

A representative group of Maritime Aboriginal Peoples continuing throughout the traditional ancestral homeland territories of the Mi'Kmaq, Malicite, and Passamquoddy Aboriginal Peoples, together with ABS Canada (A Social Sciences and Humanities Research Canada Project titled: "Towards an Aboriginal Sensitive ABS Policy for Canada") with several national and international experts on Access and Benefits Sharing (ABS), participated with the Maritime Aboriginal Peoples Council in a two day Maritimes Regional ABS Focus Group Session convened at Petitcodiac (PETKOUTKOYEK), Moncton, New Brunswick.

Conscious of Canada's lack of supportive leadership and Canada's strong resistance to adopting or implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);

Aware of Canada's opposition to substitute informally the term "Indigenous and Local Communities" with the commonly used language and term "Indigenous Peoples and Local Communities";

Noting Canada's reluctance to state an official position on the NAGOYA PROTOCOL domestically or at international fora;

Stressing that many Aboriginal Peoples in Canada as individuals even at sporadic government organized sessions have not had a fair or equal opportunity to learn or participate effectively on the subject of Access and Benefits Sharing;

Aware that Aboriginal Peoples require both financial and human resources to develop our human capacity to effectively and meaningfully deal with the subject of Access and Benefits Sharing;

Acknowledging at this two day session participants shared knowledge, sought explanation, developed understanding, nurtured a commonality of purpose, solidarity and friendship to go forward on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization;

Recalling the fundamental principles and articles of the ISKENISK DECLARATION of March 28, 2011;

Recognizing that the highest National Law of Canada, the Constitution Act 1867 and 1982, guarantees in Section 25, and 25(a), and Part II Section 35 and 35.1 recognizes, Treaty Rights, Aboriginal Rights, Other Rights, the liberties and freedoms of the Royal Proclamation of 1763, and the inherent right of Aboriginal Self-Government;

Noting that the Duty to Consult is now an integral aspect of Canadian Constitutional Law and International Law on the Rights of Indigenous Peoples;

Aware that article 15 of the Convention on Biological Diversity recognizes the authority to determine access to genetic resources rests with national governments subject to national legislation;

Ms. Amanda LeBlanc, Welsford NB	President & Chief Wendy Wetteland, Noonan NB
Mr. Ricky Laxton, Campbellton NB	Mr. Alfred Sock, Big Hole NB
Ms. Susan Ring Raymond, Grand Bay NB	Mr. Barry LaBillois, Durham Bridge NB
Ms. Nathalie Wysote, Killarney Road NB	Mr. Gary P. Gould, Fredericton NB
Ms. Elizabeth Blaney, Fredericton NB	Mr. Frank Palmeter, Fredericton NB
Ms. Sheila Croteau, Saint John NB	Mr. James Parnell, Liverpool NS
Keptin Noel J. Augustine, Elsipotog NB	Mr. Kirk Arsenault, Halifax NS
Mr. Wayne Vicaire, Listuguj NB	Mr. Craig Logan, Sheet Harbour NS

Maritime Aboriginal Peoples Council



Petkoutkoyek Statement

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

Acknowledging other articles and particularly articles 3 through to article 16 of the Nagoya Protocol are specific portals through which the Aboriginal Peoples of Canada can require Canada to uphold the Constitutional Duty to Consult and the Constitutional Principle of Diligent Fulfillment of Aboriginal Peoples Self Government Right over resources, genetic resources, traditional knowledge and the fair and equitable sharing of the benefits arising from the utilization of genetic resources;

Promulgated at Petitcodiac (PETKOUTKOYEK),
Moncton, New Brunswick, Canada on October 16, 2015

We promulgate our Petkoutkoyek Statement and commend this partnership initiative with ABS Canada to promote Aboriginal capacity building and awareness-raising on access and benefit sharing, and urge ABS Canada to ensure that Aboriginal Peoples across regions share knowledge and engage in community solidarity and mobilization on the subject of ABS, and we urge the Councils of Governments within the Federation of Canada to take on the ABS subject with deserving seriousness and genuine commitment.

Article 1

We require Canada to work with Aboriginal Peoples to develop our aboriginal human capacity on ABS, and to support us with the necessary financial and human resources to conduct effective, meaningful and transparent participation at fora on ABS, the Nagoya Protocol and the Convention on Biological Diversity;

