

Authenticity Brief and Framework

Prepared for Aboriginal Tourism British Columbia

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Background

Ever since its creation in 1996, Aboriginal Tourism British Columbia (“AtBC”) has been at the forefront of advancing Aboriginal tourism, and playing a constructive role in Aboriginal economies across British Columbia. AtBC’s commitment “to growing and promoting a sustainable, culturally rich Aboriginal tourism industry” has been evidenced in a number of AtBC’s flagship initiatives including its Authentic Aboriginal Experience program, the Klahowya Village (Pan Pacific and in Stanley Park; both successes), Festivals (Indian Summer at Robson Square) and so on.

A further step forward in advancing this commitment is through continuing the development of AtBC’s Authenticity Program, with the goal of protecting the integrity and economic sustainability of the Aboriginal cultural tourism market.

In recent years, AtBC has taken important initial steps in advancing its authenticity agenda, including a cultural authenticity program that focuses on the authentic Aboriginal tourism experience. A possible next step in advancing this agenda is the development of a program

focused on Aboriginal artisan products in the tourist gift market. Recent articles and studies, including the study of Solen Roth, have illustrated that the current participation level of Aboriginals in the tourist gift market requires attention and significant improvement. By expanding its focus on authenticity, ATBC will be taking steps to directly advancing the growth of this sector of the Aboriginal tourism industry.

This Brief provides an overview of the following:

- the significance of the authenticity issue to Aboriginal peoples and communities, as well as to tourism in British Columbia; and
- the current challenges related to the participation of Aboriginals in the tourist gift market, including the economic and cultural impacts related to the current limited participation.

This information will allow AtBC to expand its role in addressing these challenges, including possible roles for AtBC in working with its stakeholders (e.g. artisans, producers), dialogue with government entities (e.g. engagement with the Provincial government), and developing public awareness (e.g. development of media tools and public messaging).

In preparing this Brief the following steps have been taken:

- A review of AtBC's context, mandate, and core documents including incorporating materials, the Blue Print Strategy, and the Authenticity Program;
- A review of aspects of relevant legal and policy regimes; and

- A review of studies and reports discussing challenges related to the participation of Aboriginals in the tourist gift market in British Columbia, and a review of select materials related to the challenges in implementing authenticity programs in other jurisdictions. They include:
 - *Aboriginal Arts Research Initiative: Report on Consultations*, France Trépanier, Strategic Initiatives Division, Canada Council for the Arts, June 2008;
 - *Aboriginal Cultural Tourism Blueprint Strategy for B.C., Final Report*, Aboriginal Tourism Association of British Columbia, November, 2005;
 - *Appropriate Use Round Table: Final Report*, Department of Canadian Heritage and The Four Host Nations, November, 2007;
 - *Appropriate Use: What Inuit Women have learned*, Pauktutit Inuit Women of Canada, May 2007
 - *Arts & Culture In Canada Fact Sheet: Contemporary Aboriginal Arts in Canada*, Canada Council for the Arts, August 2008.
 - *Contemporary Aboriginal Arts in Canada*, Canada Council for the Arts, August 2008;
 - *Marketing Aboriginal Arts and Crafts: A review of Established Models of Authenticity*, Phillip Bird, Department of Canadian Heritage, March 2008;

- *Preliminary Study of the Aboriginal-themed Giftware Market in Major Vancouver Tourism Site*, Solen Roth, October 2010;
- *Report of the Royal Commission on Aboriginal Peoples*

The Brief is intended to be one step in assisting AtBC to identify the next steps – including legal and policy analysis, business planning, and program development – that will need to be pursued to fully design and implement an expanded authenticity agenda.

Why An Authenticity Branding Scheme?

The underlying assumption of why an authenticity agenda and branding scheme is important is that there is something of value here which should be acknowledged, nurtured and protected. In the context of Aboriginal art and handcrafts, the starting rationale for an authenticity agenda and branding scheme stems from the fact that Aboriginal art and handcrafts are of significant economic and cultural value to Aboriginal communities and peoples.

