



# **Guide to Heritage Stewardship for Yukon First Nation Governments**



**2018**










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Cover photo: View of Twelve Mile.  
Tr'ondëk Hwëch'in

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## Dedication

The idea for this guide arose from the Yukon First Nations Heritage Group. The group includes representatives from Yukon First Nation Governments who are responsible for caring for our heritage. It was recognized that sharing stories, information and expertise gathered over the years would enrich this unique and integral field. The Stewardship Guide was developed between 2014 and 2018 with input, participation and verification by Yukon First Nations Heritage representatives, including Carcross/Tagish First Nation, Champagne and Aishihik First Nations, First Nation of Na Cho Nyäk Dun, Kluane First Nation, Little Salmon/Carmacks First Nation, Selkirk First Nation, Ta'an Kwäch'än Council, Teslin Tlingit Council, Tr'ondëk Hwëch'in and Vuntut Gwitchin Government. The Stewardship Guide is meant to be a living document that can be changed and added to as the First Nations Heritage stewardship field develops and grows.

The guide is dedicated to the Yukon First Nations Elders and Youth who provide the inspiration, direction and justification for all First Nations heritage work.

### **Note about content**

This guide is a living document.  
It will be revised and expanded  
as new information becomes  
available and new experiences  
are shared.



# SECTION 1

## A First Nations' approach to heritage

### 1.1 Overview

Long ago, we were given the duty to care for our land and our communities. The beliefs and values taught to us by our Elders showed us how to care for our world. Today, we use the word “stewardship” to describe our duties towards the land, waters, animals and fish. This duty is part of our beliefs, values and customs. It is woven into our social system, our political and economic practices, and our kinship relations.

We are not strangers to change. We are highly flexible people, with the ability to adapt quickly to new situations. This ability is something that we value, and it is built into our culture — it is essential for survival. Changes came to our world at a fast and furious pace. New religions, new governments and new roads forever affected how we live. And yet our connection to the land and to our heritage remains; we still have a sacred responsibility to these things.

*“Anything and everything you do, the way you live is your heritage. I walk it, that’s who I am.”*

Angie Joseph-Rear, Tr’ondëk Hwëch’in Elder  
Tr’ondëk Hwëch’in Heritage Values Session, 2012

After many years of negotiations, we now have land claims and self-government agreements that empower us to be stewards once again. With self-government, we have the opportunity to reinstate our traditional ways with a level of authority that we have not enjoyed for some time. We look forward to rebuilding our traditional systems and we welcome all of our heritage colleagues from around the Yukon and the world as partners. The work we do will benefit all of the Yukon.

Heritage department staff from Yukon First Nations governments have put together this guide. It will help us work together and rebuild our traditional ways, so that instead of just managing heritage, we will be *living* it, as an inherent part of our lives. We feel a responsibility to use the knowledge we have gained through our work as heritage stewards in service of our communities. We are sharing the wisdom that we have gained through the first twenty years of modern self-government in the hopes that it will empower the next generation to be caretakers of the land and our heritage.

Above: The concept of stewardship is part of our beliefs, values and customs.  
Tr’ondëk Hwëch’in

## 1.2 Key concepts

A few key concepts underlie everything written in this guide. It is important to understand them, because they help explain how Yukon First Nations approach heritage stewardship.

### Heritage is a living thing

For First Nations, our heritage comes from our past, but is lived every day. Heritage is not just about old objects, or stories that get put in books on shelves. We protect the past to make sure it is a part of the present and the future. We record stories so that they can be taught and told today; we collect old tools and artifacts so we can learn again how to make and use them; we protect heritage sites so that the community can use them. We work to create opportunities for our heritage to be practised and to make use of things, not just preserve them.

Our traditional laws guide our lives every day, and we have names for these laws: *Dooli* (Northern Tutchone), *Aduli* (Southern Tutchone) and *Da'ole* (Hän). We also have words that describe a whole way of life: *Dän K'e* (in Northern and Southern Tutchone), meaning "native people's way" or *Haa Kusteeyí* (in Tlingit), meaning "our way of life." See Figure 1.

*"What I know now, it's up to me to pass on to kids. Our language — you won't find it in a dictionary...we want to keep it alive and pass to our kids."*

Trudy McLeod, Kluane First Nation  
Chapter 13 Heritage Manual Gathering,  
Brooks Brook, July 9 and 10, 2012

Figure 1. Self-government concept



From *Self-Government: Taking the High Road*. Used by permission of Little Salmon/Carmacks First Nation

### Heritage is holistic

We consider "heritage" to include everything about our past that we bring into our lives today: language, land, stories, songs, customs and family. For us, these things cannot be separated – this is what is meant by "holistic." Non-First Nation governments often divide heritage into different "boxes" to make management easier: archaeology, palaeontology, heritage sites. We sometimes need to interact with other governments through these boxes, but we always do so with the holistic idea of heritage in our minds.

### Heritage is connected to the landscape

Our relationship to the landscape (including the land, waters, fish and animals) is so important that it is part of our being. Our culture lives in the places where we travel, hunt, pick berries, tell stories, and bury our ancestors. Our territories are a “cultural landscape” — a web of connected experiences.

Because of this relationship to the land, what we call “heritage” often overlaps with areas such as renewable resources (fish, animals, forests), and habitat management. We strive to make sure that people working in these areas remember that the goal is ultimately about peoples’ living heritage on the landscape.

As heritage managers, our best education comes from being on the land with people who know it well. Our jobs require us to be in the office for much of the time, but we must always take time for opportunities to be out on the land with Elders and knowledgeable citizens.

### Heritage is both tangible and intangible

Tangible things such as old objects are very important, but the stories, songs and kinship relationships behind them are just as important, possibly more. Culture is really about all the things we learn, and some of this knowledge helps us make tangible things like moccasins or arrows. But much of our knowledge is about stories, songs and kinship. And while cultural objects are important — they helped us live on the land for countless years — it is the relationships and human knowledge behind them that bring them alive.

### Stories give objects their meaning

Although culturally significant objects are very interesting, the stories and personal histories that go with objects are more important than the things themselves — it is the stories that bring them alive and into the present. We tend to put as much or more effort into sharing these stories as we do into caring for the objects themselves.

### Heritage stewardship uses First Nations values and best practices

As stewards of our heritage, we ask “Are there traditional ways or protocols that need to be followed here?” This could range from relocating a burial that is eroding into a river, to recording a story with an Elder, to taking a youth group on a hunting trip. Our Elders are always our guides when it comes to these protocols. We often face new situations, and our Elders guide us in adapting ways from the past.



Our relationship to the landscape is part of our being.  
Tr'ondëk Hwëch'in

We strive to use commonly accepted best practices when managing heritage resources. This might include caring for old artifacts, restoring an old cabin or camp, learning protocols, or filming and photographing objects. Chapter 13 (Heritage) of our First Nation final agreements specifically says that First Nations and the governments of Canada and Yukon will all strive to manage heritage resources “in a manner consistent with the values of Yukon [First Nations] peoples” (13.1.1.5).

### 1.3 Indigenous knowledge

As First Nations heritage workers, we are fortunate to spend so much of our time surrounded by our Indigenous community’s knowledge. It is embodied in our stories, history, skills and practical information, and also in our values, beliefs and laws.

This knowledge is the result of countless generations of living on the land, passing down stories, values and traditional laws. Each generation both receives and contributes to this shared knowledge, and so it is dynamic and adaptive while having deep roots in the past. It informs our whole life — all of our decision-making processes — and is the essence of our identity as Indigenous people.

The knowledge of an Indigenous community is a collective resource, meaning that the knowledge is not owned by any one person. Some knowledge may be held by the whole community, while other knowledge might be held within a particular clan or family. The community as a whole is a steward of this knowledge, and First Nations Heritage departments also play an important role.

#### Indigenous knowledge in heritage management

Because indigenous knowledge is at the core of all our work in heritage, it is woven throughout every section of this guide. It is addressed in specific detail in these sections:

- 3.6 Yukon Environmental and Socio-Economic Assessment Act (YESAA);
- 5.5 Liaising in IK Processes;
- 6 Documenting indigenous knowledge; and
- 9 Managing cultural holdings.

It is also referred to as traditional knowledge. We prefer the term “indigenous knowledge,” because the word “traditional” does not capture the dynamic, evolving nature of our knowledge. However, “traditional knowledge” has been the more commonly used term, and it appears in laws such as YESAA and in many discussion papers and reports.

“Traditional knowledge – if you know it, if you live it, if you know the land, if you know the language, you will have no problems in your lifetime.”

Aggie Johnston, Teslin Tlingit Elder  
Chapter 13 Heritage Manual Gathering,  
Brooks Brook, July 9 and 10, 2012

## SECTION 1: A FIRST NATIONS' APPROACH TO HERITAGE

The Umbrella Final Agreement (UFA) includes specific commitments around indigenous knowledge. First Nations heritage staff must make sure that these objectives are given attention in a way that fits with local perspectives:

- 11.1.1.4 — to utilize the knowledge and experience of Yukon Indian People in order to achieve effective land-use planning;
- 12.1.1.2 — [This chapter] provides for guaranteed participation by Yukon Indian People and utilizes the knowledge and experience of Yukon Indian People in the development assessment process;
- 13.1.1.2 — to promote the recording and preservation of traditional languages, beliefs, oral histories including legends, and cultural knowledge of Yukon Indian People for the benefit of future generations;
- 13.1.1.10 — to incorporate, where practicable, the related traditional knowledge of a Yukon First Nation government research reports and displays; and
- 16.1.1.7 — to integrate the relevant knowledge and experience both of Yukon Indian People and of the scientific communities in order to achieve [Fish and Wildlife] Conservation.

When working with other governments or private companies, it is critically important that First Nations heritage workers (and their colleagues in areas such as health, lands, and fish and wildlife) avoid the trap of having our Indigenous Knowledge put into a “box” where it doesn’t fit. We are often asked to contribute Indigenous Knowledge to processes such as scientific studies, environmental assessment, and land-use planning — usually to fulfill a legal requirement. Researchers or government representatives may either categorize our knowledge in narrow ways (e.g., “moose habitat, water quality, forest resources), scrutinize and “validate” it, or determine how it extends across the categories that others might label as scientific, spiritual, environmental, social, etc.



Heritage often overlaps with areas such as renewable resources.  
Tr'ondëk Hwëch'in

## Indigenous knowledge is holistic

Indigenous knowledge is very broad. It includes specific information (for example, about certain animals or plants) as well as a more general understanding of the relationships in the ecosystem, and the right way for people to behave toward the world.

Let's look at the story of a typical Yukon First Nations person's moose-hunting trip as an example of the breadth of indigenous knowledge:

- Before going out, the hunter does not talk much about what he is planning, telling his family that he might go "walk around the bush" tomorrow. His grandfather taught him that he shouldn't talk about the animal that he is going to hunt; otherwise, the animal might stay away.
- Once he's driving out to go hunting, he sees fresh moose tracks. He knows how to read them, the way his mother's brother taught him to tell when the tracks were made, and whether it is a cow or bull moose. Maternal uncles and aunts are very important for Yukon First Nations people, because they are from the same clan/moiety. They have a special role in teaching the younger generations.
- He chooses a good place to hunt — a marshy spot at the bottom of a valley with several draws leading in — knowing that moose will come to the marsh in the evening to eat and drink. He knows many stories about this place from his family, who have used it for many years.
- As he sets up his chair overlooking the marsh, he says a prayer, asking the Creator and the moose for good luck and to help feed his family.
- He soon sees a cow moose and calf come to the marsh. Even though in his grandfather's time these would have been taken, he decides to pass them up, because the moose population in the area is low. He hopes a bull will soon follow.
- Sure enough, he shoots a bull moose that evening, and before he begins to dress it out, he cuts the eyes (as his father taught him) so that the animal does not see what he is doing.
- He saves certain parts of the animal (like "the bible" portion of the stomach) for elders. He knows how to butcher and use every part of the moose, including the head, hooves, and especially the intestines (the "bum guts").
- When he gets home, he gives most of the meat for a potlatch that his clan is hosting for the opposite clan to honour the recent passing of one of their members.
- Later that month, he talks with the local wildlife biologist about the moose he got, noting that it had a lot of fat for so late in the fall. They talk about how the seasonal moose rut cycle seems to be less predictable, and about what the warming climate may have to do with this.

You can see in this story that knowledge is playing out on many levels: specific knowledge about moose and landscape, knowledge about the right way to behave when hunting, and new knowledge that he uses to adapt to changing circumstances. All of the knowledge that this man uses in this situation is part of indigenous knowledge.



# SECTION 2

## How to use the guide

### 2.1 Context

The guide divides heritage values into categories so that it will be easier for readers to navigate through the document. However, this does not reflect our reality. Heritage values cannot be compartmentalized. Our stewardship decisions will always involve situations that include a range of values that fit together as a whole. Decisions must consider the bigger picture.

In drafting this guide, we tried to balance being thorough with being user-friendly. Each section gives a quick overview of the heritage resource in question and the relevant issues. It is intended to be a good first step to understanding the stewardship needs, and other sources of information are provided to help you in your stewardship decisions.

### 2.2 Document layout

The sections are organized in the following manner. Please note that not all sections have content for the subsections listed below; more information can be added in future editions.

#### Overview

The overview provides general information about the topic. It will help you understand how a particular aspect of heritage fits into the bigger context and touches on some of the important factors to consider.

#### Stewardship considerations

Stewardship considerations includes a variety of principles and approaches based on First Nations' traditional laws and customs, past experiences, and standard resource management practices. The potential impacts and outcomes of these actions, whether positive or negative, are noted when possible. Each First Nation will likely have a multitude of approaches that reflect individual, family and communal beliefs and practices.

Above: Fireweed in bloom.  
Tr'ondëk Hwëch'in

### **Additional considerations**

Additional considerations include ideas and questions that will help guide First Nations through the process of creating an appropriate and effective approach that considers every angle of a situation.

### **Lessons learned**

This subsection provides information about previous experience with heritage resources.

### **Examples**

This include real-world examples, anecdotes, quotes, local experiences, and photographs that provide context for these concepts.

### **Resources**

This subsection includes a list of supplementary information and contact details for people and organizations that can enhance the decision-making process. It also lists existing policies, guidelines, best practices, forms, and other resources.



## SECTION 3

### Heritage legislation

The situation in regard to heritage legislation in the Yukon is changing. For decades, the federal and territorial governments' legislation and processes have been the main legal protocols for managing heritage values in the territory. As First Nations self-government evolves, we are strengthening and developing our own stewardship processes (as shown in this guide), including the legislation that supports them.

This section describes this shifting situation as thoroughly as possible, given that things are constantly changing. It is important to understand the context that led to the current situation, and how legislation might evolve in the future.

This section describes the current legislation and processes, knowing that these will change as First Nations continue to expand their heritage stewardship.

#### **3.1 Timeline of heritage legislation in Yukon**

In the long-ago times, there were of course no words for “heritage” and “legislation” in our languages and communities. People were living their heritage everyday and caring for it. People talked to each other about their way of living around the fire or while cutting fish.

Things started to change after the Klondike Gold Rush in the late 19th century, when a huge number of newcomers arrived, and brought their ways, rules and governments with them. They soon began to impose their ways, including their laws, on First Nations people. In the early days, much of this legislative control governed specific aspects of life (like whether Indigenous people could vote, where they could live, etc.); it also applied to issues such as heritage values and resources.

Above: Briana Tetlichí on the upper Ch'oodenjik.

Vuntut Gwitchin Government

From the 1970s to the 2000s, several pieces of overlapping legislation came into place in regard to heritage management. These straddle the time before and after Yukon First Nations land claims were negotiated (see Appendix 2 for the dates of land claims agreements).

### Pre-legislation

Prior to the 1970s, there was no legislation about heritage values from the Government of Canada or Yukon. First Nations were considered Bands under the federal *Indian Act*, and did not create laws. There was no permit system in regard to heritage research or fieldwork done in the Yukon.

### *Scientists and Explorers Act (2002)*

The Government of Yukon passed this law to require outside researchers to obtain licences and permits before doing field research in the territory. This Act was amended in 2003.

### **Yukon First Nations Final Agreements and Self-Government Agreements (1995–2006)**

Yukon First Nations Final Agreements (FNFAs) and Self-Government Agreements (SGAs) are foundational agreements for a new relationship between First Nations and other governments. Many parts of the agreements address what we would call “heritage”:

- FNFA Chapter 12 (Development Assessment);
- FNFA Chapter 13 (Heritage);
- FNFA Chapter 16 (Fish and Wildlife); and
- SGA Section 13, which recognizes the right of First Nations to make laws in regard to their citizens and governments.

### *Yukon Historic Resources Act (2002)*

This Act deals with tangible heritage values, namely objects and sites (including the designation of those sites). When it was first passed in 1991, Yukon First Nations did not have established heritage stewardship programs as they do now.

### **Yukon First Nations Heritage Legislation**

Per Section 13 of their SGAs, the majority of self-governing Yukon First Nations collaborated to develop a draft framework for First Nations heritage legislation that can be adapted and passed by any Yukon First Nations. At the time of writing, three First Nations have passed legislation based on this framework: Tr’ondëk Hwëch’in (2016); Vuntut Gwitchin (2017); and Na Cho Nyäk Dun (2017). The legislation is explained in more detail in Section 3.3 of this guide.

## 3.2 Chapter 13 of the Umbrella Final Agreement

The Umbrella Final Agreement (UFA) between the Government of Canada, the Council for Yukon Indians and the Government of Yukon was signed in 1993. The UFA provided the framework for land claims negotiations; all of the provisions of the UFA are included in each Yukon First Nation Final Agreement (and in the event of a conflict, the provisions in the UFA take precedence over the provision of the Final Agreement).

Chapter 13 (Heritage) of the UFA outlines a vital part of the relationship between Yukon First Nations and the Governments of Canada and Yukon. However, keep in mind that it by no means captures everything that is important to us about heritage as First Nations people. It focuses on material heritage, while we consider intangible heritage equally (if not more) important.

Like most UFA chapters, Chapter 13 lists some objectives at the beginning that give an idea of the parties' intentions when they drafted the chapter. In fact, clause 2.6.7 says that the objectives in the UFA will be used to help interpret the rest of the chapter if there is uncertainty.

The objectives recognize a few key ideas:

- the value of Yukon First Nations cultures, languages and traditional knowledge, especially as expressed through oral traditions and stories;
- equitable involvement of First Nations and Government in the management of heritage (although we refer to First Nations as "governments," in the UFA, "Government" refers specifically to Canada and Yukon);
- the use of generally accepted (i.e., national and international) standards for heritage management, combined with the values and cultural practices of Yukon First Nations; and
- the value to the public of researching and documenting cultural heritage.

### Ownership and management

Be aware that Chapter 1 of the UFA (Definitions) states that heritage resources include Moveable Heritage Resources, Heritage Sites and Documentary Heritage Resources.

Chapter 13 states that Yukon First Nations have authority for any heritage resources found on their Settlement Land (that are not private property). Chapter 13 also uses terms such as "ethnographic," "archaeological" and "palaeontological" to further categorize Moveable Heritage Resources, and outlines who owns and manages which types of objects. The UFA does not define what those terms mean.

The heritage legislation that has been passed by three Yukon First Nations as of 2017 asserts that Yukon First Nations have the authority to determine whether Heritage Resources are directly related to their culture and heritage. The legislation also asserts that "ethnographic resources" (which are under the stewardship authority of the First Nation) may include both "archaeological" and "palaeontological" resources.

*"This chapter is one of the most important chapters [of the Final Agreements] because it can be the essence and tool, a way to teach our children where they come from and who they are as First Nations people."*

Xíxch' Tlà (Diane Strand), Champagne and Aishihik First Nations

Tending the Fire: A Forum on Heritage and Culture Summary Document (2005), p.20

## Funding resources — “Catch Up/Keep-Up”

Chapter 13 recognized that more resources have been put into developing non-First Nations heritage in the Yukon (mainly related to the Klondike Gold Rush) than into First Nations heritage. There is a commitment under 13.4.1 to put more resources into First Nations heritage until it catches up, so to speak. Once this happens, there is a commitment under 13.4.2 to keep First Nations heritage resources on par with non-First Nations heritage resources. These two commitments are known unofficially as the “Catch-Up/Keep-Up” clauses.



Under 13.4.6, each First Nation can include specific provisions for rivers in its Final Agreement.  
Tr'ondëk Hwëch'in

However, the clauses do not say exactly how this distribution of resources will be calculated. Because long-term funding commitments are involved, Canada and Yukon have tended to move slowly and carefully on this matter. According to the UFA Implementation Plan, each First Nation is supposed to work with Government (i.e., Canada and the Yukon) to develop a strategic plan for heritage resources within six months of signing their Final Agreement. Several First Nations worked together with the Department of Canadian Heritage in 2004–08 on this matter, but only one plan has been completed (by Tr'ondëk Hwëch'in). However, the federal government then asserted that Catch-Up/Keep-Up was supposed to be addressed during the nine-year review of land claims implementation. Unfortunately, heritage was not addressed in that review, and to date nothing more has been accomplished regarding the 13.4.1 and 13.4.2 clauses.

## Yukon Heritage Resources Board (YHRB)

Chapter 13.5.0 of the UFA creates the Yukon Heritage Resources Board. Like most UFA boards, half of its members are nominated by the Council of Yukon First Nations (CYFN) and half by the

Government of Yukon. All appointments are made by the Yukon Minister of Tourism and Culture for three-year terms. The board has the authority to make recommendations to the Minister on anything related to heritage in the Yukon.

In addition, the board has a few key roles:

- resolving disputes over ownership of Moveable Heritage Resources, if requested by one (or more) of the parties involved;
- designations of Yukon Historic Sites; and
- review of government regulations on managing Moveable Heritage Resources and Heritage Sites.

## Heritage sites and routes

Chapter 1 of the UFA defines a “Heritage Site” as “an area of land which contains Moveable Heritage Resources, or which is of value for aesthetic or cultural reasons.” Note that the UFA does

## SECTION 3: HERITAGE LEGISLATION

not include the word “route” in this definition. Section 13.8.0 talks about how Government (i.e., of Canada and the Yukon) and First Nations will work together to manage Heritage Sites in their Traditional Territories, including aspects such as research and public access.

Under 13.4.6, each First Nation can include specific provisions for heritage sites, routes, rivers and buildings in its Final Agreement. For example, Tr’ondëk Hwëch’in designated Fort Cudahy, Fort Constantine and Fortymile Historic Site, and Tr’o-ju-wech’in (now Tr’ochëk) National Historic Site). These places will have their own management plans. Some will be co-managed by First Nations and government, while others are managed solely by the First Nation.

Under 13.4.6 in their Final Agreements First Nations can also identify heritage routes and sites that should get special consideration when it comes to land-use planning and development assessment. These are listed in a Schedule at the end of Chapter 13 of each FNFA. For example, Ta’an Kwäch’än Council identified the Livingstone Creek Route, the Fat Fish Creek Route, the Indian River Route and the Ogilvie Valley Route as significant heritage routes, and the White Bank Village and Winter Crossing Spiritual Site as significant heritage sites. These places do not have their own management plans, but are still recognized as being significant.

