

# A CULTURE OF EXPLOITATION: "Reconciliation" and the Institutions of Canadian Art

A Yellowhead Institute Special Report  
by Lindsay Nixon  
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*waiting, transforming to rest* (cover)  
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**ACKNOWLEDGMENTS**

The author wishes to acknowledge the Indigenous cultural workers who shared their experiences for this report. Canadian arts and culture industries are led by a philanthropic class that considers Indigenous creators and makers objects of charity, and projects that Indigenous cultural workers who dissent are simply ungrateful and problems to be neutralized. Sharing experiences of misconduct and mistreatment, for low-paid Indigenous cultural workers in Canada, is dangerous and brave. Thank you.

**ABSTRACT**

The relationship between Canadian cultural institutions (art galleries, museums, funding agencies, collections, etc.) and Indigenous peoples has always been a contentious one. The theft of Indigenous bodies and objects by these institutions is an ongoing feature of colonialism in Canada and even as Indigenous art broke into mainstream Canadian consciousness, the relationship was beset by tokenism and inequality. It was only during a period of activism that culminated in 2017, did these institutions begin to express a commitment to reconciliation. And initially, the results of the "reconciliation year" were positive with increased representation and support. However, since then and in the midst of a pandemic, those commitments have begun to evaporate. This Special Report considers themes in the historic relationship between Indigenous people in the Institutions of Canadian art and culture to contextual a series of interviews conducted with cultural workers during the COVID-19 pandemic, and which reveal a renewed exploitation of their labour and their works. Finally, the Report offers 15 Standards of Achievement that can serve as a guide for institutions and governments to begin reversing this exploitation and renewing the relationship.

**AUTHOR BIO**

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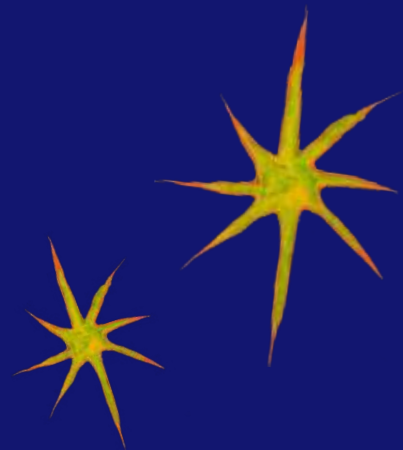
Kaya Joan is a multi-disciplinary Afro Caribbean (Jamaican/ Vincentian)-Indigenous (Kanien'kehá:ka) artist living in T'karonto (Dish with One Spoon treaty territory). Kaya's work focuses on healing, transcending ancestral knowledge and creating dreamscapes rooted in spiritualism from the lands of their ancestors (Turtle Island and the Caribbean). Afro and Indigenous futurity and pedagogy are also centred in Kaya's practice-working through buried truths to explore how creation can heal 7 generations into the past and future.

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Though the 2017 “reconciliation year” (otherwise known as “Canada 150”) brought increased Indigenous representation into Canada’s art institutions, by 2020, financial pressures resulting from COVID-19 have exposed art institutional priorities and “accomplishments” (or the lack of them) in the intervening years.



# Introduction

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**INDIGENOUS COMMUNITIES IN CANADA** are home to diverse cultural workers: dancers, painters, beaders, weavers, musicians, carvers, game designers, photographers, filmmakers, and more. These individuals and groups represent the brilliant and generous vanguard of much of the Indigenous cultural revitalization happening today.

They also rely on the so-called “gig economy” to support themselves and their families. For Indigenous artisans, creators, and artists, the gig economy includes, but is not limited to, booking solo and group exhibitions, publishing fees, booking concerts and festivals, contract work, and selling art through dealers, to collectors, or as a vendor (such as on the “Powwow Trail”). Artists and cultural workers also rely on granting bodies such as The Canada Council for the Arts, encompassed under Canada’s Heritage portfolio, and local and provincial funding bodies to support their education, practices, professional development, and travel.

Though the 2017 “reconciliation year” (otherwise known as “Canada 150”) brought increased Indigenous representation into Canada’s art institutions, by 2020, financial pressures resulting from COVID-19 have exposed art institutional priorities and “accomplishments” (or the lack of them) in the intervening years. It seems as though reconciliation in Canada’s arts and culture sectors was little more than a temporary pre-occupation.

This Special Report draws on the history of the relationship between Indigenous people in the Arts as well as anonymous interviews completed recently with Indigenous cultural workers across Canada, from diverse regions, positions, and backgrounds. The interviewees’ personal experiences as cultural workers who lost income resulting from COVID-19 in Canada – paired with the history of the collective relationship – reflects how, even before COVID-19, the great majority of Indigenous cultural workers were uniquely exploited by Canada’s art industries, and were already set up to fail when the pandemic and ongoing economic crisis hit.

# A Brief History of Indigenous Art and Resistance

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**ANTHROPOLOGISTS THE LIKES OF** Edward Curtis, Franz Boas, and Will Roscoe – since the dawn of coloniality, rationality, logic, and the social sciences generally – have sought to own and deaden Indigenous life by ensuring its presence within colonial museums and archives. In response to this violence within Canada, generations of Indigenous cultural workers have fought to protect, preserve, and regain control over Indigenous cultural economies. The following summation of recent activism and initiatives is only a small snapshot of the work of Indigenous peoples internationally who have fought to protect their culture and knowledges from museums and archives.

While ongoing for many years, that work was amplified with cultural centres and artist co-ops, founded, managed, and maintained on reserve as an assertion of Indigenous sovereignty over cultural objects, and evolved in the 1980-1990s to lobby for legislation and policy to protect the art, heritage, and culture of Indigenous artists who reside in present day Canada and the United States.

A good example of this latter kind of activism emerged in 1988 when the Glenbow Museum curated the exhibition “The Spirit Sings” to coincide with the Calgary Olympics. It included 650 objects from international museums that Lubicon Lake First Nation argued were stolen from Indigenous communities during colonial conquests. “The Spirit Sings” was boycotted by Lubicon, who also took issue with the irony of Shell Gas funding the exhibition while they were making millions of dollars in oil and gas extraction in Lubicon territories. At the time of the exhibition, Lubicon had ongoing land claims with the Government of Canada because of Shell’s pollution and the resulting degraded condition of Lubicon territories.

