

The Purdy Crawford Chair

In Aboriginal Business Studies

Case Studies in Aboriginal Business

Authentic Indigenous Arts Initiative

Katie K. MacLeod



Cape
Breton
University
Happen.

**Shannon School
of Business**

**Purdy Crawford Chair in
Aboriginal Business Studies**

Shannon School of Business
Cape Breton University
1250 Grand Lake Rd, Box 5300
Sydney, NS B1P 6L2
©2015

www.cbu.ca/crawford

The Purdy Crawford Chair in Aboriginal Business Studies was established at Cape Breton University in 2010 in response to Aboriginal community leaders' expression of the need for entrepreneurship, business investment, and corporate skills training for the purpose of creating a model of self-reliance.

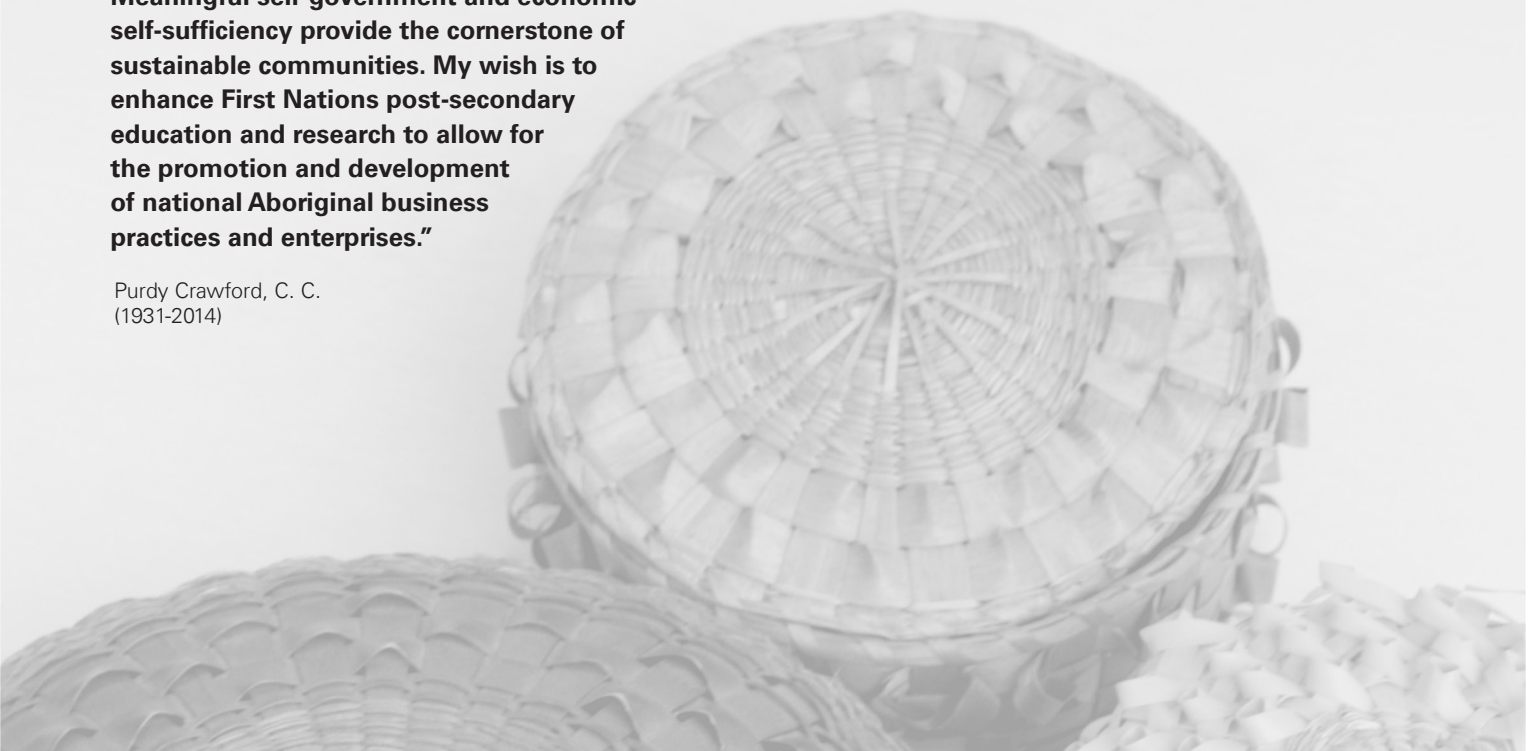
Named in honour of Canadian lawyer and corporate boardroom leader, the late Mr. Purdy Crawford, the Chair aims to promote interest among Canada's Aboriginal people in the study of business at the post-secondary level.

