

# Saskatchewan Indigenous Arts (Living Document)

Second review February 25, 2016 at the Sâkêwêwak Indigenous Artists Symposium



*This Indigenous Art Industry Standards/Best Practices document is a working draft that will be reviewed regularly to ensure the standards and best practices are current and relevant to the dynamic and ever-changing First Nation and Métis art practice.*

A discussion document was circulated in 2009 and a series of gatherings took place across the province to address important issues specific to Indigenous art in Saskatchewan such as copyright, cultural exchange, marketing art and the diversity of art practice in Saskatchewan's First Nation and Métis communities.

The purpose of the gatherings was to bring First Nations and Métis artists together to discuss Saskatchewan's Indigenous art industry standards and best practices.

It is hoped that these results will come from such gatherings:

- a comprehensive province-wide list of practicing artists will be compiled
- artists will come together to meet and discuss common topics
- artists will be given a chance to speak about their experience as First Nations or Métis artists in Saskatchewan and identify ways their existing practice could be supported
- valuable networking at the meetings
- a draft document will be written to enhance and strengthen the province's diverse First Nations and Métis art practice – protecting the artist while aiding the development of a stronger Indigenous art community in the province

This process was part of a larger Industry Standards/ Best Practices document being developed by CARFAC Saskatchewan. The Indigenous component of this document was drafted according to the comments made by the artists attending the gatherings.

## INDUSTRY STANDARDS

The standard of fair and respectful treatment of First Nations and Métis artists and their artworks.

## BEST PRACTICES

Steps being taken by us as artists to advance First Nations and Métis art practice in Saskatchewan.

We thank all the participants for taking time to take part in the community consultation meetings, or to write or to call with their comments.

This draft document is now complete and will be incorporated into the larger CARFAC document and distributed throughout the province to all artists who have participated in the consultation meetings, their communities, galleries, museums, funders, and government agencies.

## PROJECT FUNDING



This project is supported by the Creative Industries Growth and Sustainability Program which is made possible through funding provided to the Saskatchewan Arts Board by the Government of Saskatchewan through the Ministry of Tourism, Parks, Culture and Sport.

**More best practice standards at [www.bestpracticestandards.ca](http://www.bestpracticestandards.ca)**

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This project has been devised based on the "The Code of Practice for the Australian Visual Arts and Craft Sector" Edition 2, developed, commissioned and published by the National Association for the Visual Arts (NAVA).

## INDUSTRY STANDARDS

*The standard of fair and respectful treatment of First Nations and Métis artists and their artworks.*

### 1 **RESPECTFUL CULTURAL EXCHANGE: DIVERSITY**

There are nine (9) Indigenous cultural groups in the province of Saskatchewan including néhiyawak (Plains Cree), néhinawak (Swampy Cree), nihithawak (Woodland Cree), Nakawē (Saulteaux / Plains Ojibway), Nakota, Lakota, Dakota, Dene and Métis. While there are similarities in beliefs, there are regional and geographic differences among nations, communities, languages, traditions and protocols.

- 1.1 In order to ensure fair and respectful treatment of diverse nations, it is recommended for organizations/ individuals to research cultural backgrounds of Indigenous artists.
- 1.2 Our Indigenous cultures are dynamic and this is reflected in their arts through the incorporation of both old and new materials, techniques, concepts, and design.
- 1.3 Educate yourself on the various Indigenous art practices to determine how to find artists with appropriate skills and knowledge within their specialized genre in order to successfully work in partnership on projects related to First Nation and Métis arts.
- 1.4 Tourist shops, commercial galleries and contemporary public galleries each offer distinct types of Indigenous art. The public should become mindful of the present and past stereotyping of Indigenous art.

### 2 **RESPECTFUL CULTURAL EXCHANGE: PROTOCOL**

- 2.1 Indigenous art is created in both sacred and secular contexts. Seek advice from knowledgeable Elders and or knowledge keepers if the work being used contains content of a sacred nature.
- 2.2 Inquire directly with the artist and/or community members about the subject matter and cultural content of historical or contemporary artwork.

### 3 **FAIR AND EQUITABLE TREATMENT: COPYRIGHT**

- 3.1 Copyright of individual artworks is held by the artist as per the Canadian Copyright Act. Artists should be consulted for approval before their work is used.
- 3.2 Traditional Indigenous knowledge is collectively owned and its use requires advice and permission from knowledgeable Elders and or knowledge keepers. The process of seeking permission for use of collectively owned artwork can be extensive and is likely to involve many community members.  
  
Traditional Indigenous knowledge includes art images, songs, symbols, crests, performance, proverbs, stories, folklore, community laws, practices, rituals, technical processes, science and inventions.
- 3.3 Public recognition and formal credit must be given where artistic Indigenous knowledge being used is connected to First Nation and Métis communities, families and culture groups.

- 3.4 Measures have been implemented by the Canadian government to protect objects that are meaningful to Canada's heritage based on the UNESCO 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*.

As such, Indigenous artwork and cultural objects of "outstanding significance and national importance" are protected under the Canadian *Cultural Property Export and Import Act*.

- 3.5 The use of Indigenous cultural materials and artworks without permission from the artist or appropriate First Nation and Métis representatives is considered copyright infringement.
- 3.6 Cultural appropriation of Indigenous arts through the mass-producing commercial industry is an exploitation of First Nations and Métis art and artists and such products are considered fraudulent imitations and violations of copyright. Direct purchase from Indigenous artists and Indigenous organizations, or their designated representatives, is strongly encouraged to contribute to First Nation and Métis economic development.

