



October 21, 2010

The Honourable Jim Prentice
Minister of Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, QC K1A 0H3

Dear Minister Prentice,

I am writing with regard to the negotiations at the Convention on Biological Diversity (CBD) COP in Nagoya, Japan. The parties to the convention are negotiating an international protocol on access and benefit sharing. The development of this protocol, if done properly, will serve to strengthen incentives for future meaningful economic partnerships between First Nations and Canadian industries. In order to meet the economic development requirements for all parties, the CBD should contain clear acceptable standards for accessing First Nation traditional knowledge, traditional knowledge associated with genetic resources and the utilization of genetic resources. It is vital that the international protocol adequately protect the interests and rights of First Nations communities for it to have any practical application in Canada.

I have been following Canada's interventions at the COP. While some of the interventions may not be fully aligned with First Nation interests, two positions of Canada are particularly adverse to First Nations and indigenous communities globally.

Canada has intervened seeking specific exclusion of two provisions as follows: "taking into account the United Nations Declaration on the Rights of Indigenous Peoples as regards this protocol" as well as "Affirms nothing in this protocol shall be constructed as diminishing or extinguishing the rights that indigenous and local communities have now or may have in the future".

In direct contrast, First Nations firmly support the inclusion of the reference to United Nations Declaration on the Rights of Indigenous peoples, as well as a non-derogation clause. The inclusion of these two provisions would send a strong signal to users of indigenous peoples' traditional knowledge and genetic resources to deal fairly with indigenous communities. A document with strong protections of indigenous peoples rights will foster appropriate and better benefit agreements in the future.

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First Nations believe that Canada's express commitment to take steps to endorse the United Nations Declaration on the Rights of Indigenous Peoples must inform and instruct Canada's positions domestically and internationally. Furthermore, Canadian constitutional and statutory precedents and the evolution of jurisprudence in Canadian law supports the need for Canada to receive the inclusion of non-derogation language into a legal instrument positively.

Finally, First Nations believe it is necessary, in accordance with the Canadian constitutional and common law, for Canada to approach these issues and standard setting processes with a view to achieving reconciliation. I believe your leadership on these matters and your intended attendance of the Nagoya COP session is an opportunity for Canada to present a more receptive approach to finding common understanding on these issues.

I look forward to having a discussion with you about these matters as soon as possible.

Respectfully,



Shawn A-in-chut Atleo
National Chief