

**Intergovernmental Committee on Intellectual Property and Genetic Resources,  
Traditional Knowledge and Folklore  
Forty-Ninth Session**

**Incomindios/Southern Chiefs' Organization**

**2 December 2024**

Excellencies, Respected Indigenous leaders, Elders and Knowledge Keepers.

I am speaking today on behalf of Incomindios and the Southern Chiefs' Organization. The Southern Chiefs' Organization represents 33 Anishinaabe and Dakota First Nations in southern Manitoba in what is now known as Canada. Each of these First Nations has their own government and these Nations have come together to create SCO to serve as an organization that carries out work on behalf of the 33 Nations.

I am Robert Maytwayashing. When I speak here today, it is with a mandate on behalf of these 33 Nations. I also speak as a member of the *Nibi Naa da maa geayuk*, the ones who speak for and protect the Lake, which is *Weeniibiikiisagaygun* (Lake Winnipeg) in the province of Manitoba, Canada.

The Lake Winnipeg Regulation project by Manitoba Hydro has artificially constrained *Weeniibiikiisagaygun*'s water levels without our Free, Prior and Informed Consent, making her sick by fundamentally altering seasonal variations of water levels and flows and materially increasing the quantity of water flow. This project has profound and cascading impacts on the health of the Lake, surrounding watersheds, wetlands and shorelines, and on other living beings. As a result, we, as the *Nibi Naa da maa geayuk*, cannot rely on our Traditional Knowledge and teachings about water patterns to keep us safe when we go out on the Lake to navigate or practice our Traditional Cultural Expressions, such as to fish or carry out other cultural practices such as our water ceremonies.

Our participation here is intended to support and protect the intrinsic value of the Traditional Knowledge as well as the Traditional Cultural Expressions of Indigenous Peoples and we would like to commend the authors of this review, past and present for their important work.

Indigenous Peoples hold knowledge as collectives, and our Traditional Knowledge and Traditional Cultural Expressions contain stories, customary laws and protocols, ceremonies, ways of life and worldviews which are not meant to be made into a commodity. Therefore, we agree with the authors that a focus on individual or corporate innovators is a major challenge in intellectual property regimes.

The concept of "balancing" our collective intellectual property rights with the rights enjoyed by the rest of society is problematic. Our Traditional Knowledge and Traditional Cultural Expressions are intergenerational and integral to our identity as Anishinaabe. Our inherent rights as Indigenous Peoples are fundamentally important, must be respected, protected

and promoted. The Intellectual property rights of any group cannot override the enshrined rights of Indigenous Peoples. These rights are contained in the UN Declaration on the Rights of Indigenous Peoples as well as other international laws, norms and standards, upon which the UN Declaration is built.

Indigenous Peoples possess rights over Traditional Knowledge and Traditional Cultural Expressions, which are integral to our customary laws, culture, language, and spirituality. Accordingly, since the human rights of Indigenous Peoples are inherent, pre-existing and long lasting, intellectual property laws cannot circumvent them. There should be no law or prohibition to limit Indigenous Peoples from using their Traditional Knowledge and Traditional Cultural Expressions.

The *Nibi Naa da maa geayuk* understand, based on sacred Anishinaabe teachings, ceremonies and law, that Lake Winnipeg is alive, has a spirit and exists in an interconnected relationship to other entities and living beings. These principles and teachings guide and inform the *Nibi Naa da maa geayuk* relationship with Lake Winnipeg today. Our Traditional Knowledge can help to save her, and in turn save our Traditional Cultural Expressions, both of which benefit all of humanity. However, we must be given the chance to do so, and this Knowledge and related Traditional Cultural Expressions must be respected and protected. They are not for sale.

Meegwetch/Thank you.