1. Economic Rationale

Based on our research there have not been to date any comprehensive quantitative studies on the economic dimensions and attributes of the trade in Aboriginal art and handcrafts in British Columbia. However, we do have some numbers. George Macdonald, director of the Bill Reid Centre of Northwest Coast Art Studies at Simon Fraser University (and former director of the Burke Museum in Seattle, and the Museum of Civilization in Ottawa), estimates the value of

Aboriginal art sold in Vancouver alone to be estimated at \$100 million. He also estimates the number of people relying on the sale of this art for a living to be 1,600.¹

These numbers are reflective of the literature on the subject, as well as interviews and first-hand experience and knowledge, which typically share the observation that Aboriginal art and handcrafts have been, and continue to be, an important dimension of Aboriginal economies. The common experience of Aboriginals living within Aboriginal communities is the recognition that there typically exist within these communities numerous individuals striving to make a living or subsidizing other income, through the creation and selling of art and handcrafts. There is, in effect, an artistic entrepreneurial class at the grassroots level throughout Aboriginal communities be they urban or rural.

It is also a documented historical fact that during periods of more intense assimilationist and colonialist policies (such as the period from 1874-1951), during which there were limitations on Aboriginal freedom of movement, as well as engagement in commercial activity, one significant means of survival was through the selling art and handcrafts in a so-called “under the table” manner. This economic activity would provide for essentials that were not provided for or given access to. Aside from the usual handcrafts such as weavings and carvings, there became a well developed underground trade in silver carved jewellery, in which the artist would flatten a silver coin and carve the artwork into it. The pieces were small and therefore easy to conceal (necessary for smuggling off reserves), and would bring a relatively good price.

¹ *Beyond the Mask and Totem Pole*, Kevin Griffen, Vancouver Sun (October 9, 2010)

In this historic and contemporary grassroots economy, the development of Aboriginal art and handcrafts has significant connections to a wide spectrum of economic life and interests. For example, in formal and informal ways, the production of Aboriginal arts and handcrafts involves not just an artist or handcrafter, but will also engage in various ways and degrees: material providers; products designers; production workers; retail workers; distributors; and marketers and so on.

This network of economic activity and artworks also crosses a wide spectrum of art and handcrafts products including:

- Moccasins/Mukluks;
- Drums;
- Snowshoes;
- Dream Catchers;
- Stone Sculptures;
- Weavings (blankets, baskets, hats, tapestries, etc.);
- Carvings (plaques, totem poles, talking sticks, masks, paddles);
- Bentwood boxes;
- Paintings;
- Silver Jewellery;
- Leather-work;
- Bone-work/Ivory-work;

- Sewing (button blankets, applique, general regalia);
- Bead-work;
- Glass-work;
- Copper-work,
- Metalwork

While Aboriginal arts and handcrafts are embedded within Aboriginal economic life, it is well-known and widely acknowledged that there is significant and growing competition to this grassroots economy. While little numerical data has been gathered on the losses of revenue in Aboriginal communities as a result of non-Aboriginal competitors some studies have been done. For example, the Solen Roth report made the following observations:

- Of the items that tend to sell the most – those miscellaneous and small items – 88% are produced with no Aboriginal participation. (P.14)
- “this study shows that the level of Aboriginal participation in the Aboriginal-themed giftware market and the returns gained for Aboriginal people from this market could be significantly improved.” (P.26)
- There are dishonest labelling practices used by non-Aboriginal companies to confuse consumers into believing Aboriginal involvement (P.23)
- Generally speaking, the reformative practices suggested by artists and business people during the course of this preliminary study revolved around the following themes:

- Establishing standards, in particular for fair compensation of artist work
- Providing business training and other support for artists new to the market
- Raising awareness among retailers, businesses, and consumers
- Enhancing the promotion and recognisability of Aboriginal-made products (P.20)

Based on the above, a goal and purpose of an authenticity scheme is clear and straightforward – to play a constructive and positive role in ensuring and enhancing opportunities for Aboriginal peoples to engage in economic life and generate revenues through art and handcrafts.

2. Cultural Rationale

In the late 1800's the Crown declared war on Indigenous cultures, including actions like banning ceremony such as the Potlatch and the Sundance. During this dark period the Crown sanctioned the confiscation of Aboriginal artwork, banned Aboriginal songs, banned Aboriginal dance, and through the residential schools forbade the speaking of Aboriginal languages. Although some of these destructive laws were repealed in 1951 there was considerable damage done and aspects of Aboriginal histories, cultures, and laws have been potentially irreversibly lost.