As a result of Lubicon’s campaign against the Glenbow and “The Spirit Sings,” the Assembly of First Nations and the Canadian Museums Association (CMA) struck *The Task Force Report on Museums and First Peoples* with the purpose of:

1. Increased involvement of Aboriginal peoples in the interpretation of their culture and history by cultural institutions;
2. improved access to museum collections by Aboriginal peoples; and
3. the repatriation of artifacts and human remains.

There has been no public response from the Glenbow about how they have made efforts to follow through with the calls in the task force, including the repatriation of any human remains in their collections.

To date, no museums encompassed under the CMA have released reports or statements regarding how their institutions have ensured compliance with the recommendations.

Decades later, the Truth and Reconciliation Commission’s (TRC) Calls to Action included a stand alone section addressing museums and archives. Call 67 asked the federal government to provide funding to, “undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).” Call 69 demanded archival compliance with the Declaration. Call 70 recommended a national review of archival policies and best practices to “produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.”

## *Institutional Forgetting*

Institutions called upon to support these endeavours were Library and Archives Canada (LAC), the Canadian Association of Archivists (CAA), and the The Canadian Museums Association (CMA). To date, few of the TRC’s Calls have been seriously advanced by these institutions, though each have made gestures towards reconciliation.

LAC made portions of their collection available to the public through the Truth and Reconciliation Commission Web Archive. Some, but far from all, Indigenous heritage collections have been digitized. In 2019, LAC released the “Indigenous Heritage Action Plan,” meant to play “a significant role in reconciliation between the Government of Canada and First Nations, Inuit and the Métis Nation based on a renewed nation-to-nation or government-to-government relationship, particularly with regard to human rights.”

Instead of addressing the TRC’s recommendations relating to museums and archives, however, the plan pointed to the strength of the LAC’s current collections in aiding Indigenous communities in their legal claims, and existing programs and services such as the crowdsourcing initiative Project Naming.



LAC also created the broad and brief Library and Archives Canada's *Guiding Principles to Reconciliation and Indigenous Rights*, and committed to acquiring, "free, prior, and informed consent when Canada proposes to take actions that impact them and their rights, including their lands, territories and resources."

No follow up was provided around how such consent processes would be monitored and administered – in collaboration with Indigenous peoples, as advocated in the TRC recommendations – and in specific regard to the ethicacy of its current sensitive material holdings.

Meanwhile, the Association of Archivists formed the Steering Committee on Canada's Archives and, in 2016, the Steering Committee established the *Response to the Report on the Truth and Reconciliation Commission Taskforce*. The committee is composed of archivists and "Indigenous Partners" with a mandate to conduct a review of Indigenous community outreach policies and best practices in Canada, and to identify potential barriers to reconciliation efforts between the archival community and Indigenous record-keepers and researchers (all with the purpose of fulfilling the TRC recommendations). The website documenting progress on the project has not been updated in a year (at the time of publication). None of the members of the steering committee identify as Indigenous, and there is no indication on their website what Indigenous communities have or will be consulted, if at all.

Considering all of the above, the steering committee's efforts seem purely self-protective given that the TRC is very clear about what justice might resemble in these cases: the repatriation of cultural objects and bodies, and transparency and digitization of all holdings affecting Indigenous communities.

Last among these three institutions, the CMA created a Reconciliation Council: "a cohesive and influential body of experts in Indigenous culture and museum practices, who are providing guidance and advice to address Call to Action #67." On their website, the advisory body to the CMA states, "the Council believes that museums, art galleries and related institutions have a responsibility to consult, advocate, decolonise, reorganise and collaborate with First Nation, Inuit and Métis peoples and communities to help build a diverse and socially inclusive world, and affirms its commitment to promote reconciliation." There have been no public updates about plans to follow through with the TRC Calls to Action beyond this Council.

In the same year the Council was established, at the 2018 annual general meeting, the CMA voted on its "Commitment to Diversity and Inclusion." In it, the organization "affirms the importance of a renewed commitment to promote reconciliation and to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples." Regrettably, there has been a lack

of transparency about exactly how the CMA will ensure compliance with UNDRIP in the collections they represent moving forward or who the Indigenous communities are that will be consulted. This despite the CMA receiving more than \$1 million in funding for the from the Museum Assistance Project to help respond to Call 67 (\$351,508 for "professional development" and \$680,948 for the aforementioned Reconciliation project).

Resistance to implementation of Indigenous knowledge within museums, collections, and archives by largely white administrators, and particular the resistance to digitization and public transparency about holdings, is tactical and political.

Though much could be said about the politics of collections, collectors, museums, and archives – and the simultaneous exploitation of Indigenous communities – perhaps the most potent indication that Indigenous survivors of state-led colonial violence are further harmed, spiritually, by collections is the continued holding of Indigenous remains in provincially and nationally funded museums across Canada. Collections and archives are ceremoniously calling for reconciliation, while maintaining a fiercely paternalistic and protective guard of the content in the actual collections.

But, with recent **calls to address institutional racism** following Black Lives Matter protests responding to anti-Blackness in Canada and the United States, conversations about repatriation, unethical holdings, and failures to address TRC calls will only be reinvigorated.

### ***Government Inadequacy***

As Indigenous communities worked to demand action from these institutions during the late 1990s in Canada, there was a simultaneous movement to challenge state governments (primarily the United States) and public universities to support this work, through legislation and policy. Most notable was the work of Dakota activist Maria Pearson, who among others, convinced politicians in the United States, such as Senator John McCain, to pass the *Native American Graves Protection and Repatriation Act* (NAGPRA), which became federal law in 1990. While the legislation has been a tool for communities in their reclamation efforts, NAGPRA's enforcement provisions were also written to easily compromise Indigenous peoples' agency and cultural sovereignties. NAGPRA **reflects the intentions** of a patron class of lawmakers who coupled fiscally conservative politics with socially democratic philanthropy.