There is also an option to create Designated Heritage Sites through the Yukon Heritage Resources Board. These places will likely have some kind of major significance to a community. To date, most of the sites designated have been buildings (e.g., Mabel McIntyre House in Mayo, Yukon Saw Mill in Dawson). However, any place of cultural importance can be designated, whether or not there are buildings there.

### Burial sites

Section 13.9.1 of the UFA says that “Government and First Nations shall each establish procedures to manage and protect Yukon First Nation Burial Sites.” This was done in the 1999 document *Guidelines Respecting the Discovery of Human Remains and First Nation Burial Sites in the Yukon* ([www.tc.gov.yk.ca/pdf/respecting\\_guidelines\\_her\\_1999\\_08.pdf](http://www.tc.gov.yk.ca/pdf/respecting_guidelines_her_1999_08.pdf)). In addition, Section 13.9 sets out some key guidelines that must be observed when dealing with First Nations burials:

- joint approval is required for management plans regarding First Nations burials on non-Settlement Land;
- burial sites that are accidentally discovered shall not be further disturbed, unless there is permission from the First Nation or, in the course of carrying on an activity authorized by Government or a Yukon First Nation, a ruling from an arbitrator;
- any exhumation, examination or reburial shall be done by, or under the supervision of, the affected First Nation.

### Place names

The Yukon Geographical Place Names Board is created under Chapter 13.11.1 of the UFA. Three of its six members are nominated by CYFN and three by Government of Yukon. The board reviews and approves naming, renaming and alternate names for places on public land within the Yukon; First Nations have the sole authority for naming and renaming places on their Settlement Lands. The board is supported by the Government of Yukon Toponymist, who can assist First Nations and individuals to submit names to the board for consideration.

### 3.3 Yukon First Nations heritage legislation

Starting in 2012, Yukon First Nations began to develop a draft framework for their own heritage legislation. So far, three First Nations (Tr'ondëk Hwëch'in, Vuntut Gwitchin and Na Cho Nyäk Dun) have passed heritage legislation that closely follows this framework.

Each Act begins with important statements from the respective First Nation about what “heritage” means to them, and about the values involved. These help to give context to the more technical parts of the Act that follow, and also help interpret the rest of the Act. Many of these statements reflect similar ideas and values as outlined in Section 1 of this guide.

For example, as stated in the *Tr'ondëk Hwëch'in Heritage Act*, the legislation does the following:

- a. affirms the Yukon First Nation's inherent right to define our heritage, culture, history and values;
- b. ensures the preservation and promotion of the Tr'ondëk Hwëch'in's heritage in and on the Traditional Territory of the Tr'ondëk Hwëch'in, in a manner that is consistent with Chapter 13 (and the inherent right);
- c. ensures that Heritage Resources in Tr'ondëk Hwëch'in Traditional Territory are managed in a manner that is consistent with Yukon First Nations values and the Tr'ondëk Hwëch'in Final Agreement;
- d. articulates Yukon First Nations values and principles related to heritage and provides definitions required for this implementation of this Act;
- e. provides a mechanism for resolving conflicts between the Tr'ondëk Hwëch'in and other Yukon First Nations, and between the Tr'ondëk Hwëch'in and other governments, regarding the stewardship and management of Heritage Resources.

The body of the Act does the following:

- deals with custody and stewardship responsibility by affirming TH's right to determine whether a Heritage Resource found in their traditional territory is directly related to Yukon First Nations culture and history;
- asserts that the term “ethnographic resources” (which are in the stewardship authority of the First Nation) may include both “archaeological” and “palaeontological” resources;
- identifies that an Authorized Body will address any uncertainties or disputes about who should have custody and management authority for specific Heritage Resources; and
- gives the First Nation Chief and council the authority to pass regulations under the Act.

Note that future legislation passed by Yukon First Nations may differ in scope and details from the above. It will be important to learn about each Act individually.

### 3.4 Historic Resources Act

The *Historic Resources Act* is the Government of Yukon's main law for dealing with heritage matters, and it focuses mostly on tangible material culture such as artifacts or old buildings. This law does not include any significant consultation process. Yukon First Nations envision that this Act will change through a collaborative process to reflect our growing understanding of heritage stewardship, and to better align with First Nations heritage legislation. That said, the Act is summarized here so that readers can understand its content and details.

## SECTION 3: HERITAGE LEGISLATION

The Act sets up processes for designating and managing historic sites. Like Chapter 13 of the UFA it addresses the role of the Yukon Historic Resources Board and also allows for the Yukon Historic Resources Appeal Board. These are the main elements of the Act to consider:

- Part 3: Designation of Historic Sites;
- Part 4: Protection of Sites; and
- Part 6: Historic Objects and Human Remains.

### Part 3: Designation of historic sites

The Act sets out a detailed process for nominating Yukon Historic Sites. Please note that National Historic Sites, such as Tr'ochëk, are designated through the Historic Sites and Monuments Board of Canada. This involves a different process, which is generally more demanding than the one used for a territorial designation.

Anyone can ask the Minister responsible to consider a site; if it is on Settlement Land, the First Nation(s) involved must consent to the designation. Part 5 of the Act says that municipalities may designate land in their jurisdiction as Historic Sites through bylaws. A detailed process of how this works is set out in the Act, but is not covered here.

The process for nominating a Yukon Historic Site can be summarized as follows:

- After receiving a Historic Site nomination, the Minister provides a public notice of intent to designate it (newspaper, radio, television ads);
- If there is any objection to the nomination, a hearing is held by the Yukon Historic Resources Appeal Board;
- The Minister makes a decision whether to finalize the nomination, or to refer it to the Commissioner in Executive Council (i.e., the Cabinet of the Government of Yukon) for a decision; and
- Appeals of the designation can be made after it is completed if there is new information that should have been considered during the nomination process.



Fort Selkirk Yukon Historic Site  
Government of Yukon

### Part 4: Protection of sites

The Act says that nobody may do anything at a Historic Site that alters the historic value or character of the site. For example, turning a designated historic cabin into a storage shed for mining camp equipment would not be acceptable. Further, the Act allows the Minister to stop work or development at a site that is not designated but is believed to contain historic resources or human remains. The Minister may require developers to put money towards mitigating the effects of the development on historic resources (for example, by salvaging or moving the resources).

## Part 6: Historic objects and human remains

This part of the Act lays out ownership and protection rules for historic objects and human remains. Note that some definitions of archaeological, palaeontological and ethnographic objects were not developed in partnership with First Nations governments (as Chapter 13 of the UFA requires), and there is ongoing discussion and some dispute about the meaning of these words.

Regarding historic objects, Part 6 of the Act addresses the following:

- People are not allowed to search for historic objects without a historic resources permit, and they are not allowed to destroy them or move them out of the territory, whether or not they own them, except in accordance with a historic resources permit;
- The government may designate any object over 45 years old as a Historic Object;
- Objects acquired by a person before the Act came into force in 2002 continue to be owned by that person (although the Minister may claim ownership of the object if it was not registered within three years of the Act coming into force); and
- Objects found on public land may be held by the person who found them, in trust for the government. The Minister may ask for them to be delivered at any time.

Regarding human remains, Part 6 of the Act addresses the following:

- If human remains of First Nations people are found on public (non-Settlement Land), the remains are owned by the First Nation in whose traditional territory the remains are found and the site will be jointly managed by the First Nation and the Government of Yukon;
- First Nations own and are entitled to manage any burials and human remains of First Nations people found on their Settlement Lands; and
- Any non-First Nations human remains found on Settlement Land are owned and managed by the Government of Yukon.

The Act says that anybody who finds either historic objects or human remains must report it to the Government of Yukon, or to the applicable First Nation if it is on Settlement Land.

Please note that the information about the Act that is provided here is a summary only. If you have questions about historic resources or human remains, please contact a lawyer and/or the Government of Yukon.

## 3.5 *Scientists and Explorers Act*

This law first came into effect in 2002. It requires anybody wanting to do research in the Yukon to obtain a licence from the Government of Yukon. It also requires them to provide reports of their findings and the places they travelled. The Act states that all such research must be for scientific purposes only, not political or commercial ones.

The *Yukon Archaeological Sites Regulation* sets out specific requirements for archaeological research projects.

The Act has not been substantially updated since 2003. The Act also fails to mention First Nation governments. The *Guidebook on Scientific Research in the Yukon* (Government of Yukon 2013) provides more detailed guidance to permit applicants, and more acknowledgement of the role and rights of Yukon First Nations. However, the guide was not developed in consultation with

Yukon First Nations. Yukon First Nations envision the development of a modernized Yukon research permitting process that accounts for First Nations' jurisdiction and rights. Many Yukon First Nations have developed (or plan to develop) their own protocols to guide their relationships with researchers. In any case, you will need to ensure that your First Nation monitors and manages research projects in your traditional territory (see Section 5.2).

Under the current permitting process, the Yukon Department of Tourism and Culture sends out notices to all affected First Nations regarding licence applications in their traditional territories. The licence application guidelines also require applicants to contact First Nations governments to discuss the project and any potential concerns beforehand, although this does not always happen. Therefore, it is important to review each licence application to decide whether or not it has any relevance for you or raises any concerns. Remember that researchers require consent from First Nations for research and exploration on their developed Settlement Lands.

### 3.6 *Yukon Environmental and Socio-Economic Assessment Act*

The *Yukon Environmental and Socio-Economic Assessment Act* (YESAA) comes from Chapter 12 of the UFA (Development Assessment). (The term "Development Assessment Process" or DAP was used for many years during and after land claims negotiations.) YESAA sets out how proposals for new development projects in the Yukon will be assessed, including potential effects on heritage and cultural values. The Act also creates an arms-length board called the Yukon Environmental and Socio-Economic Assessment Board (YESAB) to oversee the assessment process and develop rules and procedures. There are six YESAB Designated Offices throughout the Yukon that assess relatively small-scale regional developments (such as agricultural leases or placer mining operations). Large projects (such as industrial mines) are assessed by the Executive Committee of the Board.

YESAB's procedures address heritage and cultural values in three ways:

- Material heritage resources must not be affected by developments, or the effects must be mitigated. This includes moveable objects, documentary resources, and areas of land that have cultural or aesthetic value.
- Social and economic values such as traditional harvesting, sharing traditional foods, language use, cultural practices, and spiritual values can be considered in the assessment.
- Traditional knowledge must be given equal consideration to scientific knowledge and other information when evaluating development effects.



Traditional foods can be considered in a YESAB assessment.  
Tr'ondëk Hwëch'in

## Material heritage resources

YESAA follows the Yukon *Historic Resources Act* in requiring protection for material (i.e., tangible) heritage resources, and YESAA uses similar definitions to that Act for heritage resources such as archaeological, palaeontological and documentary objects. Again, these definitions were not developed in partnership with Yukon First Nations, and there are some differences of interpretation about what should be considered a heritage resource. Fortunately, YESAA allows many of our cultural values to be considered when assessing socio-economic impacts.

Every project application that involves the disposition of lands (such as applications for title, leases or right-of-way) requires the project proponent to complete a heritage resource assessment. See the following link for more information: [www.yesab.ca/wp/wp-content/uploads/2014/10/Heritage-Policy-Document\\_FINAL.pdf](http://www.yesab.ca/wp/wp-content/uploads/2014/10/Heritage-Policy-Document_FINAL.pdf).

The assessment happens in three stages:

1. Overview assessment. This usually involves research about previous findings in the area and the type of landscape in the project area.
2. Site assessment. If the results of the overview assessment indicate a likelihood of heritage resources being found, then the proponent will need to do a more detailed site assessment. This involves on-the-ground documenting, and potentially some subsurface testing for heritage objects. These assessments require a licence under the *Scientists and Explorers Act*, and should be carried out by qualified, experienced people who know what to look for.
3. Mitigation. If heritage resources are found, it must be determined whether the project is likely to affect them. If it is, then they must either be avoided or salvaged. However, there are different opinions about how much mitigation is required. For example, standard 30-metre buffers may be acceptable for sites with a few small stone flakes from tool-making, but not for a burial or cremation site.

## Social and economic values

Many of the things that First Nations value as part of their culture don't fit neatly into common definitions of "heritage resources" — things such as berry patches, hunting areas or story sites. Further, the standard buffers that are often used for heritage resource sites (between 30 and 100 metres) are not adequate to preserve the value of these kinds of places. Within the YESAA framework, these elements are more appropriately considered as socio-economic values.

However, social values are not tangible, and can be difficult to express in measurable terms — to "quantify." The challenge we face is stating clearly what our values are and how they will be affected by a proposed project. For example, an application for an agricultural lease for grazing land might overlap with a site where there is a story about the river traveller *Ch'ataiyuukaih* (also known as *Ásùnya* or *Sioh Jhee*).

The First Nations involved would first need to demonstrate that the site was associated with this story (perhaps from old interviews with Elders), and then talk about how having this site disturbed by grazing animals would affect its cultural values. There is no way to show the effects in numbers (to quantify them) so we would instead need to talk about more qualitative impacts. In this case, we might compare the proposal to grazing animals on a site associated with a

biblical story to convey the impact. Or we could talk about how the lost opportunities for Elders and youth to share traditional culture contribute to social problems in our communities, and perhaps offer some statistics regarding school dropouts, substance abuse, and youth crime.

### Traditional knowledge

YESAA requires that traditional knowledge (TK) be given full and fair consideration during assessments. The Act defines TK in this way: "...the accumulated body of knowledge, observations and understandings about the environment, and about the relationship of living beings with one another and the environment, that is rooted in the traditional way of life of first nations."

The term "indigenous knowledge" is used throughout most of this guide; however, this section uses "traditional knowledge" in keeping with the YESAA legislation.

How traditional knowledge is interpreted and applied during assessments can be complex. For example, an observation that a certain mountain has special medicinal plants growing on it would likely be accepted and acted on by YESAB if a project threatened to harm those plants. But an assertion that game farming violates the proper relationship between humans and animals from a First Nations perspective would be less likely to be acted on (i.e., YESAB rejecting or altering a project).

YESAB also has rules for dealing with TK that is sensitive and needs to be kept confidential. For example, a proposed woodcutting area might overlap with a moose lick (i.e., a mineral lick that animals are attracted to), but the First Nation may not want to publicly disclose this. YESAB is in a delicate position when it comes to keeping information confidential, because they have a responsibility to make public the reasons for their recommendations about development projects. Here is the process that YESAB uses when dealing with confidential TK:

1. The TK information is submitted to YESAB in a sealed envelope marked "Confidential Traditional Knowledge."
2. The YESAB Executive Committee reviews the information and decides whether the submission will be accepted as confidential TK.
3. If they determine that the information is common knowledge (e.g., that salmon spawn in Fox Creek) then the envelope would be returned to the First Nation, and the First Nation could decide whether to submit it as part of the public review.
4. If they determine that the information is indeed confidential in nature, then YESAB prepares a general summary of the TK that does not disclose any sensitive details.
5. The general summary of the confidential TK is posted on the YESAB online registry.



Demonstrating how to skin a beaver.  
Teslin Tlingit Council

### 3.7 Other relevant laws

First Nations heritage staff need to be aware of other laws that relate to heritage and culture.

#### *Cultural Property Export and Import Act*

This federal Act governs if and how cultural objects are taken across international borders. It is intended to prevent objects of cultural value (such as paintings, carvings, significant antiques, etc.) from being illegally taken from Canada or brought into Canada.

Under the Act, there is a Control List that identifies cultural property, the control of which has been deemed necessary to preserve the natural heritage in Canada:

- objects of ethnographic material culture,
- objects of applied and decorative art,
- objects of fine art,
- textual records, graphic records and sound recordings of a certain origin, age and/or value.

The Control List includes non-Canadian materials, including certain objects made, reworked or adapted by aboriginal persons of another country. The Control List does not apply to objects that are either less than fifty years old or made by a person who is still living. For more information, see Wright and Seidner 2012.

This Act would be of specific concern to First Nations that straddle the border with Alaska, such as the Tlingit and Hän. Border agencies could potentially intervene with groups moving cultural objects across the border, and it might be necessary to obtain a permit for significant objects, especially if they are being moved for the long term (e.g., being given or loaned to a community in the other jurisdiction).

#### *Languages Act*

This territorial Act states that “The Yukon recognizes the significance of aboriginal languages in the Yukon and wishes to take appropriate measures to preserve, develop, and enhance those languages in the Yukon.” The Act gives the Government the authority to pass regulations related to the “provision of services of the Government of the Yukon in one or more of the aboriginal languages of the Yukon.” To date, no regulations have been passed.

#### *Mining acts and regulations*

The main laws that affect mining in the Yukon are the *Quartz Mining Act* and *Placer Mining Act*. These laws have many regulations under them. It is not necessary for First Nations heritage staff to be experts on these acts and regulations, but they need to be aware that this legislation has implications for how First Nations are consulted about the effects of mining on their cultural values. Heritage staff would need to work in close partnership with their lands department colleagues to be aware of mining operations in their area, and to focus on how cultural values are effected by these operations.

There is ongoing dispute about what kinds of mining activities require formal consultation between government and First Nations. Until recently, Class 1 exploration activities (the first

stages of exploration, lasting less than 12 months) did not require any consultation or permitting. (For more information, see Government of Yukon, Energy Mines and Resources 2015.) However, in a 2012 court case by the Ross River Dena Council, the Yukon Court of Appeal ruled that “government must consult before opening up for staking (and the acquisition of mineral title) areas covered by Aboriginal title claims of the Ross River Dena Council” (O’Callaghan 2013). It remains to be seen how these new consultation requirements will apply in the rest of the Yukon.

### 3.8 Intellectual property laws

The term “intellectual property” (IP) addresses ideas such as copyright, trademarks and patents. In the past and even in recent years, First Nations communities have seen their traditional stories, songs, clothing designs, tool technologies and artwork used by others for profit or to further their careers. Many of the pharmaceutical drugs we use come from the traditional knowledge of South American indigenous peoples. Marketing campaigns use indigenous symbols such as the Inuit inukshuk (e.g., for the Vancouver Winter Olympics) to promote a certain image. Indigenous communities are concerned about others profiting from their traditions and culture and breaking protocols. Many First Nations have started to assert their own intellectual property rights to their knowledge and creations.

Intellectual property laws can be complex. They address three main types of intellectual property: copyright; trademarks; and patents.

“Our land has better medicine than the drugstore.”

Elder Aggie Johnston, Teslin Tlingit Council

#### Copyright

The most common type of intellectual property, copyright applies to printed or recorded materials or artistic creations. It exists automatically just by virtue of someone creating something, although it can also be registered to help prove ownership. When somebody creates something (such as a booklet) as an employee, then the employer usually holds the copyright unless it is specifically agreed to otherwise.

Please note: copyright is a complex issue. If you are dealing with a situation that involves copyright you may need to contact a lawyer.

#### Trademark

This designation is usually given to names, phrases, designs or images that are associated with a product or organization. Trademarks can be registered for formal protection, but they do not have to be. For example, a First Nation could register their logo, or a particular artistic design belonging to them. For more information, go to [www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h\\_wr02360.html](http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02360.html).

#### Patents

Patents apply to new technologies or designs that are unique and innovative. Inventors must apply for a patent, and there is a long process to prove that the technology or tool is new and unique.

IP laws were created mainly to protect the rights of individual people or organizations to benefit from the things they create. However, they can be hard to apply to knowledge and creations that are held by families or communities of people. Therefore, these laws are often not a good fit for First Nations communities. Organizations such as the World Intellectual Property Organization (WIPO) are pushing for new, innovative ways to think about indigenous intellectual property and traditional cultural expressions (TCEs, a commonly used term in international property rights). In 1985, WIPO and UNESCO created the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions. Some countries have developed new laws based on this work; to date, Canada has not.

### Stewardship considerations

All of the elements of oral and knowledge-based cultural heritage discussed in the previous sections are forms of intellectual property. They are seen as belonging to certain First Nations, communities, families, clans or people. In some cases, one of the three intellectual property laws mentioned above can be applied, but in other cases they cannot.

As a general rule, First Nations should consider using existing IP laws in cases where these laws work well in the circumstances. But where they do not, First Nations need to assert their rights to their knowledge and culture. This might mean reminding the public and other governments through communication and outreach initiatives that First Nations have their own ways of managing this cultural knowledge. In most cases, others are willing to respect these rights once they understand them.

Being proactive is one of the best approaches to ensuring that knowledge and information is used the way you want. First Nations can create templates for forms for special events.

First Nations heritage staff must be aware of any internal rules for dealing with various types of cultural knowledge. These rules may go above and beyond the legal requirements, or may be totally unrelated to them. For example, if you are working with a younger elder to publish some stories, you may want to consider if there are older elders who know the story well who need to be consulted. According to most First Nation customs, the oldest people are seen as having the highest authority when it comes to cultural knowledge, but this depends on the individuals involved.

Based on these ideas, here are some steps to guide heritage staff in when dealing with projects involving intellectual property:

1. Decide whether there is a risk that cultural knowledge or expressions could be appropriated or used inappropriately.
2. If there is a risk, assess whether any of the three IP types listed above apply.
3. If legal IP protection is not appropriate to your circumstances, make sure that you assert the First Nation's rights to the knowledge in any publication that you publish (including online material), and clearly state the limits to use and distribution that need to be respected.
4. As a general rule, use the copyright symbol (©) on any publications or recordings released to the public. Make sure the right people and organizations are listed as copyright holders (see below).

### Using copyright

You can use the copyright symbol (©) on any publication or recording that you create and release to the public. This lets people know that they do not have the right to redistribute the material. It is not necessary to register the copyright with the Canadian Intellectual Property Office ([www.cipo.ic.gc.ca](http://www.cipo.ic.gc.ca)), although this can help if you need to prove copyright infringement.

It can be difficult to decide who holds copyright. For example, if an elder works with his or her First Nation to document some traditional stories, and the First Nation pays to publish them, is the copyright held by the elder, the First Nation, or both? This must be decided on a case-by-case basis.

Some people worry that copyrighting a story or song will take away other people's right to use it. Remember that copyright of publications or recordings of communally owned stories, songs or dances does not take away other people's rights to record or publish them. It just means that that particular expression of those stories, songs or dances can be used only by the copyright holder. For example, for the book *Stories of the Old Ways for the Future Generations* the copyright is held by the First Nation of Na Cho Nyäk Dun (NND). The book has many stories, some traditional and some more modern, from life on the land as told by seven elders. For example, Alice Buyck tells a story about the Smart Man or Beaver Man. The copyright on this book does not mean that only Mrs. Buyck or NND can tell or publish that story, only that NND has copyright over this particular publication.

### Using trademarks

You can use the trademark logo (™) on any image or phrase that is distinctive to your First Nation. This will signal that it should not be used by others without permission. However, if you claim trademark infringement in the future, you would need to prove that the image or phrase is unique. If you register the trademark with CIPO, you will need to prove this up front, but the registered trademark (®) will have more formal protection.

