

An Agreement Concerning the Stewardship of the *Witness Blanket* – A National Monument to Recognize the Atrocities of Indian Residential Schools

The mandate of the Canadian Museum for Human Rights (the “Museum”) is to explore the subject of human rights, to enhance the public’s understanding of human rights, to promote respect for others, and to encourage reflection and dialogue. The Museum is located on ancestral lands in Treaty 1 Territory, that have always been and continue to be home to Indigenous peoples.

The *Witness Blanket*, a large-scale art installation, was created by Carey Newman (the “Artist”) as a national monument to recognize the atrocities of the Indian Residential School era, honour the children, and symbolize ongoing reconciliation.

As a national museum dedicated to the evolution, celebration and future of human rights, the Museum understands and embraces its responsibility to respond to the Truth and Reconciliation Commission’s Calls to Action to redress the legacy of residential schools and advance the process of reconciliation in Canada.

In recognition of its responsibilities towards reconciliation, and the importance of the Stories about and held within the items that make up the *Witness Blanket*, the Museum respectfully wishes to enter into an agreement with the Artist to become joint stewards of the *Witness Blanket*.

This agreement forms part of a complex understanding that is only fully realized through both the signing of the written agreement and the performance of, and joint participation in, ceremony observed, understood and remembered by Witnesses. Together, the written and oral commitments form the foundation of this ongoing relationship based on mutual trust and respect.

Together, the Museum and the Artist acknowledge and agree to the following principles:

We acknowledge the cultural and spiritual significance of the *Witness Blanket*, as well as the profound knowledge and experiences embedded in the *Witness Blanket*.

We recognize the importance of the *Witness Blanket* not only for its representation of Canada’s human rights history and the genocide committed by Canada against the Original peoples of the land we share as our home, but also for the opportunity it offers to advance dialogue and discussion about genocide and reconciliation in Canada.

We respect the Stories and People whose stories are attached to the *Witness Blanket* and commit ourselves to uphold and honour the cultural integrity of the Stories and the People they represent.

We recognize that the *Witness Blanket* is not owned by any single person, and that this agreement and any exchange of funds does not transfer legal ownership of the *Witness Blanket*, but formally shares responsibility for the physical and spiritual care of the *Witness Blanket*.

We agree that any rights associated with this agreement reside with the *Witness Blanket*, and accept that as collaborative stewards, the Museum and the Artist share the responsibility of making decisions that are in the best interest of the *Witness Blanket*.

We agree to act in partnership and in accordance with traditional teachings that include Respect, Humility, Love, Truth, Honesty, Courage and Wisdom, and the concept of Past, Present and Future.

The spirit and intention of this agreement is to ensure that the Stories told by the *Witness Blanket* are preserved and shared for future generations.

Honouring the past, respecting the present and acknowledging our responsibility to the future, the Museum and the Artist agree to transfer physical custody of the *Witness Blanket* into the Museum's care and stewardship.

The responsibilities and commitments made under this agreement are as follows:

- The Museum will provide respectful lodging for the *Witness Blanket* and commits to caring for the *Witness Blanket* for the duration of this agreement.
- The Museum understands and honours the responsibilities and duties required to be respectful stewards of the *Witness Blanket*.
- The Museum will provide recommendations for the conservation of the *Witness Blanket* and will work in collaboration with the Artist to determine the most respectful methods for treating and preserving the *Witness Blanket*.
- The Museum will work with the Artist to identify an appropriate selection of Stories to transfer with the *Witness Blanket* to support the repair, display and sharing of the *Witness Blanket*.
- In discussion with the Artist and the Community, the Museum will make reasonable efforts to provide access to the *Witness Blanket* in a variety of ways and formats.
- The Museum and the Artist will collaborate in the development of a reproduction of the *Witness Blanket* for the purpose of creating a travelling exhibition, enabling wider access to the *Witness Blanket* Stories while preserving the original *Witness Blanket* for future generations. The Museum will assume responsibility for the management of the travelling exhibition.
- The Artist will provide guidance with respect to the cultural protocols, care, maintenance and preservation of the *Witness Blanket* and will support the Museum in its commitment to care for it.
- The Artist will be responsible for responding directly to requests for personal appearances.
- The Artist and the Museum will work together to designate the future voices that will represent the Museum, the *Witness Blanket* and the Artist's family in order to continue the collective conversation and fulfill our respective responsibilities to this agreement while honouring the Newman family's inherent connection to the *Witness Blanket*.
- This agreement honours the terms of the financial arrangement noted in Appendix D.
- This agreement will be guided by both Kwakwaka'wakw traditional legal orders and Canadian Common Law.

