

*Guided* by our worldview of the interconnected and interdependent relationship of all life on Mother Earth;

*Declaring* that all doctrines, policies, and practices based on or advocating superiority of Peoples or individuals on the basis of national origin or racial, religious, ethnic, or cultural differences are racist, scientifically false, legally invalid, morally condemnable, and socially unjust;

*Declaring* that Indigenous Peoples have suffered from historic injustices as a result of, inter alia, colonization and dispossession of lands, territories, and resources, thus preventing the exercising of, in particular, the right to development in accordance with our own needs and interests;

*Declaring* that the rights affirmed in treaties, agreements, and other constructive arrangements between States and Indigenous Peoples are, in some situations, matters of international concern, interest, responsibility, and character;

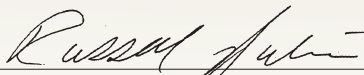
*Declaring* that Indigenous Peoples have the right to traditional medicines and to maintain health practices, including the conservation of vital medicinal plants, animals, and minerals;

*Declaring* that Indigenous Peoples have the right to maintain and strengthen distinctive spiritual relationships with traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas, and other resources and to uphold responsibilities to future generations in this regard;

*We* the Aboriginal organizations and individuals assembled within visual distance of ISKENISK, our traditional ancestral homeland gathering site continuum of 10,500 years, declare the following as essential to keep under constant advisement in implementing the intent of the Convention on Biological Diversity in Canada for the access, use, and fair and equitable sharing of benefits arising out of the utilization of genetic resources and associated traditional knowledge:

#### Article 1

Mother Earth concentrates all energy to give life to everything, without asking for anything in return. Our worldview, as Aboriginal Peoples, requires us to respect Mother Earth and to conduct ourselves in a manner that does not violate our interconnected and interdependent relationship with our soils, waters, air, ice, mountains, and all natural life (biodiversity) on Mother Earth.



Russell Julian, Keptin  
Mi'kmaq Grand Council



Johanne LaRoque  
New Brunswick Aboriginal Peoples Council




Jeffery Stevens  
SARA – NACOSAR



Roger Hunka, Director  
Maritime Aboriginal Peoples Council



Wendy Wetland  
New Brunswick Aboriginal Peoples Council



Sharon A. Ross MacAusland, Elder  
Native Council of Prince Edward Island

# Iskenisk Declaration

on the  
Access, Use, and Fair and Equitable Sharing of Benefits Arising Out of the Utilization of  
Genetic Resources and Associated Traditional Knowledge in Canada

#### Article 2

Aboriginal Peoples within the Federation of the Peoples of Canada have survived the derogation of our *complete liberties* (rights) under treaties, dislocation from our traditional ancestral homeland territories, denial of our birthright identity, and forced disassociation from our languages, cultures, traditions, and practices thereto.

#### Article 3

Mother Earth and Aboriginal Peoples have been victimized by greed, the *doctrine of terra nullius*, the *doctrine of dominance*, and more, all of which have brought about the devastation of biodiversity; destruction of soils, waters, air, and ice; disassociation from respectful and caring practices; denial of peoples duties to future generations; discord between Peoples; disproportionate distribution of wealth from ingenuity and progress; disharmony in the manner and dislocation in the approach for the utilization of natural resources, their genetic characteristics, and their derivatives; and the dishonest treatment of traditional knowledge of Aboriginal Peoples.

#### Article 4

Aboriginal Peoples within the Federation of Canada must be allowed the responsibility to effectively demonstrate our vital role in conservation, sustainable development, and benefit-sharing under fair and equitable terms, as members of the *family of humanity* on Mother Earth.

#### Article 5

Aboriginal Peoples must not allow Canada to undermine or percolate subversive meaning to the *Convention on Biological Diversity*, or the decisions or protocols thereto, including the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization*, to accommodate economic incentives alone or to slip the Convention, decisions, or protocols away from public view.

#### Article 6

Aboriginal Peoples' respect, knowledge, and holistic approach to natural resources and biodiversity includes the genetic properties of such resources and their derivatives. A restricted interpretation of the term “genetic resources” disrespects the worldviews of Aboriginal Peoples and upstages or puts on hold discussions and concurrent work on the subject.

#### Article 7

There is within the Federation of Canada both a “*user*” and a “*provider*” construct to access and benefit-sharing. Accepting this “*user and provider*” reality, reshapes the opportunities available and reveals the benefits and value of seriously engaging with Aboriginal Peoples in effective, meaningful, and open partnerships; no less than aspired in the *Nagoya Protocol*, and keeping under review the *Convention on Biological Diversity*, on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization.

Signed at ISKENISK, Mi'kma'ki, Canada on March 28, 2011



Joshua McNeely, Director  
Ikanawtiket Environmental Inc.



Priscilla Martin Doucett, Elder  
New Brunswick Aboriginal Peoples Council



Alastair McPhee  
Aboriginal Relations Advisor



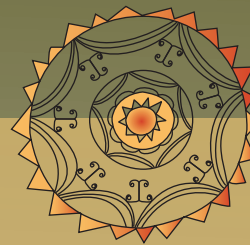
Tim Martin, BOD  
Native Council of Nova Scotia



Natalie Whysot  
New Brunswick Aboriginal Peoples Council



Kayla Larkin, Youth  
Native Council of Prince Edward Island



#### Article 8

Canada's assertion of complete authority to determine access to genetic resources is qualified and limited by the provisions of Sections 25 and 35 of the supreme national domestic law - the *Constitution Act, 1982*.