Like copyright, trademarks can be held only by individuals or organizations such as governments or corporations. In other words, the Dakhl'awèdí clan of Teslin cannot trademark the image of a killer whale (its clan crest) in coastal native art style, because it is not a legal entity in Canada (although Teslin Tlingit Council potentially could). The Dakhl'awèdí clan also uses the eagle as its clan crest.

Those registering a trademark must also prove a unique use of the phrase or image. The Council of Yukon First Nations could possibly trademark the phrase "Together Today for Our Children Tomorrow," because it is the only organization that has officially used that phrase and has done so for a long time. However, it would be more difficult for the Vuntut Gwitchin Government to



Clan poles at the Teslin Tlingit Heritage Centre.  
Teslin Tlingit Council

trademark the image of a caribou in its logo, because many organizations use a caribou in their logos, and caribou are not unique to the Vuntut Gwitchin.

### Sharing accords and protocols

When working in partnership with other communities or governments, it might be worthwhile to write out a sharing accord or protocol if any cultural information is going to be shared. These agreements can clarify what kind of information needs to be kept confidential and what can be shared with the public. For example, when the Government of Yukon and six Yukon First Nations were researching archaeology at alpine ice patches, they created a memorandum of understanding that included protocols for sharing photographs and publishing information about the

research. Although this was not legally binding, it was a statement of the parties' intentions to work as partners.

### Additional considerations

Completely new creations by First Nations people are eligible for individual copyrights or patents, the same as any other Canadian creation. This is true even if those creations are based on older techniques, such as drumming or artwork patterns. However, to get a patent or trademark, the person who created the work would need to prove that his or her creation is novel and unique to them.

There can be a fine line between the traditional cultural expressions of a First Nation and the new creations of its members. For example, if a First Nations hip-hop artist uses a traditional song from her community as part of one of her

songs, it is a combination of old and new. She would want to make sure that she follows the First Nation's rules around that song. Also, she would hold the copyright to her new song, but that does not mean she could prevent anyone else from using the traditional song that is part of her new song.

### Examples

There are creative ways to use IP laws to help protect cultural heritage. For example, the Cowichan people of Vancouver Island are famous for their sweater designs. However, it might be difficult for the Chief and Council to get a trademark on the design of the sweaters, since others have been making them for years. Instead, they created and registered a certification mark to let people know if the sweater is an authentic Cowichan product. Of course, they then need to publicize the certification so that people know to look for it.



Man holding traditional drum.  
Tr'ondëk Hwëch'in

## SECTION 3: HERITAGE LEGISLATION

### Resources

- World Intellectual Property Organization (WIPO): Traditional Cultural Expressions  
[www.wipo.int/tk/en/folklore](http://www.wipo.int/tk/en/folklore)
- Model Provisions for National Laws on the Protection of Expressions of Folklore against Illicit Exploitation and Other Prejudicial Actions  
[www.wipo.int/export/sites/www/tk/en/folklore/1982-folklore-model-provisions.pdf](http://www.wipo.int/export/sites/www/tk/en/folklore/1982-folklore-model-provisions.pdf)
- Canadian Intellectual Property Office (CIPO)  
[www.cipo.ic.gc.ca](http://www.cipo.ic.gc.ca)
- Intellectual Property and Aboriginal People: A Working Paper, by Simon Brascoupé and Karin Endemann (1999); see References.



## SECTION 4

### Sharing the responsibility for heritage

With modern self-government, First Nations are taking on more and more responsibility for managing their own heritage and culture. This section deals with how this responsibility is shared among First Nations governments and members. It includes ideas on how set up effective management processes that empower citizens to be involved, to offer their knowledge and skills, and ultimately, to share in the responsibility for managing heritage.

Working together with citizens is essential for good heritage stewardship. In general, First Nations heritage staff need a few key supports to do this: meaningful input from First Nation members, well thought out strategic plans, and good communication with their citizens.

Heritage and culture ultimately belong to the community, and First Nations governments are acting as stewards of heritage and culture on behalf of their citizens. It is vital that First Nation members have a strong role in management decisions about heritage and culture.

First Nations citizens can end up wearing two hats when they are heritage staff members. It's important that they are able to separate their roles as citizens and staff members. For example, if a staff member is dealing with a heritage site involving other families, it would be important for him or her to give those families' ideas proper consideration, even if they differ from his or her own.

Engaging the community is an ongoing responsibility for First Nations heritage staff, and each project will have its own specific needs. Some projects may be very sensitive (those involving burials or human remains, for example), and others may involve people who have history in a

.....  
*“If we are really going to learn our culture and heritage we have to start with respect; that’s a key, fundamental issue.”*

Andy Carvill, Carcross-Tagish First Nation  
Tending the Fire: A Forum on Heritage and Culture  
Summary Document (2005), p. 20  
.....

Above: Mountain avens (*Dryas octopetala*), with Ch’it’oo Choo Ddhaa in the background.  
Vuntut Gwitchin Government

certain place (restoring an old cabin or village). First Nation members also need to be involved in large-scale plans. In general, First Nations governments need to do the following:

- work with citizens to set short-term and long-term goals for heritage and culture work — there is much to do and capacity is limited, so prioritizing is important;
- consult with citizens and families who have connections to a geographic area where heritage is being managed, and make sure their wishes and values are part of site plans;
- work with citizens to learn about the cultural history of heritage objects (e.g., old canoe frame, birchbark baby carrier);
- support citizens' continued use of heritage sites, practices and objects (remember, this is living heritage, not just museum exhibits!);
- when appropriate, support citizens to properly care for heritage objects in their possession; and
- work with citizens to ensure that management of heritage resources is always grounded in First Nations values and approaches — Western scientific perspectives on heritage resource management (from archaeologists and ethnographers, for example) can be helpful and supportive in many ways, but should complement, not overshadow, local values and practices.

### 4.1 Committees

Some communities have official ongoing heritage advisory committees, while others use a more case-by-case approach. Short-term project committees may be set up, or committees for a specific part of heritage management (e.g., archives, artist support, heritage sites, etc.). Some communities have no heritage committees, and rely on other ways to involve their citizens (such as open houses or personal visits). Deciding whether to have a committee should depend on whether the heritage department feels that it is necessary in order to engage the community.

A well-functioning committee can help provide overall direction and reduce the workload for heritage staff. However, it requires some work on the part of heritage staff to start and support a committee. Advisory committees need to be seen by the community as representing all citizens. Committee members need to have innate knowledge of their community and have contacts with multiple families. Committee members who are well versed in their language, history and community customs can provide direction on overall heritage objectives, work plans, projects, hiring, development applications, research and media applications, product reviews, fact checking, and evaluations. An advisory committee can also act as a cultural liaison: a first stop for researchers and other outside parties wanting to conduct business in the community.

Committees need effective structure and support in order to work well. The standard procedure when initiating a committee includes developing a terms of reference for what the committee is mandated to do and how it will work, determining the length of terms for members, and establishing a chair. These aspects should be considered as secondary to the overall functionality of the committee. Due to the fact that heritage committee members may also be community leaders in other areas and have limited time, an *ex officio* member can be appointed from the First Nations heritage office to do administrative work for the committee.

## 4.2 Planning

Every organization does some kind of planning. Strategic planning sets the overall direction for an organization or a department through a vision and related goals. If planning is done well, with participation and support from everyone, it can help the staff, leaders and First Nation feel as though they are all on the same path. Further, having a shared vision about what you are trying to accomplish is critical for setting your goals and guiding your decisions. Otherwise, as the old saying goes, “If you don’t know where you’re going, any road will get you there.” Your vision and goals can also help guide you in deciding how to respond to outside requests or ideas about heritage work.

In addition to large-scale strategic plans, First Nations heritage departments will need to make specific plans for various projects. You might have a site management plan for a heritage site such as Tr’ochëk, Fort Selkirk or Upper Laberge. You might also have a project management plan for projects such as Vuntut Gwitchin Government’s research about traditional travel and navigation.

Whether dealing with a big strategic plan or a specific project plan, a good planning process must accomplish a few key things:

- clear direction on what goals you are aiming for;
- consensus and support by all involved on how to work towards the goals (i.e., what actions to take);
- addressing weaknesses and barriers that could prevent you from reaching your goals.

There is often a misunderstanding about what “consensus” means. It does not mean complete agreement. Instead, it means that there is enough agreement for everyone to support the decisions.

To accomplish these key things, you should keep in mind these three important principles when you are engaged in a planning process.

### People support plans that they help create

The people who work in an organization such as a First Nation government are not likely to support a plan they had no hand in creating. If you’re thinking that carrying out planning with a lot of people will be time-consuming and expensive, you’re probably right. However, organizations that try to plan with only a few top people and then force everyone to follow the plan have found that it cost them more time and money in the end.

### Being strategic means setting priorities

There will never be enough time and resources to do all the heritage work you want to do. As hard as it can be, you must leave some things for later and attend to what is most important now. This may not always be easy to determine. For example, some work may not have a big impact immediately, but may have long-term benefits that make it worth doing.

### Being strategic means dealing with your weaknesses

Anybody can make a plan that focuses on what they already do well. But a strategic plan is supposed to help your organization overcome the barriers that keep you from achieving your goals. This means tackling your organization's weaknesses, as well as external barriers that might stand in your way.

## 4.3 Communications

The key message regarding communications within the organization and community is this: do not underestimate the time and effort it takes. And remember that almost everyone *does* underestimate it. You may have the greatest heritage management program in the world. But it won't matter if the community and the rest of your organization do not understand what you do. So, having a communication plan is essential.

There is a second key message regarding communications: keep it simple and interesting. People today are bombarded with information about all kinds of community programs. If you send out a long, boring letter, most people will ignore it. A short, colourful newsletter or pamphlet is more likely to be read by the average citizen.

Little Salmon/Carmacks First Nation (LSCFN) recently created a book and a series of short animations called *Early Morning Sunrise: The Story of Our Land Claim*. LSCFN hopes the book will improve citizens' knowledge of and commitment to the land claim. To reach a wide audience, they kept the text to a minimum, and used lots of pictures and entertaining stories. It leaves out a lot of details, but this is necessary if the general public is going to use it.

Finally, don't underestimate the value of face-to-face communications, especially in a First Nation. Stopping in to visit an elder or making a phone call is worth a dozen newsletters.



Signage in Gwich'in.  
Vuntut Gwitchin Government

## 4.4 Working with other First Nations departments

Ideally, heritage and culture will be woven into every department of a First Nations government. For example, other departments may host camps and do research related to culture, or may develop programs related to culture (e.g., traditional parenting through the health department). It is important to coordinate with other departments to ensure that roles are clear, to avoid duplication of efforts, and to prevent "silos" from forming (i.e., people working without much connection among them).

### Promoting First Nations perspectives on heritage

Sometimes even people within First Nations governments think that heritage is all about collecting and managing “old stuff.” Working with artifacts and specimens is definitely important work, but it is critical to keep the higher-level perspective on First Nations heritage work that was discussed in Section 1.2: Key Concepts. This includes making sure that intangible heritage values (such as stories) are given proper consideration, and that the connection to the land is recognized (in land-use planning or interpretive signage, for example).

### Protocols and practices for heritage and cultural research

A First Nations health department might be doing a project on traditional medicine and want to have access to information from old recordings of Elders, and also want to do some interviewing and mapping. The heritage department could assist them with following the policies on documented traditional knowledge (see Section 6.1: Protocols for documentation ) and with preparation for mapping interviews (see Section 6.4: Mapping indigenous knowledge).

### Resources

- *Early Morning Sunrise: The Story of Our Land Claim.*  
Contact Little Salmon/Carmacks First Nation for a copy of this book.



# SECTION 5

## External relationships

First Nations have many levels of relationships with external entities. Political leaders have a relationship with their counterparts in other governments, as do the staff. The First Nation probably also has relationships with commercial companies and with researchers. Above all, it is critical to ensure that your sovereignty as a government is being respected in these relationships. This means that your rights to have input on decisions within your territory are acknowledged, and that your interests and needs are part of the discussion. Some First Nations publish information about their communities and their expectations; for example, the highly visual document *How to Consult in Selkirk First Nation Territory*.

It is also critical that your First Nation has clear processes for and communications about how external relationships are handled. You will need to assess whether certain matters should be dealt with by department staff, or whether they need attention from directors or political leaders.

You will also want to assess whether it is worth your time and effort to respond to external inquiries, or if it will take you too far away from your own priorities. The decision to develop an external relationship should take into account the benefits of what is being proposed to the First Nation:

- What interests does your First Nation have? In the case of interpretive signage, for example, are the overall messages and themes acceptable?
- Is there an opportunity for partnership that justifies the amount of time and effort required?
- Are there broader issues involved? For example, if there is a request for information about a heritage site that could be affected by a new mine, does your First Nation feel that it is being treated respectfully by the company and other governments involved?

~~~~~  
*“You look after the land, in turn the land will look after you. When you go back there you don’t need nothing, the land will look after you. You got everything you need. Groceries, you got everything you need. But if you kill everything off and abuse it, you not going to have that land. It’s not going to look after you.”*

Joe Johnson, Kluane First Nation Elder  
 Source unknown: used by permission of Kluane First Nation  
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## 5.1 Other governments

Generally, Yukon First Nations and the Governments of Yukon and Canada have established protocols about the level of contact:

- political matters are handled between the Premier, Ministers and Chief and Council;
- implementation matters around funding and programs are handled by the federal Implementation Working Group (for information, see [www.eco.gov.yk.ca/aboriginalrelations/collaboration.html](http://www.eco.gov.yk.ca/aboriginalrelations/collaboration.html)); and
- technical matters are handled at the staff level.

For technical matters, other governments may contact First Nations heritage departments directly for information that is relevant to a project they are working on. Common requests include translations of First Nations words, historic photos for interpretive signage, or asking if an oral history has been recorded for a certain heritage site. There are a few things to consider in responding to such requests. Generally, you will need to assess whether you have any concerns about the request before sharing the information, and you will have to confirm what permissions are required from the people who originally provided the information.

## 5.2 Researchers

Ideally, researchers will contact your First Nation government at the earliest stages of their project, rather than waiting to seek approval for projects they have already designed. Research funders are becoming more aware of community concerns about research and support the benefits of positive research relationships with communities. Projects that are designed in partnership with the communities are more likely to be successful and leave a lasting legacy in the community, which is another goal of funders.

However, researchers may wait to contact your First Nation until after they have planned their project. Often, they will call while they are in the process of preparing their application for a Scientists and Explorers Permit (see Section 3.5). It is important to answer these questions at this stage:

- Is the project of any interest or concern to your First Nation? Does it affect Settlement Lands or any sensitive harvesting or heritage sites?
- Do you want to be directly involved in the project? Or do you prefer simply to receive a copy of the reports?
- Are there any potential long-term impacts (positive or negative) from or commercial potential of the research (e.g., resource development, tourist traffic, product development, etc.)?

Some First Nations (such as Champagne and Aishihik First Nations, Kluane First Nation, Vuntut Gwitchin Government) have specific policies to guide research in their territories. Many researchers will have some Yukon experience and will understand a certain amount about First Nations governance, but some are completely new to the Yukon. In that case, they will need guidance to understand how the Final Agreements and Settlement Lands affect their research.

In some cases, researchers have received approval for their projects from their institution's ethics committee even before contacting the First Nation. In such cases, it is especially important

to assert your interests, even if they are in opposition to some part of the project. Where indigenous knowledge is involved in the project, it is especially important to ensure a clear role for your First Nation in the ongoing management of the project (see Section 5.5).

Some research projects require considerable logistical support from the community, which can be costly. Although it is important to support a project that is going to benefit the community, this needs to be weighed against the time and financial commitments required. It is your right to say “no” if the benefits of the research do not justify the costs, or to request compensation for the amount of staff time it will require. You may also want to consider the benefits of longer-term relationships, as opposed to a shorter-term initiative such as a two-year master’s degree project. Researchers can be encouraged to budget for hiring local coordinators, guides and research assistants rather than relying on First Nation government staff.

First Nations that take the approach of working closely with researchers can benefit in the long term from these projects by gaining knowledge about their land, and inspiring young people to become researchers or continue their studies. Projects can also provide another reason to get out on the land and observe changes and study issues that are important to the community. It is very important to set up research agreements in advance of any project. They should address issues that could arise as the project progresses.

### 5.3 Private companies and individuals

You may receive requests from companies or individuals for information or for your participation in a process. These should be handled in a similar manner to inquiries from other governments or researchers, but bear in mind that companies and individuals may not understand your land claims agreements or self-government authority. For example, a company or individual may want to include information about First Nations trails on their website, but may not be aware that a specific trail is a designated Heritage Route under Chapter 13 of your Final Agreement.

In some cases, companies may want to talk to your community members regarding work they plan to do (e.g., water quality sampling). They can be well-intentioned, but remember that they may not be familiar with First Nations culture. Imagine an Elder speaking about the history of a certain place on the land — what you hear from them and what a mining company employee hears may be very different. It is important to ensure that any results from such research work is checked over by the heritage department before being finalized.

Some First Nation governments require that any interviews or requests for information from community members go through a research application process. This allows for consistent reviews of the intent of any projects and of how the information will be utilized.



View of Duck Lake  
Tr'ondëk Hwëch'in

## 5.4 Media

Some First Nations have specific policies that guide how staff and leaders interact with the media. For example, the Tr'ondëk Hwëch'in media policy says that only the Chief may speak to the press about matters of Aboriginal rights and title. Heritage staff need to be aware of their First Nation's policies before engaging with the media.

In general, requests from the Yukon media for information are related to one of two types of stories:

- good-news stories about events such as culture camps or language programs — the *Yukon News*, CBC North and Aboriginal Peoples Television Network (APTN) often run these types of stories; or
- controversial issues such as hunting rights, language funding or resource development.

The first type of requests are fairly easy to handle and have few consequences if the media misunderstands something or prints a comment out of context. Unless a First Nation's media policy specifically says otherwise, these requests can be handled by heritage department staff. The main concern is to ensure that everyone who should be recognized around the project or event is acknowledged in some way.

The second type of media request can be much more complicated, and should be handled with care. Generally, only department directors or political leaders should make comments on such matters. Your First Nation has likely discussed the issues at various levels (Chief and Council, management committees, etc.) and it is important that messages to the media are coordinated and carefully worded. If you have specific communications staff, they have likely been working on the message your First Nation wants to send about the issues at hand. They are also skilled at phrasing comments so that they are clear, concise and hard to take out of context.

It is important to work closely with media who are including cultural information in their piece to ensure they receive accurate information. When the media report on an issue they usually have very limited time before their stories get aired or published. In these cases, heritage staff need to be available on short notice for fact-checking to ensure the information is correct.

First Nation members need to understand the media's rights, and how these can sometimes conflict with local values or practices. For example, the media have the right to photograph anybody in a public situation without their permission, whereas First Nations usually ask for permission. Sometimes the media request permission to use a photo from your holdings. If there are many people in the photo, then getting permission from them all may be too time consuming to justify the effort.

Also, local people may be used to receiving an honorarium for doing interviews with researchers or private companies. However, journalists are ethically required to present unbiased information. They are not supposed to provide payment for interviews, as this can be construed as enticing certain information from an informant.

## 5.5 Liasing in indigenous knowledge processes

More and more, other governments and industry are required to include First Nations knowledge (also known as indigenous knowledge or traditional knowledge) in their planning and work. This may sound simple enough, but the reality is that First Nations people's knowledge comes from a different worldview and way of life than those of most Western cultures. Others may think they understand First Nations culture, but may not be aware of what they don't know about how the First Nation members see things. The heritage department has a critical role in ensuring that including traditional knowledge in projects is meaningful, rather than just superficial.

### Indigenous knowledge in management processes

Indigenous knowledge is often used to help manage renewable resources such as forests, fish and wildlife. Sometimes, other governments (or other departments in a First Nation government) will ask the heritage department for information on a certain subject. They may want to see what information you have recorded about the subject, or they may want you to recommend an Elder who knows about the subject. It is important to know how this knowledge will be used and who will have access to it, especially when working with other governments. You must decide whether permission is required to share the information. If you suggest an Elder who might be helpful, you should be ready to help support that Elder by explaining the project to him or her and making sure he or she understands the process and is comfortable with the project.

Commercial companies may also seek traditional knowledge. For example, a mining company may be studying the effects of their operations on water quality, and want to include previously documented traditional knowledge, or to hold new interviews with elders. The heritage department must make sure that the company and the Elder clearly understand the process (see Lessons learned, below).

### Understanding traditional knowledge in context

The cultural knowledge of a First Nation is not something that a newcomer can understand right away. It takes years of immersion in a culture before someone can understand its complex nuances. When someone from outside the First Nation wants access to traditional knowledge, you need to be very careful. First Nations heritage staff should make sure that they help others to understand the cultural information being shared. This might include reviewing any written materials (e.g., interpretive signs, assessment reports) before they are finalized. Further, heritage staff should not assume they understand everything, and should consult with Elders wherever possible.



Indigenous knowledge is often used to help manage renewable resources.  
Tr'ondëk Hwëch'in

## Personal versus collective knowledge

Many First Nations have established policies that allow access to traditional knowledge as long as there is a high degree of First Nation involvement in terms of control, tracking and promoting the information. This can be controversial; some traditional knowledge is seen as a personal commodity while other knowledge is seen as collective. It is up to the First Nation government to manage access to both documented traditional knowledge and traditional knowledge research.

## Lessons learned

Much has been written about trying to integrate First Nations traditional knowledge with that of other Canadians and Western cultures (especially science). In some cases, the law says that traditional knowledge must be given equal consideration to other cultures' knowledge. The *Yukon Environmental and Socio-Economic Assessment Act*, for example, requires traditional knowledge and scientific knowledge to be given equal consideration when assessing development projects. In the famous *Delgamuukw v. British Columbia* court case of 1997, the Supreme Court of Canada said that oral history must be recognized when trying to prove historical land use.

Most of the co-management processes and boards in the UFA (such as the Yukon Heritage Resources Board and the Yukon Fish and Wildlife Management Board) have First Nations members who contribute traditional knowledge from their communities. However, it can sometimes be difficult to integrate two kinds of knowledge when two groups of people see things differently. Before land claim agreements were signed in Yukon, a co-management board was created to address sheep hunting in the Ruby Range in the Kluane region. Hunting rules and Yukon-resident hunters say that only "full curl" rams may be hunted, meaning that their horns have grown to the point where they curl above the nose ridge. This means that they are about eight years old, and are no longer what biologists would consider the best breeding stock. In contrast, First Nations elders believe that the older rams teach the younger ones, and that hunting only the older ones will disrupt the herds (Nadasdy 2003).

## Resources

- Yukon First Nations Traditional Knowledge Policy Framework  
Sample research applications, media applications, and template agreements (the applications are online at [vgfn.ca](http://vgfn.ca) under "Downloads and Forms" and the template agreements are available by request to VGG)
- Urquhart, Doug (ed.). 2001. *Two Eyes: One Vision*. Conference Summary. Whitehorse: Yukon Fish and Wildlife Management Board.
- Roburn, Shirley. 2012. "Weathering Changes: Cultivating Local and Traditional Knowledge of Environmental Change in Tr'ondëk Hwëch'in Traditional Territory." *Arctic* Vol. 65, No. 4. <https://arctic.journalhosting.ucalgary.ca/arctic/index.php/arctic/article/view/4242>.
- *How to Consult in Selkirk First Nation Territory* (contact Selkirk First Nation for a copy).



# SECTION 6

## Documenting indigenous knowledge

Documenting and recording cultural knowledge, languages and performances is one of the key roles of First Nations heritage departments. Most often this is done by recording voice interviews (called oral history) and transcribing them, but it can also be done by filming or videotaping events or conversations. A lot of work has been done in this area over the past twenty years, and many lessons have been learned about how to do it well and what mistakes to avoid (see Lessons Learned, below). There are several protocols that should be followed (see Section 6.1), and it is critical to keep in mind that the actual documenting is probably about one-quarter of the work — the rest is in the preparation beforehand and the processing afterwards (see Section 6.2).

### 6.1 Protocols for documentation

In addition to following good technical practices for documentation, it is important to respect First Nations protocols and follow high standards of conduct. If other governments want to document your First Nation's knowledge, you need to make sure they also follow these protocols and standards:

- documentation needs to follow any policies the First Nation has about this kind of work (see Section 6.2 for more detail on traditional knowledge policies);
- Free, Prior and Informed Consent is now a common requirement before documenting starts (see FAO 2016 in the Reference section);
- some topics are sensitive and are not suitable to be recorded, or must be recorded in a careful way — if you think your topic may be sensitive, be sure to ask the Elders involved about protocols;
- when doing on-site documentation, make sure to follow specific protocols for that place — for example, at a cemetery you may want to ask an Elder to say a prayer and you should make sure no children are brought along;
- your First Nation will have considerations about rights of access and use to this information later; and
- be aware of the clan affiliations of people who are being recorded.

Above: Briana Tetlich and mentor/elder Esau Schafer on Ch'ii Ch'à'an.  
Vuntut Gwitchin Government

Sometimes there is a strong consensus within a First Nation about certain kinds of cultural knowledge, and sometimes there are differences (e.g., about the correct way to do potlatches). People may have different recollections about past events. Remember that no one person has the whole story — you may need to talk with several people about the same topic to cover it well. There is also a challenge in writing down knowledge, in that it becomes the “official” record for people in the future. This is another reason to make sure to document the knowledge of a variety of people.

## 6.2 Best practices

Good documentation takes a lot of time and effort. First Nations often feel the tension of needing to record Elders’ knowledge while they still can, versus creating opportunities for Elders and younger people to be on the land together. The sections below should help you to do a good job of documentation, but we strongly advise you not to spend all your time and effort on documentation at the expense of people being on the land together. In fact, you can usually find a way to do these things together.

To start, you should keep in mind some key practices (the subsections below provide some more details on these key practices). These practices are the ideal way to document knowledge. You may not be able to follow them all, but the more you can, the more benefits you will receive, and the fewer troubles you will have afterwards.

1. Good preparation is essential. This means reading past interviews by your interviewees and researching information about the place/topic you are documenting. You should have a well-developed set of questions (but be prepared to adapt on the fly!).
2. Do as much on the land as possible. It takes more time, but it is worth it. This is where First Nations cultural knowledge comes from, and this is where people are at their best when talking about heritage. This will help the researcher understand what is being said.
3. Follow the First Nation’s protocols. Some topics, places and performances have rules that must be followed. When in doubt, ask a well-respected Elder (often the oldest person in the community, though not always). Most First Nations now have policies about documentation (discussed more in Section 9.3).
4. The majority of the work comes afterwards. The actual documentation will probably involve about one-quarter of the work. Properly labelling, cataloguing, transcribing and storing the data takes a lot of time and effort and resources. You need to plan for this.

Documenting usually involves recording something (either audio or video), although sometimes it may only involve taking notes and/or photographs. You need to decide ahead of time whether handwritten notes are sufficient. Keep in mind that what you record today will have archival value in the future. Your personal notes may be of less benefit to people in the future than recordings. However, you must also remember Point 4 above: audio and video recordings need to be properly transcribed and catalogued, which is a lot of work that requires a lot of time.

### 6.3 Guidelines for recording interviews

It may be simple enough to set up an interview with an elder, but doing it well means that you need to think about certain details ahead of time.

- Review existing information from the person(s) involved or about the topic you're discussing. You will get much more value from your work, and you will also avoid wasting people's time by asking them about things they have already talked about.
- Clearly define your goals and purpose. Do you want to document somebody's life history, or are you trying to target specific information?
- Check that the Elder knows about the subject you want to discuss. If you're recording his or her life history, this is a given. But for more specialized subjects (trails in a certain area, fish traps, caribou hunting, etc.) not everyone has the same level of knowledge. Avoid putting Elders in awkward positions by asking them about what they don't know.
- Develop a good interview guide, and check it with your colleagues before you start. Someone with a lot of interview experience can help you fine-tune your approach. You want to have a good starting point, but you also need to ...
- Be prepared to adapt — it's a conversation, not a questionnaire.
- Work with family members who can help you understand what the interviewee is saying. For example, a son or granddaughter has better insight into a father's or grandfather's way of thinking than you do.
- Document details about the interview at the start:
  - name(s) of interviewee(s);
  - date (including year) and location;
  - name(s) of interviewer(s); and
  - name of project/interview topic.
- Provide as much context as possible to help people, both now and in the future, better understand the interview. These are important contextual elements to include:
  - reasons for the research topic (e.g., changes to trails in Dempster country, climate change);
  - family history of the interviewee (parents and grandparents, where they have lived, etc.); and
  - other information.



Malinda Bruce and Brandon Kyikavichik in video camera training. Vuntut Gwitchin Government

Check and test your equipment before you start, especially if you are going out on the land. Do a test recording and listen to the sound. If you are going on the land, make sure your microphones will work well if there is wind and other noise (such as crunching leaves). Here are a few general guidelines, based on experience:

- Do a test recording in the same conditions you will be in when documenting. Look/listen to the audio/video (hint: use earphones for accuracy!).
- Make sure your microphones are right for the setting. If you don't know about this, ask someone who does. For indoor interviews, omnidirectional microphones (that pick up every sound around them) are good, but they may not work well for outdoor interviews, where there is wind and crunching footsteps. In that case, you want a directional "shotgun" microphones (and probably a wind sock to cover the microphone, too).
- Make sure you have extra batteries for both recorders and microphones.

## Wording

When working with Elders to document knowledge about alpine ice patches, researchers from southern Yukon First Nations had to word their questions in a way that were relevant to Elders. Terms such as "ice patches," "throwing dart" and "hunting strategy" are not the words that elders are used to speaking, but researchers use these terms when writing up their results. Instead of asking Elders about their knowledge of hunting strategies at ice patches, researchers asked questions such as these:

- did you used to hunt caribou high in the mountains?
- did you ever see lots of caribou together on big patches of snow?
- how did you hunt them? did you stalk one animal, or try to get a group of them together?

## 6.4 Mapping indigenous knowledge

Mapping interviews involve asking people to identify points or areas on a map where they carry out traditional activities. First Nations heritage staff need to have good skills in doing mapping interviews with First Nation members, especially Elders. The guidelines under Section 6.2 and 6.3 apply to mapping interviews, and some special considerations apply to ensure high-quality mapping interviews:

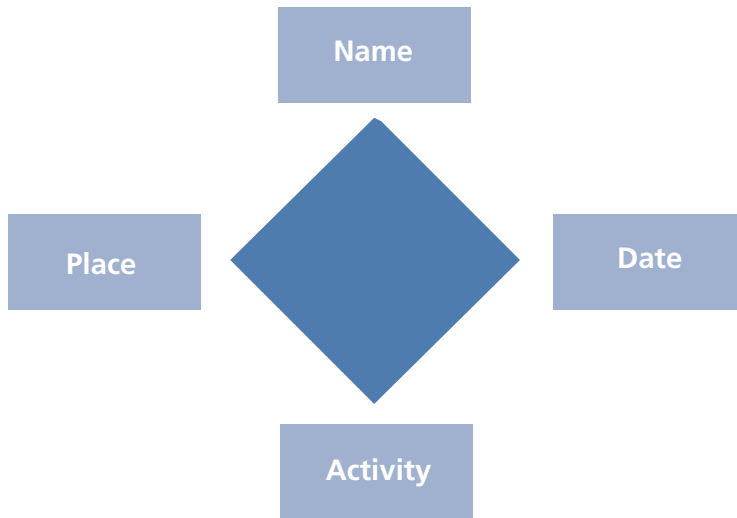
- Methods must be consistent. If you record moose kill sites ("points" on the map) in one mapping interview, but record general hunting areas (circle shapes, or "polygons" on the map) in another interview, your information is inconsistent.
- The more specific the data, the better. A circle around a huge area of land that says "moose hunting" doesn't mean that much for planning or management. More specific information such as the location of moose licks or calving areas can be more easily used in these processes.

*In the pursuit of the resources that continue to be the foundation of their cultures, [First Nations] people leave traces over the landscape, evidence that they have been there. Many of their activities leave no visible evidence, however. Instead, they etch themselves in the minds of those who travel their homeland in search of physical and spiritual sustenance.*

Terry Tobias, *Chief Kerry's Moose*, p.1

- Provide plenty of details. You want to help people in the future understand the information you have recorded. One useful approach is using a “data diamond” for each piece of information that you record (Figure 2).

**Figure 2. Data diamond**



Several good resources on mapping techniques are available:

- *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design and Data Collection* by Terry Tobias (available in print (see Resources section, below) or online at [www.fws.gov/nativeamerican/pdf/tek-chief-kerry.pdf](http://www.fws.gov/nativeamerican/pdf/tek-chief-kerry.pdf))
- Aboriginal Mapping Network ([www.nativemaps.org](http://www.nativemaps.org))
- Yukon Land Use Planning Council ([www.planyukon.ca](http://www.planyukon.ca))

Just like learning to cut fish or skin animals, there is a big difference between reading a book about something and doing it yourself. Mapping interviews can have a lot of complexities. For example, one Elder may talk very generally about a caribou hunting area, and another may talk about specific hunting look-outs or mineral licks. You need to be prepared to record these on a map in a way that is going to be understandable to others and be consistent with other mapping interviews in your project. Most people who have tried mapping traditional knowledge have learned from their successes and mistakes. Some basic training from experienced interviewers will be invaluable before you try it yourself.

It is also important to collaborate with the technical staff who will be digitizing the map information into a geographical information system (GIS). The computer programs they use require information to be entered in specific ways, and it is critical that your mapping methods are synchronized with their data entry needs.

## Lessons learned

Traditional knowledge research can be costly when done properly. Staff need to be hired, sites must be visited (sometimes by boat or helicopter), and Elders must be compensated for their time. Private companies with an interest in development (such as mining companies) are often willing

to contribute funding for such research. In some cases, other governments may also have a responsibility to support research for projects they are promoting, such as a tourism initiative or resource development.

As discussed in the Kinship section (7.4), families have ties to certain areas in their traditional territory, and have a special sense of responsibility to and stewardship for these areas. Although the whole First Nation may have an interest in such areas, it is important that families with strong ties to an area have a special role in research about traditional knowledge related to it.

Good documentation (and good organization of that information) is a valuable gift to the future. However, documentation can never replace the value of bringing people together to learn from each other. In other words,

creating opportunities for learning together and sharing knowledge among people is more important than documentation for passing knowledge on to the future. The people of the future will need to have a solid understanding of who they are as First Nations people in order to understand the knowledge of today. It is a matter of doing both kinds of work: documenting knowledge for the future *and* bringing people together to learn from each other.



Arriving at Ch'ii Ch'à'an: Malinda Bruce, Willow Frost, Irwin Linklater, and pilot Darrel Holubowich.

Vuntut Gwitchin Government



# SECTION 7

## Heritage resources

This section covers the various aspects of heritage, and what you should consider when dealing with them. It includes heritage resources such as sacred sites and artifacts (which are often tied to the land) as well as customs and kinship systems.

These various aspects of heritage are described in the following subsections:

- 7.1 Stories;
- 7.2 Songs and dances;
- 7.3 Traditional laws, protocols and customs;
- 7.4 Kinship and names;
- 7.5 Visual identity; and
- 7.6 Games.

This does not mean that these aspects can be dealt with separately. For example, if you are dealing with a mortuary site, aspects such as customs and protocols, stories, kinship relations and possibly songs and dances could all be involved in managing the site. The aspects of heritage presented here are all interconnected, and you should read this section with that in mind.

### 7.1 Stories

Stories are one of the most important ways that we share knowledge with and teach our younger generations. Stories should not be mistaken for entertainment (even though they might be entertaining). Stories might contain lessons about how to act and how to survive on the land, or tell the history of what happened at a place. There are several kinds of stories: old stories from the distant time (when people and animals talked to each other); newer stories from the lives of our ancestors; and modern stories from the experiences of our First Nation members. Over time, stories are passed down and become part of our cultural heritage.

Above: All the aspects of heritage are interconnected.  
Teslin Tlingit Council

## Stewardship considerations

### Keeping stories alive

Keeping the stories alive is essential. It is not enough to document them and put them into books or on websites. Stories are about the relationships between the tellers and their audience. They lose something when they are written down or recorded, although this is a first step to at least saving some of the knowledge. First Nations heritage departments should be part of supporting storytellers and bringing them together with audiences. We need to make sure that young people hear and learn these stories so that they become our next generation of storytellers. Yukon schools are bringing more and more First Nations stories into their teachings, and there are many multimedia projects about stories (such as Vuntut Gwitchin's interactive sites on caribou fences ([www.vgfn.ca/heritage](http://www.vgfn.ca/heritage); Flash Player required) and stories ([www.oldcrow.ca/stories.htm](http://www.oldcrow.ca/stories.htm)), or the Prince of Wales Northern Heritage Centre's website on the Iḁaà Trail ([www.idaatrail.ca/LandTrail.asp?SiteID=S02&HeadID=H03&lng=English](http://www.idaatrail.ca/LandTrail.asp?SiteID=S02&HeadID=H03&lng=English))).