### 4 **FAIR AND EQUITABLE TREATMENT: AUTHORIZATION AND COMPENSATION**

- 4.1 When using Indigenous artworks and/or cultural materials contact the appropriate artists and/or communities to negotiate terms for fair compensation. If used in the educational context, fill out appropriate copyright forms such as Cancopy.

- 4.2 When hiring Indigenous artists for services, lectures, exhibitions, etc. the CARFAC minimum fee schedule is the standard starting point for negotiations.
- 4.3 In order to ensure full understanding of the negotiations by all parties, a translator will be engaged when necessary.
- 4.4 When necessary, alternative methods to record negotiations may be required such as audio recording and videotaping.
- 4.5 Indigenous artists should not be exploited by unfair purchase pricing. Fair market value should be given when purchasing Indigenous arts.

- 5.5 Support for capacity building of Indigenous art initiatives needs to be increased.
- 5.6 In all of the above listed items of support, employment equity of Indigenous people is strongly recommended. Indigenous artists, scholars, curators and administrators are to be considered the experts of their art and culture.
- 5.7 Research on Indigenous art by non-Indigenous scholars must involve the inclusion of an Indigenous artist/s and/or the Indigenous community.

- 6.6 Teaching and curriculum development in art education, art history and Indigenous art should always be contracted to an Indigenous expert with the goal of creating permanent full-time positions.

## 7 EDUCATION: TRAINING

- 7.1 Opportunities need to be developed for continued art training through classes and workshops including research and development of Indigenous perspectives on art and art practice, and the marketing of art.
- 7.2 A funding program for Indigenous mentorship and apprenticeship within the art community needs to be developed.
- 7.3 Opportunities for stronger collaboration with school boards need to be developed to link established Indigenous artists with youth and emerging artists.
- 7.4 More educational curriculum needs to be developed to bring awareness of the diversity of Indigenous arts and art practice in Saskatchewan.

## 6 ADVANCING INDIGENOUS ARTS: COLLABORATION AND NETWORKING

- 6.1 Opportunities for collaboration need to be developed to create a comprehensive database of practicing Indigenous artists in Saskatchewan.
- 6.2 Funding options are needed for the development of a feasibility study for studios and gallery community spaces for Indigenous art in Saskatchewan.
- 6.3 Indigenous art collectives are a valuable source for reaching the larger population of First Nation and Métis artists.
- 6.4 Collaborative opportunities need to be sought out to present Indigenous artworks to a broader audience.
- 6.5 Funding sources are needed to develop a website on Saskatchewan Indigenous art, to increase networking and provide accessibility to artists and related resources.

## BEST PRACTICES

*Steps being taken by Indigenous artists to advance First Nations and Métis art practice in Saskatchewan.*

### 5 ADVANCING INDIGENOUS ARTS: SUPPORT FOR ARTISTS AND ARTS

- 5.1 Artist and gallery will negotiate and agree to timelines for exhibitions,
- 5.2 Funding agencies and governments need to continue to support new initiatives that will promote Indigenous art as a major force in Saskatchewan.
- 5.3 Funding agencies and governments are needed to support writing about Indigenous art by Indigenous scholars and artists.
- 5.4 Funding agencies and governments are needed to support development and delivery of Indigenous art history conferences and Indigenous art symposiums.

## 8 EDUCATION: TRAINING

- 8.1 Opportunities need to be developed for Indigenous artists and Elders to meet and discuss First Nation and Métis art practice, interpret historical artworks and suggest protocol for culturally sensitive content.
- 8.2 For research of historical Indigenous art by non-Indigenous scholars, it is recommended that they approach Indigenous community resource experts which may include Elders from the specific community where the art originates, Indigenous professors from the local universities, Friendship Centres, cultural centers, and Indigenous representatives of galleries and museums.

## 9 MARKETING: MARKET DEVELOPMENT

- 9.1 Funding sources need to be identified to aid in the establishment of a provincial Indigenous art market.
- 9.2 Saskatchewan Indigenous arts needs to develop a trademark that is evidence of authenticity. This trademark will increase the economic development of First Nation and Métis communities.
- 9.3 Availability of small grants needs to be identified for website development for individual Indigenous artists in Saskatchewan.

### NOTES

In May 2009, the Saskatchewan government passed a new law called *The Arts Professions Act* which requires a written agreement between artists and engagers.

Further information on the Saskatchewan Arts Professions Act and the Checklist for Contracts is available online at [www.tpcs.gov.sk.ca/arts-professions-act](http://www.tpcs.gov.sk.ca/arts-professions-act). Free contracts/model agreements are available from CARFAC SASK at [www.carfac.sk.ca](http://www.carfac.sk.ca).

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Information on Traditional Knowledge (Indigenous Knowledge) and copyright is available from CARFAC SASK at [www.carfac.sk.ca/tk](http://www.carfac.sk.ca/tk)

This Indigenous Arts Industry Standards/Best Practices document is a living document resulting from individual and group consultations with First Nation and Métis artists which were held throughout Saskatchewan in November and December 2009 in Beauval, La Ronge, Saskatoon, North Battleford, Prince Albert, Yorkton, Regina, Maple Creek and Cumberland House. The document was further reviewed and amended by Indigenous artists on April 2014 in Saskatoon; and, February 2016 in Regina.

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