The 1990s also saw the passing of the Indian Arts and Craft Act (IACA) in the United States and exposed another important principle for protecting Indigenous cultural sovereignty: appropriation. While a needed piece of law, ultimately, the IACA has been ineffective in preventing non-Indigenous peoples from profiting from the sale of Indigenous cultural objects in the

United States. This is primarily because the responsibility to file a complaint relies on the affected communities with often limited capacity to do so. As such, the IACA is seldom enforced.

There is a high profile IACA case that highlights yet another challenge. Following the passage of the law, artist Jimmie Durham was required to produce documents that connected him to Cherokee heritage. He refused. It resulted in the cancellation of some of his shows. Durham nonetheless continues to **profit from an international art market**, though controversy about his identity was again reignited in 2017 following the travelling retrospective "Jimmie Durham: At the Center of the World." Generally, whispers about cultural frauds—some in high-level art administration and art academic positions—continues widely throughout Canada's art and culture industries. Canadian artists and administrators continue to be allowed to profit off of Indigenous art industries in Canada and the United States on the basis of vague "ancestry" alone.

In the Canadian context, there are no state-level comparisons to NAGPRA and IACA. The Province of Alberta passed the *First Nation Sacred Ceremonial Objects Repatriation Act* in 2000, and repatriation policies have been adopted by some collections such as the the Museum of Anthropology at the University of British Columbia (UBC), though it is no longer publicly available online at the time of publication, and the Royal BC Museum. But to date no federal legislation has been passed governing and protecting Indigenous cultural objects, including the bodies of ancestors. Cultural leaders and respected Elders such as Lou-ann Neel and Perry Bellegarde met with a group of international experts and United Nations officials for a two-day seminar focused on the repatriation of artifacts and ancestral remains at UBC in late February of 2020. The figures present at the seminar pointed to the continued failure of Canada and its cultural institutions to enforce UNDRIP and provide resources to Indigenous communities to undertake projects of repatriation.

Repatriation is one element of the relationship's recent history when it comes to state initiatives. The other, and coming back to this notion of reconciliation, is support for Indigenous artists.

In 2017, the Liberal Budget cited "reconciliation" and a desire to "support shared economic interests between Canada and Indigenous peoples." As such, an \$8.4 billion over five years commitment was made to the CBC and Canada Council for the Arts to invigorate Indigenous culture. Indigenous artists would find themselves uniquely affected by the budgets' calls to "preserve, revitalize, and enhance" Indigenous culture. Of the aforementioned figures, \$9.4 million was invested in Canada Council for the Arts' 2017 and 2018 grants programs under the Indigenous specific funding program *Creating, Knowing and Sharing: the Arts and Cultures of First Nations, Inuit and Métis Peoples*; and, in 2018 and 2019, \$12.2 million was channeled into the same program.

But what was actually achieved in the years following 2017 and the national celebrations of the 150th anniversary of the Confederation of Canada that the funding was meant to reflect?

There was certainly a great deal of spectacle. Notably, Isuma represented Canada at the 2019 Venice Biennial and Douglas Cardinal and a team of architects represented Canada in the 2018 Venice Architecture Biennial. Cities and provinces also invested in Indigenous art infrastructure in Canada. The Winnipeg Art Galleries' announcement that it would open an Inuit art centre and develop an Indigenous art triennial, as well as the opening of a community arts centre led by the Ociciwan Arts Collective in Edmonton. Undoubtedly, Indigenous representation has increased in Canada's cultural institutions since 2017.

But, ultimately, COVID-19 has exposed how reconciliation attempts in the arts and heritage sectors in Canada have led to the exploitation of Indigenous workers within some of Canada's cultural institutions.



# "CALL ME IN '93": The Emergence of an Indigenous Art (Resistance) Movement

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**AN INDIGENOUS ART MOVEMENT** would emerge in cultural institutions across the United States and Canada to challenge some of these colonial dynamics. It would include Indigenous artists that worked on both sides of the border (such as James Luna and Rebecca Belmore). The year 1992 – the quincentennial of when Christopher Columbus did not discover the Americas – became an important year in the historicization of this Indigenous art movement as art events organized across the United States challenged this celebration of colonialism. Paul Chaat Smith reflected on this movement with specific reference to James Luna's now canonical *Artifact Piece*:

With all the attention *The Artifact Piece* received, 1992 would have been a good time to sell out. But when galleries and museums phoned Luna during the modest gold rush that the 500th anniversary of the Columbus voyage brought to Indian artists, Luna sent this message from his mountain compound: "Call me in '93." He knew the sudden attention Indian artists were receiving wasn't likely to last, and it didn't. "Curators want a certain kind of Indian and a certain kind of Indian art," he said at the time. "They want you to be angry, they want you to be talking it up. So when people call me I have to ask 'Why didn't you call me before? You're calling me now, but will you call me in '93?'"



In *The Artifact Piece*, Luna lay in a glass museum casing, as if he were dead, for viewing by the museum's spectatorship. He exposed the irony of museum audiences wanting contemporary Indigenous artists to come into museums where their ancestors' bodies and spirits are still imprisoned. Museums perpetuate an ethos of the imaginary Indian, and Luna, rest in power, was skeptical of continued art institutional investment in the ongoing inclusion of Indigenous peoples in contemporary art spaces as curators, artists, administrators, and critics.

Luna and Smith were referencing the colonial drive to consume Indigenous culture as a form of conservative liberalism, wherein non-Indigenous patrons attempt to counteract potentially colonial forms of politics – collecting, exhibiting, and curating – by making space for limited Indigenous representation for short periods of time and in segmented parts of arts industries. This conservative liberalism and a white spectatorship have always been woven into the politics of Indigenous art but artists like Luna have been there to challenge it.

IMAGE: "Artifact Piece," James Luna (1987), Museum of Man in San Diego, California. Photo from the JStor Daily article, "How Luiseño Indian Artist James Luna Resists Cultural Appropriation."

