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PO Box 418
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1855 TREATY AUTHORITY

EAST LAKE ♦ LEECH LAKE ♦ MILLE LACS ♦ SANDY LAKE ♦ WHITE EARTH

RESOLUTION ESTABLISHING RIGHTS OF MANOOMIN RESOLUTION # 2018-05

WHEREAS, the 1855 Treaty Authority is comprised of treaty beneficiary members of the 1855 Treaty between the Chippewa Indians and prior Chippewa Treaties with the United States with regard to territory that became what is now known as Minnesota; and

WHEREAS, the many Chippewa signatory Bands have reserved hunting, fishing, gathering and resource management rights and responsibilities in the 1855 Treaty ceded territory; and

WHEREAS, the 1855 Treaty Authority has petitioned the Department of Interior and Bureau of Indian Affairs seeking federal protection of off reservation and perpetual usufructuary use and property interests in the 1855 Treaty ceded territory, which includes numerous unimpaired waters inclusive of waters vital to the production of wild rice, the plant of supreme cultural significance to the Chippewa; and

WHEREAS, the State of Minnesota has no federal trust responsibility or legal authority to regulate tribal members' harvest rights under federal treaties or the Congressional act granting limited civil or criminal jurisdiction under Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360); and

WHEREAS, the 1855 Treaty Authority has been regulating off reservation harvesting by treaty beneficiaries of the 1855 Chippewa Treaty; and

TREATY WITH THE CHIPPEWA, 1855.

Feb. 22, 1855. | 10 Stat., 1165. | Ratified March 3, 1855. | Proclaimed Apr. 7, 1855.

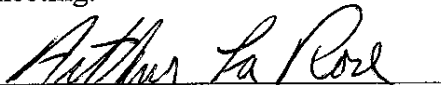
WHEREAS, manoomin, or wild rice, is considered by the Anishinaabe people to be a gift from the Creator or Great Spirit and continues to be an important staple in the diets of native peoples for generations, is a central element of the culture, heritage, and history of the Anishinaabe people, and is an integral part of the wetland ecosystems and natural communities of our traditional lands;

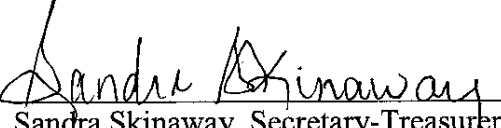
WHEREAS, manoomin and the habitats it thrives in are threatened by hybridization, genetic modification, sterilization, privatization, climate change, and other industrial and corporate practices, and we recognize that to protect manoomin and our people, we must secure its highest protection through the recognition of legal rights, and call upon the bands of the Anishinaabeg Nation, and other relevant federations, commissions, and government entities, to secure and protect the legal rights of manoomin and our peoples;

NOW THEREFORE BE IT RESOLVED, that the 1855 Treaty Authority now establishes the *Rights of Manoomin* to provide written notice to the State of Minnesota and other entities which threaten and endanger the clean, freshwater resources and necessary habitats for Manoomin, that it has become necessary to provide a legal basis to protect wild rice and fresh water resources as part of our primary treaty foods for future generations.

CERTIFICATION

We do hereby certify that the forgoing resolution was duly adopted at a regular meeting of the 1855 Treaty Authority, a quorum being present, held at Mahnomen, Minnesota on December 5, 2018, by a vote of 7 in favor, 0 against, and 0 abstaining at a meeting.


Arthur "Archie" LaRose, Chairman


Sandra Skinaway, Secretary-Treasurer

Rights of Manoomin

Section 1. Statements of Law – Rights.