### Effect of language on stories

We know that language affects thought, and that the language used to tell a story can affect its meaning. Yukon indigenous languages have different structures than English, and different ways of expressing ideas. Wherever possible, try to present or document stories in their original indigenous language, and support the storyteller to develop a translation into English. This way, people who are not fluent in the indigenous language can experience the original expression of the story while also having the English version. These translations can be a valuable tool for future indigenous language speakers and language researchers.

### Recording and documenting stories

When recording or documenting stories, it is important to follow any traditional knowledge policies of the First Nation. This usually includes getting prior informed consent before recording, and being clear about the purpose of recording them (see Section 6.1).

### Protocols

In general, being told a story is like learning a lesson. It is important to respect the teacher's effort by listening well, and by avoiding distractions (moving around, answering phone calls, etc.). Some stories have special protocols about how and when they are told, and by whom. For example, certain stories are told at the feast following a boy's first successful hunt. Some can only be told by certain clans, or at certain times of the year. Some southern Yukon First Nations have strict protocols about clan ownership of stories. It is important to note this information when recording stories, and to make sure these protocols are followed when people tell stories.

### Story sites

This term refers to places where traditional stories took place. There are stories all across our landscape. This includes stories from the old times, before humans and animals lived separately, such as the story about the mountains and lakes near Carcross, where Animal Mother created today's animals, such as moose and bear. Sometimes they are more recent stories about a

significant event, such as the story about the mountain on the Takhini River called Naalin, which a Tlingit war party used as a look-out. These story sites have a spiritual significance, because they are part of an ancient history when powerful things happened. Some stories are less spiritual in nature (e.g., about hunting trips).

### Sharing stories – intellectual property

Sharing stories with the public or other governments means first making sure that you have permission to do so. Other governments often want to use First Nations stories for school materials or interpretive signs. Make sure that you take steps to protect the storyteller's intellectual property rights to these stories (see Section 3.8). Be aware that the ownership of most stories is held by groups of people, not just individuals, and that more than one person's permission may be required.

Podcasts and other internet tools, as well as digital multimedia (CDs), are great ways to get stories out into the world and celebrate them. Just as with books, only those stories that are acceptable to share with everyone should be released in digital format. Once these stories are published, it can be almost impossible to monitor and control their use by others.

### Additional considerations

There may be many versions of a story. For example, the man from the distant past who made all the big animals into their smaller size today is known by several names across the Yukon – *Äsùnya* (Southern Tutchone), *Sioh Jhee* (Northern Tutchone), *Ch'ataiyuukaih* (Gwich'in) and *Tsà' Wëzhè* (Hän). In English he is also called Smart Man or Beaver Man, because he can take the form of a beaver. There is a whole set of stories about this man that can take days to tell, and the details can change among communities and tellers. This does not make any version wrong — people tell the stories as they were taught by their Elders.

Some people use terms such as myth, fable or folktale when talking about old stories. These terms are not wrong, but they don't really capture how sacred our stories are to us. Folktales like Snow White or myths like Beowulf are important stories, but they are not considered sacred. Imagine calling a story from the Bible a myth or a folktale — those words don't quite fit for stories of that importance.

However, not all stories are considered sacred, and people may have different views about the importance of certain stories. For example, stories about Animal Mother creating the animals would generally be considered sacred, and there would probably be some protocols about who should tell the story, when it should be told, and under what circumstances. In contrast, a hunting story may be seen as less sacred (although still very important), and would probably not have



Firth River area.  
Vuntut Gwitchin Government

the same protocols attached to it. When in doubt about how to treat a story, it is best to ask for direction.

Finally, remember that what you learn from a story may change over time. Storytellers use stories for different reasons at different times. First Nations heritage staff must not think that a story has been captured forever just because it has been recorded once. Even the same teller may use a story in new ways, or emphasize different ideas at different times (see the account of Angela Sidney's "Pete's Song," below and in Cruikshank 1998).

### Lessons learned

When you record a story it is important to include as much contextual information as possible to help future listeners. This could include information about the teller and his or her life, the reasons for recording the story, and any details about the recording session. We rely on a lot of nonverbal communication, and future listeners/readers of the stories you document do not have the benefit of being in the room with the teller. Also, a story by itself doesn't have nearly as much meaning as when the listener understands all the background *behind* the story (see example below, under ("Stories")). Remember that the teller may provide more or less detail, depending on who the or she is talking to. If the teller knows that you are familiar with the story, he or she may explain it with less detail than usual; this could be a problem for future listeners.

### Examples

Stories are told at different times for different reasons. The teller might emphasize certain parts or tell things slightly differently, depending on the audience and the situation. In her book *The Social Life of Stories*, anthropologist Julie Cruikshank writes of how Tagish/Tlingit elder Angela Sidney told the story of Kaax'achgóok in three different ways for three different purposes. The story is about a coastal hunter who becomes stranded on an island for a year. Kaax'achgóok tracks the sun to know when the solstice comes and to guide him home. Mrs. Sidney sang a song from this story for her son Pete when he returned home from World War II in 1945 (see Section 7.2 on Songs and Dances). She told it again in detail to Julie Cruikshank in 1974 as part of a project to document her life. She also told the story at the opening ceremony for Yukon College in Whitehorse, explaining that "instead of going to Vancouver or Victoria, [our children] are going to be able to stay here and go to school here. We're not going to lose our kids anymore. It's going to be like the sun for them, just like for that Kaax'achgóok" (Cruikshank 1998: 40).

The anthropologist Robin Ridington has recognized that stories (and the knowledge that people gain from them), are the most important technology that we have as First Nations people. "For northern hunting people knowledge and power are one. To be in possession of knowledge is more important than to be in possession of an artifact. Their technology depends on artifice rather than artifact... Northern hunters live by knowing how to integrate their own activities with those of sentient beings around them. The most effective technology for them is the one that can be carried around in their minds. The Indian stories they wanted to tell me were elements of their technology, not merely fanciful tales" (Ridington 1988: page 73).

## Resources, 7.1

- *When the World Began : A Yukon Teacher's Guide to Comparative and Local Mythology*, by Julie Cruikshank (1978)
- *Reading Voices/Dän Dhá Ts'edenintth'ę*, by Julie Cruikshank (1991)
- *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'ànjòo Van Tat Gwich'in*, by Vuntut Gwitchin First Nation and Shirleen Smith (2010)
- *Dashāw Ts'an Kwändür — Stories From Our Elders*, by Nakhela (Hazel) Bunbury, 2012)
- Film and audio
- Legends of the Gwich'in — CBC Ideas, 2009
- How the World Got Fire — short animated Daniel Janke film, 2008: National Film Board
- Our World Stories — short films (2010, 2012, 2014 material): [www.ourworldlanguage.ca](http://www.ourworldlanguage.ca)

## 7.2 Songs and dances

### Overview

Every First Nation in Yukon has traditional songs and dances that have been passed down through the years. Some of these songs tell stories of historical events; others are used in special ceremonies. These songs and dances are like vessels for holding traditional knowledge, and should be treated with great respect. In many cases, there are rights associated with each song and dance that need to be respected. Some songs are known to belong to a specific First Nation or person — the keeper — and the First Nation or keeper must give permission before the song is used by others. For example, “Jimmy Johnson” is a well-known song from the Kluane Lake area. Some songs and dances belong only to a certain clan, and are performed only by that clan. Many songs have been passed down for generations; on the other hand, new songs are being created by modern performers who help keep the spirit of song creation alive. The stewardship considerations below apply in both scenarios.

### Stewardship considerations

First Nations governments have similar responsibilities concerning songs and dances as they do for stories: to support the teaching and performance of them, to document them for the future, and to ensure that the protocols around them are followed. The protocols that go with each song and dance should also be documented and taught. For example, if a song belongs to one First Nation, person or clan, this must be noted when recordings are made or when the song is taught to new learners. Otherwise, there may be confusion and disagreement later on (see below under Lessons learned about Angela Sidney's *Kaax'achgóok* song).

For some First Nations, singing and dancing groups are organized within the community, with little direct involvement from their government. In this case the heritage department is often called on to offer support by assisting with documentation and recording, raising funds, liaising on behalf of the group, and facilitating regalia making.

## Recordings (video/audio/photo)

Recordings of songs and dances, whether video, audio or photographs, should be treated the same as the recording of stories. Prior informed consent should be obtained from the performers before recording, and their permission needs to be granted before the recordings are shared with the public or other governments.

As with stories, it is important to provide as much context as possible when recording songs or dances: where the song/dance comes from, why it is being performed, who taught it to the performers, other versions or people who perform it, etc. This information will help people in the present and the future to better understand the meaning of the song/dance when they listen to and/or watch the recording.

## Material items used for songs and dances

Material items may be used for songs and dances, either in general, or for specific ones. Examples include grouse-tail feather fans (especially for the well-known “Grouse Dance”), regalia, *gānhāks* (dance sticks) and masks. The same protocols that apply to the songs apply to these materials as

well — who can perform with them, when they are performed, and how they are passed on. Every First Nation will have its own protocols about this (see Section 7.5 on Visual Identity).



Taku Kwaan Dancers from Atlin, B.C.  
Teslin Tlingit Council

## Protocols and intellectual property rights

Be aware of any protocols around performing songs and dances. As with hearing a story, it is important to listen and watch with respect. It is also important for performers to communicate any protocols around their songs and dances, and to give the audience the cultural context of the song or dance.

The First Nation government may be able to help its members get intellectual property protection (such as copyright) for songs and dances. This can help protect these songs and

dances from being misused by outsiders (e.g., tourists who record them and take the recordings back home or post them online). However, it can be complicated when more than one person or First Nation claims the right to use a song or dance; see Section 3.8: Intellectual Property Laws, for more details.

As mentioned above, you may need to talk to a lawyer for clarification when dealing with copyright issues.

Performers need to be aware of laws concerning public spaces, and the First Nation can help educate them about this. In most cases, people who perform in public (e.g., at National Aboriginal Day celebrations) may be photographed or recorded by the audience. Once this has

happened, it is very difficult to control how these recordings are used or shared. If your First Nation has protocols or guidelines to follow, it is best to tell the audience before the performance. People are usually happy to respect these rules once they know about them. For some events, First Nations create media forms and agreements for professional photographers and journalists that clearly outline rights and expectations (for a sample media application form, along with research application forms, go to [www.vgfn.ca/downloads.php](http://www.vgfn.ca/downloads.php)). Special agreements about revenue sharing are required if people are planning to record songs or dances for a commercial purpose (e.g., a television show or a CD to sell).

### Additional considerations

Be aware that some individuals or groups may be willing to have people record their songs and dances and share them in appropriate situations, while others may not. Your First Nation will need to make decisions on a case-by-case basis about how to share communally “owned” knowledge.

There is a difference between listening to a song and being given permission to use it; e.g., an Elder may teach a group of people from other communities a song during a workshop or community event, but this does not necessarily mean that he or she gave permission for people to use it. When in doubt, it is always best to ask the Elder. Likewise, simply getting access to a song recording from a First Nation government does not equal permission to use it for public reasons. Be especially aware of any clan or family rights that may exist regarding certain songs and dances.

Sometimes certain songs or dances are adopted by a community, and over time become part of their tradition. The jigging and fiddling in Old Crow and Dawson were originally introduced by Scottish traders, but they have been done there for so long that they are now part of those communities’ culture. Further, the styles have taken on a local flavour over time, so that they are now unique to Old Crow and Dawson. This is an example of how traditions develop over time.

### Lessons learned

Having permission to perform a certain song and dance is critical. In some cases, it is not always clear who to ask for permission or if permission has been given, and this needs to be clarified. As noted above, in her book *The Social Life of Stories*, Julie Cruikshank tells about a time when Angela Sidney sang a song at a feast for her son who was returning home from World War II. However, some people said that her clan (Deisheetaan) did not have the right to sing that song. Mrs. Sidney had been taught that this song was given to her clan by the coastal Kiks.ádi clan to resolve a dispute between them. She had to travel to Skagway to consult with Elders there to confirm that the song had been given to her clan, and that she had the right to use it.

### Resources, 7.2

- Dancing Sovereignty and First Nations Protocols (video), by Mique’l Dangeli
- Transforming the “Self” in Self-Determination by Reclaiming Ceremony (video) — presentation by Marilyn Jensen at TEDx Whitehorse
- Craig Mishler (1993) *The Crooked Stove Pipe: Athapaskan Fiddle Music and Square Dancing in Northeast Alaska and Northwest Canada*
- Boyd Benjamin, The Flying Gwitch’in Fiddler

## 7.3 Traditional laws, protocols, and customs

### Overview

Most Yukon First Nations languages have a word that means “traditional law” or “taboo”: *Dän K’e* (Southern Tutchone), *Dooli* (Northern Tutchone), *Da’ole* (Hän), and *Wik’it tr’agwandaii* (Gwich’in). The idea of traditional laws is related to the English word “protocol,” which conveys a sense that these are strong rules, with significant effects if they are broken.

Traditional laws deal with everything from how to treat animals to relationships within your family. These rules were traditionally taught by word of mouth, but many communities are now beginning to document them.

For example, with funerals in most Yukon First Nations, the opposite clan from the person who died does all the work, and participants such as the pallbearers are paid by the clan of the deceased. In Old Crow, however, the pallbearers are not paid and the whole community participates in the burial, rather than being separated along clan lines.

Slightly less strong is the idea of customs, which refer to a First Nation’s usual way of doing day-to-day things. For example, in many communities, it is customary to introduce yourself by saying your name, clan and the names of your parents and grandparents. Sometimes, customs are so ingrained that people are hardly aware of them. People may become more aware of them as customs when someone breaks them, which draws attention to them. Sometimes customs become so important that they need to be clearly stated or written down and formalized. In these cases, they may be thought of as laws or protocols.

### Stewardship considerations

The Heritage Department can facilitate discussions about traditional laws, customs and protocols. These are ongoing discussions, and traditional laws, customs and protocols will likely change and evolve over time. Facilitating these discussions is not “policing”; rather, it helps the First Nation have these important discussions and make decisions. First Nations heritage staff need to be aware of how customs and protocols should be recognized in heritage management. Because the concept of “heritage” is very broad from a First Nations point of view, this could mean everything from sacred sites to harvesting areas to archaeological sites.

### Additional considerations

First Nations can develop materials to help educate their citizens and others about local customs and protocols. For example, Tr’ondëk Hwëch’in has developed a guidebook for researchers who work in their territory so that they are familiar with local protocols (email [heritage@trondek.ca](mailto:heritage@trondek.ca) to request a copy). Selkirk First Nation has created a document called *How to Consult in Selkirk Traditional Territory* that tells other organizations how Selkirk people have traditionally consulted with others, and what they expect today.

In some cases, there is disagreement within a First Nation about certain customs, and research can help resolve this (see the story below about Selkirk First Nation’s potlatch guide).

### Lessons learned

The greater the social distances between the parties, or the more important the matter being dealt with, the greater the need for formal protocols.

When different kinds of people within the First Nation (e.g., an Elder working with a young person), or people from different cultural contexts (e.g., a First Nation dealing with another government) work together, it is wise to clearly state or even write down protocols. For example, when First Nations and the Government of Yukon work together to develop guidelines for the discovery of burials, the protocols for dealing with burials should be clearly communicated to the Government of Yukon. In these cases, research into the proper protocols is needed, and Elders must be consulted. They are the keepers of knowledge from the past, and they have the social authority to decide how these situations should be handled.

In other, more informal cases, following commonly known customs of the First Nation will be enough. This often happens during internal projects, where most people know the customs. For example, during a community walk to pick medicines, most people know that they should say a prayer and leave something in the place where they pick the medicine. If they forget, they may be reminded by someone, a formal written protocol would not likely be required before starting the walk.

### Examples

Recently, in Pelly Crossing, there were some disagreements about the proper way to conduct funeral potlatches. These are sacred events, and the disagreements were causing a lot of stress for the people involved. There were older customary ways of doing potlatches from long ago, plus some newer ways that were adopted when some people became Christians. Selkirk First Nation did a research project to document all the customs around potlatches, and published a book (see Resources, below). The book tells people how potlatches were done long ago, before Christian missionaries came, and how modern funerals are done according to the Christian tradition. Selkirk citizens can use the guide to choose how they want to do potlatches for their family, knowing that the book is based on research done by the First Nation.

Selkirk First Nation (SFN) and the Northern Tutchone First Nations have also put a lot of effort into researching and documenting their *Dooli* ("traditional laws"). As part of this research, SFN released a poster series on *Dooli* teachings and have shared these with other Northern Tutchone First Nations. It is the result of work done with local Elders over many years. The posters include phrases like: "Always help Elders: It is *Dooli* to ignore Elders!," "Do not make fun of animals," and "Share food with everyone: It is *Dooli* to be stingy."



Elders are the keepers of knowledge from the past.  
Tr'ondëk Hwëch'in

### Resources, 7.3

- *Noho'é/Potlatch Hude Hudän, Fort Selkirk, Akän Huche: A Reference for Our Citizens*, by Roger Alfred and Doug Urquhart for Selkirk First Nation, 2009 (available at Yukon Archives)
- *Traditional Law Long Ago Dän k'i Hude Hudän: a short history of our practices* by Little Salmon/Carmacks First Nation (available at Yukon Archives)
- *Funeral protocol manual, Vuntut Gwitchin Government* (available from VGG on request)
- *Potlatch Guide*, Champagne and Aishihik First Nations (available from the CAFN Heritage program)
- *How to Consult in Selkirk First Nation Territory* (contact Selkirk First Nation for a copy)

## 7.4 Kinship and names

Kinship relationships are what link Yukon First Nation people, and where people's identity comes from. This is why it is customary for people to introduce themselves by saying their traditional name, what clan they come from, and who their parents and grandparents are. These facts tell who they are and how they fit into the world. Names are often passed down from long ago, and can link people to other families and places on the landscape. This is why Elders often ask someone "Which way are you?" (i.e., what clan) and "Who's your grandma?"

The primary kinship groups within Yukon First Nations are the family, extended family and the moiety (or clan). "Extended family" is usually understood to include grandparents, aunts, uncles and first cousins. In the heritage context, when Yukon First Nations people use the term "family," they are most often referring to the extended family, rather than the nuclear one (i.e., just the parents and children). People who work in the area of health, child welfare, education, etc. may be more focused on the nuclear family.

Most Yukon First Nations follow a moiety system, where everybody is either on one side (Wolf) or the other (Crow). For the Inland Tlingit nations, within those moieties there are several clans. Moiety is a French word meaning "half" that is used by anthropologists. Many people simply use the word "clan" to refer to both clans and moieties.

The clan (or moiety) kinship unit is widespread in the southern part of the territory, where it makes a major contribution to community activities and to an individual's life. In the north of the territory, generally speaking, clans do not fulfill such a role (see Box 1).

First Nations people don't distinguish as strongly between blood relationships and social families as some other cultures do. Somebody may be considered a part of a family even though he or she is not related by blood. Frequently people are "adopted" into other families, although adoption does not have the same meaning as in the Canadian legal system. In such cases, people may have more than one family — their biological one and their adopted one. For example, a child may be raised by an aunt and uncle, but still have ties to his or her biological mother and father.

## Stewardship considerations

### Names and genealogies

Keeping track of traditional First Nations names is a key part of genealogy research. People may want to learn about the history of their name, who had it before them, and where it comes from. Thorough research about names today can help ensure that we pass on the correct information to future generations. Names — both in English and First Nation languages — can be passed along ancestral lines, such as when grandchildren are named after their grandparents. Some names have clear meanings, while others may be so old that their meaning is not apparent. Some names carry a history and certain responsibilities, such as those that belonged to a respected leader or shaman.

Within many First Nations, the heritage department maintains genealogy records for its citizens. In a few cases, heritage departments also maintain the formal enrolment records for the First Nation government, which is a separate program, with strict legal privacy guidelines.

Many First Nations use a computer program such as Family Tree Maker or Master Genealogist to build a kinship database. This can be useful when deciding who needs to be involved in certain heritage management decisions. However, maintaining this database is also a big responsibility. It means keeping up with current births, marriages and adoptions, as well as conducting extensive research into the past.

#### Box 1. Vuntut Gwitchin clan system

The Vuntut Gwitchin used to follow a system of three clans: *Teenjiraatsyaa*, *Ch'ichyàa* and *Neetsaih*. This was similar to the clan system used by the Tr'ondëk Hwëch'in. This system is not commonly used today, but some individuals do reference their clan when introducing themselves. The clan names *Ch'ichyàa* and *Neetsaih* do not directly translate as Wolf and Crow, but people use those English terms in order to be able to align the clan names with the names used in the southern Yukon.

### Kinship and heritage management

Various kinship groups (family, clan) will participate in the management of First Nations Heritage Resources:

- a clan may claim ownership of the rights to a design pattern (e.g., split-tailed beaver, owned by the Deisheetaan);
- a family may claim the rights to the beadwork patterns of a particular ancestor;
- a family may have an interest in specific heritage site, or an interest in resource planning in a geographic area, a particular trail, or a berry-picking area;
- a family may have an interest in performances of traditional songs or dances; and
- a family may require information from genealogical records for citizenship applications, marriage considerations, to extend social ties, or for personal research purposes.

The role of these kinship groups goes above and beyond, or in addition to, that of the individual. For example, a piece of moveable property (i.e., an artifact) may be personally held by an individual, but members of his or her clan or family may have an interest in how that item is

used or displayed, or publicly interpreted. The kin group interests may also be different from those of the First Nation government — although the First Nation may represent the family group when dealing with another government or institution.

The kin group's interest in the heritage matter may take a range of forms. It may also be expressed in terms of level of interest – everything from a relaxed “keep us informed” situation to serious/engaged consultation or even total authority (see Figure 3).

**Figure 3. Examples, level of interest**



It is up to the First Nations heritage staff to learn which families or clans have an interest in whatever is being managed. For example, First Nations lands departments may have information regarding family involvement in site-specific land selections during land claims negotiations. Heritage staff must then determine what level of interest the family members have, and how they need to be involved. Below is a list of steps to guide this process. These steps should be followed every time a new heritage management situation arises, as each one is different:

1. Determine which kin group(s) have a management concern or interest in a particular situation;
2. Establish who are the accepted spokesperson(s) for the kin group(s);
3. Learn about the extent of the interest/concern (whether “keep us informed” or total authority or in between);
4. Undertake initial consultation with the kin group(s) or representatives to share information and document their concerns;
5. Propose appropriate management options;
6. Report back to kin group; and
7. Revise recommendations/management options, etc. as necessary.

There may be disagreement among families and clans (or even within them) about how to handle certain situations. For minor situations (like which photos to use in an exhibit), heritage staff can probably resolve the issue with a little diplomacy. But for more important projects, such as repatriating a long-lost ceremonial artifact, a more formal process might be needed to resolve disputes. In cases where it is not clear that one family or clan has authority, the heritage staff would need to make sure that their directors are informed, and that political leaders are involved. It will ultimately be up to these leaders to decide how to handle things, while being well-advised by heritage staff.

### Additional considerations

Kinship research can be complicated by the fact that naming in the past followed different conventions than today, and a person's name could change during their lifetime.

Sometimes people were given one name at birth, and then given additional names through their life based on their characteristics, or because of events and experiences in their life. For example, Kitty Smith had three aboriginal names: *K'algwách*, *Kàdùhikh* and *K'odetéena*. Sometimes there was humour involved in these new names.

In Vuntut Gwitchin country, men took on the name of their first child when he or she was born; a father whose first child was called *Shahnu* would change his name to *Shahnuti* ("father of *Shanu*"). There were also many nicknames used. These practices — in addition to the use of different spelling systems, the arbitrary bestowment of European names and the inconsistent inheritance of either a father's or husband's first name as surnames — make it difficult to follow kinship lines using names alone. For example, Laberge Billy's children inherited the last name Laberge, while Big Salmon Charlie's children inherited the last name Charlie. There have also been different spelling systems used for indigenous names by various researchers, anthropologists, missionaries and community members.

### Lessons learned

Beyond about three generations back, it can be difficult to know exactly how people were related. Sometimes, differences in kinship terms between indigenous languages and English cause confusion. For example, all cousins of the same clan refer to each other as "brother" or "sister," but they call cousins from the opposite clan something else. Kinship databases are useful, both for their own sake and for heritage management, but they take a lot of effort, and need proper attention and resources. Kinship can also be a contentious issue if there are disagreements about genealogies.

### Examples

Genealogies can be hugely valuable for helping younger people to understand their family history, and who is acceptable to marry, according to traditional rules about marrying outside your own clan (exogamy). Champagne and Aishihik First Nations sometimes put up a genealogy chart at camps and events of young people who are coming of age, so they can see who are suitable partners.