## PART II

# COVID-19 and Inequities in Art: Interviews with Indigenous Cultural Workers in Canada

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**THE HISTORY OUTLINED HERE** is important to preface the second part of this Report. It must be understood that Indigenous cultural workers today – and since the pandemic – have been for decades working to hold institutions and governments accountable and demand action. That makes what they have to say here all the more relevant.

In interviews conducted between April and July 2020 with 15 individuals, they discuss a range of challenges, from the predictable and widespread tokenism to many shades of exploitation, all of which have become amplified during the COVID-19 pandemic.

In many ways, the pandemic has distilled the historic challenges in the relationship into a clearly visible concentration.

The individuals interviewed come from varying backgrounds, provinces and territories, geographies, genders, generations, and positions. They include curators, editors, journalists, writers, artists, vendors, filmmakers, arts administrators, and more. All aspects of the identities of those interviewed have been abstracted in interview excerpts to protect their identities.

### *Tokenism and Marginalization*

Despite this diversity, interviewees were almost universally quick to contextualize that, even before COVID-19, relationships between Indigenous cultural workers and Canada's cultural institutions was one of tokenization. But not *just* for the quota, i.e. "we have our necessary Indigenous collaborator" rather, a kind of tokenization that benefitted institutions materially, at the expense of interviewees, who were ultimately marginalized:

[I felt] tokenized [to write grants] and also treated like a bit of a shield.

There have been grants written by and for the institution [I work for], divulging (in great detail) aspects of my career both within and outside of the institution that I have not had access to. I know for certain that my identity, position, and overall network has been engaged to benefit the institution and its access to grants without my expressed consent. My personal achievements have been used to make it appear as though the institution has fostered me through my emerging career and that is very much not the case.

There seems to be a quota for sure and lots of talk in the whisper network about institutions and nonprofits that do this to qualify for those nice Indigenous grants.

Some interviewees even expressed experiences of social isolation and intentional non-integration into the overall organizational structures of the institutions they work for. Despite their inclusion within said organization, the coded cultures of the institutions they worked for were cold and unwelcoming:

Even during the first year I knew that they treated me (a contract Indigenous hire) differently than the regular staff. The boss accidentally invited me to a fun staff event that only the regular staffers were invited to. They apologized and said they didn't think I was scheduled to come in, and said there was no gift for me. It was very awkward. I really felt like crying because I have always felt pushed aside in normal life. And now I was having to come into an "inclusive" context being othered ... because I am Indigenous.

The interviewee continued to explain how their opportunities for advancement were limited because of their marginalization within the culture of the organizations they worked:

It only got worse from then on.... I wasn't invited to the industry night for the last festival opening I worked for. They took away a huge chunk of the responsibilities that were the core of my job and gave it to their new cis[gender] gay, white hire. Who was, of course, paid year round with flexible hours and all that good stuff.

Stephen Pushkas echoed this interviewee when he hit the National Film Board with a Human Rights Complaint in 2019, citing their tokenistic treatment of him during an internship at the organization. Pushkas cited the institution's failure to provide proper and meaningful methods to integrate him into the structure of the organization, even citing that white interns were advanced while he struggled to attain any opportunities for growth within the organization. Pushkas pointed to the tokenistic gesture of having Indigenous peoples on staff, often in a position attached to "diversity" funds or funded internships, that leads organizations to think of these segmented employees outside of the corporate structure. This distinct funding stream enriches the institution financially without challenging the institutional culture to value Indigenous peoples as integral to the central operations of the organization.

Prior to the pandemic, after Trudeau's Liberals pumped the cultural economy with millions of dollars to support Indigenous arts and culture, a subclass of underpaid Indigenous cultural workers began to emerge. By keeping Indigenous employees in segregated positions, often on contracts that could be dissolved at any time, institutions were continually able to access private, provincial, and national "diversity funds".

Herein lies an essential shortcoming of Indigenous cultural management in Canada: tokenistic Indigenous representation of a select few, without shifting historical exploitation of Indigenous communities, is enough to gain easy funding for Canada's cultural institutions.

### **Reconciliation Exploitation**

The contracts that Indigenous artists have been receiving since the 2017 reconciliation year are not enough to sustain them. The interviewees who were contractors were quick to argue that to maintain careers as artists, writers, and contract administrators, they always were expected to keep full-time jobs, on top of their almost full-time creative practices and responsibilities:

I can get contracts but it's always small contract fees: hundreds of dollars for multiple hours. I'm getting one or two contracts a month, but \$300 a month does not pay the bills.

In light of the tokenistic representation of Indigenous cultural workers within Canada's arts and culture sectors, some of the interviewees expressed an inherent irony underlying the practice of arts institutions releasing public statements and calls of solidarity with Wet'suwet'en and Black Lives Matter (BLM) protests, especially when those statements addressed anti-Black racism in the United States and Canada:

While our staff is considered to be "diverse" in comparison to many other institutions, myself and my BIPOC colleagues have been repeatedly disrespected, mistreated, and devalued. We are called upon to address issues when, and only when, the BIPOC community is affected. The ways in which we are positioned within the institution is definitively performative and the interior politics of the organization does not match outward claims that the institution and its direction (the Board of Directors') claims.

From an institution that claims a lot of things... these issues were never brought up until I and my BIPOC colleagues initiated conversations around them ... We have released an informal statement (written by myself and my Black colleague) regarding our solidarity with BLM ... the Board has not made any clear advancement on how it will uphold this claim to solidarity.

Despite their increasing representation in Canada's arts and culture institutions to drum up funds for the institutions they work

for, Indigenous peoples have experienced struggles receiving funding for their individual practices from provincial and federal granting bodies.

There have been big challenges in applying for Indigenous and queer project funding because the specific outcomes they're asking to outline don't match with the outcomes we value.

For example, funding bodies really like to hear about how we're working towards reconciliation in our projects when reconciliation is not our goal. Rather, mentorship, thriving, support, care is our aim.

