



Syilx Communities Cultural and Intellectual Principles and Fundamentals

Syilx Communities Cultural and Intellectual Principles and Fundamentals implements appropriate ways of using ONA cultural materials, and connects with our Peoples and communities. They support moral conduct and promote interaction based on integrity with mutual concern and respect. The continuing responsible use of ONA cultural knowledge and expression will ensure that our culture is maintained, protected and passed on to future generations. In order to successfully engage with indigenous communities, their terms, guided by indigenous principals of respect and protocols, must be honored and adhered to.

For thousands of years, the Syilx/Okanagan people were self-reliant and well provided for through their own ingenuity and use of the land and resources. Syilx lived united as a nation with a whole economy, travelling the breadth and depth of our territory; hunting, fishing, growing, harvesting, and trading created a sustainable economy that met our needs.

Principles and Fundamentals

The principles outlined below are a framework for respecting ONA, Syilx community history and culture:

- 1. Acknowledge and Respect**
- 2. Consultation and Approval**
- 3. Understanding and Interpretation**
- 4. Integrity**
- 5. Authenticity**
- 6. ONA Control**

In the following pages, under each of these principles, we have suggested fundamentals for using ONA cultural materials, and interacting with ONA and Syilx communities and non-Syilx partners, agencies, organizations and random requests.



1. Acknowledge and Respect

Respectful use of ONA cultural material and information about Syilx experience is a rudimentary principle that should be understood by all. Acknowledgment and understanding of ONA and Syilx culture and our way of life is essential, to use of our information. Any information must first be gathered and organized in a way that respects and honours Syilx values, expressions and perspectives. An acknowledgement of where the materials and information originated is expected, as well as the proper implementation of compiled information. If there is a performance, or event, on traditional land, an acknowledgement should be included in the openings. For example, Okanagan College (Kelowna) – We [I] would like to begin by acknowledging that the land on which we gather is the unceded territory of the Syilx (Okanagan) Peoples.

Case Study: Cardboard box “Totem Poles”

Susan Dion gives the example of elementary school educators having their students make “totem” poles out of cardboard boxes. She explains that this activity trivializes the importance of totem poles in Haida culture. This is because the totem poles have deep, spiritual significance which was not properly acknowledged, respected or recognized throughout the exercise, which consequently would then be considered both inappropriate and offensive.

An Example of: Visual Arts:

Artist replications (dot art, FN art, beading):

As with any art form, background research about the style, the artist, the medium and the story behind the piece, is extremely important. This is no different when looking at First Nations, Inuit or Metis visual arts. Art can be created in the style of the artist or the Nation, such as using shapes from West Coast art like ovoids, split- U, etc. When using specific styles or colours, there should always be teachings about what the shape means, why the colours were used, and how the images were created. Students will then be able to create their own artistic interpretations or be so inspired by the art without danger of appropriating a specific piece. When displayed, the finished visual should have an information card on display that acknowledges the original art, Nation and story.

2. Consultation and Consent

Syilx people have the right to self-determination within their cultural affairs, and to choose how to best express their cultural materials. There are many ways to ensure that this right is respected, such as using consultation, consent and communication. It must be understood that protocols and cultural practices vary from Nation to Nation, and from community to community; therefore, it is important to recognize that there will be broad diversity in the specifics. One significant way is to discuss with the ONA how Syilx control over a project will be exercised. This raises the issue of who can effectively represent ONA and Syilx communities, and who will be qualified to give clearance of traditionally and collectively owned



materials. To consult effectively and to gain consent for the use of ONA intellectual and cultural materials for a particular project, the Syilx people with proper authority for specific stories, geographic locations, language, among others, need to be clearly identified. Communicating with the right people is very important and consultation and consent is mandatory. Syilx communities have noted members who may provide information and guidance about locating individuals with authority to speak for specific Syilx intellectual and cultural materials. The ONA and Syilx communities need to be fully informed about the implications of consent. Consultation should address the communal nature of ONA cultural expression before approval is provided.

Case Study: Dr. Jo-Ann Archibald, (Q'um Xiiem; Sto:lo Nation), On Including Indigenous Stories with curricula

Dr. Jo-Ann Archibald explains how she formed relationships with cultural knowledge holders and Elders before telling their stories. This is a significant step in communication and consultation to ensure consent. Also, before people share others' stories, they should first ask for consent about how the stories may be used. She explains that it is vitally important to understand the cultural protocols and guidelines regarding these stories and their inherent purposes. Sometimes stories can be used in a public forum and are teaching stories or sometimes can be part of a community or families and under their stewardship and at those times, only their family members can tell the story. Understanding about the types of stories that exist and how to use those stories is integral. She also explains a standard protocol: a person who is telling the story must initially acknowledge the story teller, the indigenous culture from which the story teller is a member and also provide some contextual background of the story. Additionally, some stories stem from culture whilst other stories are personal life stories. These differences must be acknowledged and referenced appropriately with consent.