Teslin Tlingit Council (TTC) is using genealogical research to help citizens who do not belong to a clan to find a place in the community. Some citizens' mothers are not from Tlingit clans, and therefore the person did not become a clan member when born (because clan affiliation follows the mother's line). TTC's governance system is based on the clan system, so not belonging to a clan greatly affects these citizens' representation in the First Nations government. Genealogical research is helping to determine which clan is the right place for these citizens, so that they can be adopted in and share in the full governance process.

An example of held cultural preferences or traditional approach is a caution that a mother gave her son, a heritage worker, before allowing him to participate in a harvest camp. She told him to watch and learn from a member of her moiety in preference to the opposite moiety: a Crow to teach another Crow. However, within the same community a man said that ultimately he would want his son taught by his uncle or by the best hunter.

## Resources, 7.4

- Family Tree Maker: [www.familytreemaker.com](http://www.familytreemaker.com) (used by First Nations including Champagne and Aishihik First Nations, Ta'an Kwäch'än Council and First Nation of Na Cho Nyäk Dun)
- The Master Genealogist: [www.whollygenes.com](http://www.whollygenes.com) (used by Vuntut Gwitchin Government)
- Bonar Cooley genealogy of Southern Yukon, 1850s–1990s (available at Yukon Archives: Accession #2000/114, MSS 274 )
- *Jijuu - Who Are My Grandparents? Where Are They From? Our people, our names: a genealogy/history of the Teetl'it Gwich'in of Fort McPherson*, by Susan Beaumont, Gwich'in Enrolment Board (1998). Available at Yukon Archives.

## 7.5 Visual identity

The term “visual identity” refers here to features such as images, objects, totems, and clothing and art designs. These visual features are part of how we express our cultural identity, and they need effective stewardship, just as stories, knowledge and physical objects do. Often there are protocols or rights of use for visual features that need to be understood and respected.

Some communities, families or clans claim the right to use certain designs. This practice is strongest among the Tlingit nations in Carcross and Teslin, although it is also followed in other communities. Within Tlingit communities, only a clan and its members can use a particular crest. For example, the Dakhl'awèdí have the right to use killer whale and eagle as clan emblems. In the rest of the Yukon, members of the Wolf and Crow clans avoid using an image of the opposite clan's animal (e.g., a Crow person would avoid wearing a t-shirt with a wolf on it). In Dawson, a moose image from Chief Isaac's drum is considered a local symbol of the Moosehide community and gathering.

Some communities or cultural groups have distinctive clothing and beading designs or patterns. Elders are often able to know where a piece of clothing came from — sometimes even who made it — just by looking at it. Beading patterns are unique to individual makers, can be recognized by others, and are considered their “property.”

There may be rules and protocols for how certain visual images, designs and objects are used. For example, Tlingit clan totems and poles have detailed protocols related to their use. For example, material with clan totems on it should not be sold; and totem poles of inland coastal people should face towards the ocean, and poles of interior peoples (i.e., Teslin and Carcross) should face away from the water.

### Stewardship considerations

There are a few key things that First Nations Heritage staff can do when it comes to visual identity, designs, crests and totems:

- facilitate education and awareness about local designs;
- build awareness about First Nations protocols and encourage others to follow them in any projects. Where there is doubt, do research with the Elders to learn about the protocols and how they should be handled;
- ensure that visitors to the community understand these protocols (including staff from other governments, researchers and tourists). You may want to make some pamphlets or short info sheets to guide visitors; and
- address cases of misuse and appropriation when they come up.

### Additional considerations

This section relates closely to Section 3.8 on Intellectual Property (IP). In some cases, a First Nation may want to take steps to safeguard its designs, crests and totems. Sometimes IP laws will apply, but often they are not a good fit for designs or crests that are owned by a community. In these cases, the best thing to do may simply be to clearly tell visitors and newcomers what the expectations are.

First Nations differ in how they use certain images and objects as crests or totems. Many southern Yukon First Nations use Wolf and Crow images to represent themselves (often in their government's logo, such as those of Champagne and Aishihik First Nations, Little Salmon/Carmacks First Nation, Ta'an Kwäch'än Council, and Kluane First Nation), while others such as Tr'ondëk Hwëch'in and Vuntut Gwitchin do not. A First Nation's logo can be an important part of its visual identity. Tr'ondëk Hwëch'in recently worked to standardize its logo; after many years of self-government, there were several different versions of it.

Further, there are objects and images that are generally thought of by the public as being significant to North American indigenous people — eagle feathers and medicine wheels, for instance. However, not every First Nation considers these things important or sacred, and it is up to First Nations heritage staff to be aware of other First Nations' designs, crests and totems, and to educate visitors about the differences. Heritage department staff can help promote the designs and images that are specific to their First Nation.

Keep in mind that innovation is always happening, and it is not only old designs, crests and totems that have proprietary rights. Today's First Nations artists may develop images that fit within community customs and protocols about proprietary rights. Plus, artists are using new materials and media (such as digital graphics) to create images and designs, not just paper, canvas



Clan poles at the Teslin Tlingit Heritage Centre.  
Teslin Tlingit Council

or wood. The heritage department can facilitate discussions about respecting traditions and protocols around designs, whether old or new.

In some cases, First Nations members use local images or designs on products they create for sale. Heritage departments can help ensure that the rights to these images are protected by using intellectual property tools where applicable (see Section 3.8). They can also educate consumers about the rights to images on products, and perhaps even contribute to developing authenticity labels for local products (e.g., “Made by Tr’ondëk Hwëch’in”).

## Examples

The Gwich’in Social & Cultural Institute in Fort MacPherson, NWT, carried out a project in 2000–03 to explore traditional Gwich’in clothing designs. They worked with the Canadian Museum of History in Ottawa to study Gwich’in clothing that was collected by anthropologists and others in the late 1800s. Seamstresses from several Gwich’in communities worked together to create five full sets of men’s traditional Gwich’in summer clothing. This project helped to reconnect these First Nations with traditional clothing designs that had fallen out of use, including decoration with dyed porcupine quills and silverberry seeds.

Vuntut Gwitchin Government has developed a flag. The image was created by a local artist, based on a well-known historical drawing of a Gwich’in warrior; it also includes caribou tracks along the edge of the flag and local landmark Crow Mountain in the background. This is an example of developing a new design to represent a First Nation.

Balance can be important when using symbols that represent various groups. When one of the cultural centres used the image of a crow for a display, local people suggested that there should also be an image of a wolf to ensure balance when representing the First Nation.

## Resources, 7.5

- Gwich’in Social & Cultural Institute Clothing Project  
[www.gwichin.ca/publications/gwichin-traditional-clothing-project](http://www.gwichin.ca/publications/gwichin-traditional-clothing-project)
- *History of Yukon First Nations Art*, by Ukjese Van Kampen (Ph.D. thesis), 2012  
<https://openaccess.leidenuniv.nl/handle/1887/18984>
- World Intellectual Property Organization: Traditional Cultural Expressions and Folklore  
[www.wipo.int/tk/en/folklore](http://www.wipo.int/tk/en/folklore)

## 7.6 Games

### Overview

Games are important to Yukon First Nations. Whether the games are amateur or professional sports circuits (Arctic Winter Games or Indigenous Games), games played in communities (stick games) or games played between individuals, they bring people together, provide an outlet for competition and enhance mental and physical skills.

### Stewardship considerations

Many games are still played today with many of the same rules as in the traditional context. Some games are not well known, but documentation exists and they could be revitalized with the assistance of Elders. There are often songs and special words associated with games that can be learned in the context of playing the game.

The community wellness value of gathering to play traditional games cannot be underestimated. They are as important to cultural connectivity as speaking an indigenous language is.

### Resources, 7.6

- Heine, M. (2005). Dene Games. A Culture and Resource Manual. 2nd edition. Traditional Aboriginal Sport Coaching Resources, Vol. 1. Yellowknife, NT and Whitehorse, YT: Sport North Federation and Sport Yukon.
- Heine, M. (2006). Snowshoeing. An Instruction and Resource Manual. Traditional Aboriginal Sport Coaching Resources, Vol. 4. Yellowknife, NT: Sport North Federation.
- Diniizhoo: Gwich'in Gathering Place (sections on traditional games played at Diniizhoo) VGG Heritage Educational Materials; available on request to VGG, or some of the material is here: <http://plunge.oldcrow.ca/places/diniizhoo/plunge>



# SECTION 8

## Land-based heritage resources

Yukon First Nations peoples have always been “part of the land, part of the water” (see McClellan et al. 1987). The landscape is our home and the source of our identity, and we depend on it to sustain us, physically and spiritually.

When it comes to our heritage, some things have a direct physical link to the land:

- habitation sites such as villages, trading posts, cabins, shelters, caches, camps and burial grounds;
- places where animals are harvested for food, clothing, medicines, tools, trade and other purposes;
- spiritual or sacred places such as ceremony sites, rock paintings, story sites, and birth and death sites;
- places where plant materials are harvested for food, clothing, medicines, tools, trade, shelter and fuel;
- quarry sites, where rocks and minerals are collected for making tools, conducting ceremonies, and other purposes;
- gathering places, where groups of people met at certain times of the year (spring break-up, summer salmon run, etc.);
- travel routes, where people moved around the landscape for harvesting, trade and visiting each other; and
- place names of these areas and locations.

The land as a whole is a heritage and cultural “site” for First Nations people, not just a collection of individual heritage sites. This cultural landscape is a system with interconnected parts; a trail may lead to a camp chosen because of its location within the caribou migration, or for its vast viewing opportunities. The trail, the camp, the view and the caribou are all part of this cultural landscape. Impacts to any one of these elements affect the whole system, our relationship to it, and the well-being of our people and communities. We must pay attention to these elements, while also keeping in mind the bigger picture of how they are interconnected.

Some things have a direct physical link to the land.  
Ta'an Kwäch'än Council

It is important to think about the heritage value of today's cultural landscape. A modern fish camp has tremendous cultural value, and anything that affects it or the fish has a large and immediate impact on our First Nations. Stewardship of land-based heritage resources is about much more than protecting "old places."

We must also consider the heritage value of places with no visible material remains or visible evidence of human activity. These might be places of traditional stories, of people's birth or death, or important places for animals (e.g., calving areas, migration routes). These places are also heritage "resources" to us, even if there are no tangible remains.

### 8.1 Overall management considerations

Stewardship of land-based heritage resources is generally undertaken with one or more of the following in mind:

- protection from disturbance and destruction;
- research and learning opportunities; and
- community involvement and site use.

Stewardship might take a proactive approach, where the whole community, not just the First Nation, works to decide how a place should be used and managed (e.g., the Old Village in Mayo, the Teslin/Atlin trail). Stewardship can also take a more reactive approach to the potential effects of activities and processes (such as mining, tourism or erosion). First Nations do not need to wait for threats to heritage resources to become apparent in order to start practising stewardship of these resources.

Modern use is an important part of our approach to heritage stewardship. Some places can be sites of "living heritage," where modern use happens alongside the protection of old values. Some resources may be too fragile to allow this (e.g., an old mooseskin boat frame), or safety may be an issue (e.g., an old cabin). But in general, we try to promote and support modern use wherever it is possible to do so.

### Stewardship considerations

You will almost always have to balance the needs for site management with the realities of your own time, capacity and budget. Heritage staff will often find themselves weighing the importance of sites and the levels of impact against these factors. When making stewardship decisions about a land-based resource, there are some important factors to consider:

1. What types of resources are there? Are they easily damaged? Are they in danger of being damaged, destroyed or looted?
2. Who has an interest in the site? Which local families have connections to the area? (See Section 7.4 on kinship.) Is the site in an area of overlap with another First Nation? Is it on Settlement Land?
3. Could the site be affected by development? Have potential impacts been researched and assessed?

4. How significant is the site? Is it in an area where there are a lot of similar sites (e.g., containing archaeological resources), or is it the location of an important spiritual story? All heritage sites are significant, but particularly special or sensitive sites need extra care, time and protection.
5. How should the site be used? Is this an area that the community members want to use? Or is it extremely sensitive and in need of detailed protocols based on local customs and culture (Section 6.1)?

Site avoidance is usually the most effective way to protect any type of heritage site. In certain instances, employing site buffers may be enough to protect a heritage value (e.g., a small site with ancient stone flakes). Standard buffers range from 30 to 100 metres. In other cases, larger buffers may be needed (e.g., moving a development several kilometres to avoid a harvesting area).

In certain instances, site mitigation may be a workable approach to heritage stewardship. This refers to allowing an activity that affects a heritage value while doing everything possible to mitigate any harmful effects. For example, a First Nation might choose to allow an old cabin to be demolished or a small stone tool site to be affected in order to allow other activities. In these cases, the values affected need to be researched and documented as fully as possible. For underground sites, a full excavation may be needed, depending on the extent and importance of the site.

Periodic site monitoring is one of the most effective approaches to heritage stewardship. This asserts the First Nation's presence, and allows for ongoing site documentation and recording of changes, damage and conflicts that affect the site. A monitoring schedule can prioritize sites based on value to the community and level of risk.

### Additional stewardship considerations

A Heritage Overview Assessment is a preliminary study of a site, area or set of values. These studies are often used as a first look. They may be done as part of a proactive stewardship project, or as a reactive response to a potential impact. If specific impacts are possible or likely, then a more detailed Heritage Impact Assessment will be required.

## 8.2 Place names

### Overview

First Nations place names carry cultural geographical information about language, land forms, people, landmarks, events and stories. Places that are named include lakes, mountains, ridges, camps, cabins, rivers, creeks, landmarks and sometimes, large areas.

People named places as they moved over the landscape through the seasons. Usually, place names describe something about the feature — how it looked, its qualities, or perhaps an event that happened there. Generally, First Nations people did not name places after people, although there are some exceptions. We are still learning about past naming practices through community and linguistic research (see Resources, below).

Place names can convey a variety of information about aspects such as a section of low water on a river, or a place where something significant happened in the recent or distant past, or a place that is a landmark.

In many cases English names have replaced indigenous names. Some places now have two names: an official and an alternate official name; the Yukon is the only jurisdiction in the country that allows alternate official names. The Yukon Geographical Place Names Board has responsibility for Yukon place names (see Resources, below).

### Stewardship considerations

First Nations (and non-First Nations people) can submit place names to the Yukon Geographical Place Names Board for official recognition. Over and above this they have a responsibility to document and promote the use of indigenous place names. The use of indigenous place names can be promoted through signage on the land, online maps and printed maps, all of which require access to and knowledge of Geographic Information Systems (GIS) software.

Heritage staff should take these steps when doing place names research:

- Record all of the names that community members know for a place. Don't assume that other names are wrong because they are different from commonly known ones.
- Record people clearly speaking the place name *by itself*, not just as part of a larger conversation.
- Make sure you work with the people who are most familiar with a place.
- Visit the site with elders if at all possible. Using Google Earth with an elder is a second option, with the view tilted to look more like the view of someone on the land.
- Work with someone who can spell the indigenous language accurately. Consult a linguist who knows the language if there is no local person you can work with. The Yukon Native Language Centre ([www.ynlc.ca](http://www.ynlc.ca)) may be able to help you contact a linguist.
- When you are sure that spellings are correct and you have done thorough research about a place name, you can submit the name to the Yukon Geographical Place Names Board to be officially recognized. The Government of Yukon Toponymist will help you prepare for this (see Resources, below).
- Record background information about place names from Elders.

### Additional considerations

To achieve formal recognition of a Yukon place name, submit the request to the Yukon Geographical Place Names Board. If the name is accepted it can be either an official or an alternate official name for the location. Although many indigenous place names are accepted as alternate, not official names, these names can be used in First Nations reports, management plans, wall maps, online mapping applications, and on-the-land signage to ensure the continued use of the name. Note that only official place names — not official alternate place names — appear on official maps.

There are often several names for one location, even within a single First Nation. Elders or a Heritage Advisory Committee can be asked to make decisions on which single name to use on an internal printed or online map, but all names should be recorded for each location. Be aware

that putting a place name on a sign or a map makes it more likely that the name and spelling will become familiar to people.

There may also be several interpretations about the meaning of a place name, and these should all be documented. For example, Ta'an Kwäch'än Council has documented several meanings of the name *Taa'an* (Lake Laberge) from different Elders. Linguists can possibly help provide some insights on the origins of these names. All meanings should be documented with as much detail as possible (e.g., when and where the Elders heard the name, what they think it means and why).

Place name research and documentation requires good database management. This is some of the information you need to note about a place name:

- literal translation, if available (e.g. "Sheep Mountain" for Tachal Dhal);
- English name or other indigenous names, if applicable;
- name of the person(s) who provided the name to staff;
- audio file link to the name being spoken;
- GPS coordinates for the location; and
- alternate names and associated stories.

Note: If different place names are found for the same place you should record them as separate entries. There can be differences in dialect and other aspects of these various versions of a place name that contribute to its story.

## Lessons learned

Making place names official can be challenging; there may be more than one name for a place, and more than one variation on the same name. Sometimes, people from different First Nations have different names for a place that is in an area of overlap. The protocols of the Yukon Geographical Place Names Board allow for multiple place names as alternates, but there can still be sensitivities about which name is official and which is an alternate. For places on Settlement Lands, the First Nation who owns those lands has sole authority for those place names.

When doing place names research, the level of certainty can change depending on the level of detail. At a large scale, the names of larger features are more likely to be commonly known (such as *Tàgé Cho* or *Tágà Shaw*/Yukon River, *Tàa'an Män*/Lake Laberge, or *Tle'nax T'Awei*/Three Aces). When you zoom in on a map you will start to see smaller features; these may have place names that only a few people who really know the area have knowledge of.

.....  
*"Some areas have powerful names to it. All of this land has a story to go along with it...you just have to find it out. It's more than just a name."*

Trudy McLeod,  
 Kluane First Nation Elder  
 .....

When doing place names research, beware of literal translations by well-meaning people who are trying to be helpful about place names they are not sure about. For example, a literal translation of White Mountain near Jake's Corner into Tlingit would be *Dlèt Shà*, but the actual traditional Tlingit place name is *Li Uwa*, meaning "sand mountain." Also, it may be helpful to know that White Mountain was not named for its colour; it was named in 1887 after Minister of the Interior Thomas White.

## SECTION 8: LAND-BASED HERITAGE RESOURCES

Old place names recorded by laypeople without good documentation can be a challenge. The Gwich'in name for the Babbage River was transcribed by the non-linguist geographer John Stager circa the 1970s as *Vit Tzuk Tshii Kon Jun*, meaning "caribou hide treads water." Modern Gwich'in translators cannot be clear on what this place name means, possibly because there is an implied meaning in the place name that is not apparent from the direct translation. These "back formations" happen when people try to interpret an unclear name based on their language. For example, the word "Youcon" or "great river" was documented by Hudson's Bay Company trader John Bell in the 1840s in Gwich'in country. However, that name does not make sense to modern Gwich'in speakers, who call the river by a different name. The confusion probably arises because Bell was not trained in languages and misunderstood the name for the river. Trying to make sense of the name today in Gwich'in could result in a back formation that is not accurate.

Sometimes a place name does not by itself convey all the meaning of the place, and researchers need to consult with those who know the stories about it. For example, a mountain in the North Yukon is called *Ch'idrii Ddhàa*, which translates directly as "Heart Mountain." The implied meaning refers to a wolverine that Joe Netro shot on the mountain (presumably in the heart). The direct translation loses the implied meaning of the story (because it does not specifically mention the wolverine), so a newcomer who does not know the story would not get the full meaning of the name. Simply transcribing and translating place names can end up losing much of their meaning.

### Examples

Little Salmon/Carmacks First Nation recently named all the streets on its community lands with Northern Tutchone names. Some of these names are the place names of nearby geographic features. The road that runs along the Yukon River is called *Tàgé Cho* ("big river") and the road below Coal Mine Hill is called *Gum Tthi* ("worm rock," after a giant worm that lived in a large cave in the hill).

Vuntut Gwitchin Government has recently started installing large orange reflective place name signs at locations throughout the traditional territory along the Porcupine and Crow rivers and beside major trails. It takes a lot of time and work to install and maintain the place name signs, but the educational benefits are well worth the effort.

Tr'ondëk Hwëch'in attempts to name a variety of places and organizations in the Hän language, such as the School of Visual Arts and the teaching farm. TH is also to help with naming on behalf of other groups.



Vuntut Gwitchin Government has started installing large place name signs in Gwich'in.  
Vuntut Gwitchin Government

## Resources

- Angela Sidney: Place Names of the Tagish Region, Southern Yukon (1980). Whitehorse: Yukon Native Languages Project
- Dákeyi/Our Country: Southern Tutchone Place Names
- Gwich'in Social & Cultural Institute: Gwich'in Talking Map (Peel Region)  
[www.gwichin.ca/talking\\_map](http://www.gwichin.ca/talking_map)
- Danän Kwänje/Our Land Speaks (Ta'an Kwäch'än Council place names)  
<http://taan.ca/departments/lands-resources-and-heritage/heritage/#Heritage%20Projects>
- Yukon Geographical Place Names Board and information about the Yukon Toponymyst from Yukon Department of Tourism  
[www.tc.gov.yk.ca/geo\\_placenames.html](http://www.tc.gov.yk.ca/geo_placenames.html)
- Moore, Patrick and Daniel Tlen. 2007. "Indigenous linguistics and land claims: the semiotic projection of Athabaskan directionals in Elijah Smith's radio work." *Journal of Linguistic Anthropology* 17(2): 266–286.
- Tom, Gertie. 1987. Èkeyi, Gyò Cho Chù/My country, Big Salmon River: *place names of the Big Salmon River Region, Yukon Territory, Canada*. Whitehorse: YNLC

## 8.3 Spiritual sites

### Overview

The land as a whole is a spiritual place for us; some places are particularly special and need careful attention. Also, there may be places that have great personal significance to some people, if not the whole First Nation. Sometimes there is physical evidence about the importance of spiritual sites, and other times not.

Many types of sites have spiritual value. Here are some important ones to keep in mind:

- healing or cleansing sites (e.g., the Chu Tthaw hot springs in Ddhaw Ghro Habitat Protection Area);
- ceremonial sites (e.g., a puberty seclusion camp);
- plant harvesting sites (e.g., for making medicines); and
- sacred story sites (e.g., near present-day Carcross, where Animal Mother created today's animals), or Bear Cave Mountain/*Chii Ch'à'an Ddhàa* in the northern Yukon, where *K'aiiheenjik* jumped off a cliff.

### Stewardship considerations

By their very nature, spiritual sites are highly sensitive and must be protected from all types of disturbance. Further, outsiders may not be aware of the significance of these sites, so First Nations heritage departments must be prepared to demonstrate how important they are. This means thorough and accurate research and documentation (as discussed in Section 6), and compiling information in a way that is easy to share with other people and governments when needed.

## SECTION 8: LAND-BASED HERITAGE RESOURCES

Some spiritual sites are well known, may be openly spoken about, and may even be designated in some way (Settlement Land, Special Management Area). But often, these places are not discussed and people may even be discouraged from visiting or discussing them. Sometimes, management of these places does not begin until they are under threat of disturbance, and people become more willing to talk about them.

The task of heritage staff is not to act as gatekeepers or to police spiritual sites. Rather, it is to help promote education about them. For example, the Chu Tthaw hot springs within Ddhaw Ghro Habitat Protection Area have many protocols about how to be respectful when visiting (offering tobacco, going at the right time of year). The heritage department can help people who plan to visit to understand the respectful ways to act when there.

### Additional considerations

Spirituality is different across cultures, and some people outside a First Nation might not understand why a place is given such spiritual significance. Sometimes it helps to use examples from other cultures to communicate its importance. For example, a place where an important battle was fought (like the one at Tatchun River near present-day Carmacks) could be compared to a World War I battle site such as Vimy Ridge. Or, the place near Carcross where Animal Mother gave shape to the animals could be compared to an important place in the Bible.

### Resources

- Man Turned to Stone: T'xwelátse (Stó:lō Nation)
- [www.srrmcentre.com/StoneTxwelatse/1Home.html](http://www.srrmcentre.com/StoneTxwelatse/1Home.html)

### Lessons learned

Decisions on how to manage spiritual sites often depend on whether there is a threat of disturbance. Where sites are in remote areas, and unlikely to be affected by human activity, First Nation governments often choose to avoid publically disclosing their existence (e.g., rock art sites) in order to protect them. In these cases, good management involves leaving things alone. However, where there is real danger of impacts, then education and awareness can be more effective tools for managing the site values, such as with the Chu Tthaw hot springs within Ddhaw Ghro Hot Springs, once part of the McArthur Game Sanctuary, and later the Ddhaw Ghro Habitat Protection Area under Selkirk First Nation's Final Agreement. The area is also special to the Northern Tutchone people of the Little Salmon/Carmacks First Nation and the First Nation of Na Cho Nyäk Dun.

When managing heritage resources, site buffers are commonly used to protect places from being disturbed. For example, 30 metres is a standard buffer for archaeological sites. However, standard buffers may not be adequate where spiritual sites are concerned (see the story about Shallow Bay cremation sites, below).

### Examples

The area around Miin Tl'at (Shallow Bay) on Lake Laberge is known by the Ta'an Kwäch'än to be an old cremation site. In recent years, a rancher applied for title to an existing grazing lease,

which would provide full ownership of the land. The application went through the YESAB process, and Ta'an Kwäch'än Council (TKC) gathered information from its citizens to show the spiritual importance of the area. TKC argued that such an important place needed to be preserved for future generations. In the end, YESAB agreed, and recommended that the title to the land not be granted. However, the Government of Yukon (which can accept, reject or vary YESAB recommendations) decided to grant the title, although with some access limits and buffers included (which TKC saw as inadequate).