I don't think I have ever been truly comfortable approaching an opportunity and saying I am [queer or Indigenous] without worrying how I will be judged differently than others. If I am applying for Indigenous funding I feel the need to cover up my gender and sexuality. And if I am applying for provincial or federal funding with everyone else I am just praying they don't have all white juries. It seems like there's always a quota or an idea of what "Indigenous" art should be so that's why I am pushed aside when I am.

I think I've noticed it's harder to get grants about specifically queer work in Indigenous competitions. I don't want to say it's impossible because it has happened. But it has made me seriously wonder about any colonial homo- and transphobia on juries. I mostly apply in the mainstream categories. I also think the way Indigenous juries work, where it's not so much discipline focused and more broad, can have a negative impact on various artists depending on the make-up of the jury. There's so many issues with arts juries and funding and it's hard to really know what is going on. I've asked [a granting body] if their Indigenous stream is collecting data on Two-Spirit artists and how many get grants, so we'll see if they can tell us the numbers because I know they can look at the stats.

Maybe there's not enough funding on the prairies, or maybe there's not economic art production models. There's so much content, especially community-engaged artwork that is so overlooked by the national art scene.

### **(Willful) Ignorance**

Cultural workers also expressed infringements on cultural sovereignty when dealing with unseen grant administrators and adjudicators. Namely, one writer spoke about how their professional status under one granting office did not represent how the Indigenous community viewed their body of work. They had been a nationally respected writer for over a decade, yet one of their works was categorized as an "educational guide." This was apparently because the work was based on digital blog posts (a format that has been considered a valid form of Creative Nonfiction in Indigenous Literature). The writer was asked to apply as a new-to-early career artist, though they had already mentored people in the "emerging" category."

I included all my fiction writing too but whatever. I haven't yet submitted as [a new-to-early career artist] ... but I might try just to see what it does.

The juries, Indigenous boards, and consultation groups struck by Canada's cultural organizations have been the subject of much debate lately. Recently Métis in Quebec expressed discontent when the Conseil des arts et lettres du Québec (CALQ) excluded Métis from their Indigenous lines of funding, though Métis are constitutionally recognized as an Indigenous people. When questioned, CALQ referenced an Indigenous board that they advised, but gave no further indication of how that body was consulted on this particular recommendation. It would appear that the advisory board was ill-consulted, or perhaps, there was not adequate Métis recognition on the board (though images of Métis were, at one time, used to promote the program on CALQ's website).

This case, among many others, represents evidence that Canada's arts and culture institutions are striking symbolic boards and committees, sometimes that are composed of and including Indigenous peoples, but that are rendered ineffective because said organizations are not properly consulting them or implementing their suggestions.

### ***Pandemic Precarity***

The pandemic hurt precarious workers hard. But the informal business model of art institutions has resulted in the development of a largely white administrative class, and a marginalized subclass of Indigenous, Black, and racialized contract workers and freelancers. Indigenous freelancers and contract workers reported contract anomalies such as wage cuts without contract renegotiations. Some reported organization-wide salary cuts for a period of relief under the federal wage subsidy – regardless of whether the employees would have preferred to collect CERB – and others reported wage cuts that affected all employees except for management. Freelancers and contract workers also reported the cancellation of contracts and loss of funds, the indefinite deferral of contract start dates that were signed before the pandemic, change in pay scale, and pressure to move content to online for less than booked (thousands of dollars at times).

These troubling contract anomalies further expose the unsuccessful integration of Indigenous peoples within Canada's cultural institutions following the reconciliation year, and how the business interests of Canada's arts and culture industries, during a time of austerity, were protected at the expense of creative labour.

Alongside contract anomalies, interviewees reported lack of transparency from the organizations they worked for about the future of their jobs and the institutions generally, resulting in workers' inability to prepare for their own lives through it all, Human Resource departments and unions seemed to protect the interests of companies and not workers.

The individuals interviewed expressed a general feeling of precarity and fear that cultural institutions are protecting themselves and not the occupational health of their workers. Some predicted that the fall, winter and early 2021 generally will be a period of insecurity. Workers aren't certain where the funds to cover their positions will come from, and expect potential layoffs, closures, and/or pressure to work for free.

We have been keeping track of hours paid and hours worked, for which there is a large discrepancy and I'm unsure how our time and salaries will be managed going forward.

Indigenous creative workers who were laid off or lost funds, and accessed CERB or other emergency funds, while describing deep gratitude for the support, also found those forms of support insufficient in comparison to the figures being spent to protect management and the traditional architecture of established organizations.

Interestingly, several artists noted that they felt a particular sadness knowing that their careers were starting to take off after the increased visibility following the reconciliation year, but now they are afraid they could lose the audiences they were building and potentially even their careers.

I was just beginning to bud as a hot artist and had lots of interest in private acquisitions. Most of these inquiries happened at art shows. But with no new shows happening in the same way I have had no new interest.

### ***The COVID Collections***

Even before COVID-19 measures in Canada's arts and culture institutions, Indigenous artists have struggled at a disproportionate rate to their peers to make money off the sale of their art, except for a select few artists who have been able to attain financial success. However, the emerging artists were quick to assert that even those successful Indigenous artists are the exception.

To begin with, I have never been paid well in the arts. So [the effects of COVID-19 on the art industry] doesn't feel like it was a huge blow to me.

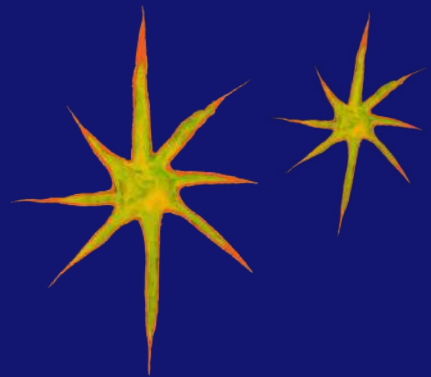
Collecting is the primary way artists financially sustain themselves in Canada's arts and culture industries. Collecting occurs at fairs, private galleries, and auctions, through dealers, and as commissions and gallery acquisitions. This private market generates the vast majority of revenue for artists. To make sustainable sales, artists generally require a great deal of visibility in the national and international art scene, and this typically happens through networking at parties, openings, biennies, and other industry events. More, artists are typically expected to hold an MFA to make the appropriate connections to industry actors. In other words, in order to attain success in the market, an artist requires the privilege of time, institutional

“...funding bodies really like to hear about how we’re working towards reconciliation in our projects when reconciliation is not our goal. Rather, mentorship, thriving, support, care is our aim.”

