

DRAFT RESOLUTION # 13 / 2018

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

TITLE: Respect, Protection, and Preservation of Indigenous Knowledge Systems

SUBJECT: Indigenous Knowledge Systems; Environment; Fisheries

MOVED BY: Chief Calvin Sanderson, Chakastaypasin Band, SK

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
 - ii. Article 13 (1): Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
 - iii. Article 13 (2): States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
 - iv. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
 - v. Article 31: Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage traditional knowledge and traditional cultural expressions as well as the manifestations of their sciences, technologies, and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- B. First Nations have a special relationship with Mother Earth and all living things in it, including a collective responsibility to protect the land and resources for future generations.
- C. Collective ownership and responsibility of Indigenous Knowledge Systems (IKS) and its interpretation lies with each First Nation, recognized and affirmed under s. 35 of the *Constitution Act*, 1982, as well as through Treaties, agreements, or other constructive arrangements.

DRAFT RESOLUTION # 13 / 2018

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- D. The Convention on Biological Diversity (CBD) has several relevant articles: the Article 8J Working Group has considered traditional knowledge for the last twenty years; and Article 10C to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.
- E. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) has a sub-committee on Aboriginal Traditional Knowledge (ATK) that focuses incorporating Aboriginal Traditional Knowledge into COSEWIC's assessment of species at risk.
- F. The Assembly of First Nations (AFN) rejects and repudiates the doctrine of discovery, "terra nullius", and any other doctrines of superiority as illegal and immoral, and affirms that they can never be a justification for the exploitation and subjugation of First Nations and the violation of human rights.
- G. Western Science and IKS are separate and unique, but can be complementary when balanced and braided together to support fully informed decision-making.
- H. IKS is a valid and essential source of knowledge and a way of being, and the governments and entities described above must follow all related protocols when incorporating it into government decisions and actions, including legislation, policy, regulations, developments, implementation and planning.
- I. In April 2017, at an Advisory Committee on Climate Action and the Environment (ACE) meeting in Halifax, Minister McKenna formally requested the AFN Elders Council assist in the development of a framework to guide how the government approaches and works with IKS, Elders, and Knowledge-Keepers.
- J. Increasingly federal legislation, such as Bill C-69, *An Act to enact the Impact Assessment Act, Canadian Energy Regulator Act, to amend the Canadian Navigation Protection Act and make consequential amendments to other Acts* and Bill C-68, *An Act to amend the Fisheries Act* and other Acts in consequence, are referencing the mandatory consideration of IKS in the implementation of the Acts.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Direct the Assembly of First Nations (AFN) to call on the Federal, Provincial and Territorial governments to:
 - a. respect, honour, and prioritize, the Indigenous Knowledge Systems (IKS) policies and protocols that First Nations and their Elders and Knowledge Keepers have in place or will put in place;
 - b. require the free, prior, and informed consent (FPIC) of First Nations, including elders and knowledge holders, regarding requests for the use of IKS; and
 - c. provide support and capacity to First Nations to facilitate protection, practice, preservation, and promotion of IKS for future generations. As well as to First Nations to protect and, in some instances, rehabilitate, the lands, waters, air, and environment from which it has been provided.
- 2. Direct the AFN to support and coordinate discussions with First Nations, Elders, Knowledge Keepers, regional organizations, and provincial/territorial organizations, for the development of an IKS Framework.

D R A F T R E S O L U T I O N # 1 3 / 2 0 1 8

AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

3. Direct the AFN to call on all responsible federal Ministers to provide adequate funding directly to individual First Nations to support the protection, practice, preservation, and promotion of IKS for future generations.
4. Direct the AFN to call on Canada to ensure that legislation, policy, regulations, and programs fully respect the constitutional and other legal obligations of the Crown to First Nations, including the minimum standards set by the United Nations Declaration on the Rights of Indigenous Peoples.