In fulfilment of our commitment to this ongoing relationship, the Museum and the Artist will review this agreement yearly (meeting remotely or in person as appropriate) in addition to committing to a renewal feast every four years on or around the anniversary of the inaugural feast. Through these points of connection, this agreement may evolve or be revised by mutual agreement in writing.

In the spirit of this partnership, it is intended that this agreement will endure for seven generations forward. The Museum and the Artist agree that they will uphold their commitments and this agreement for a minimum of ten (10) years, following which the agreement will continue unless both the Museum and the Artist (or Artist's designate) agree to end the agreement.

The Museum and the Artist will willingly enter into discussion with the Community (that includes Story Keepers and Witnesses) regarding respectful handling of the *Witness Blanket* should this agreement come to an end.

The Museum and the Artist honour these commitments to each other, to the *Witness Blanket*, and to future generations to come.

Our signatures below acknowledge our commitment to this relationship of trust and our responsibilities therein.

John Young
President and CEO
Canadian Museum for Human Rights

Carey Newman
Artist
The Witness Blanket

Dated this _____ th day of _____, 2019.

Appendix A: Kwakwaka'wakw Ceremony

Oral culture has governed Kwakwaka'wakw social and legal orders since time immemorial. Cultural, social and legal transactions, agreements and the sharing or transmission of rights were marked through ceremony and recorded in several ways. One was by calling Witnesses who were paid to remember, tell and retell the story of the events that had transpired. Another was through the creation of artistic records that could take many forms, from the raising of a monumental carved pole, to the design on a bentwood box or ceremonial blanket, to a small rattle, a talking stick or even a song. Connected by their dynamic and continuous use, these methods were very effective at preserving our histories from generation to generation, through millennia.

Another important principle in Kwakwaka'wakw ceremony is feasting. The art of hosting (feasting) includes a cultural practice of invitation, seating guests, blessing the space, identifying Witnesses, feeding guests, singing a feast song, storytelling and gift-giving. As a finale, the Witnesses are invited to speak. They recount what they saw, what they heard and how this made them feel. This, their story, our story, is what they carry and will retell to others. These feasts or potlatches remain an important aspect of Kwakwaka'wakw governance and social and legal orders, and centre around building and maintaining relationships based in trust, recognition, mutual respect and friendship.

In recognition of these cultural teachings, and to enact this agreement and maintain the relationship, the Museum and the Artist agree on the following:

- To come together in ceremony on the traditional territory of the Kwakwaka'wakw people within one year of signing the paper document.
- To create a physical embodiment of the agreement in the form of a feast dish or box of treasures. This piece will both symbolically and literally hold the story of this agreement.
- To mutually agree upon and name four Story Keepers who will each receive copies of the written document. The Story Keepers will be tasked with telling and retelling the story of how the document was created and remembering the original spirit and intent of the agreement.
- To name, call and recognize four Witnesses who will be asked to speak at the conclusion of the ceremony, and then remember and recount the event for future generations.
- To feast together as a demonstration of their mutual respect and friendship, and their commitment to honouring the *Witness Blanket*.
- To maintain and renew the relationship over time, coming together to share in food and remembrance at least once every four years, but as often as is required to fulfill their commitment to the care and stewardship of the *Witness Blanket*.