Art and handcrafts are one expression of Aboriginal cultures that has an undeniable role in preserving, maintaining, and carrying forward Aboriginal ways of life. Much of Aboriginal art and handcrafts can actually be understood as three-dimensional and material 'hard-copies' of history, laws, and way of life. As such, despite the damage done, there has been a monumental

effort by knowledge and culture keepers to revive and maintain Aboriginal cultures through the galleries. It is a strong belief of many that Aboriginal cultures are synonymous with Aboriginal art; you simply cannot separate the two. The interpretation of the art *is* the culture. With the daily departure of Aboriginal Elders, communities must rely more and more on these artistic expressions to piece together who it is they are. The art is being relied on more and more to connect to the past and is the basis of the revival of the culture.

A rationale and goal of an authenticity scheme will be to contribute to the maintenance of the vital role that art plays in revival of Aboriginal culture. AtBC captured this rationale well respecting its Authenticity Program; this in the context of an authentic Aboriginal experience. As AtBC states in its *Guide to Applying to the Aboriginal Cultural Tourism Authenticity Program*, AtBC, Summer 2010:

In many cases, the visitor wants an Indigenous cultural experience to involve face-to-face interact with an Aboriginal person, provide a connection to Aboriginal history and traditions, share traditional knowledge, and demonstrate that those Aboriginal people sharing the information are qualified to do so. What this says is that the tourist wants assurance that what they are experiencing is in fact an authentic, a true, a real, and a respectful Aboriginal cultural tourism experience.

For the Aboriginal community, ownership and control of the tourism business is mandatory. This ensures the economic benefits of sharing their culture is returned to the original people to promote the continuance of that culture, and for the people and nation, and most important, to ensure the integrity and truthfulness of the cultural content. (p.1)

Further, ATBC states:

Visitors have indicated to Tourism BC and AtBC that they want to visit Authentic Aboriginal businesses with Aboriginal people they can meet and speak with. AtBC wants to help its members meet visitor demands and to be more profitable. (6)

Current Authenticity Efforts and the Challenges

In British Columbia, other than ATBC's Authenticity Program, there are no notable current authenticity schemes in place. At the same time, it is widely acknowledged and understood that there are very limited legal and policy protections, or other schemes, for Aboriginal traditional cultural knowledge, and that such measures and protections are needed. For example, a recent Roundtable concluded (commenting on Canada as a whole) the following:

Delegates spoke about how intellectual property (IP) protection and having meaningful tools to counter cultural exploitation are important issues to First Nations, Inuit and Métis cultural industries and artists, since the concept of intellectual property rights is at the heart of the creative process. There are a number of other existing protection mechanisms listed by delegates, including: taking legal action; creating **and maintaining database registries for artists**, industries, and/or products; **strengthening inter-governmental co-ordination around these issues; development of marks of authentication like the Yukon Snowflake, Igloo Tag, etc; building awareness and education for consumers and artists through public education, protocol handbooks and guidelines**, e.g. the Mi'kmaq Ethics Watch.

There was also discussion around the traditional and spiritual laws and cultural protocols that are in place, and the need to further develop and implement these laws and protocols.²

Many challenges have identified as obstacles to such meaningful measures and schemes being put in place. For example, the same Roundtable identified challenges including:

complicated, costly and time-consuming administration processes to access IP rights, existing IP tools are often less applicable to Aboriginal concepts of shared cultural heritage and ownership, as well as being less known and utilized by Aboriginal artists and cultural industries, and lack of ability to monitor and prosecute IP infringements. An additional challenge included the fact that many traditions are being lost with the urbanization of Aboriginal Peoples and the subsequent fragmentation of Aboriginal communities. (15)

Among the recommendations identified were the following:

- **Define and develop a national mark, symbol, tag or identifier for marketed Aboriginal cultural and artistic expressions to increase market opportunities for Aboriginal artists and the creative industries, that is inclusive of the diversity of First Nations, Inuit and Métis, reflective of the various levels of authenticity, and flexible enough to be twinned with other existing marks. (p.19)**

