ANNUAL GENERAL ASSEMBLY
JULY 20, 21 & 22, 2010, WINNIPEG, MB

Resolution no. 38/2010

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| TITLE: | First Nations Sovereignty over Biological and Genetic Resources and Associated Traditional Knowledge |
| SUBJECT: | Access and Benefit Sharing and the Convention of Biological Diversity |
| MOVED BY: | Chief Wayne Christian, Splatsin First Nation, BC |
| SECONDED BY: | Clifford Atleo Sr., Proxy, Tseshaht First Nation, BC |
| DECISION: | Carried by Consensus |

WHEREAS:

A. First Nations have constitutionally protected Aboriginal rights to their natural, biological and genetic resources and associated traditional knowledge.

B. First Nations have self-government rights and jurisdiction over their natural, biological and genetic resources and associated traditional knowledge and are the primary decision-makers regarding their use, control and management

C. Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples provides that Aboriginal peoples have an affirmed right to maintain, control, protect and develop their Aboriginal knowledge and associated genetic resources.

D. The Government of Canada, by adoption and ratification of the United Nations Convention on Biological Diversity (the "CBD") asserts sovereignty over biological and genetic resources.

E. The Government of Canada:

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SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

- has been actively engaged in discussions at the international intergovernmental level with respect to the negotiation of an international regime regarding access to genetic resources and benefit sharing since the adoption of the CBD;

- has participated in meetings under the CBD and routinely opposed references to the rights of Indigenous and local communities over their biological and genetic resources and associated traditional knowledge;

- has been engaged in the development of national government policy on access to genetic resources and the sharing of benefits arising from their utilisation (commonly known as 'ABS policy') for a number of years and has yet to engage in any meaningful and substantive consultation with First Nations in this regard;

F. The approach taken to date by the Government of Canada in engaging with First Nations on the development of both domestic and international ABS policy development has been grossly inadequate and Canada has failed in its duty to consult, accommodate and obtain our consent.

G. It is critical that First Nations actively monitor the activities of the Government of Canada in order to protect First Nations' sovereignty over our natural, biological and genetic resources and associated traditional knowledge.

H. The Assembly of First Nations has been, and will continue to participate in meetings on Access and Benefit Sharing (ABS) including the July 10-16, 2010 ABS Working Group meeting in Montreal and the tenth meeting of the Conference of the Parties (COP 10) from October 18-19, 2010 in Nagoya, Aichi Prefecture, Japan.

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

1. Direct the Assembly of First Nations to inform the Prime Minister that the Government of Canada does not have the authority to trample upon First Nations' rights to our natural, biological and genetic resources and associated traditional knowledge.

2. Direct the Assembly of First Nations to affirm and advance First Nations' rights and sovereignty over their biological and genetic resources and associated traditional knowledge at the national and international level including, but not limited to

    - participation and submissions in meetings under the Convention on Biological Diversity including the July 10-16, 2010 ABS Working Group meeting in Montreal and the tenth meeting

of the Conference of the Parties (COP 10) from October 18-19, 2010 in Nagoya, Aichi Prefecture, Japan.

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3. Mandate the Assembly of First Nations to advocate for immediate and substantive engagement of First Nations and other indigenous peoples in the development of a Canadian Access and Benefit Sharing (ABS) regime.

4. Mandate the Assembly of First Nations to work in consultation with representatives of First Nations and indigenous organizations in BC and elsewhere attending the tenth meeting of the Conference of the Parties (COP 10) from October 18-19, 2010 in Nagoya, Aichi Prefecture, Japan including representatives of the Union of BC Indian Chiefs and the BC First Nations Summit.

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