In this way, we intend to bring together Indigenous and Western legal principles in a manner of mutual respect, where each supports and upholds the other.

Appendix B: Definitions

NB: Throughout the written agreement, certain words – that would not usually be capitalized in standard English grammar – have been capitalized to signify their importance in the context of the Witness Blanket. They are defined below for additional understanding, along with other significant non-capitalized words.

Community means the group that represents the interests of the Museum, the Artist and the *Witness Blanket*. The Community would be called upon if significant changes were to be made to the agreement, or if either party could no longer fulfill their commitments to the agreement. This group includes the Story Keepers and Witnesses identified through the traditional ceremony and oral component of this agreement.

lodging means a culturally appropriate place to store and care for the *Witness Blanket*, recognizing that the *Witness Blanket* includes pieces that are treated as living beings. A lodge is considered a place of rest and may incorporate protocols indicated by Elders. It can be an alternative to the use of terms used in a museum context for storage, display or preservation of objects (e.g. display case, vault).

People means the persons whose lives were impacted by Indian residential schools – students, mothers, fathers, survivors and their families. It includes persons from the past, the present and the future.

seven generations is a cultural phrase that indicates forward thinking and future sustainability, roughly translated into 140 years.

spiritual care means acknowledgement of cultural protocols that are required to respectfully care for the *Witness Blanket* in harmony with Western concepts of conservation and preservation.

steward/stewardship means holistic responsibility for the care of the *Witness Blanket*, acknowledging the agency and rights of the *Witness Blanket*, and recognizing that no one person owns the *Witness Blanket*. Stewardship has been purposefully chosen in lieu of acquisition.

Stories means the physical items and recorded oral testimony that contribute to the whole of the *Witness Blanket*. Stories is capitalized to recognize that these items are living beings embodied in the *Witness Blanket*.

Story Keepers means the people designated by the Artist and the Museum (four from each side) to receive copies of the written document. Designation of Story Keepers, detailed roles and succession plans are articulated in Museum procedures accompanying this agreement.

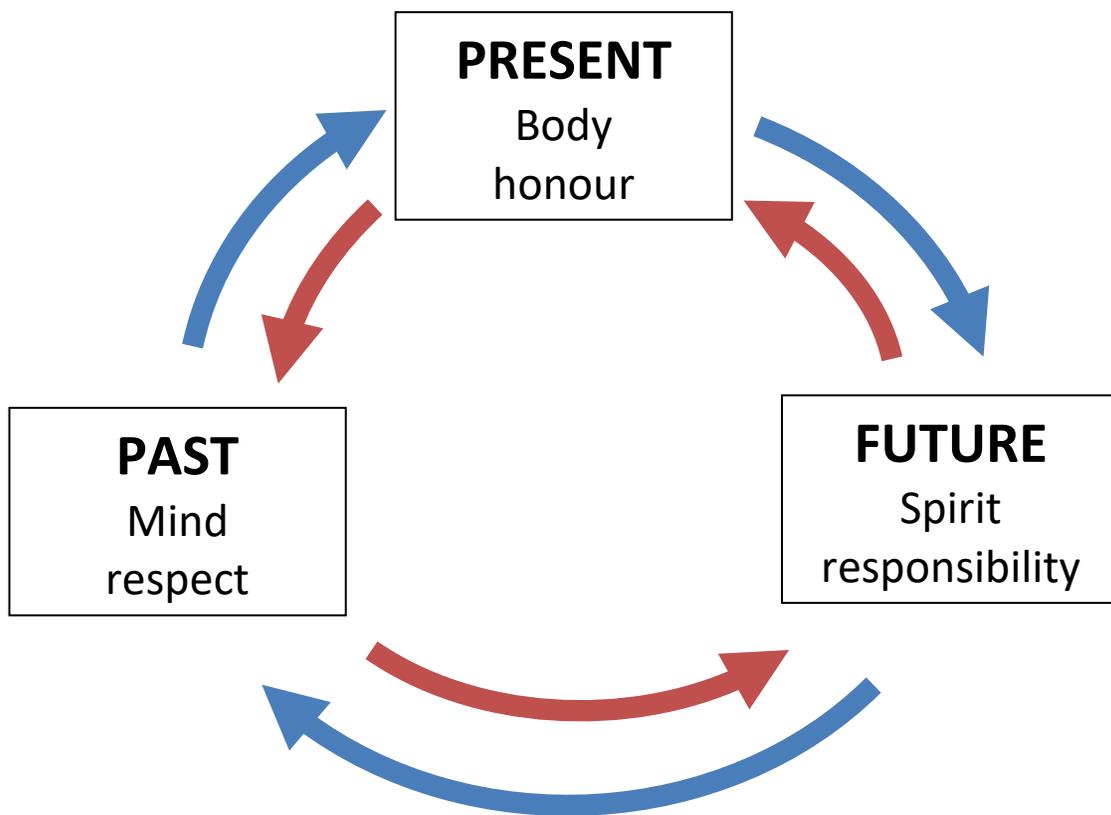
traditional teachings refer to traditional concepts or lessons understood to be sacred and which form the foundation for healthy, respectful relationships. The traditional teachings listed in this agreement are not universal but are mutually shared by the Kwakwak'awakw and Coast Salish traditions of the Artist, and traditions of Treaty 1 Territory nations where the Museum resides.