“There seems to be a quota for sure and lots of talk in the whisper network about institutions and nonprofits that do this to qualify for those nice Indigenous grants.”

“I think small non-profit arts organizations are most at risk, because I think they’re always at risk. All the cuts that came to our funding really proved that.”

- SELECT INTERVIEWEE RESPONSES





access, and resources to support their travel, education, and networking. These requirements result in a *de facto* managed space where successful art careers, in the current market, are ultimately tied to the institutional architecture of art industries and its built-in nepotisms.

I was given a surprise no-strings-attached grant from [major provincial museum] which had been giving out small emergency grants to [redacted] artists, based on a confidential panel of artists, [that was not made public or an open call].

Historically, the artists who have garnered audiences large enough to earn them **substantial figures** for the sale of their **art are men**. Even if an Indigenous artist does achieve the forms of visibility required to get sales, Indigenous artists often find themselves **making significantly less** in the sale of their work than their non-Indigenous peers. Art events that might otherwise bolster the value of artworks and networking opportunities for artists, such as public biennials, have decreased with COVID measures and collectors **don't see art as "a good investment"** in this economy.

When artists do show at commercial galleries, they are not paid an exhibition fee. While this is the standard industry-wide, the Biennale d'art contemporain autochtone (BACA) recently found themselves criticized regarding the efficacy of not paying Indigenous artists an exhibition fee—and perhaps valuing their private collectors' interests over those of the Indigenous artists being shown and upon whom they staked their reputation. The episode underscored, once again, the archaic ethics of Canada's commercial arts and culture industries regarding Indigenous communities.

Given how collections are often reifications of nationalist ethos, gallery acquisitions are of the utmost importance to Indigenous cultural sovereignty in the arts. But acquisition budgets at galleries have razor thin margins. Galleries with boards often make their acquisition selections in-house among curators and management—based on a variety of weighted interests that can include companies, donors, private collections, and collectors. However, interviewees who sat on boards noted that the agendas of board meetings were often packed and there was pressure to pass measures without critique or further inquiry.

Living Indigenous artists are not the peoples who benefit from the current acquisition budgets of Canada's galleries.

### **Online Confinement**

Indigenous vendors and community artists are especially struggling with the inability to table festivals, on the powwow trail, and with the decrease in bookings for cultural events throughout the summer including around National Indigenous Peoples Day. While reconciliation programming is a **contentious topic** within Indigenous communities as a potentially harmful

politics of recognition, Indigenous programming at these kinds of events provides an income for Indigenous artists and performers nationally.

In the early days of CERB, many weren't eligible for CERB or couldn't understand if they were eligible. When applying for emergency grants, vendors and community artists struggled to have their practices recognized within a predominantly non-Indigenous managed arts administration in Canada. Some were ultimately able to support themselves through online sales with an infrastructure they built prior to the pandemic. Despite this, the artists who primarily show in galleries, pointed to an emerging and unique disadvantage that they may face with the increasing digitization of Canada's art industries: struggling to stay relevant in a "push to digital."

There is demand for young artists especially to have large social media followings. I definitely see the drawbacks where galleries don't want [art] if it's easily accessible. But they also don't want you if you ain't hot. So it's hard to walk that line. I try to make things accessible online that are close enough or offshoots of my work that don't directly "take away" from what my work can bring to a gallery. It's really hard. [Galleries] want their cake and to be able to eat it too.

I don't care or strive to have a big social media following. It's too emotionally exhausting for me. I treat my social media like my home, I keep things that are nice to me and may not be to others. I don't care if you don't like my art. It's the only real estate I got. I can't do the curated feed stuff. I just can't.

Interviewees expressed that the art institutions they work for also faced a period of uncertainty in relation to the push to digital.

Upon our closure, we've made a shift to digital programming... This was urgent work at the time, as many galleries and institutions were struggling to stay relevant or visible upon confinement. The urgency has faded though. Many of us are very unsure of how we will move forward with this work as more institutions reopen, while keeping in mind that things related to COVID will likely continue to develop in the coming months.

As the pandemic goes on, some Indigenous cultural workers described worry that the art institutions operated primarily in service of their boards and their established interests, donors, and collectors. As such, they described the development of digital programming, marketing, and funding models for them as artists as being stymied to protect the architecture of the industry once pandemic is over. This is all the more likely because art institutions, said the interviewees, are administratively heavy and will likely have difficulty sustaining themselves without taking an even larger share of the resources and power (at the expense of artists).



Further, when the industry is “back to normal,” garnering physical publics and audiences could prove a challenge in the wake of COVID-19, which will only lead to further pressure on the aforementioned institutional tensions.

As an employee of a non-profit, our audience numbers greatly impact the institution and our location is not ideal for encouraging visitors during the deconfinement period.

I mean for years the governments have been looking for excuses to cut arts funding and this seems like a prime time for them to make moves without it seeming suspicious.

### ***Post-Pandemic Prospects***

When I asked the interviewees who they thought would survive this period of austerity measures in Canada’s arts and culture sectors, they were clear that they perceived high-level administration and management within Canada’s cultural institutions would be able to maintain a secure footing in the industry, and that large and small organizations are being affected differently by COVID-19 austerity measures in art.

Small publications are already running on tiny staff and razor thin margins. Cutbacks, especially to funding, affect us ten-fold.

I think small non-profit arts organizations are most at risk, because I think they’re always at risk. All the cuts that came to our funding really proved that.

An interesting finding of the interviews was an expression among emerging-to-mid career artists and writers that there was a small, but growing, community of Indigenous cultural elites that would also be okay during and following the pandemic, and who didn’t necessarily represent their interests.