² *Appropriate Use Round Table: Final Report*, Department of Canadian Heritage and The Four Host Nations, November, 2007;

- any tag, symbol, mark or logo for Canada should be developed and managed by Aboriginal Peoples. (p.18)
- **Support the development of an Aboriginal independent non-governmental body, possibly a commission, which could administer an Authenticity program and registry. (p.19)**

Based on a literature review, as well as interviews with local stakeholders, the following reasons are offered as explanations for why more protections, including more comprehensive authenticity schemes have not been fully developed.

- Lack of public awareness;
- Lack of marketing avenues and misinformation by non-Aboriginal competition;
- Making a branding system that is:
 - workable and not overly complex,
 - amenable to the current market,
 - will not be unacceptable to the retail market,
 - that takes into account the myriad of variables (administrative, political, legal, cultural, business), and
 - finds common ground within which an authenticity regime could exist and even thrive;

- Challenges in defining “identity”. For example,
 - Status,
 - Non-status,
 - Status or Non-status but not wanting to be ‘defined’ under the *Indian Act*,
 - North American Aboriginals originating outside Canada,
 - Inuit,
 - Metis of variable origins,
 - All designations with mixed blood;
- Views of authenticity based on production methods. The considerable divisions among artists in relation to the techniques used to create their artwork. No realistic way of regulating this;
- Views in relation to quality. Other authenticity schemes have attempted to regulate quality with little success. This area, much like judging art itself is very subjective;
- The economic situation of many artists. In order to take advantage of the AtBC authenticity scheme the artists would need to be stakeholders and therefore are expected to be current on yearly dues to maintain that membership;
- Complexity involved with artists joining the program. Many artists may find the scheme difficult to understand and engage in; and

- Defining “Authentic”. Overcoming interpretations of “Authentic” that are not helpful to the scheme.

These challenges within British Columbia are mirrored in other Canadian jurisdictions and in other parts of the world. Here in Canada, the most extensive efforts to guarantee authenticity and regulate the art and handcraft sector have been in the North, but much remains to be done in the South. As RCAP stated:

Governments, consumer groups, manufacturers and retailers associations, and Aboriginal groups should co-operate in educating and informing their members and the public at large about the difference between authentic and imitation Aboriginal arts and crafts. Governments should carry out a comprehensive review of labelling regulations, consumer protection legislation, controls on misleading advertising, and import-export regulations to ensure that Aboriginal peoples’ heritage and culture are legally protected from misappropriation and misrepresentation.

At the same time there have been efforts in other jurisdictions through which lessons can be learned. A substantial study from 2008 - Marketing Aboriginal Arts and Crafts: A review of Established Models of Authenticity, Phillip Bird, Department of Canadian Heritage, March 2008 – provides a helpful overview of the current Canadian and International landscape. A summary of some of these findings is as follows:

The oldest effort in Canada is the Igloo Tag first introduced in 1959 to bring order and credibility to the market of Canadian Inuit arts and crafts. A similar tag for Indian or First Nation creative works — the Hide Tag — was introduced in 1968 but it never achieved the level of success of the Igloo Tag. The Igloo Tag is not administered or controlled by artists themselves but sold to dealers or wholesalers to determine what is authentic. The latest version of the tag states:

“Handmade by a Canadian Inuit Artist”. Certified by the Government of Canada, licensed users of the tag are not supposed to discriminate in its use. However, their reputations rest on the products they sell. INAC developed an online database of artists which many galleries still have copies of on their web sites. The INAC version is no longer available. The tag also provides provenance — providing information about the artist and the materials. The high-end art dealer community is small so it is easy to self-police or identify the misuse or misapplication of a tag.

