Society of American Archivists
Council Meeting
January 25 - 27, 2012
Chicago, Illinois

Final Report: Native American *Protocols* Forum Working Group
(Prepared by: Working Group Member Jennifer R. O'Neal)

This report provides a general overview of the Native American *Protocols* Forums (2009-2011), details possible next steps by members of the NAPF working group and authors of the *Protocols*, and discussion points for the SAA Council.[1] An appendix is attached with the full minutes from the August 26, 2011, meeting.

Forum History and Overview

In 2006, the *Protocols for Native American Archival Materials* were developed to identify best professional practices for culturally responsive care and use of American Indian archival material held by non-tribal repositories.[2]

In 2007, the authors (via the Native American Archives Roundtable) requested endorsement from numerous organizations, including SAA in 2007. The SAA president responded by creating a Task Force that was given the responsibility to solicit membership opinions, as well as other interested parties, regarding the *Protocols* and report the results to the Council. The Task Force was also authorized to suggest possible next steps that the Council might take in response to the *Protocols*, of which they offered seven different motions for the Council's consideration. In 2008, the Task Force officially submitted their report and awaited the Council's decision. Later that year, the Council officially decided not to endorse the *Protocols* and instead voted to create a three-session Forum at the next three SAA Annual Meetings (2009-2011) "to provide a formal structure through which SAA members can express thoughts and share opinions about the *Protocols*."[3]

The first Forum in 2009 provided just such an opportunity for members to state their support, opposition, concerns, suggestions, or any other comments on the *Protocols*. The forum was opened by the then-Chair of NAAR, Ruth Bayhylle, and the discussion was moderated through the use of a "talking stick." Individuals asked probing questions about how to begin implementing the *Protocols* in their repositories, as well as how to find out more about the

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[1] Detailed Reports and minutes for previous forums (2009-2010) have already been submitted to the SAA Council.

[2] The official copy of the *Protocols for Native American Archival Material* is at http://www2.nau.edu/libnap-p/, retrieved January 4, 2012.

[3] SAA Task Force Report, February 2008; the full report of can be found on the SAA website at http://www.archivists.org/governance/taskforces/0208-NativeAmProtocols-IIIA.pdf.

Protocols. Some in attendance had already incorporated the best practices into their museum or archive and stated that the *Protocols* represent an affirmation of relationship building and diplomacy between repositories and Native American communities. Other thoughts and suggestions included: the *Protocols* will be used as part of an education outreach initiative with Native American communities in northern California for tribal archives; we should work more closely with Canadian Archivists and First National Archivists; each community is unique with many levels of complexity; and the Native American Graves Protection and Repatriation Act (NAGPRA) has had a positive effect on the museum community because relationships have been established and now consultation is the norm.[4]

The second Forum in 2010 explored current projects using the *Protocols,* specifically highlighting the Plateau Peoples' Web Portal (PPWP), a Web-based environment that allows the Plateau peoples' cultural materials, held at various repositories in Washington and at the Smithsonian, to be curated directly by Plateau Tribes.[5] Dr. Kim Christen and Shawn Lamebull from Washington State University gave a very detailed and thorough presentation of the PPWP project, including how it originated, current work with communities, and future possibilities. Christen noted that although this project pre-dates the *Protocols*, it can offer an example of implementation of some of the best practices recommended by the contributors to the *Protocols*. The PPWP grew out of Christen's work with the Waramungu community in Tennant Creek, Australia. Missionaries had provided digitized documentary materials on CDs, but the Aboriginal community did not have a knowledge management system that implemented cultural *Protocols* (i.e., male vs. female viewing). The end result was the creation of the Mukurtu Wumpurrani-kari Archive, which resides only at Tennant Creek. Viewing, reproduction, and dissemination of materials that belong to the Waramungu community are based on local *Protocols*. The archive is expandable and adaptable and therefore reflects their culture and social norms.

