

**TRADITIONAL MEDICAL KNOWLEDGE
– EXPERIENCE OF THE CREE NATION IN
THE DEVELOPMENT OF THE RESEARCH
AGREEMENT FOR THE
*ANTI-DIABETIC PLANTS
RESEARCH PROJECT***

Presented by Paul Linton

Indigenous and Local Communities Panel

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), Twenty-first session, April 16, 2012



CIHR Team in Aboriginal Anti-Diabetic Medicines

Équipe IRSC sur les médecines autochtones antidiabétiques

Institut de recherche
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McGill



**Montreal Diabetes
Research Center**

Understand to Prevent and Cure

Natural Health Products DIRECTORATE

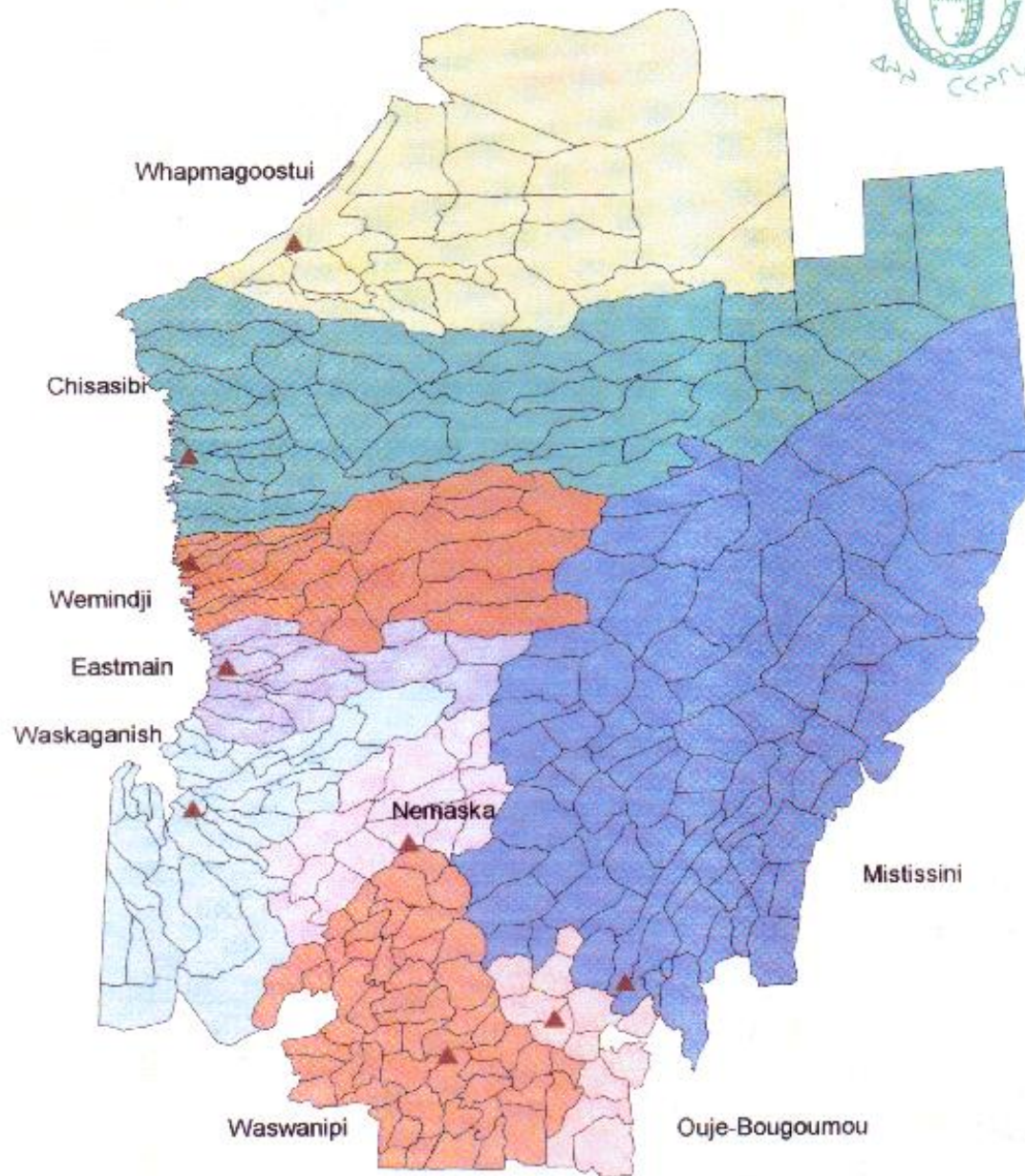


THIS PRESENTATION IS DEDICATED TO
THE MEMORY OF THE LATE WILLIAM PETER MATOUSH,
MARCH 9, 1936 – APRIL 9, 2012, CREE NATION OF MISTISSINI