3. Understanding and Interpretation

Interpretation refers to how ONA cultural material is interpreted and represented. This includes the perspective about cultural heritage materials and the language used therein. In the past, Syilx intellectual and cultural materials have been subjected to interpretation by non-Syilx people. Today, as ONA community members seek to claim control over their cultural heritage materials, Syilx interpretation of the material is a way of enhancing the cultural significance of the work. For example, an educational performance of song at an elementary school should include a strong accurate background cultural history of the music appropriate for children. If these elements are not found and agreed upon, the intellectual and cultural information should not be used. Keep in mind intellectual and cultural information and material should always be used in the appropriate context.



Case Study: Visual and Performing Arts: Protocols and Cultural Intellectual Property

In this document a quote from “Time Immemorial: The First Peoples of the Pacific Northwest Coast” by Diane Silvey is provided.

Aboriginal cultures have distinct conceptions about cultural ownership and have strict protocols to observe these values. According to our teachings, cultural property such as songs, crest designs, dances, masks, and headdresses or names belong to families. This means that the family has inherited the right to sing the song, dance the mask or use the crest design of their clan or family. Not only do they have the right to use these objects, but they are also responsible for preserving, for example, the songs and dance. We are taught that it is not acceptable to infringe upon another family’s rights to a song. If you want to use that song, you are to obtain permission from the family. Therefore, it is improper for educators to use local cultural property in the classroom without permission from the appropriate sources.

It is clearly explained that understanding that songs, stories, crests and dances etc... belong to families, and that it is only appropriate to then create replicas of indigenous art work after students have already learned the interpretation and significance of these items in relation to the Indigenous community from which those items originate.

4. Integrity

Integrity refers to the correct treatment of original intellectual and cultural information and copies made from it. Under the Copyright Act, Canada, Canadian law protects all original creative works, provided that the conditions set out in the Copyright Act have been met. Its purpose is to protect copyright owners whilst simultaneously promoting creativity and the orderly exchange of ideas. Moreover, it also protects moral rights such as the Right to the Integrity of the Work. This moral right of protection for integrity provides a right of protection for individual authors against inappropriate treatment of their work. For example, unauthorised use of music may alter the original intention or meaning of the work and infringe the author’s moral rights. There is no legal remedy for that at this time. However, that shouldn’t stop individual creators, songwriters, bands, etc. from maintaining their moral right of integrity in their copyright songs, especially if it includes a traditional song of special significance to the community.



Case Study: Indigenous Art Protocols

Bear Witness explains that when his band, A Tribe Called Red, wanted to remix pow wow music, they wanted to make sure there was no misuse, appropriation or misrepresentation of their culture. He explains that they had to ask themselves; What does this mean? and What does it entail? in order to get permission to access these songs. They quickly realized that being connected to these things was a massive responsibility which needed to be addressed immediately. They understood that if they were going to use their culture in their art form, and show the world, that this was huge responsibility to their community as well as the greater indigenous community at large.

5. Authenticity

Authenticity refers to the appropriate cultural origin of the information or materials. This can be a complex question. For the purposes of these particular principles and fundamentals, Authenticity refers to whether a Syilx person created or produced the information or materials and whether or not it was produced with proper regard to customary laws, and/or cultural obligations. Therefore, it is essential to find out meaning and to ensure the proper translation and context of any information or materials.

Case Study: Indigenous Art Protocols

In this video it states that Indigenous Arts protocols vary from nation to nation. They are based upon principles of responsibility and guide artistic practices to ensure respect for indigenous peoples and their knowledge. It is explained that protocols are not static, but they are original to cultural origins and to the authenticity of the nation in which it was produced. Many times, pieces of practices are appropriated by others and then said to be authentic when, in fact, they are not.

6. ONA Control

The Syilx intellectual and cultural property information and materials must be controlled by the ONA and Syilx communities. Permission to use the information must be given, as per Okanagan Nation Alliance, Syilx Intellectual and Cultural Request Form, signed agreement found here <https://www.syilx.org/wp/wp-content/uploads/2019/10/ONA-REQUEST-FORMFINAL.docx>



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