The foundation and backend of this system then helped in the creation of a similar project for the Plateau Center for American Indian Studies at WSU that expressed interest in collaborative curation. The WSU special collections and archives had materials belonging to tribal communities but those individuals didn't just want access to a mass of information digitized online, they wanted access and some control. Community members wanted to keep the metadata archivists had created and wanted to add the community perspective as well, including traditional knowledge, such as videos, audio, metadata, and comments. The three main principles guiding the project are: respect, recognition, and responsibility. The project has been developed over the last three years and is now a fully interactive archive and content management system that allows tribes and cultural institutions to co-curate and co-manage Web materials. This project provided the ideal example of how the *Protocols* can be implemented, and, furthermore, how collaboration is possible between archivists and tribal communities.[6]

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[4] Full minutes were provided in the 2009 NAPFWG Report.
[5] See the full website here http://plateauportal.wsulibs.wsu.edu/html/ppp/index.php, retrieved January 4, 2012. See also, Kimberly Christen, "Opening Archives: Respectful Repatriation." *The American Archivist* 74, no. 1 (2011): 185-210.
[6] A question and answer session occurred at the end of the presentation, all the questions and comments can be found in the 2010 NAPWG Report.

Finally, the third and final Forum in 2011 focused on implications regarding the newly endorsed United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), incorporating the *Protocols* into archival education and the next steps for the *Protocols*. When the *Protocols* were drafted in 2006, the United Nations was still discussing UNDRIP and did not adopt it until September 13, 2007, thus it was not included in the text of the *Protocols*. Initially four countries had previously voted against endorsement of the declaration, including the United States, Canada, Australia, and New Zealand. However, all four have since reversed their position and have agreed to endorse the declaration. There are a number of specific articles that are immediately pertinent to the *Protocols* discussion, including 3 (right to self-determination), 11 (right to practice and revitalize cultural traditions and customs; states must provide redress regarding illegally acquired cultural and intellectual property), 12 (right to practice spiritual traditions and customs) and 31 (right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions).[7] Members of the Working Group noted that an important resource to look toward is the *Community guide for the U.N. Declaration on the Rights of Indigenous Peoples*, which is published in Australia for indigenous communities.[8] In the future, perhaps the U.S. may draft a similar document for tribal communities based on Australia's version.

Much discussion also ensued regarding how archival educators can incorporate better knowledge about the *Protocols* and indigenous initiatives and how archival ideas are discussed in archive programs. Kelvin White of the University of Oklahoma will continue Lotsee Patterson's work and emphasis on Native American librarianship and archival education. Reference was also made to the recent SAA article on the archival multiverse and the notions of archives, memory, and identity.[9] The article provides specific ideas for proposing a model for pluralizing archival education, with eight objectives to reach this goal. Other comments at the meeting suggested drawing upon Australian models to examine the ideas of digital repatriation and how to think of this respectfully and collaboratively. Some educators are aware of the *Protocols* and want to include them in the curriculum. In order to bring awareness regarding the *Protocols*, the issues must be implemented into the archive education curriculum. Furthermore, education will also help to reach a larger audience about endorsement of the *Protocols*.

Next Steps

At the 2011 Forum, members of the Working Group reminded the attendees that the main goal of the forums was to educate members about the *Protocols*, provide a mechanism to share opinions and discussion, and share that discussion throughout the profession. However, at this time SAA has not provided an official charge about what should happen next. Consequently, Jennifer O'Neal suggested the following next steps.

- The first step is to compile the final report for the Council to provide a general overview of all three forums, which she volunteered to complete.

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[7] The full declaration is available at http://www.un.org/esa/socdev/unpfii/en/drip.html, retrieved January 4, 2012.
[8] Copies of the guide are available at http://www.hreoc.gov.au/declaration_indigenous/declaration_full.html, retrieved January 4, 2012,
[9] The Archival Education and Research Institute (AERI), Pluralizing the Archival Curriculum Group (PACG), "Educating the Archival Multiverse" *The American Archivist* 74, no. 1 (2011): 69-101.

- Then, she and David George-Shongo (current NAAR chair) would like to reconvene the original authors of the *Protocols* and possibly inviting new interested participants[10] to do the following: make clarifying alterations to the language in the document based on the forum conversations (and other meetings), add an appendix with numerous case studies, and include information about UNDRIP.

