

WHEREAS NAN has determined that the government's overall approach to domestic implementation would undermine the rights of First Nations and the related obligations of Canada under international law, including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), and would be inconsistent with reconciliation, the duty

to uphold the honour of the Crown and the principles of justice, non-discrimination and respect for human rights;

WHEREAS in particular, the government's intention to solely recognize "established" rights of First Nations to genetic resources could lead to widespread dispossession since there are no "comprehensive claim and self-government agreements" in Ontario, and such kinds of distinctions based on "established" rights have been determined to be discriminatory by the *United Nations Committee on the Elimination of Racial Discrimination* and deemed "not honourable" by the *Supreme Court of Canada*;

THEREFORE BE IT RESOLVED that in keeping with NAN Chiefs-in-Assembly Resolutions 05/21 and 07/91 with respect to the protection, control and ownership of traditional knowledge (including genetic resources) and Article 31 of the UNDRIP, NAN Chiefs-in-Assembly affirm that free, prior and informed consent (FPIC) of NAN First Nations is required in the development of domestic policies and legislation relating to Canada's implementation of the Nagoya Protocol;

FURTHER BE IT RESOLVED that in view of the Government of Canada's prejudicial domestic approach and that FPIC has not been obtained from NAN First Nations on the above matters relating to the Protocol to date, NAN Chiefs-in-Assembly do not support the signature of the Nagoya Protocol by Canada by February 1, 2012;

FURTHER BE IT RESOLVED that NAN Chiefs-in-Assembly insist that the Government of Canada both conform to the standards set out in UNDRIP and undertake a process of consultation prior to any acceptance of the Protocol, where the consultation must include adequate time and financial resources for the full and effective participation of First Nations and facilitate First Nations FPIC;

FURTHER BE IT RESOLVED that NAN Chiefs-in-Assembly support continued collaboration with the Grand Council of the Crees (Eeyou Istchee), which prepared a number of detailed joint submissions regarding the Nagoya Protocol, and that NAN support these joint submissions;

FINALLY BE IT RESOLVED that a report on the progress of this matter shall be provided at subsequent NAN Chiefs Assemblies as new information becomes available.


DATED AT THUNDER BAY, ONTARIO THIS 24th DAY OF NOVEMBER, 2011.

MOVED BY: Chief Keeter Corston, Chapleau Cree First Nation

SECONDED BY: Chief Walter Naveau, Mattagami First Nation

CARRIED


Grand Chief Stan Beardy


Deputy Grand Chief