Another program is the NWT Arts Branding Logo Program. Beginning in September 2007 the Government of the Northwest Territories’ (GNWT) Department of Industry Tourism and Investment introduced a branding logo initiative for all arts and fine craft produced in the territory. Products eligible to bear the logo include: visual arts, performing arts and production, literary arts and publishing, film and video production, and traditional fine crafts. The intent is to have the logo serve as the basis for industry and government efforts to market and promote the Northwest Territories (NWT) arts industry. Guidelines and standards have been established to ensure and protect the quality, point of origin and distinctiveness of the Made-in-the-NWT arts and fine crafts products. To participate in the NWT Arts Branding Logo Program artists must be registered on the NWT Artists Database. The branding logo is protected by Canadian copyright

and trade-mark laws and will be registered in the U.S.A., Japan, and the European Union. The goal is to promote an image that will be representative of all forms of art in the NWT. A key component of the program is an artist database whereby artists describe their artistic medium. The branding scheme is available to all residents of NWT, both Aboriginal and non-Aboriginal. The only criterion is residency. No standards are set to determine quality, and the onus seems to be on the consumer to review the database to confirm that their purchase is created by an Aboriginal person. The NWT Arts and Fine Crafts Database contains information and images about artists and about arts organizations located within the NWT who have chosen to share information about themselves. At the time this paper was written there were 127 artists documented on the database.

Two notable international examples are Australia and New Zealand. In late 1999 the National Indigenous Arts Advocacy Association (NIAAA) tried to introduce an authentication label aimed at promoting genuine products and deterring fraud in the Indigenous arts and crafts industry. The idea was to finance the NIAAA by charging fees for applications and labels. However, by 2001, the protocol was decommissioned due to mismanagement and lack of funds. 2006 saw a Product Authenticity Forum in another attempt to protect the significant Australian export industry of Indigenous art. Despite these efforts, currently the market is without a label that provides security. There is, however, an Indigenous Art Code of Conduct which essentially is a voluntary agreement entered into by galleries/art dealers acceding to certain standards.

One aspect of the NIAAA scheme was that identity and community permission were central to the scheme. There were extensive requirements to clarify who has cultural and social authority with respect to certain designs, and that the artists had to show they are an Aboriginal or Torres Strait Islander and had to permission to attach the label to their artwork. This created substantial administrative and financial challenges. As well, there were very few artists who were able to meet these stringent criteria, and the NIAAA ended up little used. One interesting fact was that the “collaboration mark” which indicated a non-Aboriginal company collaborating with Aboriginal artists to mass produce products for souvenir market was considerably more successful. One of the outcomes of the failure of the NIAAA was the recognition that regional diversity posed a significant challenge to a national system, and that more regional systems were more likely to succeed.

In New Zealand the Toi Iho marks for Indigenous Maori arts and crafts were influenced out of Australian experienced. The marks are registered trademarks, and legislation states that an item cannot be registered if it offends the Maori community. An interesting feature of this system is that it contains three marks reflecting the degree of involvement of Maori artists in cultural productions – those who are of Maori descent; for groups of artists most of whom are Maori descent; and the co-production mark acknowledging the growth of innovative, collaborative ventures between Maori and non-Maori. One factor in Toi Iho system is that it considers quality in the process of registering a mark, and a panel of experts plays a role in assessing quality as well as identity. An artist must provide names of their parents and grandparents to demonstrate

ancestry. To date, there have only been 167 artists registered even though the Maori constitute 13% of New Zealand's population.

Why AtBC?

AtBC is uniquely positioned to play a leading role in meeting these challenges and further advancing an authenticity agenda in British Columbia. AtBC's by-laws state that its objectives include the following:

(iii) to assist Stakeholders to achieve their individual and group marketing objectives;

(iv) to train, provide information and networking opportunities, and market Aboriginal entrepreneurs and communities in British Columbia who are operating or looking to start a tourism business;

(v) to support and promote understanding and respect of Aboriginal societies' cultures and traditions and assist with the repatriation of the heritage of First Nations;

(vii) to improve the socio-economic situation of Aboriginal people through the provision of economic development services to Aboriginal people;

(viii) to deliver and facilitate economic development initiatives for Aboriginal people;

(ix) to provide economic development conferences, training and workshops for Aboriginal people;

(x) to provide economic development advisory services to Aboriginal businesses;