- (a) Rights of Manoomin.** Manoomin, or wild rice, within all the Chippewa ceded territories possesses inherent rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation. These rights include, but are not limited to, the right to pure water and freshwater habitat; the right to a healthy climate system and a natural environment free from human-caused global warming impacts and emissions; the right to be free from patenting; as well as rights to be free from infection, infestation, or drift by any means from genetically engineered organisms, trans-genetic risk seed, or other seeds that have been developed using methods other than traditional plant breeding.
- (b) Rights of Tribal Members.** Tribal members of various Chippewa tribes and Bands possess the right to harvest manoomin, and protect and save manoomin seeds, within the 1855 ceded territory and beyond. This right shall include, but is not limited to, the right to manoomin that is free from patenting, as well as free from infection, infestation, or drift by any means from genetically engineered organisms, trans-genetic risk seed, or other seeds that have been developed using methods other than traditional plant breeding.
- (c) Right of Sovereignty.** Chippewa tribal members possess both a collective and individual right of sovereignty, self-determination, and self-government, which shall not be infringed by other governments or business entities claiming the right to override our rights. This shall include the right to enforce this law free of interference from corporations, other business entities, governments, or other public or private entities. These rights pre-date treaties and a derived from the individually held, usufructuary property rights protected by U.S. Constitutional due process, as part of the supreme law of the land.
- (d) Rights as Self-Executing.** All rights secured by this law are inherent, fundamental, and unalienable, and shall be enforceable against both private and public actors without further implementing legislation.

Section 2. Statements of Law – Prohibitions Necessary to Secure Rights.

- (a) It shall be unlawful for any business entity or government, or any other public or private entity, to engage in activities which violate, or which are likely to violate, the rights or prohibitions of this law, regardless of whether those activities occur within, or outside of, the 1855 ceded territory.
- (b) No government shall recognize as valid any permit, license, privilege, charter, or other authorization issued to any business entity or government, or any other public or private entity, that would enable that entity to violate the rights or prohibitions of this law, regardless of whether the authorized activities occur within, or outside of, the 1855 ceded territory.

Section 3. Enforcement.

- (a) The 1855 Treaty Authority shall take all necessary actions to protect, implement, defend, and enforce the rights and prohibitions of this law; and in particular Clean Water Act sections 401 and 404 permitting because we have a collective, one-half, undivided interest in the ecosystem that supports our way of life and because water is life and supports our primary foods of wild rice, fish and game which all rely on other important natural resources.
- (b) Any business entity or government, or any other public or private entity, that violates any provision of this law shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under tribal law. Each day or portion thereof, and each violation of each section of this law, shall count as a separate violation.
- (c) Any business entity or government, or any other public or private entity that violates any provision of this law shall also be liable for any damages to the manoomin and its habitat caused by the violation. Damages shall be measured by the cost of restoring the manoomin

and its habitat to their state before the violation, and shall be paid to an escrow account established by the tribunal to be used exclusively for the full and complete restoration, recovery, and protection of the manoomin and its habitat.

- (d) The 1855 Treaty Authority, or any enrolled member of the Chippewa bands, may enforce all of the provisions of this law through an action brought in any appropriate court or other legal forum. In such an action, the 1855 Treaty Authority or the Band member shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (e) Manoomin within the 1855 ceded territory may enforce its rights and the prohibitions of this law through an action brought by the 1855 Treaty Authority or any Band member of the many and various Chippewa Bands in any appropriate court, tribunal or legal forum in the name of manoomin as the real party in interest.
- (f) If the 1855 Treaty Authority fails to enforce or defend this law, or a court fails to uphold this law, any Anishinaabe Band member who is a treaty beneficiary may enforce the rights set forth in this law through nonviolent direct action. If nonviolent direct action is taken to enforce the rights set forth in this law, law enforcement personnel shall be prohibited from arresting or detaining persons directly enforcing those rights.
- (g) Any Chippewa Band members, the 1855 Treaty Authority and manoomin shall have the right to intervene in any action concerning this law in order to enforce or defend it, and in such an action, other parties to that action shall not be deemed to adequately represent their particularized interests.

Section 4. Effective Date and Existing Permit Holders.

This law shall be effective immediately on the date of its enactment, at which point the law shall apply to any and all actions that would violate this law regardless of the date of any applicable local, state, or federal permit.