#### Article 9

Bio-technology activities which may affect Aboriginal Peoples' resources, access, and use rights require consultation and accommodation. If no accommodation can be achieved, then compensation must be made to the affected Aboriginal People. Anything less is considered to be an act of *bio-piracy*.

#### Article 10

Canada's implementation of the *Nagoya Protocol* must have the full and effective participation and involvement of all Aboriginal Peoples within the Federation of the Peoples of Canada.

#### Article 11

Aboriginal Peoples, continuing within the boundaries of the Federation of the Peoples of Canada, take issue with the *Nagoya Protocol* restriction on capacity-building limited to Peoples only of “*developing countries*”. Aboriginal Peoples in “*developed countries*”, like Canada, require access to financial mechanisms and broad supports to develop capacity and awareness and for meaningful involvement and effective participation on access and benefit-sharing matters.

#### Article 12

The structure and operational framework of any ABS Clearing-House in Canada must be negotiated with the full and effective participation and involvement of all Aboriginal Peoples within the Federation of the Peoples of Canada.

#### Article 13

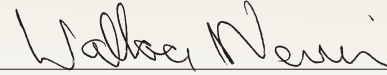
For basic transparency and representative governance in Canada, Aboriginal Peoples must be a part of the decision-makers and have seats within an oversight council for any National ABS Clearing-House.

#### Article 14

A National ABS Clearing-House and a National ABS Focal Point in Canada must comply with the constitutional provisions of Section 25 and 35 of the *Constitution Act, 1982* and must honour jurisprudence on the subject of “dealings with Aboriginal Peoples”, which must not appear to be sharp – the *Honour of the Crown* is at stake.

#### Article 15

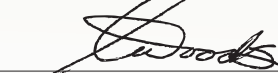
Access, use, and benefit-sharing of natural resources, genetic properties, and traditional knowledge has a moral, social, political, and economic dimension, which must be addressed through international norms and an international regime. Failure to adequately address or police access, use, and benefit-sharing from abuse, violates sustainable use of natural resources and the need to protect human health and the environment from adverse effects and from products or activities with suspect *Source of Origin*.



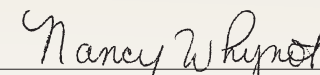
Wallace Nevin  
Mi'kmaq Citizen



Lenny Thomas  
Mi'kmaq Citizen



Anna Nibby-Woods  
Mi'kmaq Artist & Writer



Nancy Whynot, Elder  
Native Council of Nova Scotia

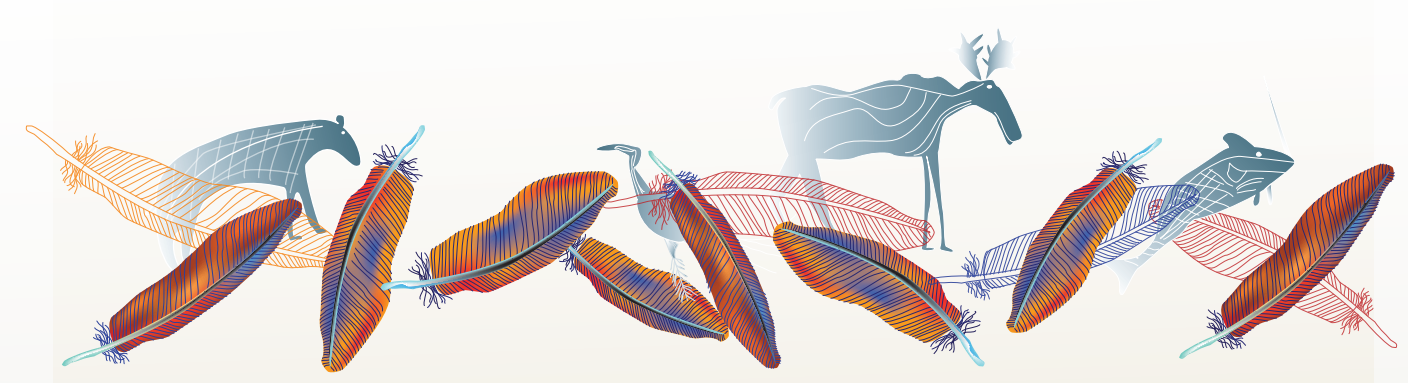


Dr. Chidi Oguamanam  
Dalhousie University



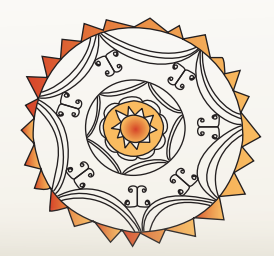
Anita Valdes, Youth  
New Brunswick Aboriginal Peoples Council





# Iskenisk Declaration

on the  
Access, Use, and Fair and Equitable Sharing of Benefits Arising Out of the Utilization of  
Genetic Resources and Associated Traditional Knowledge in Canada



Signed at ISKENISK, Mi 'kma 'ki, Canada on March 28, 2011