In AtBC's Blue Print Strategy, Art/Handcrafts were found to be its own distinct Aboriginal Cultural Tourism sector in BC's tourism industry. An identified goal was to offer the tourist legitimacy and credibility for their Aboriginal experience, of which their souvenirs were found to be a major part. The interconnection between arts and handcrafts and Aboriginal Tourism was clearly identified. It was noted that the markets "express most satisfaction with those BC Aboriginal cultural tourism experiences that help them to view and / or purchase **Aboriginal crafts and handiwork**, and tour Aboriginal museums and art galleries" and "report most positive impressions about those BC Aboriginal cultural tourism experiences, which help them to learn about Aboriginal culture / heritage, enjoy Aboriginal friendliness and receptiveness, experience Aboriginal people, and appreciate Aboriginal **arts and crafts**". Importantly, it was also noted that the markets tend to "perceive the main competitive advantages of Aboriginal cultural tourism experiences in British Columbia compared to its primary competitors are the...quality / uniqueness of **Aboriginal arts, crafts**, cuisine, and architecture. Also related to the competitive advantage, it was found in that "community consultation sessions revealed that Aboriginal imagery (art really) and culture offered a means of differentiating British Columbia in the International market place"(P. 12)

The Strategy also offers a "Benefits of Tourism" list of attributes based on the development of the Aboriginal area, all of which are very much tied to the development of an Arts and Crafts sector. They include headings such as: Economic Development, Cultural Strengthening, Social Exchange, Self-determination/Control, Heritage Appreciation, Political Positioning, and Alliance

Building (P 12-13). Under “Product Opportunities” the strategy sets out ‘Authentic Arts and Crafts’ as well as ‘Cultural Products’ as options for development (P. 13) and under “Other issues and Constraints” the strategy acknowledges the “Lack of Product Standards”, alluding directly to *authenticity*. (P. 14) This was reflected in community consultation sessions which revealed a concern for “community driven product standards”, “Product Brands”, and the need for “Federal Government Assistance” in protecting the “theft of arts, crafts, imagery and other traditional cultural practices”. (P 15) The Strategy points to an “Aboriginal Arts and Handicraft Culture Market” stating that 69% of BC’s potential consumers find it somewhat or very important to find opportunities to view/purchase authentic Aboriginal crafts and handiwork, while acknowledging the challenges with retailers carrying authentic products that are not knock-offs mass produced overseas. It also acknowledged artists’ protests about inequitable pricing methods (P.35). Not surprisingly, based on consultations with consumers, tour operators, and communities, Arts and Handicrafts were seen as one of six top priorities for development (P.38), and are listed under high priority.

Based on above analysis, taking into account the current landscape which reveals the patent need in British Columbia for an Aboriginal artisan products authenticity scheme, in addition to AtBC’s clear mandate in this area, it is the recommendation of this report that AtBC expand its authenticity program to include a regime aimed at promoting and protecting *Authentic Aboriginal Products*. This report further proposes that AtBC use the following framework as the basis of moving forward in establishing and operationalizing this regime.

Authenticity Framework Outline

As the above discussion illustrates, the scope of both the need and the challenges of an artisan products authenticity scheme is immense. At the same time, however, AtBC is well positioned to build on its own efforts and the efforts that others have made, to significantly advance the authenticity agenda. A proposed pathway for doing this is through using AtBC's current Authenticity trademark but in relation to a different sector and through additional criteria and an additional set of tools. To be clear, the framework proposed below is designed to further assist AtBC in meeting its mandate to provide BC tourists with authentic souvenirs, and support Aboriginal economies and cultures, while confirming AtBC's legitimacy as the organization with the responsibility to monitor a product sector in favour of both Aboriginal stakeholders and visitors to B.C. This framework is meant to provide a stopgap measure going a long way toward filling massive holes in the current landscape.

Purpose

AtBC will provide, within the confines of the current business, administrative, political, cultural, and legal environment, a framework capable of meeting the need for an authenticity brand for Aboriginal arts and handcrafts in British Columbia. The goals of the framework will be to:

1. Protect the economic wellbeing of Aboriginal people as well as the cultural aspects of Aboriginal art and handcrafts; and

2. Assure the tourist visiting British Columbia that when they purchase a souvenir, they are purchasing an authentic Aboriginal product.