Different sites may have different protocols. For example, it is important to leave tobacco when visiting a place like the Chu Tthaw hot springs within Ddhaw Ghro Habitat Protection Area, but not all spiritual places require tobacco. In one case, a visiting young woman made an offering of tobacco at a place where this is not usually done. Local Elders said that this was not the proper thing to do, and shared the correct protocol with her for visiting this place, which was saying a prayer.

This is an example of a subtle but important difference between making an offering in exchange for something — such as taking berries or medicine — and giving an offering to acknowledge the power of a place. Some places require offerings; others do not.

## 8.4 Travel routes

### Overview

Before roads and highways were built, traditional travel routes connected places in what is now called the Yukon like a giant web. They linked important places for harvesting and related groups of people, and allowed long-distance trade to occur. Travel routes are an essential part of many traditional stories, such as the account of the Tlingit war party who travelled from the coast through the Kusawa Lake area to Lookout Mountain (*Naalin*) on the Takhini River.

Travel routes were part of living on the land, not just a way to get from point A to point B. In the long ago days, people could not carry everything they needed for weeks and months; they lived and harvested as they went.

We use the term “travel routes” because using the word “trails” can imply that only visible paths on the land are important heritage resources. Routes are more than just paths over the land. Major routes may encompass sections of rivers, lakes, swamp areas and mountain passes. Parts of them may have been travelled at a certain time of the year (e.g., when swamps are frozen), and specific crossings may have been part of the route (e.g., the place where a canoe frame for crossing a river is left).

Travel routes might also change over time, or vary depending on changing landscapes or people's individual preferences. Higher or lower water levels, glacier movement or dry/wet conditions all affected people's daily choices when moving on the land.

“When we travelled we always had trails to follow. The land is valuable — it's our tracks, our footsteps, for our kids to know, and will be passed on.”

Jane Smarch, Teslin Tlingit Elder

### Stewardship considerations

In some cases, important and well-known heritage routes have been designated under Section 13.4.6 of First Nation Final Agreements. This means that the government agrees to give these areas special consideration when it comes to land-use planning and development assessment. However, most trails have been documented only by First Nations heritage or lands departments, and many remain undocumented. This means that it is up to the staff of those departments to conduct more research, and to know when something is being proposed that could affect these routes.

When addressing development impacts under YESAA, be aware that assessors may look only at impacts on visible sections of trails, and may not think in terms of routes. For example, a project that affects a Vuntut Gwitchin travel route may have real socio-cultural impacts even if there are no visible sections of trail (because they were travelled in winter, or have not been used for some time). Oral history documentation can help establish how these routes were used, and how their disturbance might affect the community's values.

### Additional considerations

Many traditional travel routes were eventually used as highway routes, because they usually followed the easiest or most direct path between places. Even if the physical substance of the route has mostly been destroyed, the stories around that route are still important, and are part of the history of the modern road. The Alaska Highway is the most common example, but smaller roads such as the North Canol Road also have a history that needs to be told.

Some routes may be marked by blazes on trees, made by cutting a section of bark away. Talk to your Elders about any blazing practices in your area (e.g., where on the tree people tended to put their blazes), and keep an eye out for these blazes when searching for travel routes. More rarely, routes are marked with carvings made in trees, especially in the southern Yukon.

### Lessons learned

Elders are usually aware of where old travel routes were located, and many Elders have the skills to draw them on maps. However, drawing a route on a 1:50,000 paper map and finding it on the ground are different things, especially if the route has not been recently used and is grown over. Also, landscape changes may have significantly altered some places, such as riverbanks or meadows that used to be open, but are now grown in with poplar and willow.



Routes are more than just paths over the land.  
Vuntut Gwitchin Government

When you look for traditional routes, be prepared for a lot of bushwhacking and route finding; it is good to have someone with you who is skilled at reading the land. You may consider overflying the area in a helicopter first to assess where a documented route is likely to be. Sometimes blazes were made at the start of routes, though not always. Ridge edges and creek valleys were common areas for traditional routes to be located.

Consider trying digital map options to explore routes on the computer before heading out on the land. Your GIS technician will likely have high-resolution satellite images for most places, or has access to them from Geomatics Yukon. Google Earth can also work well (especially closer to communities, where there is higher-resolution coverage) and can be used to get a 3D view of the land that is similar to what you see flying over the route. Google Earth also provides elevation data when you move your cursor over the map. However, be aware that Google Earth may not show some important details such as forest cover density or swampy areas; this matters a lot when you are out on the land.

Old trails may have been located in places where walking or dogsled travel was possible, but where modern vehicles cannot go. Newer trails may be located near older ones, but may be in slightly different places, where snowmobiles and ATVs can travel. This is where the idea of a “route” allows for more flexibility than thinking of a specific trail.

## Examples

In 2006, filmmaker Allan Code worked with Kaska elder Amos Dyck and translator Testloa G. Smith to create the film *Canol: Strange Invasion*. The film explored the making of the Canol Road in the 1940s and Mr. Dyck’s role as a guide who knew the terrain. The film is a great example of documenting the First Nation’s history of a modern road.

## Resources

- Large-scale map of travel routes on floor of Da Kų Cultural Centre, Haines Junction
- *Canol: Strange Invasion (film)*, by Allan Code (2006)
- Vuntut Gwitchin Navigation Systems Project (2014 interim report at [www.vgfn.ca/pdf/heritage%20VTGN%202014%20Interim%2014.10.14%20smfl.pdf](http://www.vgfn.ca/pdf/heritage%20VTGN%202014%20Interim%2014.10.14%20smfl.pdf))
- Trails layer in Yukon Lands Viewer — <http://mapservices.gov.yk.ca/Lands/>
- *Handbook for the Identification of Heritage Sites and Features* (see Gotthardt and Thomas 2007)
- Kohklux Map (<http://penn.museum/documents/publications/expedition/PDFs/54-2/CloudArticle.pdf>; [www.tc.gov.yk.ca/archives/nothing/fur/networks2.htm](http://www.tc.gov.yk.ca/archives/nothing/fur/networks2.htm))
- Management Plans for Special Management Areas, Habitat Protection Areas, etc. often include a list of routes and trails in their appendices. Copies of management plans for Special Management Areas and Habitat Protection Areas can be found at [www.env.gov.yk.ca/animals-habitat/HPA-SMA.php](http://www.env.gov.yk.ca/animals-habitat/HPA-SMA.php).

## 8.5 Built structures

This section deals with three different types of structures:

- camp structures, such as log pole houses or brush camps;
- caches, including high, low, surface and underground caches; and
- cabins.

These kinds of structures may be found by themselves on the land, although they are often found together (e.g., an old camp with brush structures could well have a cache of some kind nearby). All of these structures have some key elements in common — they are all made of wood and other organic materials and will decay and collapse over time — and so share some common overall stewardship considerations. They also have specific characteristics individual to them; therefore, stewardship considerations for each kind of structure are addressed in separate subsections below.

### Overview: camp structures

These are some of the more common types of shelters:

- brush camps: small one- to two-person lean-tos made from sticks and covered with spruce boughs (called *mun ku* in southern and central Yukon);
- pole houses: made with long (approximately three to four metres) straight poles in a teepee shape (called *njäl* in Southern Tutchone);
- dome tent: usually with a frame made of willow, which is covered with tanned animal hides (moose or caribou). Winter tents may have the hair left on the hides to add more insulation and warmth;
- dugout/moss house: dug out about 3 metres on each side and 20 cm deep, with corner poles in each side, ridge poles and beams put up, walls made from vertical split poles, and moss used to insulate the walls and roof (see McClellan et al. 1987: 141–142).



Making repairs at a heritage site.  
Ta'an Kwäch'än Council

### Overview: caches

A few types of caches were commonly used in the Yukon (Gotthardt and Thomas 2007: 16–24):

- stage cache: a platform between two trees or a group of trees, with food placed on the platform and protected by a skin, and then covered with numerous logs;
- platform cache: an elevated platform constructed on four cut and notched trees or upright posts;

- log cabin cache: resembling a small log house, built on top of four sturdy corner poles, used in more recent times (post-1890s), after First Nations people began building log cabins;
- pit cache: about 3 m by 1.5 m and about 50 cm deep, with edges raised up on two or three logs, the pit lined with hide and then covered with heavy fresh-cut tree trunks; most pit caches are now visible only as circular or square ground depressions; and
- stone cache: built on dry, well-drained ground, and made of boulders that were large and heavy enough to prevent animals from getting the food.

### Overview: cabins

After Euro-American people arrived in the Yukon, First Nations people began to build log cabins when they stayed in one place for long periods, such as wood-cutting camps, trading posts, traplines and villages. Sometimes these are small isolated cabins on a trapline trail or travel route, and other times they are found in small villages, usually along a major river or lake.



Heritage buildings can be at risk from forest fires.  
Teslin Tlingit Council

### Overall stewardship considerations

Built structures are protected under First Nations heritage legislation and the Yukon *Historic Resources Act* (or by federal legislation if in a national park). They should be reported right away to the affected governments, and have signage placed so that others who find them do not disturb them. Tourists may assume that a collapsed building has no modern value, and use parts of it for firewood, benches or rafts. Any camp or cache found should be documented by recording its rough dimensions and GPS coordinates and taking plenty of pictures. You should also compare the location with maps of known sites, which were often documented at small map scales and inaccurate.

In many cases, these resources are already collapsed and cannot be conserved. In other cases, some old structures may be intact and conservation management can occur.

An area with an old camp or cache is part of the modern landscape, and First Nations citizens may want to continue using the area. The structures may be located in an area where a family has a strong history of use. Because First Nations consider heritage a living thing, we don't want to exclude people from these places. Heritage departments can educate people about the need to manage and protect these resources.

Because wooden remains are likely relatively recent (they would likely have decayed if much more than a few decades old), it might be possible to link them to the immediate ancestors of living people.

Climate can greatly affect preservation; areas that are especially dry, such as the Kusawa Lake region, preserve wooden structure much longer than more boggy, marshy areas do. Also, burnt poles tend to be preserved longer than unburnt poles.

It is worth learning about which families have traditionally used the area where old camps or caches are found, and seeing if they have any information about the area. These families would likely appreciate taking a trip to see the area themselves, which is the best way to help draw out their knowledge.

### **Additional considerations: camps and caches**

Often, very little remains of old camps and caches, and you must look carefully to see the evidence of them. A large pile of long straight poles around some larger spruce trees could be an old brush shelter. A small pit depression could be evidence of the type of partial-dugout homes used in the Dawson area. A pile of old logs could be a collapsed cache. Those who are not trained in heritage management may not notice the subtle evidence of old camps, so it is important to educate people about these signs.

### **Additional considerations: cabins**

Almost all cabins and buildings were built recently enough for research on their origins to be possible. People must be cautious in determining whether a cabin has been “abandoned” or not. Although cabins may no longer be used, the families who built them (or their descendants) may still feel they have authority over them. These people should be involved in management decisions about heritage sites with old cabins, and ideally should be involved in any work at the site.

Wooden buildings decay and collapse over time, and their lifespan often depends on what kind of roof they have. Most cabins in remote areas have roofs made of sod and moss, which is great for short-term insulation, but means that the roof rots within about fifty years. However, if a tree grows from the roof, the roots will hold the roof together for a longer period. Some cabin roofs were covered with tin (often from old fuel cans), which helps keep water away and preserves them for longer. In some cases, the cabin remains are totally gone and all that is left is an unclear outline of where the foundation logs sat.

Sometimes, First Nations citizens may want help with restoring a privately owned building because it has heritage value. Decisions about these structures would need to be made on a case-by-case basis, and there may be concern about setting precedents and lack of fairness if there are not enough resources to provide help to everybody who wants it. Nevertheless, the heritage value of the building may outweigh these concerns.

If buildings are located in a present-day town, they will likely be subject to some kind of municipal regulations, and there is a big difference between buildings that will be actively used (which must meet building codes) and those that are visited but not actively used. In either case, you will need to check with your local municipality about the rules that apply; they will affect the cost of the restoration work.

### Lessons learned: cabins

Restoring old cabins is possible, but can be a costly and time-consuming process. Your First Nation needs to decide what its goals are for the site, and what level of investment (in both money and human resources) is appropriate. If the cabin is in a remote area, this will likely mean setting up a work camp, including a kitchen.

Some cabins are in fairly good shape and need only minor repairs that can be done by anyone with basic carpentry skills. However, more decayed cabins might require a lot more work and expert guidance. Unfortunately, there are few experts available in this field, and they are in high demand. Securing the services of such an expert is vital before starting a challenging restoration project. There is a big difference between carpentry skills and specialized restoration experience.

For example, Ta'an Kwäch'än Council (TKC) worked to restore the Frank and Aggie Slim cabin at Upper Laberge. Although the tin-covered roof was in good shape, the walls were nearing collapse, and the cabin had to be mostly dismantled. The TKC work crew was guided by an expert in cabin restoration, but he was not able to be on site every day due to other work; this slowed the process and put a lot of stress on the work crew. Be aware of the need for expert knowledge and the opportunity to teach and work with community members.

### Resources

- *Handbook for the Identification of Heritage Sites and Features* (Gotthardt and Thomas 2007)
- *Standards and Guidelines for the Conservation of Historic Places in Canada*
- [www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf](http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf)

## 8.6 Culturally modified trees

### Overview

Culturally modified trees (CMTs) are trees that are still standing and have been used by people in the past. There were a few ways in which people would modify trees:

- harvesting pitch from spruce, pine and fir (also known as balsam) for medicinal purposes;
- harvesting cambium (inner bark) from pine trees for food;
- stripping birchbark and spruce bark for canoes or baskets;
- blazing trees as trail markers;
- cutting firewood (with adzes or stone axes); and
- carving trees as territorial markers or to commemorate an event.

### Stewardship considerations

CMTs are considered heritage resources in the same way that old camps, caches and cabins are. Make sure to document and record any CMT you find, including an accurate GPS location, and report it to the relevant governments (First Nation, Government of Yukon if on non-Settlement Land, and Government of Canada if it is in a national park).

People often harvest pitch and strip bark close to their camps, so a CMT may indicate a nearby camp. Likewise, when investigating an old camp, be sure to check for CMTs nearby.

### Additional considerations

CMTs can be useful for dating a site. Researchers can find out how long ago bark was stripped from spruce and pine trees by taking a core sample of the tree and counting how many growth rings have formed since the stripping scar was made.

### Lessons learned

It can take some practice in order to hone your eye to find CMTs, and to distinguish these trees from those with natural effects on their bark. For example, it can be difficult to tell the difference between forest fire scars and human bark stripping. If in doubt, take close-up pictures, note the location with GPS, and consult with someone who has experience in identifying CMTs, such as an Elder, heritage staff or archaeologist with local experience.

It can also be difficult to distinguish stumps that were cut with steel axes (which were used relatively recently) from those cut with more ancient stone axes called adzes. Adze-cut stumps tend to have longer downward-facing flutes where people cut strips of wood away. Again, when in doubt, document well and consult an experienced researcher (and beware of mistaking a beaver-chewed stump for one cut with an axe!).

### Examples

### Resources

- *Faces in the Forest: First Nations Art Created on Living Trees* by Michael Blackstock (2001), McGill Queens University Press. Available at Yukon Archives
- *Handbook for the Identification of Heritage Sites and Features* (Gotthardt and Thomas 2007)
- *Standards and Guidelines for the Conservation of Historic Places in Canada* [www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf](http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf)
- Ty Heffner and Susan Heffner. *Gēs Tu'è'/Gyò Chúa/T'ahéeni: The archaeology of the M'Clintock region*. Whitehorse: Yukon Archaeology Program. [www.tc.gov.yk.ca/publications/MClintock\\_Archaeology\\_2015.pdf](http://www.tc.gov.yk.ca/publications/MClintock_Archaeology_2015.pdf). This booklet contains a section on CMTs



A culturally modified tree near Teslin.  
Teslin Tlingit Council

## 8.7 Moveable heritage objects

### Overview

Our ancestors used a huge variety of tools and objects in their everyday lives for hunting, fishing, trapping, gathering and processing food, and making clothing and shelter. They used the materials available to them to make these tools, such as stone, obsidian (volcanic glass), wood, bone, antler, hide, feathers, ochre, sinew and copper. The moveable heritage objects they made help tell the story of our culture and of our relationship to the land and each other. Each one is a window on the lives of past peoples and our connection to them.

An object does not have to be old to have heritage value (nor does every old object have heritage value). Our people today continue to make and use tools and implements in the course of their everyday lives, and some of these may have a heritage value because of their links of the past or their rarity (e.g., fishtraps, snowshoes).

Here are some examples of moveable heritage objects commonly found in the Yukon (this is not a complete list of everything people used in daily life):

- points — spear points, arrow points, microblades, cores and flakes, commonly made from chert (a type of rock) or obsidian;
- dart and arrow shafts — made of wood, found where preserved in alpine ice patches, and may include hide, sinew, resin (for bonding) and markings (e.g., with red ochre);
- sewing and tanning tools — needles, awls, fleshers and scrapers made from bone or stone;
- axes and knives — made of stone or sometimes, native copper;
- animal bones — possibly modified by people when butchering or to make tools (see Section 8.10 on Palaeontology);
- canoes, snowshoes, sleds: wooden frame and hide canoes, or dugout canoes made of cottonwood, birch or other wood; and
- clothing — hide or fur clothing found preserved in alpine ice patches (e.g., moccasin found at Gladstone ice patch).

Generally, only stone and metal objects are preserved over hundreds or thousands of years on the land. Organic materials such as wood, hide and sinew are dissolved by the acids in the Yukon soils within a few decades. There are some exceptions in especially dry areas, where objects may last longer. Also, high alpine semi-permanent ice patches in the southern Yukon have preserved many wood and hide objects, showing us other parts of our ancestors' lives.

Moveable heritage objects are distinguished here from larger, immovable (or difficult to move) objects such as cabins, ancient camps, or petroglyphs. Because moveable heritage objects can potentially be moved from the place where they are discovered, some specific stewardship considerations apply to them.

### Stewardship considerations

In a First Nations context, heritage stewardship is a communal responsibility, and is about strengthening the ties of today's people with their ancestors. When it comes to moveable heritage objects, stewardship is as much about fostering relationships as it is about protecting

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objects. It is not about locking away objects to protect them from people, but rather about facilitating access to and learning about them while also ensuring that they are there for the people of the future.

Moveable heritage objects are protected by law, either by First Nations heritage laws (for those First Nations that have passed this legislation: Tr'ondëk Hwëch'in in 2016; Vuntut Gwitchin in 2017; Na Cho Nyäk Dun in 2017) or by the Yukon *Historic Resources Act* (for objects more than forty years old). If ownership of or family ties to an object cannot be clearly established, it is usually held by the First Nation or the Government of Yukon in a stewardship capacity; see Section 3 on legislation. First Nations heritage departments need to tell their First Nation members about this context, so that they can establish a trusting relationship and citizens will feel confident about bringing objects to them.

Every movable heritage object is unique and has a specific context and set of circumstances around its discovery. Here are the main factors to consider:

### Moving or managing in place

Just because an object can be moved does not mean it should be moved. If it is not under threat from weather, natural processes (such as erosion) or human activity, it might make sense to leave it where discovered, perhaps with some safety precautions to protect it. This is commonly done with subsurface stone tool sites, where full excavation is not necessary.

### Documentation

This is especially important if removing an object from its context of discovery. Before moving the object, it is critical to document as much specific information as possible through photos and notes (exact GPS location, material, condition, colour, surrounding context). People may have insights about how the object was made and used, or for fairly recent objects, even about who may have made it

### Storage and care

First Nations will need to assess whether they have adequate space and facilities to store objects and protect them from deteriorating (e.g., from humidity changes). If not, they may need to look at building such a facility, or storing objects with other agencies or governments.

Some objects are especially fragile and sensitive, and require special care and preservation (and even restoration; see the story about the Gladstone moccasin, below). Wooden objects, paints and glues, and hide clothing are all very susceptible to decay. A hide object exposed to air, light and temperature changes may decay in a short period of time even if it is not used.



Remains of a Crow Flat sleigh at a spring camp in Crow Flats.  
Vuntut Gwitchin Government

It is important to take a long-term view of the needs of heritage objects, so that they are around for many more generations. The resources listed below can provide guidance on how to protect and store heritage objects. Beyond this, conservation and restoration specialists can offer valuable advice and ideas, and can help address specific concerns.

### Access and use

Heritage objects have more value if we learn from them, and access to them should be promoted as much as possible. Further, a First Nation can choose to actually use some heritage objects, rather than preserving them only for observation. This would be very case specific and would depend on factors such as how rare the object is, how fragile it is, and how important it is to learn how to use it.

### Additional considerations

Moveable heritage objects may have been found out on the land, but already be stored at a research or government facility or a private residence. Ownership may be a sensitive issue. In many cases it makes more sense to just research and document the object and provide conservation support, rather than to try to assert ownership.

Beware of the concept of “abandonment.” In many cases, newcomers found our ancestors’ tools and implements and assumed they were abandoned, when in fact they had been purposely left somewhere for future use. During a recent visit to the National Museum of History in Ottawa, Northern Tutchone Elders viewed a set of dog packs that were “discovered” in the Pelly Crossing area several decades ago. Johnson Edwards recognized his old dog packs that went missing from one of his cabins all those years ago! (Little Salmon/Carmacks First Nation’s *Dooli Dän K’i* newsletter, June 2015).

### Lessons learned

Many people work and play in the vast Yukon landscape — hunters, gatherers, hikers, miners, farmers —and they may discover heritage objects. Building good relationships and awareness with these people can make a huge difference in the recovery of heritage objects. It is difficult to enforce laws that require people to turn over any heritage objects they find to the appropriate government. Although laws are an important tool, the reality is that relationships and education will be your most important day-to-day tools in the stewardship of heritage objects.

### Examples

The fragments of a moccasin discovered at the Gladstone ice patch in 2003 by a member of Champagne and Aishihik First Nations were painstakingly reassembled by a restoration specialist — in fact, it was not even apparent at the time of discovery that the wet piece of decayed hide was a moccasin. It turned out to be more than 1,400 years old. First Nations people in the southern Yukon wanted to bring the moccasin to their communities to show it to people and talk about its design and the history of the Gladstone area. The fragments were placed on a custom mold, and a custom storage case was created. Even with all these precautions, however, it proved difficult to transport the moccasin without small pieces falling off the mold. In the end, it is better for this object to be viewed in one central location rather than being moved around.

## Resources

- Handbook for the Identification of Heritage Sites and Features (Gotthardt and Thomas 2007)
- *Alutiiq Museum's Guidelines for the Spiritual Care of Objects* by Sven Haakanson, Jr. and Amy F. Steffian (Alaska: 2004)  
[www.wipo.int/export/sites/www/tk/en/databases/creative\\_heritage/docs/alutiiq\\_guidelines.pdf](http://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/alutiiq_guidelines.pdf)
- Canadian Conservation Institute (CCI) Notes:  
short guides for preserving and storing many different kinds of heritage objects  
<http://canada.pch.gc.ca/eng/1439925167385>
- U.S. National Park Service Conserve-O-Grams (similar to CCI Notes, above)  
[www.nps.gov/museum/publications/consveogram/cons\\_toc.html](http://www.nps.gov/museum/publications/consveogram/cons_toc.html)
- Canadian Museum of History: Gwadał' Zheii: Belongings from the Land  
[www.historymuseum.ca/gwichin](http://www.historymuseum.ca/gwichin)
- *Inuvialuit Pitqusiit Inuuniarutait: Inuvialuit Living History*  
[www.inuvialuitlivinghistory.ca](http://www.inuvialuitlivinghistory.ca)

## 8.8 Pictographs and petroglyphs

### Overview

Our ancestors mainly shared their knowledge orally (i.e., by speaking, rather than writing). Also, they were mobile throughout the year and could not carry writing or carving materials with them, so they sometimes used the wood and the rock along their way as writing surfaces.

A pictograph is a picture that symbolizes words or ideas. In the Yukon, people sometimes drew pictographs on rock or wood surfaces, often using red ochre. Wood tends to deteriorate very quickly, but images on rock may be preserved for hundreds of years, depending on their exposure to weather.

The term “petroglyphs” refers to carvings on rock. Sometimes the term “rock art” is used to refer to petroglyphs. In some cases, carvings or paintings were made on trees, although these would not usually last nearly as long as petroglyphs.

Our Elders tell us that people long ago made pictographs and petroglyphs for several reasons, some practical and some symbolic. Practical reasons might include navigation and territory marking, and symbolic reasons include commemorating an event or story, or possibly a right of passage.

### Stewardship considerations

Pictographs and petroglyphs do exist in the Yukon, but they are rare. Therefore, they are extremely valuable. They are considered a heritage resource, and are protected under Yukon and First Nations legislation. If found on non-Settlement Land, their location should be reported to both the Yukon Cultural Services Branch and the relevant First Nations government's heritage office.

Managing pictographs and petroglyphs could mean making decisions about whether to leave them in place or move them to protect them from harm. In most cases, it is far better to leave them in place and manage them there, unless there is a high risk of harm from development or visitors (i.e., if the resources are close to roads or towns). Moving them risks damaging them, and also removes them from their original context and from where they were created. There may have been powerful reasons why our ancestors chose to make these markings where they did. Elders should be consulted before any management decisions are made.

If left in place, it may be possible to help protect pictographs and petroglyphs from degrading over time; in some cases, people might want to leave them to deteriorate naturally over time. For example, a protective coating might be used to keep them from weathering. This will require input from a trained conservationist who has specific experience dealing with petroglyphs and the type of rock in question.