I don’t often work with artists, content creators, and makers who are [of an older] generation. But that’s also a safety thing too, right? I feel a lot of intergenerational tension... I mean, if you look at the generation gap we are 300 times more in debt than our parents.

It should be noted that there has been a great deal of meaningful transformation in Canada’s arts and culture industries following the reconciliation year. Some interviewees noted that their organizations have been fiercely protective of creative labour during these moments of austerity.

The place that I was involved with in the past definitely fought for subsidies and regular funding to be distributed... The organizations that were affected were very helpful in wanting to support me through this time.

The MacKenzie Art Gallery made a historical choice by making John G. Hampton the interim executive director and CEO of the gallery. The Canada Council for the Arts recently announced that Jesse Wenthe would be replacing Pierre Lassonde as the Chair of Canada Council. Heritage Minister Steven Guilbeault says that Wenthe is, “the first Indigenous Chairperson within the Canadian Heritage portfolio.”

Many other strides have been made for Indigenous representation within Canada’s arts and cultural institutions. Moving into the future of art industries, institutions will need to keep an eye on ensuring that executive hires aren’t just another facet of representation and identity politics, and support for Indigenous sovereignty and liberation will be meaningfully integrated throughout Canada’s arts and culture institutions.



shaping change urgently by Kaya Joan (2020)

# Renewing the Rights of Indigenous People in Art and Culture

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**CONSIDERING THESE HISTORIC AND ONGOING ISSUES**, that are to a great extent structural within Canada's art and culture institutions, a helpful re-start of the relationship could begin with renewed attention to existing recommendations and Calls to Action, reinforced with listening to the ideas of a contemporary generation of Indigenous cultural workers.

How can the tokenization, marginalization, exploitation, and latent conflict and trauma within these institutions be addressed? What guidance exists for governments that funds and regulates those institutions (or fail to fund and regulate them)? And what are the tools that communities of makers can deploy to hold each other, and their powerful partners accountable?

The Standards of Achievement below represent an intervention into an ongoing conversation, but one that has yet to be fully public. It draws on the voices of generations of Indigenous people – but those who are currently grappling with this pandemic specifically – and the work of the handful of inquiries that have investigated these challenges. It is the hope that we continue this conversation and that it results in meaningful and long-term change for our communities.

## Standards of Achievement for the Relationship Between Indigenous Peoples & Cultural Institutions in Canada

*Guided by The Task Force Report on Museums and First Peoples, and the promises the Canadian Museums Association made to the Assembly of First Nations (AFN);*

*Guided by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) resolution – adopted by the General Assembly on 13 September 2007 – and in good faith in the fulfillment of the interests of the Indigenous artists, curators, editors, writers, and other cultural workers interviewed herein;*

*Acknowledging that Article 3 of UNDRIP states that Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;*

*Acknowledging Article 5 of UNDRIP, which states that Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State;*

*Acknowledging Article 7, section 1 of UNDRIP, which states that Indigenous individuals have the right to life, physical and mental integrity, liberty and security of person;*

*Acknowledging that Article 11, section 1 of UNDRIP states that Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature;*

*Acknowledging that Article 12, section 1 of UNDRIP states that Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains;*

*And, Article 12, section 2, which mandates states to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned;*

*Acknowledging that Article 31, section 1 of UNDRIP states that Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions;*

*And, Article 31, section 2, in conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights;*

*Acknowledging that Article 34 of UNDRIP states that Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards;*



The following suggestions represent what UNDRIP calls a “standard of achievement to be pursued in a spirit of partnership and mutual respect” for cultural institutions working with Indigenous communities in Canada:

**1. #ReturnOurAncestors!** The Canadian Museum Association and its partner institutions must uphold its responsibilities to the Truth and Reconciliation Commission recommendations, and the promises they made to the AFN, to digitize and make private archives and holdings accessible for transparency. In no uncertain terms, museums must repatriate the bodies of Indigenous ancestors. There needs to be immediate expert and Indigenous-led audits of collections to assess what exists in collections; the primary goal being to find sensitive materials such as bodies, which museologists quietly know to exist within many of Canada’s major institutions.

**2. No more Indigenous advisory committees. Integrate diverse Indigenous peoples and knowledges throughout corporate structures, on both the creative and business side of organizations, and not just in moments of increased fiscal attachment to monetized identity politics.**

**3. Put the onus of learning on the actors within cultural institutions.** Avoid tasking the decolonizing of an entire organization on one employee, especially within Canada’s long running heritage institutions, museums, publications, and galleries, which will have deeply entrenched cultures of white-supremacy.

**a. Avoid the single Indigenous hire into segregated positions.** Only diverse, block hires of Black and Indigenous peoples moving forward, coinciding with the realization that this might mean the radical restructuring of institutions (such as retirements and staff changes), and the implementations of Indigenous and Black peoples throughout organizations in self-determined ways.

**b. Respect the interests of diverse Black and Indigenous peoples,** and their varying desires to participate in diversity and decolonizing measures (i.e. Indigenous specific departments and programs, or self-determined integration into wider institutional spaces away from a focus on Indigenous issues).

**4. Always centre care, capacity, realistic timeframes, and meaningful responses when addressing the concerns of Indigenous employees, and only request those perspectives with the expressed consent of employees.**

**b. Make culturally sensitive supports available to employees.** Take every claim of harm seriously, and centre genuine concern towards healing and mediating those facets of the institutional culture. Never gaslight employees.

**a. Always consult from within as opposed to without the organization,** putting less focus on tokenistic measures such as business consultants and more focus on the integration of anti-racist structures and cultures, and Black and Indigenous decolonial ideologies and peoples throughout workplaces.

**5. Ensure the growth of Black and Indigenous cultural workers into senior positions.** Ensure Black and Indigenous staff are given the opportunity to interview for senior positions and foster a practice of hiring from within. Where possible and appropriate provide mentorship to those employees and include explicitly in succession planning.