Witnesses means the people designated by the Artist and the Museum (four from each side) to observe, understand and remember the specific context of the agreement. Each Witness holds an oral record of the agreement. Designation of Witnesses, detailed roles and succession plans are articulated in Museum procedures accompanying this agreement.

Appendix C: Past, Present, Future

The cultural values of respecting the past, honouring the present and responsibility to the future ask us to consider our own existence within the continuum of life. The lives we live are built on the wisdom of our ancestors who came before us. They entrusted us with stewardship of the land that sustains us, the air we breathe, and the water that gives life to all. When we acknowledge this, we take on the responsibility of continuing their ways and decisions. We do this by respecting and carrying their wisdom forward, passing on the same gifts to future generations that were given to us.

During our lifetime, although we have access to the resources and knowledge that surround us, they do not belong exclusively to us, they also belong to those who came before us and the generations yet to come. The generation of the present must always consider that the decisions we make and the actions we take reflect our past and impact the future. In this way we are connected across time and it requires us to embody each of these principles in the way that we walk. This is our system of accountability.



Appendix D: Financial Agreement

Both the Artist and the Museum recognize that the terms of this financial arrangement do not accurately reflect the true value of the *Witness Blanket*, as its value is both immeasurable and cannot be monetized.

It also recognizes that, due to budgetary limitations and public accountability, the Museum must be prudent in establishing its financial commitments.

As such, the Museum will pay an initial one-time fee of two hundred and fifty thousand dollars (\$250,000) to the Artist in consideration of the opportunities which this collaborative stewardship represents for the Museum.

In addition, the Museum also commits to applying best efforts to raise up to an additional five hundred thousand dollars (\$500,000) through fundraising and/or sponsorship to further support the project which will be transferred to the Artist in further consideration of the value placed on the *Witness Blanket* and the opportunities that it represents. However, if despite best efforts, no additional funds are raised, then the CMHR will not be required to transfer any additional payments to the Artist beyond the initial one-time fee of two hundred and fifty thousand dollars (\$250,000).

To uphold the principles, spirit and intent of this agreement, and to honour residential school survivors and the commitment they made to reconciliation through the establishment of the Truth and Reconciliation Commission's Commemoration Initiative, which was the original source of funding for the creation of the *Witness Blanket*, the Artist agrees to commit the entirety of the fee resulting from this financial agreement toward the establishment of a legacy project that will continue the work of art and reconciliation.