- After this task is completed, the Native American Archives Roundtable would then present the *Protocols* document to the SAA Standards Committee for a review and endorsement of an External Standard, following the established procedures as stated on SAA website.[11]

We have suggested the above steps after reexamining the initial Task Force report from 2008, which stated:

> The Task Force notes, as do several commentators, that the *Protocols* were not developed by an SAA body or by a body jointly created by SAA and some other organization. The *Protocols* are "owned" by its authors and only they are capable of definitively modifying it. Thus the SAA Council, although it may take many actions, may not endorse and promulgate an amended version of the document without clearly identifying that the amended document is issued by SAA and is something different from and not endorsed by the authors of the *Protocols*.[12]

Initially, we interpreted this statement to mean that SAA would never endorse a document that is not produced by SAA. However, SAA staff clarified that "the task force's intent was to stress that SAA could not modify the original authors' document based on member comments obtained by the task force. The SAA Council can and does endorse external documents, but was not willing to endorse the Protocols as written." [13]

Discussion Items for the Council:

1. Are the above suggested next steps and procedures agreeable to Council for moving forward for the endorsement of this External Standard?
2. If not, what procedures would you suggest for endorsement of this External Standard?

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[10] The occurrence of this gathering would be based on whether or not external grants funds can be secured.
[11] "Procedures for SAA endorsement of an External Standard," http://www.archivists.org/governance/handbook/standards_com3.asp, retrieved January 18, 2012.
[12] SAA Task Force Report, February 2008, pg. 21.
[13] Staff Note and Clarification received January 11, 2012.

APPENDIX 1:

Native American *Protocols* Forum Meeting Minutes
August 26, 2011
12:00-1:15
Submitted by: Karen Underhill

David George-Shongo opened with traditional welcome prayer.

Terry Baxter described the background to the *Protocols* (2006 gathering of 19 in Flagstaff, Arizona; 2007 request for endorsement by SAA Council; creation of a Council task force in 2008). This was the last of three SAA forums. The first provided an opportunity for questions from members. The second explored current projects, such as the Plateau Peoples' Web Portal. The third focused on the future of the *Protocols*.

Jennifer O'Neal of the NMAI offered an overview of next steps. She and David hope to receive funding to reconvene the *Protocols* contributors and invite new participants to make clarifying alterations to the language in the document based on the Forum conversations (and other meetings), to add an appendix with numerous case studies, to include information about UNDRIP (U.N. Declaration on the Rights of Indigenous Peoples), and ask the SAA Council to endorse the spirit of the *Protocols* —if not the full document.

The main charge from SAA to the *Protocols* working group was to host forums and sessions about the *Protocols*. SAA has not provided an official charge about what should happen next. Jennifer and the *Protocols* task force will draft a report (white paper) with recommendations to present to the SAA Council for the January 2012 meeting. For those interested in what's going on, Jennifer will create a blog to keep everyone updated (transparency).

Ally Krebs told the story of the UNDRIP. Four countries had previously not endorsed the declaration, including the U.S. and Canada. All four have since reversed their position. President Barack Obama promised to rescind the no vote. There are a number of articles that pertain uniquely to the discussion. A great resource: Community guide for the U.N. Declaration on the Rights of Indigenous Peoples (from Australia).

Two articles from UNDRIP that are immediately pertinent to the *Protocols*: 11 and 31 (Krebs read these.) How is this applied, particularly in the U.S.? We can draw inspiration from these articles. U.S. courts now cite UNDRIP.

Anne Gilliland – how does this impact archival education?

Much discussion ensued among archival educators about ways they can incorporate better knowledge about the *Protocols* and Indigenous initiatives and how archival ideas are discussed in programs. Kelvin White of the University of Oklahoma will continue Lotsee Patterson's work and emphasis on Native American librarianship and archival education. Reference was made to the recent SAA article on the archival multiverse and the notions of archives, memory, and identify. Drawing upon Australian models, we should examine the ideas of digital repatriation

and how to think of them respectfully and collaboratively. Some educators are aware of the *Protocols* and want to include them in the curriculum.

Terry Baxter – opened the meeting to general discussion.

Q: How important at this stage is official endorsement from the SAA?
Jennifer: It would be great, but won't stop us from implementing the *Protocols*. The main issue is the backlash people have about the *Protocols*. We've seen with case studies that there has been success. Endorsement would help end the debate.

Comment: How do we create greater awareness beyond the archival community? More than the archival community needs to endorse these.

Ally: Education will allow you to reach a larger audience. *Protocols* are similar to the U.N. declaration; hesitant at first but progress moves forward. We have also seen the inclusion of tribal archivists into the discussion.

Jennifer: When *Protocols* were drafted, it was done with SAA members, but also non-members outside of SAA. Endorsed by a group outside of SAA - First Archivists Circle.

Comment: As a museum professional, look at incorporating the *Protocols* into the collections management policy.