Statement of Need

This framework is designed to assist in ensuring the maximum involvement of Aboriginal people in bringing Aboriginal art and/or handcrafts to market, therefore resulting in the maximum amount of resources being directed toward Aboriginal communities where they are most needed. In addition, the program is designed to result in the maximum realistic involvement in the design aspect of whatever product is being certified as ‘authentic’.

This framework has been designed to be workable within an operational reality that exists of a range of market forces, cultural complexity, and legal, business, policy, and administrative considerations and constraints.

In developing the scheme, it is noted that in British Columbia there are no current workable alternatives in place.

Scope

Based on research with respect to other jurisdictions, this framework seeks to avoid key challenges seen in other jurisdictions which would not be workable within British Columbia’s legal, policy, cultural, and social environment. Some these key challenges include:

- Defining traditional versus contemporary designs, materials and methods;
- Defining one of a kind versus mass produced products;
- Limited and/or exclusionary criteria for “Aboriginal” identity;
- Overly cumbersome administrative procedures that are not cost-effective; and
- Requirements to meet a subjective “quality” test.

At the same time, this framework has been designed to build on some of the observations about what is needed and has had some success:

- Multiple categories for branding, such as the collaborative brand in Australia;
- Minimal administrative hoops and requirements;
- Using a publicly available database;
- Building on existing successes, competencies, and acceptance of other authenticity schemes, including in particular AtBC’s current efforts; and
- Having an oversight mechanism monitored by a reputable agency such as AtBC.

Structure

AtBC is in possession of a trademark currently used to signify the Authentic Aboriginal experience. That trademark will also be used also to signify authentic Aboriginal products.

A “product” is an Aboriginal-themed art or handcraft item sold within the British Columbia tourist gift market.

1. A person will be eligible to use a certain designation of the brand if they are an AtBC Stakeholder³ who meets the criteria within the following tiers:

Tier 1 – Designed and Produced by an Aboriginal Person/Persons and Distributed by an Aboriginal Person or Company⁴

The criteria within this level of authenticity are created to ensure the maximum realistic degree of Aboriginal involvement at every stage related to bringing a product to the tourist market, thus ensuring the maximum possible economic return to Aboriginal people and communities, in addition to ensuring the maximum level of design input.

- Product must be designed by an Aboriginal person – An Aboriginal person must have established the original design for the item being sold. This means the artwork displayed on an item, in addition to the design of the item itself;
- Product must be produced by an Aboriginal Person/Persons– This means that the item must have been created by the hands of Aboriginal people. This does not mean modern tools or technology cannot be used and that a frozen in time

³ The ATBC working definition of “Stakeholder” may need to be reviewed for the purposes of this scheme for potential inclusion of, for example, a subset of artists within a co-op.

⁴ An “Aboriginal Company” is defined as a business owned 51% or more by an Aboriginal person or persons.

approach is taken in respect to methods of production. Nor does this mean every component of an item must be created by an Aboriginal person (such as beads, thread, buttons, and other materials) however it does mean that the main body of work must be created by an Aboriginal person here in Canada.

- Product must be Distributed by an Aboriginal Person or Company – This means an Aboriginal person or company is responsible for wholesaling to the retail market. This segment is meant to address the exploitation which has occurred all too often in Aboriginal communities when a non-Aboriginal actor takes advantage of needy conditions to purchase items for literally pennies on the dollar. Although these items may be designed and produced by Aboriginals, the social and economic issues are not practically addressed.

Tier 2 – Designed by an Aboriginal Person and Distributed by and Aboriginal Person or Company, but can have the item produced by others.

This level of authenticity is meant to offer the highest degree of economic and cultural protection for Aboriginal people and companies wishing to compete in the Aboriginal-themed gift market dominated by non-Aboriginal entities currently having their Aboriginal products made by others whether domestically or overseas.

- Product must be designed by an Aboriginal person – An Aboriginal person must have established the original design for the item being sold. This means the artwork displayed on an item, in addition to the design of the item itself;

- Product must be Distributed by an Aboriginal Person or Company – This means an Aboriginal person or company is responsible for wholesaling to the retail market. This is meant to ensure the same anti-exploitative measures described in tier 1.