Map of Eeyou Istchee







1.1. Why we protect plants & TMK







Rhododendron groenlandicum

Labrador Tea

Kachichepukw
(Leaves)



Larix laricina

Tamarack

Watnagan
(Inner bark)



Abies balsamea

Balsam fir

Inaasht
(Inner bark)



Picea mariana

Black spruce

Inahtkw
(Cones)



Sorbus decora

Mountain ash

Muskuannanatok
(Inner bark)



Alnus incana

Speckled alder

Atushpi
(Inner bark)



Sarracenia purpurea

Pitcher plant

Ayigadash
(Whole plant)



Pinus banksiana

Jack pine

Ushchishk
(Cones)

1.2. Stories about where the knowledge comes from



“The land will provide everything; there is always a remedy and a cure for an illness. When you feel compassionate towards a sick person you do everything you can to help. The land will yield to provide a cure.”

Elder- Charly Etapp

Johnny Husky Swallow & the late Charlotte Swallow, Healers



1.3. Who holds the knowledge of TM? James Kawapit, Healer



The late Charlie and the late Philomene Gunner, Healers



Charlie Jolly, Healer



Nany Jolly, Healer





Don Johnson 1 of 36



Don Johnson 2 of 36



Don Johnson 3 of 36



Don Johnson 4 of 36



Don Johnson 5 of 36



Don Johnson 6 of 36



Don Johnson 7 of 36



Don Johnson 8 of 36



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Don Johnson 10 of 36



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Don Johnson 14 of 36



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Don Johnson 40 of 36



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Don Johnson 45 of 36

1.4. A story about granting access

The late Sam Awashish, Healer



Francis Awashish, Helper and Minnie Awashish, Healer



1.5. Who has the right to benefit from TMK?

Culture
Community
Couple





2 Legal nature of TM

- **Our research agreement is a legally binding document**
- **TMK is not protected as such in Canada**
- **TMK is akin to a trade secret**

3. Underlying principles

- **Cree knowledge is one kind of knowledge, scientific knowledge is another kind**
- **Joint ownership of results of the research**
- **Benefit sharing**
- **Free, prior and informed consent**

Researcher drafts article



**Plain-English
summary**



**Translation
into Cree**



Layout

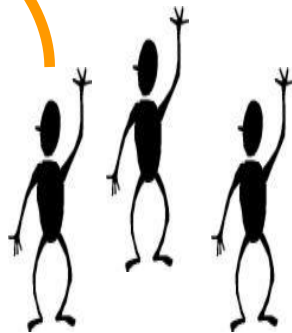


**Community reps discuss with
Elders**



Photo: Health Canada

**To community
representatives for
review**



4. Objectives sought through our Research Agreement protecting TMK

- **Build in free, prior and informed consent at all stages**
- **Cree control over TK**
- **Benefits for the Crees**

5. Role of Intellectual Property in our Research Agreement protecting TMK

- **Concern over intellectual property lies behind the research agreement**
- **Joint ownership of research results and intellectual property**

6. Prior, informed consent in developing & implementing RA

- **Prior informed consent**
- **Mutually agreed terms**
- **Customary law**



7. Lessons learned

- **Importance of having a legally-binding framework in place so everyone can learn**
- **TMK should be protected, even after it is in the public domain**
- **The Cree themselves decided how to name their own beneficiaries of protection**

7. Lessons learned

- **Protection should cover:**
 - Informed consent prior to disclosure
 - Acknowledgement of the Cree source
 - Limitations on the use of the knowledge
- **Exceptions and limitations should evolve from:**
 - Consultations with Indigenous groups
 - Respectful relations between parties

It's all about people and our relations



Chi niskumitinan

- To all our partners in the CIHR Team in Aboriginal Anti-diabetic Medicines and especially Dr. Pierre Haddad, University of Montréal, pharmacologist who shares a vision with his Cree friends about the role of TM in health care.
- To the Cree Nation of Mistissini whose started the efforts to make TMK recognised within health care in Eeyou Istchee and who started, promoted and continue to support this, and especially Jane Blacksmith, the Director of Social Development.
- To the Mistissini Miyupimatsiiuun (Health) Centre of the Cree Board of Health and Social Services of James Bay who promote Eeyou medicines within their services, and especially Annie Trapper, the Director.
- To WIPO for promoting TMK at the international level and for inviting us to share our experience with a wider audience.