The Purdy Crawford Chair in Aboriginal Business Studies focuses its work in four areas:

- Research on what "drives" success in Aboriginal Business
- National student recruitment in the area of post-secondary Aboriginal business education
- Enhancement of the post-secondary Aboriginal business curriculum
- Mentorship at high school and post-secondary levels

"Meaningful self-government and economic self-sufficiency provide the cornerstone of sustainable communities. My wish is to enhance First Nations post-secondary education and research to allow for the promotion and development of national Aboriginal business practices and enterprises."

Purdy Crawford, C. C.
(1931-2014)



AUTHENTIC INDIGENOUS ARTS INITIATIVE

The Aboriginal Tourism Association of British Columbia (AtBC) had growing concerns around inauthentic Aboriginal art being sold in the British Columbia tourist gift market. In 2011, AtBC commissioned a team of local Aboriginal artists to conduct research on branding schemes for Aboriginal art around the world. With the results in hand, AtBC wondered if they should expand their existing authenticity agenda to incorporate a branding scheme.

ABORIGINAL TOURISM ASSOCIATION OF BRITISH COLUMBIA

Established in 1996, the Aboriginal Tourism Association of British Columbia is a nonprofit organization that promotes and advances sustainable economic development of Aboriginal tourism in the province. Their work is based in principles of authenticity, respect, and a prosperous tourism industry. As part of its mandate to establish and promote market-ready Aboriginal tourism products, AtBC provides training, resources, and support to tourism operators and stakeholders. AtBC also plays a role in Aboriginal tourism advocacy.

The organization is centered on stakeholder-based operation. These stakeholders partner with AtBC and in return AtBC is able to provide their tourism-based businesses and operations with promotion, training and developmental tools, and, as part of their governance structure, involvement in decision-making regarding Aboriginal cultural tourism in the province. Their strategic priorities include advancing market-readiness, building and strengthening partnerships, expanding online marketing, targeting key and emerging markets, focusing on authenticity and quality assurance, and taking a regional approach.

KEITH HENRY AND BOARD OF DIRECTORS

Keith Henry became the CEO of AtBC in 2008. He has a Bachelor of Education from the University of Saskatchewan and has worked with various Aboriginal communities since receiving his degree in 1995. Keith is a Métis person originally from Manitoba and has worked with the Métis Nation in various capacities, including his ongoing work with the Métis Nation of British Columbia since 2003.

The AtBC board of directors is comprised of seven directors at large, representatives from five regions of BC, a treasurer, a chair, and a co-chair. Each member of the board is Aboriginal and has extensive experience working in Aboriginal communities, businesses, and tourism, some of whom are also stakeholders in AtBC.

ABORIGINAL ART AND AUTHENTICITY

Concerns around the authenticity of Aboriginal art within the tourist gift market in British Columbia began to emerge in 2009. It was evident to Keith Henry and the board of directors that there was substantial revenue generated within the Aboriginal tourist gift market; however, AtBC suspected that the majority of the products were not authentic. In an attempt to understand this market, AtBC set out to determine the size of the Aboriginal tourism market in BC and where it fit in the overall tourism industry. AtBC and students at University of British Columbia (UBC) conducted research, which concluded that the vast majority of the market was selling non-authentic giftware and art, resulting in very little revenue being returned to the individual Aboriginal artists or their communities.

For many Aboriginal artists, art and culture cannot be separated. Across Canada, art is the greatest source of direct revenue within Aboriginal communities. Aboriginal art and crafts cross a wide spectrum of products and processes, including (but not limited to) moccasins, drums, snowshoes, dream catchers, stone sculptures, weaving, carvings, bentwood boxes, paintings, silver jewellery, leather work, bone work, sewing, bead work, glass work, and metal work. Many of these arts and crafts are deeply rooted in the Aboriginal cultures of British Columbia and have been the foundations of Aboriginal economic life for generations. More recently, they have entered the mainstream market through entrepreneurship efforts.

