

**ANNUAL GENERAL ASSEMBLY****Resolution no. 27/2003****July 15, 16 & 17, 2003, Edmonton, AB**

**Subject:**           **PROTECTION OF INTELLECTUAL PROPERTY RIGHTS  
AND TRADITIONAL KNOWLEDGE**

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**Moved by:**        Stone Bear, Proxy, Metepenagiag Mi'kmaq Nation, NB

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**Seconded by:**   Clarke Smith, Proxy, Samahquam First Nation, BC

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**DECISION:**       Due to lack of quorum on July 17, 2003, the Co-Chair referred the resolution to the AFN Executive Committee. On October 7, 2003, in Vancouver, BC, the AFN Executive Committee recommended action to implement the resolution.

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**WHEREAS** the Creator has endowed First Nations with a holistic understanding of the environment, our languages and an understanding of the relationship to our people to our language and our land, which is referred to as traditional knowledge, has been passed down from generation to generation since time immemorial; and

**WHEREAS** the relationship between First Nations, languages, the environment and traditional knowledge has been built on principals of respect which includes respect for diversity of cultures and respect for the laws of those cultures; and

**WHEREAS** the existing protections for traditional knowledge, including intellectual property protections do not recognize or respect the customary laws and cultural protections First Nations people have; nor do these current protections recognize the fact that our traditional knowledge, and our people who hold it, evolves and adapts to the world in which it exists; and

**WHEREAS** various national and international environmental policy mechanisms such as the Canadian Environmental Assessment Act, the Species at Risk Act and Article 8(j) of the Convention on Biological Diversity and the Yukon Environmental and Socio-economic Assessment Act legislate the incorporation of traditional knowledge into governmental regulatory decisions making; and

**WHEREAS** use of the existing intellectual property legal regime involves commodifying and revealing traditional knowledge to those who would potentially misuse it; and

**WHEREAS** cultural property, including traditional knowledge and DNA have been taken from First Nations without consent nor compensation for 500 years; and

**WHEREAS** the government of Canada is currently participating in discussion with the World Trade Organization and the World Intellectual Property Organization regarding protections for traditional knowledge.

**THEREFORE BE IT RESOLVED** that the Chiefs-in-Assembly support and affirm the work undertaken by First Nations which is to ensure respect for traditional knowledge domestically and internationally which includes the protection and preservation of traditional knowledge; and

**FURTHER BE IT RESOLVED** that the Assembly of First Nations undertake

research, advocacy and participation in forums that address these issues and efforts and all necessary funding to undertake the aforementioned activities to inform the Chiefs-in-Assembly on the further ramifications of domestic and international intellectual property rights developments on traditional knowledge, language and environment; and

**FINALLY BE IT RESOLVED** that the Assembly of First Nations identify, support and network with First Nations and other organizations interested in understanding the application of customary laws, traditional laws or other laws to preserve and protect traditional knowledge.