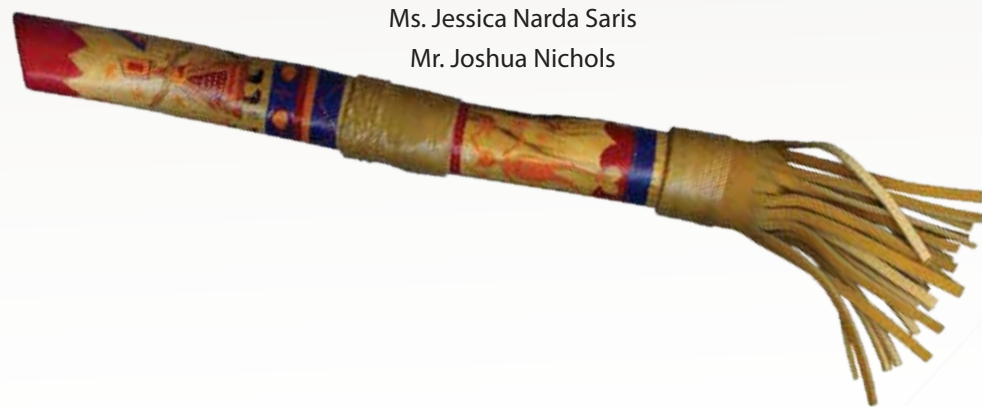
Article 2

The Aboriginal Peoples of the 73 Aboriginal Nations of Aboriginal Peoples continuing throughout the Federation of the Peoples of Canada, assert our Aboriginal Right to maintain, control, protect and develop our cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of our sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna, flora, oral traditions, literatures, designs, sports, and traditional games, visual and performing arts. We also have the right to maintain control, protect, and develop our intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions;

Article 3

We require Canada to work and consult with all the Aboriginal Peoples of Canada to develop the necessary Aboriginal Peoples National Institutions on Access and Benefits Sharing throughout Canada, where Canada shall recognize multiple Aboriginal Peoples National Focal Points and multiple Competent National Authorities reflective of the 73 diverse Aboriginal Nations of Aboriginal Peoples continuing throughout the Federation of the Peoples of Canada;

Professor Chidi Oguamanam
Professor Graham Dutfield
Mr. Frederick Perron-Welch
Professor Jeremy de Beer
Mr. Chris Koziol
Mr. Freedom Kai-Phillips
Ms. Jessica Narda Saris
Mr. Joshua Nichols



Article 4

We require Canada to establish a national consultation table with representatives from the 73 Aboriginal Nations of Aboriginal Peoples, to discuss and determine the number of Aboriginal National Focal Points and Aboriginal Competent National Authorities necessary to implement and deal with the: protocols, processes and procedures on access to genetic resources and the fair and equitable sharing of benefits therefrom;

Article 5

The Councils of non-Aboriginal Governments must recognize that their homocentric worldview is dramatically different from our ecocentric worldview which must be recognized as a fundamental starting construct in formulating protection regimes for "Community Shared Ownership with Responsibility Rights" as compared to formulating "Individual Proprietary Rights";

Article 6

We require Canada to support our Aboriginal Peoples' work to develop a framework on which to build a protection regime for "Indigenous Peoples Intellectual Manifestations" (IPIM), drawing from sacred, restricted or communal Traditional Knowledge about biodiversity - "Aboriginal traditionology";

Article 7

We require Canada to support a representative table of the 73 Aboriginal Nations of the Aboriginal Peoples to expand on the monetary and non-monetary benefits and Annex of the Nagoya Protocol;

Article 8

We Aboriginal Peoples of our 73 Aboriginal Nations of Aboriginal Peoples within the Federation of the Peoples of Canada seek "full benefit capture", from access to our genetic resources and use of our traditional aboriginal knowledge - "traditionology";

Article 9

We Aboriginal Peoples of our 73 Aboriginal Nations of Aboriginal Peoples confirm that the transgenerational learning and teaching of our youth must always be foremost considered and incorporated into all aspects of our discussions about Access and the Fair and Equitable Sharing of Benefits advanced in the Nagoya Protocol and championed in the Convention on Biological Diversity;

Article 10

We the Aboriginal Peoples of our 73 Aboriginal Nations of Aboriginal Peoples as partners in the human family, approach the subject of ABS as State Parties to the Nagoya Protocol and the Convention on Biological Diversity, holding as a minimum standard and guide, the Purpose and Articles of UNDRIP.

Ms. Diann Langley, Shelburne NS
Mr. Tim Martin, Truro NS
Mr. Roger Hunka, Princeport NS
Mr. Joshua McNeely, Oxford NS
Ms. Jessica Seward, Truro NS
Ms. Jeannie Hopkins, Truro NS
Mr. Jim Fanning, Tatamagouche NS
Keptin Russell Julian, Shubenacadie NS

Mr. Larry McDermott, Lanark ON
Mrs. Nancy McDermott, Lanark ON
Mr. Jordan Crane, Bristol PEI
Ms. Mary Moore-Phillips, Tyne Valley PEI
Mrs. Loretta Ross, Alberton PEI
Mr. Christopher St.Onge, Charlottetown PEI
Ms. Chris MacPhail, Canoe Cove PEI
Mr. Roddie Milton, Morrell PEI



ABS CANADA