LEARNING FROM OTHERS: ART AUTHENTICATION INITIATIVES WORLDWIDE

In British Columbia, many Aboriginal individuals make a living from or subsidize their income with art and crafts. The knowledge of process and the creative and culture based designs constitute the intellectual property (IP) of artists and, in some cases, their communities. Aboriginal IP is a significant issue within the tourist gift economy. It is estimated that Aboriginal art sold is valued at \$100 million in Vancouver alone. Furthermore, studies have shown that 88% of small and miscellaneous Aboriginal-themed tourist products sold have nothing to do with Aboriginal people whatsoever. It is often not the fault of the consumer, as some non-Aboriginal products are marketed and labelled such that they lead consumers to believe they are authentic products. Consequently, branding schemes have been implemented in some areas of the world to decrease IP infringement risks and ensure authenticity of products.

In 2011, Shain Jackson, Coast Salish artist, lawyer, and owner of Spirit Works Limited, approached AtBC with the idea for a branding scheme designed to protect the economies and cultures of BC's First Nations' artists. Authenticity in the tourist gift market was a pre-existing concern for Shain. He understood the economic importance of Aboriginal art. His grandmother had been a basket weaver and was able to support

her children and grandchildren with her craft when there were few other employment opportunities. His own company, Spirit Works, has a strong commitment to producing authentic Aboriginal products and work in collaboration and partnership with many Aboriginal artists.

Shain was tasked with researching authenticity branding schemes around the world and their efficacy. He began with a scan of other programs around the world, in New Zealand, Australia, the United States, and Canada.

The Igloo tag was introduced in Canada in 1959. This tag aimed to regulate and give credibility to Inuit arts and handcrafts. The authenticity of Inuit art was not determined by the artists themselves; rather, it was determined by art dealers. This tag is certified by the Canadian government and provides provenance, information about the artist, and materials used. It is difficult to monitor the misuse of this tag as a result of the topdown approach it employs.

The Northwest Territories (NWT) Arts Program is administered by the Department of Industry and Tourism and Investment of the Northwest Territories government. The program and its logo is available to both Aboriginal and non-Aboriginal artists who are inspired by the north and make up the diversity of NWT. Unique to this program is the use of an internet database to track and easily search artists and businesses associated with the program. The program is available to NWT art, including traditional arts and fine crafts, contemporary arts and fine crafts, performing arts, literary arts, and media and film arts.

The Indian Arts and Crafts Act was established in 1990 as a truth-in-advertising law in the United States. The Act prohibits the misrepresentation or false advertisement of arts and crafts that are not Indian-produced. As a law, violation of the act is serious and includes fines as high as \$250,000-\$1,000,000 and/or five years in prison. In relation to this Act, "Indian" is defined federally unless the artist is determined credible by a recognized Indian tribe. There is no tag or mark associated with this Act; however, it does cover all "Indian and Indian-style" arts and crafts after 1935. The Act also does not necessarily protect artists or consumers, as it deems misrepresentation in the marketing of Aboriginal art to be illegal, but does not provide a system of control or a mark to identify authentic pieces.

The National Indigenous Arts Advocacy Association (NIAAA) was an Australia-based association that aims to protect and recognize Indigenous art. The NIAAA authenticity label was developed in 2000 to encourage the purchase of authentic Indigenous Australian art. It aimed to protect legally protect the cultural integrity of the artists' work. The label of authenticity was created through a collaborative effort between Indigenous and non-Indigenous peoples. The label aimed to ensure artists were paid for their work, protect consumers who purchased Indigenous art, demonstrate the diversity of styles within the artisan community, and display the difference between "real" and "copied" work. After the NIAAA ceased to operate, the label was

discontinued. In 2009, the Indigenous Australian Art Commercial Code of Conduct was established as a voluntary code for art dealers within the Indigenous art market to practice ethical behaviour. A board of directors oversees the code, ensures compliance, and investigates code breaches.