### Additional considerations

Whether left in place or moved, it is critical to carry out research about pictographs and petroglyphs in order to learn about what our ancestors' might have been trying to convey through them. In studying the pictographs and petroglyphs, we must try to honour the creator's intentions. It can be difficult to interpret what is meant by pictographic symbols, and there may be differences of opinion about this within the First Nation. You can consult individuals with expertise in cultural symbols and imagery, such as Ukjese van Kampen, who has studied Dän (Southern Tutchone) art history, or Elders who are familiar with local beadwork and art designs.

### Resources

- *Standards and Guidelines for the Conservation of Historic Places in Canada*
- [www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf](http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf)

## 8.9 Ancestral resting places and remains

### Overview

Our ancestors' resting places and cremation places are a sacred part of our heritage on many levels. They are deeply spiritual places, and they also have physical elements and stories that require special care and stewardship.

First Nations peoples began to bury their dead in the latter half of the 19th century, a practice introduced by newcomers. Prior to that, cremation was the most common practice, although log burials, where the deceased was placed in a hollowed-out log, and platform burials, where the deceased was placed on a high platform, were also used. Death sites, where they have been documented, are also very significant and warrant proper care. Usually, cremation sites and death sites do not leave a physical trace after many years, and are most often identified through oral histories.

This section focuses on ancestral resting places outside of designated municipal cemeteries. Resting places in these cemeteries are usually marked with stone monuments (that last a long time) and are recent enough that family members know about them (although there may be

some exceptions where no family member is involved). Further, cemeteries are usually managed by municipalities and fall under municipal bylaws.

Resting places out on the land may already be known and documented, or may be discovered by travellers or accidentally disturbed by activity. Whether maintaining old fences or dealing with accidentally discovered remains, First Nations heritage departments will be working with the First Nation, Elders and potentially, with families of the deceased to decide on the best and most respectful approach to take.

### Stewardship considerations

#### Protocols

There may be specific local protocols regarding resting places, cremation or death places that need to be researched and observed. Here are some common protocols among Yukon First Nations:

- In respect to past ancestors, clear your mind of negative thoughts.
- Do not walk across or step in the graves.
- Extend the same level of respect to all grave goods and offerings, since they are a part of the grave.
- Be aware that most First Nations are cautious about having children around graves, although this varies.
- Treat and care for all graves respectfully, whether First Nations or not.

#### Documentation

Each First Nations heritage department should maintain an inventory of resting places outside of established cemeteries, including detailed location information (latitude/longitude coordinates, including degrees, minutes and seconds). This can be done in a simple Excel spreadsheet, though is best linked to a GIS program such as ArcGIS. Such documentation will help protect these sites from future disturbance (e.g., when First Nations review development applications). These inventories will also help with planning for monitoring and maintenance.

.....  
*“We have traditional laws in place that tell us what we can do and what we can’t do on burial sites.”*

Alice Joe, Elder  
.....

#### Working with families

If family relationships can be determined, the family should be consulted regarding any decisions about resting places or human remains. Their wishes should be respected wherever possible, which could include decisions that run counter to common conservation practices (e.g., allowing a grave marker or fence to naturally decay and collapse). In some cases, family wishes might be beyond the scope of the First Nation (see Lessons learned).

Citizens and families should be encouraged to maintain family graves structures, cremation sites, and other resting places that belong to their families. First Nations governments may also choose to assume this responsibility on behalf of their citizens if families cannot be identified or are not willing or able to assume responsibility.

### Discovery of burials and remains

There are a number of ways that human remains may be encountered:

- accidental discovery;
- development-related disturbance (e.g., road construction);
- disturbance resulting from natural factors (e.g., river erosion);
- archaeological or palaeontological investigation; and
- repatriation from another location or facility.

Section 13.9.0 of the UFA provides some guidance on how to deal with the discovery of First Nations burial sites. In addition, in 1999 the Government of Yukon's Heritage Branch published *Guidelines Respecting the Discovery of Human Remains and First Nation Burial Sites in the Yukon* (see Resources, below). These guidelines, summarized here, set out the steps to follow if historical human remains are discovered. It should be noted that the guidelines document has not been reviewed since it was developed, and not all First Nations agreed to it.

### Notification

When human remains are discovered, they should be reported to the RCMP, who will work with the Coroner to determine whether the remains are historical or contemporary. If a burial is discovered, the finder should inform the Government of Yukon and the affected First Nation(s). If the finder is operating under a permit, he or she may also need to inform anyone specified in the permit.

### Identification

If the burial/remains is determined to be (or likely could be) First Nations, then the affected First Nation(s) take on management of the site, in collaboration with Government of Yukon if on non-Settlement Land (since Government of Yukon will be regulating activity in the area).

### Protection

The managers of the site must take steps to ensure that the burial/remains are not further disturbed by human activity or environmental factors such as erosion and flooding. In addition, the affected First Nation(s) may have particular requirements and procedures. The First Nation(s) will provide direction on how human remains are to be handled. The extent to which any First Nations remains may be studied is at the sole discretion of the applicable First Nation(s).

### Investigation and reporting

The site manager(s) need to research the burial to confirm whether it is First Nations or not, and to gather as much information as possible. This would include interviewing people who know the area and historical research involving sources about the area. Specific decisions, requirements or protocols should be determined and followed during any interaction with human remains. These are some typical concerns:

- deciding who handles any human remains;
- research or analysis of human remains;

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- photographing human remains;
- reproduction of any photographs of human remains;
- storing human remains;
- reburial of human remains; and
- activities occurring around the site.

### Stewardship decisions

The site manager(s) decide how the burial/remains should be managed, and whether any movement of the remains or protective measures are required. If family relations can be determined for First Nations burials and remains, the associated family members should be consulted regarding any decisions. If not, the First Nation must play a strong role in deciding what to do. There may be different points of view on how to deal with remains. Some people might feel that the remains should be left where they were found and not further disturbed, while others would rather see them reburied, or perhaps cremated.

### Repatriation of remains

First Nations human remains may have ended up far away from their home communities. In some cases, they may have been taken away from the Yukon by people wanting to study them. The affected First Nation(s) will decide if, when and how the remains should be returned (repatriated), and whether further study of those remains will be permitted in the meantime.

In other cases when people died far from home, their remains might be repatriated to bring them to a closer resting place. The Gwichyaa Gwich'in of Fort Yukon recently did this with their Chief Loola, who died in Seattle while being treated for tuberculosis ([www.newsminer.com/news/local\\_news/the-journey-ends-fort-yukon-chief-is-finally-home/article\\_bb319a92-1924-11e3-9ce0-001a4bcf6878.html](http://www.newsminer.com/news/local_news/the-journey-ends-fort-yukon-chief-is-finally-home/article_bb319a92-1924-11e3-9ce0-001a4bcf6878.html)). Repatriation of human remains is something that must be handled very carefully, because mistakes would have serious impacts. Repatriation will likely be a long process that requires a good deal of documentation in order to prove ancestral ties and authority over the remains.

First Nations governments have full authority for all mortuary sites and burials on their Settlement Lands. In addition, they are entitled to manage the mortuary sites of First Nations people in their respective Traditional Territory.



Willow Frost preparing her presentation on her research trip.  
Vuntut Gwitchin Government

### Additional considerations

Remember that within your First Nation there may be varying opinions on how to approach resting places and human remains; consider, respect and honour all these perspectives. Talk to families and users of the area, as there may be family connections or knowledge within living memory.

Protocols surrounding the accidental discovery of human remains will be different than those for the upkeep of an established cemetery. Develop a plan at the onset to guide the process. Here are some questions to ask:

- Should the remains be wrapped in material? Are there specific protocols for type of material or colour?
- Will the remains be reburied, cremated or dealt with in another manner?
- Where should the remains be reinterred or placed?
- What type of container will be used: manufactured, made in the community, hollowed log, small box, etc.?
- Should the individual face a certain direction when reinterred?
- Is a ceremony necessary?

### Lessons learned

Interviews with elders will help you learn about the general areas where old resting places are located. However, finding them on the land can be difficult, because their markers may have decayed or collapsed. Cremation sites leave little or no physical evidence after a certain time, and are not likely to be found.

Regarding the management of grave sites, families may want to see a level of restoration work that involves significant expense (e.g., restoration of spirit houses). First Nations need to assess these requests on a case-by-case basis, and weigh the responsibility and capability of the family with the stewardship role of the First Nation. In general, it is preferable to involve families in as much work at the site as possible to build a sense of shared stewardship.

### Examples

#### Shared stewardship: Moosehide Cemetery

The Moosehide cemetery is located on a prominent hill looking over the Yukon River. The Moosehide people believed that the bodies need to be close to their spirits up above. All the graves face the river because the sky and the river are believed to be powerful sources of energy. Many generations of Moosehide families are buried here. There are also the graves of people from all over the Yukon; they are cared for by families living at Moosehide. Some of the headstones have been lost and many graves are unknown.

Every year Moosehide families join together on the same day in May to care for their ancestors and those in their care and clean up the cemetery. This tradition and practice of caring is generations old.

### Consensus decision making: Henderson Slough Grandfather of Dawson

In 2011, the remains of Henderson Slough Grandfather — a pre-gold-rush Athapaskan man discovered in 1966 on the banks of the Yukon River near Stewart Island — were repatriated to the Tr'ondëk Hwëch'in (TH) of Dawson City from the Canadian Museum of History, where the remains had been stored since being found. Under the guidance of Elders, TH facilitated a process that explored community protocols for this unprecedented situation.

Through the facilitation of staff of the Tr'ondëk Hwëch'in government an Elders Advisory Group composed of five elders was established to come to a decision on what to do with the remains.

The group met several times, received the input from all who had shared their thoughts, and came to a consensus on the following steps to take;

- Henderson Slough Grandfather would be wrapped in a blanket, laid in a coffin and reburied;
- all grave belongings would be reburied with him;
- reburial would take place as close to the original burial site as practical; and
- no funeral ceremony would be performed, but all neighbouring First Nations would be invited to send a representative.

Although these specific steps may not be appropriate for another situation, the lesson learned was that a successful approach was achieved from within the community, by a diverse group with varying beliefs. Differences were put aside, respect was put at the forefront, and a decision was made.

In another case, the reburial of human remains found at Crow Point, just upriver from Old Crow, was conducted in much the same manner as with Henderson Slough Grandfather. The remains and casket materials were buried quickly and close to the place they were found, with a small group in attendance and a prayer spoken at the new gravesite. The discovery that the human remains were not Athapaskan did not change the process, since the Vuntut Gwitchin take responsibility for any burials on the traditional territory, whether Gwich'in or not.

### Kwäday Dän Ts'inchj: "Long Ago Person Found"

In 1999, a party of sheep hunters found human remains and associated objects at the foot of a glacier in Tatshenshini-Alsek Provincial Park in the northwest region of British Columbia, near the Yukon border. Throughout the process of identifying the ancient remains, Champagne and Aishihik First Nations and the Tlingit of Klukwan, Alaska worked with archaeologists from the Governments of B.C. and Yukon, as well as the Royal B.C. Museum and UBC, to develop a respectful process and protocols. There were different point of view in the community about what to do, and since this was an unprecedented situation, decisions were challenging and were handled very carefully. In the end, the communities involved decided to permit scientific studies for a limited period of time and to remove the remains, cremate them and hold a funeral and potlatch. The First Nations and scientists involved worked diligently to achieve a balance of research, learning and respect. See the Resources section for more information.

## Resources

- *Guidelines Respecting the Discovery of Human Remains and First Nation Burial Sites in the Yukon*: [www.tc.gov.yk.ca/pdf/respecting\\_guidelines\\_her\\_1999\\_08.pdf](http://www.tc.gov.yk.ca/pdf/respecting_guidelines_her_1999_08.pdf)
- Kwäday Dän Ts'inchj — "Long Ago Person Found"  
Champagne and Aishihik First Nations newsletter, Winter 2009: [http://cafn.ca/wp-content/uploads/2015/04/Kwaday\\_Dan\\_Tsinchi\\_Newsletter\\_March\\_2009.pdf](http://cafn.ca/wp-content/uploads/2015/04/Kwaday_Dan_Tsinchi_Newsletter_March_2009.pdf)  
British Columbia Ministry of Forests, Lands and Natural Resource Operations:  
[www.for.gov.bc.ca/archaeology/kwaday\\_dan\\_tsinchi/index.htm](http://www.for.gov.bc.ca/archaeology/kwaday_dan_tsinchi/index.htm)

## 8.10 Palaeontology

### Overview

Yukon palaeontological items provide information about a time when the Yukon was a very different place environmentally. First Nations are connected to palaeontological finds; these objects come from the land and speak of a time when the ancestors of the first people lived here. Palaeontology in the Yukon focuses on a relatively recent time period, mostly from about 15,000 years ago. This was a time when animals such as Woolly mammoths, giant sloths, camels, scimitar cats and steppe horses lived here. The fossil bones of these animals are often found during placer-mining activity near Dawson and from sites on the Crow and Porcupine rivers.

### Stewardship considerations

Palaeontological objects require storage and cataloguing. Interpretive potential is high for these objects and if they are hardy enough they can be handled. In some cases they can be treated with preservative, although this treatment will not allow future radio carbon dating of the item. Conservation considerations include temperature and humidity monitoring; the objects quickly lose moisture when exposed to the air.

Community members tend to be very interested in palaeontological finds. The research potential for palaeontological items is increased if the people who find them record information about the location where the object was found, including GPS coordinates, soil conditions and date. First Nations need to make decisions about which items to keep, especially when storage space is limited. However, even the smallest shard of bone can contain DNA information that could be useful to a research project.

Heritage staff will deal with situations such as the legality of selling palaeontological items, community members being approached by artists who want to purchase ivory, and community members bringing items in for identification.

## Resources

- Ice Age Klondike: [www.tc.gov.yk.ca/publications/ice\\_age\\_klondike\\_2011.pdf](http://www.tc.gov.yk.ca/publications/ice_age_klondike_2011.pdf)
- Ice Age Old Crow: [www.tc.gov.yk.ca/publications/ice\\_age\\_old\\_crow.pdf](http://www.tc.gov.yk.ca/publications/ice_age_old_crow.pdf)
- Beringia Research Notes



# SECTION 9

## Managing cultural holdings

### 9.1 Documenting indigenous knowledge

Documented traditional knowledge is of little use if people can't find it and use it. Once you have completed documenting something, it needs to be properly transcribed, catalogued and stored. Most First Nations have cataloguing systems set up for storing this information, including formats for computer file names.

If you do not yet have such a system, it is critical to get one set up. Without it, you risk losing valuable knowledge. Take the following steps after you have finished documenting cultural information.

#### Transcribe the documentation if necessary

Most interviews and oral histories need to be transcribed (i.e., the spoken information needs to be written down), with the exception of performances or large group gatherings. Transcription takes a lot of time and skill, and not just anyone can do it. If you use local people for this task, make sure they have the necessary typing ability, playback equipment, and patience. A one-hour interview can take up to eight hours to transcribe.

#### Catalogue the information in a database

This could be as simple as an Excel spreadsheet or could involve a more complicated system. Make sure you have a record of all your documentation in a way that is easy to find and use. If you don't yet have a system set up, ask another First Nation or an archives professional for help.

#### Use a common format for computer file names.

File names such as "Elijah Smith Interview" will cause confusion — what if there are several Elijah Smith interviews in your records? How will you tell them apart? Also, if the interview was done by Kwanlin Dün First Nation and the file was shared with another government, how would the recipient know it was a KDFN interview? This information needs to be captured in the file name.

Above: Various kinship groups will participate in the management of resources such as a berry-picking area.  
Tr'ondëk Hwëch'in

### Inform others who need to know about the information.

Databases are great for storing information, but they can't replace human communication. Other First Nation departments might benefit from the knowledge that has been documented (e.g., the health department that is holding a camp on traditional medicines). That being said, before any specific information can be shared, the right permissions must be in place. This is where a well-drafted Prior Informed Consent statement can help. It should clearly state what the information can be used for and when permission must be obtained (see Section 6.3).

### Policies on documented cultural knowledge

Each First Nation has its own policies and practices on access to cultural information that has been documented. A few elements are common to most policies or practices:

1. Free, Prior and Informed Consent (FPIC): Before interviews or documentation start, you must inform the subject about why the documentation is happening, what the information will be used for, and who will have access to it. Many First Nations' policies include FPIC forms to use. Most interviews done before about 2005 will not have FPIC forms.
2. Access restrictions: Most First Nations policies explain how and when documented cultural information can be used, and by whom. In some cases, permission is required every time documented information is shared outside the First Nation. In other cases, FPIC forms may say what the information can be used for. It is important not to assume that approval to use information once means universal approval to use it any time.
3. Research permits: There may be additional policies for outside researchers who want to work with First Nations members. These can include reviewing research materials before they are published, or having First Nations staff members participate in research.

## 9.2 Repatriation and collections research

### Overview

Many Yukon First Nations heritage objects are held in museums and other collections around the world. This section deals mainly with heritage objects. (For more details on repatriating human remains, see Section 8.9.) There are many considerations when it comes to repatriating heritage objects and human remains (see Stewardship considerations, below). However, it is assumed that First Nations would almost always want to repatriate human remains when their origin (provenance) can be established, rather than leaving them in collections outside the territory.

Heritage objects can be valuable sources of knowledge and information about the past. Each one has a specific history: some were given as gifts, traded for or sold, while others were taken without permission. For some objects we have detailed information about where they came from; for others, we have little or no information.

More and more, museums and other holders of heritage collections around the world are eager to work with Aboriginal people on collections research and repatriation (bringing heritage objects back to the community), where appropriate. There is a growing recognition of Aboriginal self-determination and of our right to be stewards of our own cultures, and of the huge value these objects and their stories have to communities.

Conducting research about these objects can help fill in some gaps about their history, and also bring important knowledge back to the community. Accurate information about the objects is important in order to inform decisions about whether the First Nation pursues repatriation.

The Government of Yukon has created a research project and registry called Searching for Our Heritage (see link in the Resources section below) that locates Yukon heritage objects in collections around the world. The project began in 1986, and has identified more than six thousand objects of Yukon origin in more than 170 institutions around the world. Although detailed contextual information is not available for all items, the database is a valuable starting point for identifying possible connections between First Nations and these objects.

To date, there have been limited cases of repatriation of Yukon heritage objects and human remains. There have been four cases where human remains were repatriated (see the paper by Daitch under Resources) and only one case of repatriation of heritage objects (see Examples, below). This is partly due to the limited number (until recently) of suitable storage facilities and expertise, and partly due to the difficulty in identifying provenance. Further, some First Nations are not interested in taking on the responsibility for the objects, and for now prefer to study these objects while leaving them in safekeeping elsewhere.

There is no legislation in Canada governing repatriation of Aboriginal heritage objects or human remains. Situations are handled on a case-by-case basis. In the United States, the *Native American Graves Protection and Repatriation Act* was enacted in 1990. Although it does not apply in Canada, it has had some influence on repatriation here, especially where American institutions are working with Canadian Aboriginal peoples.



Beading patterns may yield some clues about the origin of an object. Tr'ondëk Hwëch'in

### Stewardship considerations

The question of whether to pursue repatriation is a complex one, and there are many factors to consider:

- How fragile is the object in question?
- Does the First Nation have the facilities and expertise to care for it properly?
- How certain are you of your First Nation's connection to the object? Are there other First Nations that may also have a connection to it?
- How culturally sensitive is the object? For example, a pair of beaded mitts is likely less sensitive than a totem pole. First Nations may not want more sensitive objects to remain in outside collections.

- What expenses are involved? Is significant research required to determine provenance, determine protocols, move the object, or host ceremonies?
- Museums and collections holders outside the Yukon are much more likely to be open to repatriation when the provenance of objects can be clearly established, and when there is some concern about the ethics of how they were obtained. If objects have been legally obtained and/or provenance is unclear, museums are likely to be less enthusiastic about partnering with First Nations on repatriation.

### Additional considerations

Often, we have little or no contextual information about the origins of objects held in outside collections. Provenance information may simply say “Athapaskan” or “southern Yukon.” Although the object itself may yield some clues about its origins (e.g., sewing style, beading patterns), this is not usually enough to clearly identify its origin.

Further, the boundaries of modern First Nations and Traditional Territories do not necessarily correspond with those of the past. For example, an object may have been recovered from the Marsh Lake area, which is within the Traditional Territory of at least three Yukon First Nations. This can make it difficult to determine who to return the objects to.

### Lessons learned

It may be possible to bring home important cultural knowledge and information without actually repatriating objects, thereby avoiding the expense and burden of holding and managing them. Tr’ondëk Hwëch’in has used the Searching for Our Heritage database to identify many objects of Hän origin. Based on traditional objects researched through the database, they have held workshops on making babiche bags, snowshoes, hide tanning tools, moccasins, mittens, drums, and bows and arrows.

It is also possible to bring back Yukon items even if specific provenance is difficult to establish. In 1998, the Council of Yukon First Nations, MacBride Museum and the Government of Yukon collaborated to repatriate several objects from the Anglican Diocese of British Columbia. Because very little provenance information about the objects was available, they were not returned to one specific community, but are being held in trust by MacBride Museum until an appropriate facility and arrangement are available.

### Examples

In 2015, Northern Tutchone Elders and technical staff journeyed to the Canadian Museum of History in Ottawa to view and research objects in the collection that were thought to have a Northern Tutchone origin. Highlights included one Elder finding a beaded purse that she remembered making together with her mother, and another Elder recognizing some dog packs that he believes were the same ones that went missing from one of his trapline cabins!

In 2000, the Gwich’in Social & Cultural Institute launched a project to work with Gwich’in seamstresses to create replicas of caribou skin outfits held in the collection of the Canadian Museum of History. Over about three years, more than forty seamstresses worked to create five

new sets of caribou skin clothing, which are currently on display in four Gwich'in communities and at the Prince of Wales Northern Heritage Centre in Yellowknife. This is a great example of a project where important knowledge (such as how to work with porcupine quills) and an invaluable cultural connection to the past were brought to the Gwich'in communities without going through the process of repatriating the original items.

In other cases, objects have been repatriated and replicas have been created for the outside agency that held the original object. For example, the Haisla people of B.C. repatriated a totem pole from the Museum of Ethnography in Stockholm, Sweden in 2006, and sent four carvers to create a replica for the museum. "We don't see it as being that we have lost a totem pole, but that we have gained friends," said Anders Bjorklund, Director of the museum.

### Resources

- Searching for Our Heritage online database  
[www.searchingforourheritage.ca](http://www.searchingforourheritage.ca)
- *Repatriation Yukon and Beyond: Cases to Consider with the Digital Launch of Searching for our Heritage* by Claire Daitch, 2013  
[www.searchingforourheritage.ca/wp/wp-content/uploads/2013/05/Searching-for-Our-Heritage-Paper-Final.pdf](http://www.searchingforourheritage.ca/wp/wp-content/uploads/2013/05/Searching-for-Our-Heritage-Paper-Final.pdf)
- Gwich'in Social & Cultural Institute: Gwich'in Traditional Caribou Skin Clothing Project  
[www.gwichin.ca/clothing](http://www.gwichin.ca/clothing)
- *Returning the Past: Repatriation of First Nations Cultural Property. Four Case Studies of First Nations Repatriation* by UBC Museum of Anthropology, 2008  
<http://moa.ubc.ca/wp-content/uploads/TeachingKit-Repatriation.pdf>

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Some of these resources are available online. Others may be available at your local library or at Yukon Archives ([www.tc.gov.yk.ca/archives.html](http://www.tc.gov.yk.ca/archives.html)).

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## Appendices

### Appendix 1. Legislation related to heritage

<a href="http://www.canlii.org/en">www.canlii.org/en</a>	this site has useful information about and links to legislation across Canada
<i>Cultural Property Export and Import Act</i>	<a href="http://laws-lois.justice.gc.ca/eng/acts/C-51">http://laws-lois.justice.gc.ca/eng/acts/C-51</a>
<i>Historic Resources Act</i>	<a href="http://canlii.ca/t/8jg3">http://canlii.ca/t/8jg3</a>
<i>Languages Act</i>	<a href="http://canlii.ca/t/8j58">http://canlii.ca/t/8j58</a>
<i>Placer Mining Act</i>	<a href="http://canlii.ca/t/8jg7">http://canlii.ca/t/8jg7</a>
<i>Quartz Mining Act</i>	<a href="http://canlii.ca/t/8j4q">http://canlii.ca/t/8j4q</a>
<i>Scientists and Explorers Act</i>	<a href="http://canlii.ca/t/8jbh">http://canlii.ca/t/8jbh</a>
<i>Umbrella Final Agreement</i>	<a href="https://cyfn.ca/agreements/umbrella-final-agreement">https://cyfn.ca/agreements/umbrella-final-agreement</a>
<i>Yukon Environmental and Socio-Economic Assessment Act</i>	<a href="http://canlii.ca/t/7vzc">http://canlii.ca/t/7vzc</a>

### Appendix 2. Dates of First Nation Final Agreements

Carcross/Tagish First Nation	2005
Champagne and Aishihik First Nations	1993
First Nation of Na Cho Nyäk Dun	1993
Kluane First Nation	2003
Kwanlin Dün First Nation	2005
Little Salmon/Carmacks First Nation	1997
Selkirk First Nation	1997
Ta'an Kwäch'än Council	2002
Teslin Tlingit Council	1993
Tr'ondëk Hwëch'in	1998
Vuntut Gwitchin First Nation	1993



