

## Assembly of First Nations pilot project to help First Nations protect their genetic resources

The Nuu-chah-nulth Tribal Council led by Uu-a-thluk (NTC Fisheries) has completed a project with the Assembly of First Nations (AFN) to help Nuu-chah-nulth First Nations better protect their traditional knowledge. For millennia, Indigenous Peoples have relied on plants and animals in their environment for foods and medicines. Researchers have drawn on this wealth of knowledge to screen for properties that may hold the key to developing new products, such as those to produce improved adhesives for construction and medical procedures. *Biopiracy* occurs when researchers access genetic\*\* and other natural resources and associated traditional knowledge without permission, or without sharing the benefits gained from the use of those resources with those who originally shared them.

“There are companies who access these resources without First Nations’ free, prior and informed consent and proper consultation processes; which disrespects and infringes their rights, their lands and waters,” said Johanna Jimenez-Pardo, a policy analyst with AFN. “This infringement of rights has a real impact on families, knowledge holders, Elders, and future generations.”

For example, scientists recognized yew wood in the 1960s for its effectiveness against certain types of cancer. In the late 1980s the resource was turned over to a partner company and yew was improperly harvested, contributing to an overall decline in the wood. Used by Nuu-chah-nulth for millennia for both its medicinal properties and to make paddles, long sharp poles for spearing, and weapons, the yew wood represents a failure on the part of researchers and industry to respect and recognize First Nations rights, knowledge, and their longstanding practice of harvesting sustainably.

Although no federal regulations or policies exist to deal with these situations, the AFN looks to pre-existing protocols within First Nations organizations, and to international multilateral agreements, such as the Convention on Biological Diversity (CBD) and the Nagoya Protocol. Developing Access and Benefit Sharing (ABS) protocols from current agreements helps to define what elements are needed in an ABS protocol to make a decision about whether to share or not.

“Fisheries management have existing protocols in place, such as those between Nations related to fishing access, so there’s already some understanding of how this is done,” said Luc Bibeau, Mapping Coordinator for Uu-a-thluk.

Last month Bibeau met with members of Nuchatlaht and Kyuquot/Checklesah First Nations to discuss how, as stewards of the land, they might develop protocols that protect traditional teachings



Uu-a-thluk and Nuchatlaht held a community feast in Oclucje in March and a presentation about protecting traditional knowledge. Hosts provided information about the Access and Benefit Sharing Protocol project.

about specific properties of plants and animals. Questions arose, such as should there be multiple access protocols between one Nation and another Nation, and between Nation and researcher?

Different from the yew wood case, some First Nations and researchers are creating ABS agreements that benefit both parties and also safeguard the resource. For centuries Heiltsuk First Nation has used grey-green clay, known as Kisolite, to treat a range of ailments from ulcerative colitis to skin irritations. UBC researchers discovered properties contained in the rare clay to treat antibiotic resistant bacteria. A company was founded with the aim to pursue research on the clay’s unique qualities. As owner to the rights of the clay, the company entered into a working agreement with members of the Heiltsuk First Nation. On their company website it says that employees involved in the extraction of the clay and the processing of the material are from the Heiltsuk community of Bella Bella.

“The use and preservation of traditional knowledge is related to First Nations livelihood, as their culture, survival, and stewardship of their lands and territories depend on it,” said Jimenez-Pardo. She added that discussions among community members and knowledge holders (i.e., families, Tyee Ha’wilth) must happen before deciding how to categorize knowledge and resources into “shareable” and “not-shareable.”

Also, before deals are struck with non-First Nations (or other First Nations), there’s important work within the communities to safeguard the knowledge.

“The best way to protect knowledge is to actively use our medicines—which comprise foods—and teach the younger generations that this is ‘our’ way,” said hismamin nuł (Archie Little), Councillor and Rep for Nuchatlaht First Nation.

**\*\*The term genetic resources as defined by the World Intellectual Property Organization (WIPO) refers to “[...] any material of plant, animal, microbial or other origin containing functional units of heredity.”**

Commonly known as Skunk Cabbage this plant is found in forests and ditches where it’s swampy. Some First Nations on the West Coast of North America are said to have cooked and dried the root, then ground it into an edible flour while the pollen can be used for a pancake type flour. The ABS project focuses on protecting traditional knowledge of plants and animals, which researchers may wish to use to produce the medicines of the future.