Anne: NAGPRA is a legislated approach; adoption of the *Protocols* is voluntary. Ethics versus legality. If SAA does not endorse, there are implications. There is a code of ethics (doesn't jive with the *Protocols*). Best practices, such as descriptive standards, also don't jive with the *Protocols*. Get those perspectives into the final document and be part of the Code of Ethics/best practices. Don't be 'MADE' to do it, it should just be the 'right' thing to do.

Robert Leopold: Committee for Ethics and Professional Conduct. Some *Protocols* -like language has been added to the Code of Ethics, as recently as a couple days ago. Only a small number of comments opposed the language about collaboration with communities.

Comment: NAGPRA and the other SAA (Archaeology). Because of the powerful force of NAGPRA, there is a real push for it. It appears to be trickling down to the SAA (Archivists). This process will be a long one as a result.

Karen Underhill: Comment on feedback for *Protocols*. Not many formal endorsements, but some incorporation of ideas among a range of institutions and educators: First Archivist Circle (copyright holder), AASLH (informal), Northern Arizona University Cline Library (formal), Union of British Columbia Indian Chiefs (formal), Union of British Columbia Indian Chiefs Resource Centre (formal), Native American Archives Roundtable, Society of American Archivists, and Northwest Archivists (in the works). The museum world was terrified about NAGPRA at the beginning, but over time it has been accepted. Define repatriation as more '"digital" rather than physical/legal. Lotsee presented at the American Indian Library Association and received a "spirit" endorsement, but not formal.

Comment: Case studies are necessary. This is where best practices arise.

Comment: Use them as a teaching tool. How can I do that in the most culturally-sensitive way.

Jennifer: Case studies for each section of the *Protocols* will be included. There are at least 15 different case studies that she's aware of that will assist with thinking critically about the *Protocols*. This not only affects Native American communities but also is applicable to many other communities as well.

Comment: A historian of the ancient world. *Protocols* are a wonderful framework about information sharing in a wider space, especially in the digital world. *Protocols* help people figure out what is important to share. Digital Library of America would be a great framework. He will point to the *Protocols*.

Jennifer: These have been a great guide for others, even outside the archival community.

Comment: Issue of reciprocity – you've got a mechanism to change the dynamic. Digital world is a catalyst for reciprocity.

Jennifer: Is there anyone else who wants to share case studies who didn't get a chance to speak in the last session?

Kirsten Thorpe: Interesting to hear the U.S. perspective. Australia is working on a similar project. What resonates with her is the discussion about how things take a long time. A lot of the work she's done (sharing pictures) has resulted in healing. They've moved past the challenges and have moved forward in their national conversation. Don't dwell on the challenges, but look at what we can do, particularly with technology. Communities are creating their own content and people are participating in their own way.   The archives connection is a real living thing.   To SAA: it's not a scary thing. Reconciliation is possible through archives work.

Terry: Additional thoughts/comments?

Ally: Address the educator's question about using case studies. Opportunities exist in your own university, because chances are they have information etc. on local Native American communities. Use these materials as a basis for the curriculum. We have more than enough resources to animate the application of the *Protocols*.

Jennifer: We share similar foci with other groups within SAA; these issues come up in discussions within these groups.

Comment: Case studies would fit in very well at future SAA forums on cultural property.

Deborra Richardson: Struck with how *Protocols* can resonate among different communities. If you are open to at least one community's perspective, you might be open to others. Having a

construct to look at when working with materials is a great way of what it's like to walk in somebody else's shoes. We all have cultural sensitivities.

Q.: What does council say about all of this?

Deborra: Haven't talked about it lately, but we've been open to hearing more about diversity in society. We are willing to support issues that move us forward. We rely on the membership to "pull our coattails."

Comment: Was very impressed with the SAA leadership who engaged in a six hour conversation about the *Protocols*, when first presented by the Native American Archives Roundtable.

Q.: Is there a way that Council could put the call out for final comment?

Jennifer: This is the way it will happen. Do the report, gather the group, collect case studies, ask for endorsement in spirit, and disseminate revisions through Council with a call for comments from membership.

Comment: Great. We all need to provide feedback. Just wanted to say that it's critical to provide feedback.

Deborra: The membership is responsible for providing input.

Kim Christen: If *Protocols* don't get endorsed, it doesn't mean that they are dead. A Protocol is a suggestion, not legally binding.

Jennifer: *Protocols* talk about relationship building and how to start the process.