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| TITLE: | Joint Development of Domestic Access and Benefit Sharing Policy |
| SUBJECT: | Environment |
| MOVED BY: | Clifford Atleo Sr., Proxy, Tseshaht First Nation, BC |
| SECONDED BY: | Chief Wayne Christian, Kukpi7, Splatsin First Nation, BC |
| DECISION: | Carried by Consensus |

WHEREAS:

A. In 1992 Canada ratified the *Convention on Biological Diversity* which has three main objectives: to conserve biological diversity, to ensure its sustainable use, and to secure fair and equitable sharing of benefits from the use of genetic resources, such as the medicinal use of plants.

B. Canada is working to fulfill its international obligation to create a domestic access and benefit sharing policy.

C. The current draft access and benefit sharing policy does not adhere to the requirements outlined in the *Convention on Biological Diversity* and its implementation guidelines that stipulate respect for Indigenous Peoples, their knowledge, and their ownership of genetic resources.

D. The draft policy on access and benefit sharing is inappropriate, because it relies on a patchwork of existing policies, mechanisms, and laws, including inadequate intellectual property right laws, lack of First Nations' control over genetic resources, and lack of recognition of First Nations' treaty rights and title over land and resources.

E. First Nations have not been adequately consulted by Environment Canada during the drafting process for the access and benefit sharing policy.

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F. Any policy drafted without effective engagement of First Nations will not adequately provide protection of our traditional knowledge, practices or cultural expressions.

G. Any policy drafted without effective engagement and consultation of First Nations constitutes a violation of the Crown's duty to consult.

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

1. Direct the AFN to demand that the Government of Canada acknowledge First Nation sovereignty and ownership of our traditional knowledge and genetic resources, including First Nations principles of access and benefir sharing.

2. Direct the AFN to call upon Environment Canada to engage all First Nations in the development of the domestic policy on access and benefit sharing.

3. Direct the AFN to demand that Environment Canada withdraw the current draft ABS policy and replace it with a policy that is jointly drafted with First Nation governments and First Nation organizations.

4. Direct the AFN to call upon federal and provincial governments to make funding available to First Nation communities for capacity building in order to eliminate unequal bargaining power between First Nation communities and users of genetic resources.

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