Toi Iho marks recognize the authenticity and quality of Māori art in New Zealand. Although first conceived in 1964, Toi Iho was launched as an official legal trademark in 2002 under Creative New Zealand and Te Waka Toi (the Māori Arts Board). The Toi Iho program not only allows artists to register, but also allows retailers to register to carry the work of Toi Iho artists. The Toi Iho program also allowed for collaborative projects, because it had three levels of branding: “toi iho mainly maori,” “toi iho maori coproduction,” and “toi iho maori made” (for art produced solely by Māori artists).

DEVELOPING A NEW APPROACH

Shain reviewed these programs to evaluate their strengths and weaknesses. He also held consultation sessions and discussed issues specifically of concern to artisans in BC, given their experiences in the marketplace. Aboriginal peoples have always seen the value in implementing a system to protect their arts and craft; however, with the numerous variables at play – political, economic, legal, and ownership – it was difficult to begin a process of authentication where artists could collaborate in the creation of a branding initiative. It was thought that implementing a branding scheme in British Columbia would allow for a cultural revival and an increased economic benefit to Aboriginal communities.

In the analysis of these branding schemes, the work determined that top down approaches, particularly those run by governments, do not work. They also raised concerns around narrow definitions of “Aboriginality,” the regulation of methods used by artists, the regulation of materials used by artists, and the regulation of the quality of art. Further, it was noted that branding schemes that cover large geographic areas can become difficult to manage and regulate.

Government

The issue of a program run by government was mitigated by the fact that AtBC is a non-governmental body. It would commission and administer the authenticity program and registry. The branding initiative would be available to AtBC stakeholders and operate within their existing authenticity process. AtBC would also have the ability to sustain the branding scheme, build appropriate awareness, develop relationships with government, and build educational foundations for the program. In addition to the credibility AtBC would add to the program, it could encourage businesses to participate in the program, as well as carry and buy authentic products.

Definitions of Aboriginality

Any new authentication program would need to be representative of the diversity of Aboriginal peoples and be inclusive of First Nations, Métis, and Inuit. The team noted that the initiative should also challenge concepts of identification in order to be inclusive of Aboriginal people. For example, basing inclusion solely on Status under the Indian Act could become problematic. There was a need to find a way to be inclusive of Status and non-Status First Nations, Inuit, Metis, mixed-blood, and even North American Aboriginals not from Canada. The new branding scheme should address issues identified in previous authentication programs related to inclusiveness.

Regulation of Art

Inclusion issues were also identified in relation to the production of Aboriginal art products. There is diversity in the methods and materials used by artisans, which a branding scheme should not regulate. The team was also concerned with other branding schemes monitoring the quality of products, as it passes judgement upon an artist's work.

Ease of Use

The development marks or tags of authentication should allow tourists to recognize a product as an authentic product. The marks or tags would need to work within the current marketplace and be acceptable to retail locations. Additionally, the system of implementing and using the mark or tag should not be complex for ease of use across marketplaces.

Other Considerations

Protocols and guidelines will need to be established to ensure all artists are protected within the program. The administrative processes in creating the authentication program would be time consuming and complicated. It would also likely require additional research on IP processes, rights, and tools; shared ownership; cultural industries; and prosecution of infringement.

Summary

Shain Jackson provided AtBC with significant background research, rationale for developing the branding scheme, and methods for incorporating the initiative into their existing AtBC authenticity agenda. It was evident from the research that there were

issues within Aboriginal tourist gift market that required attention and improvement. The goal of the branding scheme would be to aid Aboriginal artists participate in the tourism economy and be able to generate the revenue they deserve with the assurance their products are viewed as authentic.

CONCLUSION

In 2011, Shain Jackson presented AtBC with the research they had conducted on authenticity branding schemes, as well as the issues he felt needed to be addressed. With the research in hand, Keith Henry, CEO, and the AtBC board of directors had to decide whether they would expand their authenticity agenda to incorporate the branding scheme and, if so, what principles their initiative would be based on.

The Purdy Crawford Chair

In Aboriginal Business Studies

CAPE BRETON UNIVERSITY
UNAMA'KI
COLLEGE 

Cape
Breton
University
Happen.

**Shannon School
of Business**