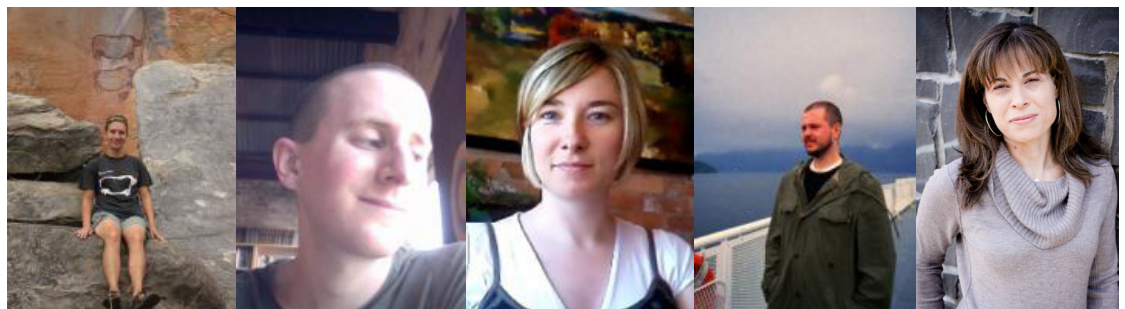
PinCHes of News

IPinCH & Social Media: A little less than a year ago, IPinCH launched a **Facebook** page and a linked **Twitter** account as an additional way to connect with people online. As the Student Rep on the Steering Committee, **Sarah Carr-Locke** has been maintaining the accounts, which has involved re-posting from scholarly and popular blogs, popular and academic articles, and occasionally events. There have been some wall postings from others as well. The "Likes" have surpassed 100 and the stats report indicates that we have had thousands of views of our page. If you are on Facebook, please join us!

Knowledge Mobilization Study Underway: The IPinCH project is undergoing a knowledge mobilization assessment to evaluate the efficacy of our project communication strategies and make recommendations for improving information flow, both internally and externally. The assessment will lead to improvement in sharing, access, implementation, and utilization of knowledge emerging from the IPinCH project. Ultimately, we hope this exercise will enable the understanding and use of the "culture of communication" that underlies a major collaborative undertaking such as the IPinCH project. The work is being undertaken by **Knowledge Mobilization Works** of Ottawa and headed by **Peter Levesque**.

IPinCH Digest Re-design: IPinCH Associate **Kristen Dobbin** has reworked the *IPinCH Digest*, our monthly news service for team members, partners, students and associates. The *Digest* is now being sent out via Mailchimp, a flexible e-newsletter platform. Printed copies are available on request.

During the IPinCH Midterm Conference, **Dave Schaepe** from the Stó:lo Research and Resource Management Centre stepped in to join **Lena Mortensen** in chairing the Cultural Tourism Working Group, which she has been piloting single-handedly for more than a year. **Ian Lilley,** who had asked at the start of the conference how he could be more involved in IPinCH, found the answer in becoming the Co-chair of the Sourcebook and Community Tool Kits Working Group, when Steering Committee member **John Welch** stepped aside due to a heavy workload.

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