

Preface

“*Mashkikiikwe*”

John Borrows

My great-great-grandmother was an Anishinaabe medicine woman: mashkikiikwe. Her name was Margret McCleod and she had an exceptional understanding of the natural world. The Saugeen peninsula in Ontario’s forests, fields and gardens were her home. She was intimately familiar with Georgian Bay’s rocky shores and dramatic limestone escarpments. She recognized and understood the varied forms of life this environment supported. As she walked through this world, she could name each plant, insect, bird and animal. Margret described this world in Anishinaabemowin: mashkikik, manidooshensak, binesiiwak, aweskiiyak. She would call plants mashkikik – which means ‘the strength of the earth.’ She would see insects as manidooshesak, or little spirits, as they are called in our language.

Each Anishinaabe name would generate awareness of the natural world’s character. This was not only the case in generic categories like plants or insects. Each species of plant or insect carried a name. For example, strawberries were odeminan – heart-berries, because of their shape, colour and heart-health properties. Odemin was also the name of a man whose heart was healed through gaining powerful experiences after the love of his life died, and he passed to the other side. Mandaamin, corn, was the food of wonder and was brought to the Anishinaabe through love, conflict, care and experimentation. Each tree, stalk, blade and root would impart their own lessons and relationships to humans and their environment.

Margret found it difficult to translate what she knew into English. Though she was fluent in Anishinaabemowin and French, English was her third language and it was much harder for her to use. For instance, a chicken’s gender was analogized from learning about other barnyard animals: there were bull-chickens and cow-chickens, depending on whether the birds were male or female. While humorous, this example illustrates how challenging it was for some Indigenous people to help settlers see the detailed knowledge people like her possessed. Women, like my great-great-grandmother, might be dismissed as simple, primitive or pagan depending on who was observing or recording what was being said in English.

On the other hand, our plant knowledge was considered a threat in some circumstances. Its power to shape our beliefs and behaviour challenged Euro-Canadian assimilative philosophies and practices. For instance, religious societies on our reserve actively discouraged work with plants and medicines. Such work was regarded as superstitious, witchcraft or inspired by the devil by some Christian teachers. With great compulsion, they forced women to abandon their relationships with plants, insects, birds, animals, water and rocks by getting them to destroy the objects used to learn and practice Anishinaabe law and tradition. Fortunately, these people never quite succeeded in destroying our knowledge, though they did cause significant pain and loss.

As a result, much of our traditional knowledge was preserved because people kept speaking their language, thus retaining essential features of a relationship to nature that is non-Western in outlook and practice. Second, one of the societies insisting on the destruction of plant knowledge were themselves of a scholarly bent. The Jesuits wrote down the 'recipes' Anishinaabe women used on our reserve, thus preserving a vital thread for future generations. Third, the Midewin Society, our Grand Medicine Society, was never fully eradicated and it is enjoying a renaissance across Anishinaabe akiing (Ojibwe country) today. One aspect of this society regards plants as central to living well in the world (*mino-bimaadiziwin*) and thus continues to teach about physical and spiritual health rooted in these ancient relationships. Finally, people like my great-great-grandmother were storytellers and their words continue to circulate in our communities and beyond in the present day. These are the stories I often draw upon as a law professor engaged in the revitalization of Anishinaabe law. One of these sources is a book called *Tales of Nokomis*, by Verna Patronella Johnston, and she explicitly references that she learned these stories from Margret who, in turn, learned them from her great-great-grandmothers.

You cannot interact with the elders of my reserve without understanding that so-called traditional ecological knowledge is a vital part of our past and future. You cannot work with Anishinaabe law, health, spirituality, economics, politics, culture or any other part of our lives without seeing how deeply they are connected to our knowledge of the natural world. The same is generally true of Indigenous peoples in many parts of the world. Article 31 of the United Nations Declaration on the Rights of Indigenous peoples has made this clear, by stating:

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect

- and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions.
2. In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Unfortunately, as the chapters in this volume explain, Canada and other nation states have not yet developed respectful ways of relating to Indigenous law and traditional knowledge. Governments and corporations seem to consider the country as being only a consumer of Indigenous genetic resources. Yet Canada produces knowledge, foods, medicines, cosmetics and other goods which are based on Indigenous cultural heritage, knowledge and cultural expressions. There is very little protection in this sphere, despite Canada's diverse ecological heritage, and Indigenous peoples' rich traditional knowledge. Thus, not only have we, as Indigenous peoples, been significantly marginalized in this global cultural and economic space, we continue to struggle with universities and corporations over the use or even abuse of our relationships with wild rice, corn, strawberries and insects. This even occurs in relation to our entire genetic inheritance which is increasingly important to biotechnological and other knowledge applications.

Today, our knowledge and relationships with the genetic diversity of our territories is threatened by governments, corporations, scientists and other bodies and individuals. Biopiracy and cultural appropriation abound. *Genetic Resources, Justice and Reconciliation* addresses these issues from international and Canadian domestic perspectives. Many Anishinaabe people enjoy sharing their knowledge *except* if it is obtained in improper ways or used for inappropriate purposes. As this book demonstrates, propriety and appropriateness are best defined in harmony with the systems which generate these insights. It is also important to note that there are some Indigenous ideas and practices that cannot be freely shared because of the protections created within Indigenous legal systems to ensure proper use, as any legal system will insist.

Thus, the focus of this book is on the significant challenges faced by Indigenous communities in securing respect for their legal systems, and in relation to how knowledge generated within their societies is used. It discusses how Indigenous peoples encounter 'political disinterest, entrenched interests, senior bureaucratic inertia and [a] fundamental failure to see Canada as both a user and provider of genetic resources and traditional knowledge.' The authors demonstrate that there can be no equitable knowledge governance without recognizing and affirming Indigenous law's role in creating a better relationship with one another and the natural world. Some of these laws will be recognized through the 'development of community protocols, establishment of Indigenous knowledge databases and their management, material transfer and other contractual agreements, revision of existing research protocols to directly accommodate equitable access and benefit

sharing; prioritization of resources to translate relevant documents, simplification of such documents in plain language and enhancing their accessibility, not excluding explanation of key terms.' The work of Access and Benefit Sharing Canada (ABS; www.abs-canada.org), as captured in some of the contributions in this book, show that Indigenous political agency will be affirmed when international and domestic law, along with corporate and scientific communities entrench Indigenous understandings of law in their work. Perhaps there is no more opportune time for Canada to heed that counsel than now – given the federal government's efforts related to 'truth and reconciliation.' Indigenous peoples' laws related to genetic resources must become more prominent in guiding intellectual property and broader knowledge governance policies.

Until Indigenous laws and governance are taken more seriously, trust between the parties will be difficult to generate. This challenge particularly pronounced when Indigenous-settler interactions are set by rules and terms which do not incorporate Indigenous views, as the following contributions in *Genetic Resources, Justice and Reconciliation* demonstrate. For this reason, Indigenous peoples have been slow to engage botanical, agriculture, food and beverage, pharmaceutical, biotechnology and cosmetic industries as they work to advance their agendas. The following chapters provide valuable insights into how Indigenous peoples, nation states, corporations, scholars and scientists might better address injustices encountered in the inequitable use of genetic resources and associated Indigenous knowledge. By using the concept known as ABS, this book introduces readers to the grounds which must be cultivated to build better relationships with the natural world, particularly when Indigenous knowledge is implicated in these efforts.