**6. Recognize that competition is endemic within art industries and ensure that policies and structures are implemented that ensure management, senior curators, senior editors, and other high-level positions are held accountable for gatekeeping, racist and misogynist micro-aggressions, preferential treatment of white employees and men, and workplace bullying, gossip, and other toxic cultures of white supremacy and misogyny in the ways they work, and the cultures they thereby promote within their organizations.**

**7. Restructure provincial and national arts funding in Canada.** Funding initiatives for Indigenous peoples are still immensely important. But they need to be managed by Indigenous peoples and redesigned in a way that decentralizes institutional modes of power.

**a. Indigenous juries should have demographic qualifications,** based on Indigenous consultation and development, that will ensure that all juries consist of diverse generations, backgrounds, fields, geographies, and other considerations.

**b. Granting bodies should shift to Indigenous board, panel, peer-reviewed, or jury led adjudication of professional status.** Adjudication that accounts for alternative forms of professional development such as community knowledge and histories of mentorship. Until this is implemented, there should be greater transparency and dialog regarding the process of professional accreditation; namely, the assigning officers, their races and relationships to Indigenous peoples, and their qualifications to make such adjudications on behalf of Indigenous creative communities.

c. The management of granting organizations and grant officers should meet demographic quotas that shift the minority and majority interest in Canada's arts and culture granting institutions. Recruitment campaigns must widen their understanding of who can, and should, occupy these positions, even if that means investing in mentorship.

d. Granting programs should strive to be discipline specific and include demographic quotas for diverse Indigenous groups such as Inuit, Black-Indigenous peoples, peoples residing in Reserve communities, folks in regions outside of currently over-represented central Ontario and Vancouver such as the prairies and the East Coast, community artists and vendors, first-time applicants, and other considerations.

e. Granting bodies must invest significant resources into strengthening Indigenous self-identification measures, at least when it comes to accessing Indigenous funding lines. This will be a challenging exercise and must be flexible and evolving and ensure an ongoing dialog. Thus, this process requires continued resource investment from cultural institutions.

f. Policy should be developed, in consultation with Indigenous communities, around the threshold of number of Indigenous employees to qualify for and receive Indigenous funding, and what precisely constitutes "Indigenous Art" for funding purposes.

**8. Indigenous publications, organizations, galleries, and other cultural institutions should immediately recruit Indigenous editors and department heads, if these positions are still held by non-Indigenous peoples. This might mean investing in mentorship processes and understanding that Indigenous qualifications can look different than non-Indigenous qualifications. This may require re-considering the concept of "quality", production schedules, and other tools for organizational structure and workplace culture.**

**9. Restitution should be embedded in fee structures.**

Indigenous artists should receive higher resale fees, especially communities that have been historically exploited by the market (such as Inuit). Regardless of industry standards, Black and Indigenous artists should receive fees for showing in private and commercial galleries.

**10. There should be a drive for greater gender and racial equity in gallery exhibitions.** For instance, a guiding principle might mandate that Black women artists booking a solo exhibition be paid the same rate as the highest paid white man artist. In fact, institutions should recognize that certain communities deserve to be paid more for their time and adopt an equity payscale. This can be considered another form of restitution for historic and ongoing marginalization of Indigenous and Black individuals and communities, which requires more labour to participate in the industry compared to non-Indigenous, white peers.

**11. For the foreseeable future, the acquisitions budget of Canadian art institutions must be solely dedicated to the acquisition of Black and Indigenous art. This acquisition campaign must not be merely history art about Indigenous and Black peoples; even if this means collecting primarily contemporary artists.**

**12. The executive, governing and advisory boards of cultural institutions in Canada must restructure to include diverse members of Black and Indigenous communities.**

**13. Cultural organizations should respect the basic human rights and occupational health of Indigenous and Black artists during COVID-19.** Arts organizations may consider shifting to a service provision model at this time. But also accepting that artists may not be able to travel in the upcoming months (years even). Organizations should find alternative ways to feature and service the artists they represent.

**14. Canada needs to develop its own federal, provincial and territorial repatriation legislation,** drawing from the shortcomings of NAGPRA and led by communities of Indigenous artists, curators, cultural administrators, Elders, and other respected Indigenous cultural leaders within Reserve and urban communities. While it must foremost be concerned with "human remains," this legislation should expand the notion of repatriation beyond bodies to funerary objects, "sacred" objects, and objects of cultural patrimony. These laws must be meaningfully co-developed in collaboration with Indigenous peoples.

a. These "Repatriation Acts" must be passed in every province and territory within the borders of Canada, and not simply apply to federal reserve lands.

**b. The legislation must have extremely strong compliance measures**, with an accountability provision that allows Indigenous representatives to ensure the legislation is being enforced. As Indigenous people are not flora and fauna, Parks Canada should not be involved in the implementation of the legislation. Jurisdiction over “Repatriation Acts” could fall under the Canadian Heritage Portfolio or even the Minister of Justice.

## **15. Indigenous peoples should have cultural sovereignty over the management of their arts and cultures in Canada.**

**a. In addition to legislation, federal, provincial and territorial governments should work to support the creation of a network of northern, reserve-based, and urban Indigenous cultural communities** that could support a self-determined infrastructure for the direct funding of Indigenous artist-run centres and spaces nationwide. This network should build upon the work of cultural communities already on the ground and doing the work.

## **Indigenous organizations, cultural centres and/or individuals should also work in good faith on these initiatives to realize their potential.**

However, it must be acknowledged that the pressure of COVID-19, and the exploitation of Indigenous cultural contract workers proceeding, means that Indigenous cultural workers can be forced to work in culturally unsafe and exploitative circumstances to support themselves and their families; this is the result of inequity in Canada’s cultural institutions, and not the fault of exploited Indigenous cultural workers.

The management and philanthropic class of Canada’s art industry have been successful in convincing creative labor they are disposable. However, Black and Indigenous cultural workers are driving significant revenue in Canada’s art and culture institutions. Art would cease to exist if we enacted a politics of refusal and solidarity by withdrawing our work collectively from Canada’s cultural institutions.





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