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

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Indigenous and Local Communities Panel

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), Twenty-first session, April 16, 2012
THIS PRESENTATION IS DEDICATED TO
THE MEMORY OF THE LATE WILLIAM PETER MATOUSH,
MARCH 9, 1936 – APRIL 9, 2012, CREE NATION OF MISTISSINI
1.1. Why we protect plants & TMK
**Rhododendron groenlandicum**  
Labrador Tea  
Kachichepukw  
(Leaves)

**Larix laracenia**  
Tamarack  
Watnagan  
(Inner bark)

**Abies balsamea**  
Balsam fir  
Inaasht  
(Inner bark)

**Picea mariana**  
Black spruce  
Inaahktkw  
(Cones)

**Sorbus decora**  
Mountain ash  
Muskuannanatuk  
(Inner bark)

**Alnus incana**  
Speckled alder  
Atushpi  
(Inner bark)

**Sarracenia purpurea**  
Pitcher plant  
Ayigadash  
(Whole plant)

**Pinus banksiana**  
Jack pine  
Ushchishk  
(Cones)

Leduc et al., J. Ethnopharmacol. 2006; 105(1-2):55-63
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
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

To community representatives for review

Community reps discuss with Elders

Photo: Health Canada
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.