Tier 3 – Design by an Aboriginal Person with Royalties Paid for the Design

This level of authenticity is created to allow non-Aboriginal Companies use of the brand if they are able to ensure that the end Aboriginal-themed product on the shelves does not offend the artist's intention in relation to the design, and through the sale of their products, Aboriginal artists are remunerated for their designs.

- Design by an Aboriginal Person – The Aboriginal design in relation to the Aboriginal-themed product is produced by an Aboriginal person who has endorsed the final product to be sold
- Royalty Paid to the Aboriginal Artist – A minimum 5% royalty will be paid from the wholesale value of the Aboriginal-Themed product for which the artist's design pertains.

For the purposes of this framework, a person will be considered an Aboriginal person if they have self-identified as Aboriginal (First Nations, Inuit, or Metis)

2. They agree to be registered in the public ATBC Authentic Aboriginal Product Database and provide all required information.

In order to apply for eligibility a person will fill-out a required form⁵ and any required documentation and submit to AtBC along with a requisite fee. This information will concern themselves, their businesses, and their products. When applying for eligibility, persons will be required to acknowledge in writing the rights and responsibilities of AtBC, as well as the obligations that they have assumed in exchange for the potential opportunity to use the Brand.

The form and documentation will be reviewed for completeness by AtBC staff. If a form is deemed complete, it will be further reviewed by ATBC staff who will then make a recommendation on whether the criteria have been met. The recommendations will be given to an AtBC eligibility panel appointed by the Board of Directors who will give final approval.

If a person is approved for eligibility, they will be placed on the public database, and once that occurs they will be permitted to use the Brand either by purchasing stickers or tags directly from AtBC or by using a digital file supplied by AtBC consistent with AtBC's existing guidelines for use. They will also confirm their acknowledgement of the rights and responsibilities of AtBC,

⁵ We foresee an online application which would in substance include the full information required for the database, as well as other information.

as well as the obligations that they have assumed in exchange for the potential opportunity to use the Brand.

ATBC may remove a person's eligibility to use the Brand for any of the following reasons:

- Failure to pay fees;
- Improper use of the Brand including, but not limited to:
 - Affixing the Brand to products that do not meet the Brand criteria;
 - Selling, or otherwise distributing, Brand tags to others not eligible;
- Failing to provide accurate and up to date information on the database; or
- Failing to inform ATBC of changes in operations or structure that may impact their Brand eligibility.

ATBC will:

- Make decisions on eligibility through the panel;
- hold the responsibility to maintain the database, and ensure it is publicly accessible and transparent;
- Administer the distribution of the tags, stickers, and/or digital graphics;
- Inquire into complaints or concerns raised with respect to the use of the brand; and

- Make decision on removal of eligibility through the panel as a result of inquiries or complaints brought to AtBC's attention with respect to use of the brand.

Road Map

In concluding this submission the following are suggested action items aimed at beginning the development and operationalization of the above authenticity scheme. They are meant to provide direction and a basis of further discussion in moving forward.

- **Operating Schematic** – AtBC will need to define the administrative structure to operate the Scheme including:
 - Administrative Content
 - Practical processes;
 - Forms;
 - Internet/Website Scheme interaction;
 - Roles for AtBC Staff to play
 - Job descriptions;
 - Time commitments;

- **Marketing** – AtBC will need to develop an approach to marketing the Scheme not only to the end consumers but also to the retailers and the Artisans/Producers who will be enrolled within the Scheme. Areas needing focus include:
 - Recruitment strategy for companies and artisans;
 - Information packages for retailers;
 - Public awareness and Marketing campaign aimed at consumers;

- **Endorsements** – Obtaining the approval of the Scheme by key individuals and organizations may be instrumental in marketing it and gaining further support and funding. AtBC may find it useful to approach:
 - Well known Artisans;
 - Product manufacturers;
 - Aboriginal organizations (FN Summit, UBCIC, AFN (West)).

- **Funding** – AtBC should focus attention on potential funding for the Authenticity Scheme. Promising avenues to gain these resources may be:
 - Canada Arts Council;
 - Department of Canadian Heritage;
 - INAC;

- MARR; and

- Corporate Sponsors.

AtBC Aboriginal Arts and Handcrafts Authenticity Structure

